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**REGULAR SESSION
SEVENTY-FOURTH
GENERAL ASSEMBLY**

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Volume II

May 1 – May 4

**MICHAEL E. GRONSTAL, President of the Senate
ROBERT C. ARNOULD, Speaker of the House**

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ONE HUNDRED TENTH CALENDAR DAY
SEVENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 1, 1992

The Senate met in regular session at 3:31 p.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by the Honorable Harry Slife, member of the Senate from Black Hawk County, Cedar Falls, Iowa.

The Journal of Thursday, April 30, 1992, 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 1, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 114, a concurrent resolution urging the Governor and Attorney General to assert the state's need for adequate water flow in the Missouri river.

ALSO: That the House has on May 1, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2481, a bill for an act relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date (S—5931).

QUORUM CALL

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

Senator Connolly took the chair at 4:12 p.m.

The vote revealed 48 present, 2 absent and a quorum present.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Concurrent Resolution 109.

House Concurrent Resolution 109

On motion of Senator Lloyd-Jones, House Concurrent Resolution 109, a concurrent resolution stating that all people, regardless of disability or chronic illness, have the right to a permanent and stable familial relationship in the community, that families be recognized as experts concerning their family member with a disability or chronic illness, and that a commitment be made in Iowa to maintain the integrity of the family and family values through family support services and philosophies, with report of committee recommending passage, was taken up for consideration.

Senator Lloyd-Jones moved the adoption of House Concurrent Resolution 109, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Tieden and Rife until they arrive on request of Senator Drake.

BILLS ASSIGNED TO COMMITTEE

The Chair announced that **Senate Concurrent Resolutions 127, 128** and **House Concurrent Resolution 114** were assigned to the committee on **Rules and Administration**.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 124.

Senate Concurrent Resolution 124

On motion of Senator Szymoniak, Senate Concurrent Resolution 124, a concurrent resolution expressing support for independent living centers for persons with disabilities in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak moved the adoption of Senate Concurrent Resolution 124, which motion prevailed by a voice vote.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2481

Senator Deluhery called up for consideration House File 2481, a bill for an act relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-5931 to Senate amendment H-6083 filed May 1, 1992.

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

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

On the question "Shall the bill pass?" (H.F. 2481) the vote was:

Ayes, 47:

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

Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Hedge

Absent or not voting, 2:

Rife

Tieden

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

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 121.

Senate Concurrent Resolution 121

On motion of Senator Riordan, Senate Concurrent Resolution 121, a senate concurrent resolution requesting that the President of the United States and the Congress of the United States safeguard the laws of the United States relating to health, safety, labor, and environmental protection from threats by treaties affecting trade currently being negotiated, including the current Uruguay Round of the General Agreement on Tariffs and Trade and the United States-Mexico Free Trade Agreement, with report of committee recommending passage, was taken up for consideration.

President pro tempore Lloyd-Jones took the chair at 4:37 p.m..

Senator Riordan moved the adoption of Senate Concurrent Resolution 121.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.C.R. 121) the vote was:

Ayes, 26:

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

Nays, 21:

Borlaug	Boswell	Drake	Fuhrman
Hagerla	Hedge	Hester	Husak
Jensen	Kersten	Kinley	Kramer
Lind	McLaren	Pate	Rensink
Rittmer	Slife	Soorholtz	Taylor
Vande Hoef			

Absent or not voting, 3:

Rife	Tieden	Tinsman
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The motion prevailed and the resolution was adopted.

The Senate stood at ease at 4:59 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:02 p.m., President Gronstal presiding.

QUORUM CALL

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

Senator Sorensen took the chair at 7:09 p.m.

The vote revealed 46 present, 4 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2034

Senator Rosenberg called up for consideration Senate File 2034, a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting

requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates, amended by the House in House amendment S—5928 filed April 30, 1992.

President Gronstal took the chair at 8:15 p.m.

Senator Hutchins offered amendment S—5933 filed by him from the floor to pages 1, 8, 11 and 13 of House amendment S—5928 and moved its adoption.

Amendment S—5933 was adopted by a voice vote.

The Senate stood at ease at 7:22 p.m. until the fall of the gavel.

The Senate resumed session at 8:28 p.m., President Gronstal presiding.

BUSINESS PENDING

Senate File 2034

The Senate resumed consideration of Senate File 2034.

Senator Szymoniak offered amendment S—5934 filed by Senators Szymoniak, et al., from the floor to pages 6 and 11 of House amendment S—5928 and moved its adoption.

Amendment S—5934 was adopted by a voice vote.

Senator Taylor offered amendment S—5935 filed by him from the floor to page 11 of House amendment S—5928 and moved its adoption.

Amendment S—5935 lost by a voice vote.

Senator Rosenberg 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 Rosenberg 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. 2034) the vote was:

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

Ayes, 27:

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

Nays, 22:

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

Absent or not voting, 1:

Tieden

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that Senate File 2034, House Concurrent Resolution 109, Senate Concurrent Resolutions 121, 124 and House File 2481 be immediately messaged to the House.

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 1, 1992, adopted the conference committee report and passed Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 129, by Lloyd-Jones, a concurrent resolution relating to the post-Cold War transition to the new world order.

Read first time and passed on file.

The Senate stood at ease at 8:45 p.m. until the fall of the gavel.

The Senate resumed session at 9:45 p.m., Senator Sorensen presiding.

QUORUM CALL

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

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

HOUSE AMENDMENT CONSIDERED

Senate File 2320

Senator Connolly called up for consideration Senate File 2320, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions, amended by the House, and moved that the Senate concur in House amendment S—5722 filed April 16, 1992.

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

Senator Connolly 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. 2320) the vote was:

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

Ayes, 27:

Borlaug	Dieleman	Drake	Fuhrman
Gronstal	Hagerla	Hedge	Hester
Horn	Hutchins	Jensen	Kramer
Lind	Lloyd-Jones	McLaren	Pate
Rensink	Rife	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Taylor
Tinsman	Vande Hoef	Varn	

Nays, 20:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Hannon
Husak	Kersten	Kibbie	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Running	Szymoniak	Welsh

Absent or not voting, 3:

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

Senator Hutchins asked and received unanimous consent to send an immediate message on Senate File 2320 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 1, 1992, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 103, a concurrent resolution calling upon the United States Congress to provide for the establishment of benefit levels for aid to families with dependent children.

Senate Concurrent Resolution 118, a concurrent resolution to honor pharmacist Robert J. Osterhous of Maquoketa, Iowa, on achieving the highest elected office in American pharmacy, President of the American Pharmaceutical Association.

ALSO: That the House has on May 1, 1992, 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 2417, a bill for an act requiring all contracts with the underground storage tank board to be publicly bid, and restricting the board's authority for certain expenditures from the underground storage tank fund (S—5937 to H—6077).

ALSO: That the House has on May 1, 1992, **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 2034, a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates.

President pro tempore Lloyd-Jones took the chair at 10:03 p.m.

SENATE RECEDES

Senate File 2034

Senator Rosenberg called up for consideration Senate File 2034, a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax

corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates, amended by the Senate, and moved that the Senate recede from its amendment.

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

Senator 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. 2034) 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	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Hutchins
Kibbie	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 21:

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

Absent or not voting, 3:

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

Senator Hutchins asked and received unanimous consent to send an **immediate message** to the House on **Senate File 2034**.

The Senate stood at ease at 10:18 p.m. until the fall of the gavel.

The Senate resumed session at 11:00 p.m., President Gronstal presiding.

APPENDIX

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 30, 1992, 8:40 a.m.

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

Members Absent: none.

Committee Business: Recommended passage of House Concurrent Resolution 109 and Senate Concurrent Resolutions 121 and 124; approved proposed committee resolution relating to daily operations of the Senate.

Adjourned: 9:40 a.m.

SUBCOMMITTEE ASSIGNMENT

Senate File 2377

STATE GOVERNMENT: Welsh, Chair; Buhr, Drake, Kramer and Running

PETITIONS

The following petitions were presented and placed on file by:

Senator Gronstal from 156 staff members of the Denison Community School District favoring legislation to fully fund K-12 education.

Senator Rittmer from 20 residents of Clinton County requesting that any reductions in education funding be made from Phase III funds instead of the general fund budgets of Iowa schools.

AMENDMENTS FILED

S-5931	H.F.	2481	House amendment
S-5932	S.F.	414	Ralph Rosenberg
S-5933	S.F.	2034	Bill Hutchins
S-5934	S.F.	2034	Elaine Szymoniak Beverly Hannon

			Patrick Deluhery
			Larry Murphy
			Leonard Boswell
			Joe Welsh
			Jim Riordan
			Emil Husak
			Richard Running
S—5935	S.F.	2034	Ray Taylor
S—5936	S.F.	2376	Leonard Boswell
S—5937	H.F.	2417	House amendment
S—5938	S.F.	2376	Emil Husak

ADJOURNMENT

On motion of Senator Pate, the Senate adjourned at 11:02 p.m., until 8:00 a.m., Saturday, May 2, 1992.

JOURNAL OF THE SENATE

ONE HUNDRED ELEVENTH CALENDAR DAY
SEVENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, May 2, 1992

The Senate met in regular session at 11:15 a.m., President Gronstal presiding.

Prayer was offered by George Finkenauer, Senate Doorkeeper from Ankeny, Iowa.

The Journal of Friday, May 1, 1992, 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 April 30, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2356, a bill for an act legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date.

ALSO: That the House has on May 1, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2373, a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates (S—5939).

ALSO: That the House has on May 1, 1992, adopted the conference committee report and passed **Senate File 2345**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date.

ALSO: That the House has on May 1, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2459, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, providing for the payment of abandoned property and payment of workers' compensation claims of state employees, providing for centralized collection of debt owed to the state, and making related statutory changes.

ALSO: That the House has on May 1, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2487, a bill for an act relating to information subject to the review or control of the office of citizens' aide.

This bill was read first time and passed on file.

INTRODUCTION OF RESOLUTION

Senate Resolution 119, by Vande Hoef, Tinsman, Szymoniak, Running, Murphy, and Taylor, a senate resolution requesting the establishment of an interim study committee to review foster care issues.

Read first time and passed on file.

RESOLUTION ASSIGNED TO COMMITTEE

President Gronstal announced that **Senate Concurrent Resolution 129** was assigned to the committee on **Rules and Administration**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Tieden for the remainder of the Session on request of Senator Jensen.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2371

Senator Riordan withdrew the motion to reconsider Senate File

2371, a bill for an act relating to the time of payment of state foundation aid to school corporations and providing effective and retroactive applicability date provisions, filed by him on April 30, 1992, and found on page 1740 of the Senate Journal.

House File 2457

Senator Boswell withdrew the motion to reconsider House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights, filed by him on April 24, 1992, and found on page 1638 of the Senate Journal.

Senator Buhr withdrew the motion to reconsider House File 2457, filed by her on April 24, 1992, and found on page 1638 of the Senate Journal.

Senate File 2348

Senator Rosenberg withdrew the motion to reconsider Senate File 2348, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date, filed by him on April 10, 1992, and found on page 1357 of the Senate Journal.

Senator Boswell withdrew the motion to reconsider Senate File 2348, filed by him on April 10, 1992, and found on page 1357 of the Senate Journal.

House File 2455

Senator Boswell withdrew the motion to reconsider House File 2455, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date, filed by him on April 14, 1992, and found on page 1405 of the Senate Journal.

Senator Running withdrew the motion to reconsider House File 2455, filed by him on April 14, 1992, and found on page 1405 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that Senate Files 2371 and 2348 and House Files 2457 and 2455 be immediately messaged to the House.

HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

House File 2417

Senator Rosenberg called up for consideration House File 2417, a bill for an act requiring all contracts with the underground storage tank board to be publicly bid, and restricting the board's authority for certain expenditures from the underground storage tank fund, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5937 to Senate amendment H—6077 filed May 1, 1992.

The motion prevailed by a voice vote 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. 2417) the vote was:

Ayes, 47:

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	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan

Rittmer
Soorholtz
Tinsman

Rosenberg
Sorensen
Vande Hoef

Running
Sturgeon
Varn

Slife
Szymoniak

Nays, none.

Absent or not voting, 3:

Taylor

Tieden

Welsh

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 2417 be immediately messaged to the House.

House File 2400

Senator Szymoniak called up for consideration House File 2400, a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-5906 to Senate amendment H-6027 filed April 29, 1992.

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

Senator Szymoniak 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. 2400) the vote was:

Ayes, 49:

Borlaug
Deluhery
Fraise
Hagerla
Horn
Kersten
Lind
Murphy

Boswell
Dieleman
Fuhrman
Hannon
Husak
Kibbie
Lloyd-Jones
Palmer

Buhr
Doyle
Gettings
Hedge
Hutchins
Kinley
McLaren
Pate

Connolly
Drake
Gronstal
Hester
Jensen
Kramer
Miller
Peterson

Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Tieden

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

Senator Hutchins asked and received unanimous consent that **House File 2400** be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 414

Senator Murphy called up for consideration Senate File 414, a bill for an act relating to landlords and tenants, amended by the House in House amendment S—5720 filed April 16, 1992.

Senator Rosenberg offered amendment S—5932 filed by him on May 1, 1992, to House amendment S—5720.

Senator Murphy called for a division of amendment S—5932 to House amendment S—5720.

Division S—5932A: Page 1, lines 4-20, lines 40-50 and page 2, lines 1-6.

Division S—5932B: Page 1, lines 21-39 and page 2, lines 7-24.

Senator Rosenberg moved the adoption of division S—5932A to House amendment S—5720.

A non record roll call was requested.

The ayes were 11, nays 32.

Division S—5932A lost.

Senator Rosenberg withdrew division S—5932B to House amendment S—5720.

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

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

Senator Murphy 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. 414) the vote was:

Ayes, 37:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Hagerla	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Lind	McLaren
Miller	Palmer	Pate	Priebe
Rensink	Rife	Rittmer	Running
Slife	Soorholtz	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 10:

Connolly	Fuhrman	Gronstal	Hannon
Lloyd-Jones	Murphy	Peterson	Riordan
Rosenberg	Sorensen		

Absent or not voting, 3:

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

Senator Hutchins asked and received unanimous consent that Senate File 414 be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer until she returns on request of Senator Rife.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2369** be referred from the Ways and Means Calendar to the committee on **Ways and Means**.

COMMITTEE REPORT

JUDICIARY

Final Bill Action: SENATE FILE 2097, 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 a retroactive applicability provision, and providing effective date and applicability provisions.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENTS S—5943 THROUGH S—5949.

Final Vote: Ayes, 10: Sturgeon, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Horn, Miller, Peterson and Slife. Nays, none. Absent or not voting, 5: Rosenberg, Hester, Murphy, Pate and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HOUSE AMENDMENT CONSIDERED

Senate File 2097

Senator Varn called up for consideration Senate File 2097, 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 a retroactive applicability provision, and providing effective date and applicability provisions, amended by the House in House amendment S—5929 filed April 30, 1992.

Senator Varn asked and received unanimous consent to withdraw the following amendments filed by the committee on Judiciary from the floor to House amendment S—5929:

S—5943 to page 2; S—5944 to pages 2 and 11; S—5945 to page 11; S—5946 to pages 1-3 and 11; S—5947 to pages 9-11; S—5948 to page 10; and S—5949 to page 11.

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

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

Senator Hutchins asked and received unanimous consent that **Senate File 2097** be immediately messaged to the House.

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:15 p.m., until 2:00 p.m.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****JUDICIARY**

Convened: May 1, 1992, 8:57 p.m.

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

Members Absent: none.

Committee Business: Discussed Senate File 2097.

Recessed: 9:45 p.m.

Reconvened: May 1, 1992, 10:24 p.m.

Members Present: Sturgeon, Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Horn, Miller, Peterson and Slife.

Members Absent: Rosenberg, Vice Chair; Hester, Murphy, Pate and Varn.

Committee Business: Recommended passage of Senate File 2097 as amended.

Adjourned: 10:34 p.m.

STATE GOVERNMENT

Convened: May 2, 1992, 9:51 a.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Gronstal, Horn, McLaren, Murphy, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: Doyle, Drake, Kramer and Pate.

Committee Business: Recommended passage of Senate File 2377.

Adjourned: 9:58 a.m.

CERTIFICATE OF RECOGNITION

The secretary of the senate issued a certificate of recognition as follows:

Roxanne Conlin — For achieving the Office of President of the Association of Trial Lawyers of America. Senator Hannon (5-2-92).

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2377, a bill for an act relating to information subject to the review or control of the office of citizens' aide.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Kibbie, Lloyd-Jones, Buhr, Dieleman, Gronstal, Horn, Murphy, Priebe, Running, Soorholtz, Sorensen and Welsh. Nays, 4: Lind, McLaren, Rife and Vande Hoef. Absent or not voting, 4: Doyle, Drake, Kramer and Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5939	S. F.	2373	House amendment
S—5940	S. F.	2376	William Palmer
			John Peterson
			Don Gettings
			Michael Gronstal
			Wally E. Horn
			Beverly Hannon
			Jim Riordan
			Larry Murphy
			Elaine Szymoniak
			Florence Buhr
			Joe Welsh
S—5941	S. F.	2376	Elaine Szymoniak
S—5942	S. F.	2376	Elaine Szymoniak
			William Palmer
			Beverly Hannon
			Eugene Fraise
			Joe Welsh
			Emil Husak
			Richard Running
			Wally Horn
			Larry Murphy
			Jim Riordan

			Leonard Boswell
			Patrick Deluhery
			William Dieleman
S—5943	S.F.	2097	Judiciary
S—5944	S.F.	2097	Judiciary
S—5945	S.F.	2097	Judiciary
S—5946	S.F.	2097	Judiciary
S—5947	S.F.	2097	Judiciary
S—5948	S.F.	2097	Judiciary
S—5949	S.F.	2097	Judiciary
S—5950	S.F.	2376	Larry Murphy
			Joe Welsh

AFTERNOON SESSION

The Senate reconvened at 2:10 p.m., Senator Sorensen presiding.

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.

**ADOPTION OF RESOLUTIONS
(Regular Calendar)****Senate Resolution 112**

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

- 1 **SENATE RESOLUTION NO. 112**
- 2 **BY COMMITTEE ON RULES AND ADMINISTRATION**
- 3 **A Resolution honoring Senator Dale L. Tieden.**
- 4 **WHEREAS, Senator Dale L. Tieden is retiring from**
- 5 **legislative office after completing five terms in**
- 6 **office as a state Senator and four terms as a member**
- 7 **of the House of Representatives; and**
- 8 **WHEREAS, Senator Tieden's distinguished career as a**
- 9 **state legislator has included service as Chairperson**
- 10 **of the Agriculture and Conservation and Recreation**
- 11 **Committees, as Vice Chairperson of the Agriculture**
- 12 **Committee, and as Ranking Member of the Appropriations**
- 13 **Committee; and**
- 14 **WHEREAS, Senator Tieden has served on many other**
- 15 **standing committees and all of the subject matter**
- 16 **appropriations subcommittees throughout his twenty-**
- 17 **eight years of legislative service; and**
- 18 **WHEREAS, Senator Tieden has served for fourteen**
- 19 **years as a member of the Administrative Rules Review**
- 20 **Committee; and**
- 21 **WHEREAS, Senator Tieden is distinguished by his**
- 22 **many years of work in the areas of agriculture,**
- 23 **natural resources, education, state budgets, and**
- 24 **appropriations; and**
- 25 **WHEREAS, Senator Tieden has been a well-respected**
- 26 **and much honored individual by his colleagues within**
- 27 **the Iowa General Assembly and has been a devoted**
- 28 **legislator; NOW THEREFORE,**
- 29 **BE IT RESOLVED BY THE SENATE, That the Senate pay**

30 tribute to Senator Dale L. Tieden for his devoted

Page 2

1 service to the Iowa General Assembly and the citizens

2 of this state and wish him the very best in the years

3 ahead; and

4 **BE IT FURTHER RESOLVED**, That an official copy of

5 this Resolution be prepared and presented to Senator

6 Dale L. Tieden.

Senator Lind moved the adoption of Senate Resolution 112 and requested a record roll call.

On the question "Shall the resolution be adopted?" (S.R. 112) the vote was:

Ayes, 46:

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	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Welsh		

Nays, none.

Absent or not voting, 4:

Riordan	Running	Tieden	Varn
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The motion prevailed and the resolution was adopted.

In lieu of Senator Tieden's absence because of illness, he would later receive an engraved plaque and an enrolled copy of Senate Resolution 112.

Senate Resolution 113

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

1 SENATE RESOLUTION NO. 113
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator John E. Soorholtz.
4 WHEREAS, Senator John E. Soorholtz is retiring from
5 legislative office after completing his third term in
6 office as a state Senator; and
7 WHEREAS, Senator Soorholtz's distinguished career
8 as a state legislator has included service as Ranking
9 Member of the Agriculture and Environment and Energy
10 Utilities Committees; and
11 WHEREAS, Senator Soorholtz has served on the Rules
12 and Administration Committee; and
13 WHEREAS, Senator Soorholtz has served on many other
14 standing committees and appropriations subcommittees
15 throughout his 10 years of legislative service and has
16 been a devoted legislator; and
17 WHEREAS, Senator Soorholtz has played an
18 instrumental part in creating and enacting many
19 agricultural policies for the state of Iowa; and
20 WHEREAS, Senator Soorholtz has been an influential
21 force in agriculture and has distinguished himself by
22 his many years of work in the area of agriculture; NOW
23 THEREFORE,
24 BE IT RESOLVED BY THE SENATE, That the Senate pay
25 tribute to Senator John E. Soorholtz for his devoted
26 service to the Iowa General Assembly and the citizens
27 of this state and wish him the very best in the years
28 ahead; and
29 BE IT FURTHER RESOLVED, That an official copy of
30 this Resolution be prepared and presented to Senator
Page 2

1 John E. Soorholtz.

Senator Soorholtz addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Soorholtz.

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

Senator Rife escorted Senator Soorholtz to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 113.

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 2, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 122, a concurrent resolution to honor Roxanne Conlin on achieving the Office of President of the Association of Trial Lawyers of America.

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

ALSO: That the House has on May 2, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2488, a bill for an act making an appropriation from the general fund of the state to a certain person in settlement of a claim against the state of Iowa.

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

BILL ASSIGNED TO COMMITTEE

The Chair announced that **House File 2488** was assigned to the committee on **Appropriations**.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 114

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

- 1 SENATE RESOLUTION NO. 114
- 2 BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A Resolution honoring Senator Alvin V. Miller.
- 4 WHEREAS, Senator Alvin V. Miller is retiring from
- 5 legislative office after completing four terms in
- 6 office as a state Senator and two terms as a member of
- 7 the House of Representatives; and
- 8 WHEREAS, Senator Miller's distinguished career as a
- 9 state legislator has included service as Chairperson
- 10 of the Cities and Local Government Committees, as Vice
- 11 Chairperson of the Agriculture, Cities and Towns, and
- 12 Transportation Committees, and as Ranking Member of
- 13 the Cities Committee; and
- 14 WHEREAS, Senator Miller has served on many other
- 15 standing committees and appropriations subcommittees

16 throughout his twenty years of legislative service and
17 has been a devoted legislator; and
18 WHEREAS, Senator Miller is particularly
19 distinguished by his many years of work in the area of
20 local government; NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate pay
22 tribute to Senator Alvin V. Miller for his devoted
23 service to the Iowa General Assembly and the citizens
24 of this state and wish him the very best in the years
25 ahead; and
26 BE IT FURTHER RESOLVED, That an official copy of
27 this Resolution be prepared and presented to Senator
28 Alvin V. Miller.

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

Senator Gettings escorted Senator Miller to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 114.

Senator Miller addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Miller.

RESOLUTIONS ASSIGNED TO COMMITTEE

The Chair announced that **House Concurrent Resolution 122** and **Senate Resolution 119** were assigned to the committee on **Rules and Administration**.

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senate Resolution 115

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

1 SENATE RESOLUTION NO. 115
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator Bill Hutchins.
4 WHEREAS, Senator Bill Hutchins is retiring from
5 legislative office after completing four terms in
6 office as a state Senator and two terms as a member of
7 the House of Representatives; and
8 WHEREAS, Senator Hutchins' distinguished career as

9 a state legislator has included service as the Senate
10 Majority Leader during the Seventy-first, Seventy-
11 second, Seventy-third, and Seventy-fourth General
12 Assemblies, as a Senate Assistant Majority Leader
13 during the Seventieth and Seventy-first General
14 Assemblies, and as a Senate Assistant Minority Leader
15 during the Sixty-eighth and Sixty-ninth General
16 Assemblies; and

17 WHEREAS, Senator Hutchins' service as Chairperson
18 of the Rules and Administration and County Government
19 Committees, as Vice Chairperson of the County
20 Government, Finance, and Rules and Administration.
21 Committees, and as Ranking Member of the Agriculture
22 and County Government Committees is well recognized;
23 and

24 WHEREAS, Senator Hutchins' leadership on higher
25 education, small business, and economic development
26 issues is well recognized; and

27 WHEREAS, Senator Hutchins has served on many other
28 standing committees and appropriations subcommittees
29 throughout his twenty years of legislative service and
30 has been a devoted legislator; and

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1 WHEREAS, Senator Hutchins is distinguished by his
2 many years of work as a legislative leader, including
3 his service as Chairperson of the Legislative Council
4 during the Seventy-first and Seventy-third General
5 Assemblies and as Vice Chairperson of the Legislative
6 Council during the Seventy-second and Seventy-fourth
7 General Assemblies; and

8 WHEREAS, Senator Hutchins' mastery of legislative
9 procedures is highly regarded; and

10 WHEREAS, Senator Hutchins has served in numerous
11 national leadership and committee posts including the
12 national executive committees of both the National
13 Conference of State Legislatures and the Council of
14 State Governments and has been honored as one of the
15 outstanding state legislators in the nation by the
16 Democratic National Committee; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE, That the Senate pay
18 tribute to Senator Bill Hutchins for his devoted
19 service to the Iowa General Assembly and the citizens
20 of this state and wish him the very best in the years
21 ahead; and

22 BE IT FURTHER RESOLVED, That an official copy of
23 this Resolution be prepared and presented to Senator
24 Bill Hutchins.

Senator Connolly took the chair at 5:11 p.m.

Senator Hutchins addressed the Senate with brief remarks.

Senator Boswell moved the adoption of Senate Resolution 115, which motion prevailed by a voice vote.

Senator Boswell escorted Senator Hutchins to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 115.

The Senate rose and expressed its tribute to Senator Hutchins.

Senate Resolution 116

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

1 SENATE RESOLUTION NO. 116
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator George R. Kinley.
4 WHEREAS, Senator George R. Kinley is retiring from
5 legislative office after completing five terms in
6 office as a state Senator and one term as a member of
7 the House of Representatives; and
8 WHEREAS, Senator Kinley's distinguished career as a
9 state legislator has included service as the Senate
10 Majority Leader during the Sixty-sixth and Sixty-
11 seventh General Assemblies; and
12 WHEREAS, Senator Kinley's service as Chairperson of
13 the Rules and Administration, Commerce, and Ethics
14 Committees, as Vice Chairperson of the Commerce and
15 Ethics Committees, and as Ranking Member of the Rules
16 and Administration Committee, is well recognized; and
17 WHEREAS, Senator Kinley has served on many other
18 standing committees and appropriations subcommittees
19 throughout his twenty-two years of legislative service
20 and has been a devoted legislator; and
21 WHEREAS, Senator Kinley is distinguished by his
22 many years of work as a legislative leader, including
23 his service as Chairperson of the Legislative Council
24 during the Sixty-seventh General Assembly; and
25 WHEREAS, Senator Kinley's leadership in the areas
26 of commerce and pari-mutuel gambling is well
27 recognized; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, That the Senate pay
29 tribute to Senator George R. Kinley for his devoted
30 service to the Iowa General Assembly and the citizens

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1 of this state and wish him the very best in the years
2 ahead; and

3 BE IT FURTHER RESOLVED, That an official copy of
4 this Resolution be prepared and presented to Senator
5 George R. Kinley.

Senator Kinley addressed the Senate with brief remarks.

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

Senator Palmer escorted Senator Kinley to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 116.

The Senate rose and expressed its tribute to Senator Kinley.

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 2, 1992, adopted the conference committee report and passed House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions.

CONFERENCE COMMITTEE REPORT RECEIVED

A conference committee report signed by the following Senate and House members was filed May 2, 1992, on House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions:

On the Part of the Senate:

JOHN KIBBIE, Chair
EMIL J. HUSAK
RALPH ROSENBERG

On the Part of the House:

MICHAEL PETERSON, Chair
JOEL BROWN
DOROTHY CARPENTER
MARY NEUHAUSER

CONFERENCE COMMITTEE REPORT DEFERRED**House File 2466**

Senator Kibbie called up the conference committee report on House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, filed May 2, 1992.

Senator Hutchins asked and received unanimous consent that action on the conference committee report and **House File 2466** be deferred.

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.

A Certificate of Recognition for serving with honor and distinction as a Senate Page during the 1992 Regular Session of the Seventy-fourth General Assembly and a Page group picture were presented to each of the following Pages:

Ann Barakat, Kimberly Cass, Robin Condon, Karen Eggerling, Todd Fey, Drew France, Rebecca Hyman, Rain Jones, Melissa Miller, Thomas Plummer and Ann Tilley. Not present were Seth Boffeli, Brandy Brisby, Travis Jelinek, Kurt Klostermann, Trevor Porath and Sarah Struecker.

The Senate rose and expressed its appreciation to the Pages.

The Senate stood at ease at 7:14 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 8:02 p.m., Senator Sorensen presiding.

QUORUM CALL

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

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

Senator Connolly took the chair at 8:18 p.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2373

Senator Varn called up for consideration Senate File 2373, a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates, amended by the House in House amendment S—5939 filed May 2, 1992.

Senator Varn offered amendment S—5951 filed by him from the floor to House amendment S—5939 and moved its adoption.

Amendment S—5951 was adopted by a voice vote.

Senator Fuhrman offered amendment S—5956 filed by him from the floor to House amendment S—5939 and moved its adoption.

Amendment S—5956 lost by a voice vote.

Senator Varn 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 Varn 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. 2373) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	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
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer

Rosenberg
Sorensen
Vande Hoef

Running
Szymoniak
Varn

Slife
Taylor

Soorholtz
Tinsman

Nays, 2:

Connolly

Welsh

Absent or not voting, 2:

Sturgeon

Tieden

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

CONFERENCE COMMITTEE REPORT RECEIVED

A conference committee report signed by the following Senate and House members was filed May 2, 1992, on Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates:

On the Part of the Senate:

EMIL HUSAK, Chair
JOHN KIBBIE
BERL E. PRIEBE

On the Part of the House:

DON SCHOULTZ, Chair
LOUIS MUHLBAUER
DAVID SCHRADER

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2347

Senator Husak called up the conference committee report on Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, filed on May 2, 1992, 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 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. 2347) the vote was:

Ayes, 33:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Palmer
Peterson	Priebe	Riordan	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 16:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kramer
Lind	McLaren	Pate	Rensink
Rife	Running	Taylor	Vande Hoef

Absent or not voting, 1:

Tieden

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

MOTION TO OVERRIDE GOVERNOR'S VETO LOST

Senator Gronstal called up for consideration Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures and contributions for certain elective officers and providing penalties and an effective date, and moved to reconsider and pass the bill, the objections of the Governor notwithstanding, as vetoed by the Governor on April 30, 1992.

On the question "Shall the Senate on reconsideration, agree to pass the bill, the objections of the Governor notwithstanding?" (S.F. 2360) 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	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 18:

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

Absent or not voting, 1:

Tieden

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

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 2, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 121, a concurrent resolution to honor Carroll J. Reasoner on achieving the Office of President of the Iowa State Bar Association.

This resolution was read first time and passed on file.

ALSO: That the House, on May 2, 1992, insisted on its amendment to Senate File 2097, 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 a retroactive applicability provision, and providing effective date and applicability provisions, and that the members of the Conference Committee on part of the House are: The Representative from Appanoose, Mr. Jay, Chair; the Representative from Woodbury, Mr. Hansen; the Representative from Madison, Mr. Hibbard; the Representative from Buchanan, Mr. Kremer; the Representative from Pottawattamie, Mr. Siegrist.

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 2376

On motion of Senator Boswell, Senate File 2376, a bill for an act relating to the state budget, was taken up for consideration.

Senator Boswell asked and received unanimous consent to withdraw the following amendments:

S—5910 filed by Senators Boswell and Peterson on April 30, 1992, to page 1 of the bill.

S—5911 filed by Senators Boswell and Buhr on April 30, 1992, to page 1 of the bill.

S—5912 filed by Senators Boswell and Running on April 30, 1992, to page 1 of the bill.

S—5913 filed by Senators Boswell and Gettings on April 30, 1992, to page 1 of the bill.

S—5914 filed by Senators Boswell and Husak on April 30, 1992, to page 1 of the bill.

S—5915 filed by Senators Boswell and Riordan on April 30, 1992, to page 1 of the bill.

S—5916 filed by Senators Boswell and Varn on April 30, 1992, to page 1 of the bill.

S—5917 filed by Senators Boswell and Szymoniak on April 30, 1992, to page 1 of the bill.

S—5918 filed by Senators Boswell and Rosenberg on April 30, 1992, to page 1 of the bill.

S—5919 filed by Senator Boswell on April 30, 1992, to page 1 of the bill.

S—5924 filed by Senator Fraise on April 30, 1992, to amendment S—5917.

S—5925 filed by Senator Fraise on April 30, 1992, to amendment S—5917.

S—5926 filed by Senator Hagerla on April 30, 1992, to amendment S—5917.

S—5927 filed by Senator Vande Hoef on April 30, 1992, to amendment S—5912.

Senator Boswell offered amendment S—5954 filed by him from the floor to page 1 of the bill.

Senator Boswell offered amendment S—5955 filed by him from the floor to page 3 of amendment S—5954 and moved its adoption.

Amendment S—5955 was adopted by a voice vote.

Senator Boswell moved the adoption of amendment S—5954 as amended, which motion prevailed by a voice vote.

Senator Jensen offered amendment S—5922 filed by Senators Jensen and Priebe on April 30, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5922 was adopted by a voice vote.

Senator Husak offered amendment S—5938 filed by him on May 1, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5938 was adopted by a voice vote.

Senator Palmer offered amendment S—5940 filed by Senators Palmer, et al., from the floor to page 1 and the title page of the bill.

Senator Szymoniak offered amendment S—5942 filed by Senators Szymoniak, et al., from the floor to page 2 of amendment S—5940 and moved its adoption.

Amendment S—5942 was adopted by a voice vote.

Senator Riordan took the chair at 9:37 p.m.

Senator Palmer moved the adoption of amendment S—5940 as amended and requested a record roll call.

On the question "Shall amendment S—5940 as amended by adopted?" (S.F. 2376) the vote was:

Ayes, 27:

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

Nays, 22:

Borlaug	Boswell	Drake	Fuhrman
Hagerla	Hedge	Hester	Husak
Jensen	Kersten	Kramer	Lind
McLaren	Pate	Priebe	Rensink
Rife	Rittmer	Slife	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 1:

Tieden

Amendment S—5940 as amended was adopted.

With the adoption of amendment S—5940 as amended, the Chair ruled amendment S—5941 filed by Senator Szymoniak from the floor to page 1 of the bill, out of order.

Senator Boswell offered amendment S—5952 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5952 was adopted by a voice vote.

Senator Boswell offered amendment S—5953 filed by Senators Boswell, et al., from the floor to page 1 of the bill and moved its adoption.

Amendment S—5953 was adopted by a voice vote.

Senator Hutchins offered amendment S—5958 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5958 was adopted by a voice vote.

Senator Taylor offered amendment S—5959 filed by Senators Rife and Hutchins from the floor to page 1 of the bill.

Senator Sturgeon took the chair at 10:20 p.m.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Files 2373 and 2347 be immediately messaged to the House.

BUSINESS PENDING

Senate File 2376

The Senate resumed consideration of Senate File 2376.

Senator Taylor moved the adoption of amendment S—5959 and requested a record roll call.

On the question "Shall amendment S—5959 be adopted?" (S.F. 2376) the vote was:

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

Ayes, 18:

Borlaug	Fuhrman	Hagerla	Hedge
Hester	Jensen	Kersten	Kramer
Lind	McLaren	Pate	Priebe
Rife	Rittmer	Slife	Soorholtz
Taylor	Tinsman		

Nays, 31:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Palmer
Peterson	Rensink	Riordan	Rosenberg

Running
Vande Hoef

Sorensen
Varn

Sturgeon
Welsh

Szymoniak

Absent or not voting, 1:

Tieden

Amendment S—5959 lost.

Senator Riordan offered amendment S—5960 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5960 was adopted by a voice vote.

Senator Rife asked and received unanimous consent to withdraw amendment S—5961 filed by Senators Rife and Hutchins from the floor to page 1 of the bill and amendment S—5962 filed by Senators Rife and Hutchins from the floor to page 1 of the bill.

President Gronstal took the chair at 10:42 p.m.

Amendment S—5964 filed by Senators Szymoniak and Kramer from the floor to amendment S—5962, was out of order.

Senator McLaren offered amendment S—5963 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5963 was adopted by a voice vote.

The Chair announced that amendment S—5941 was inadvertently previously ruled out of order and was eligible for consideration by the Senate.

Senator Szymoniak offered amendment S—5941 filed by her from the floor to page 1 of the bill and moved its adoption.

Amendment S—5941 was adopted by a voice vote.

Senator Boswell offered amendment S—5936 filed by him on May 1, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5936 was adopted by a voice vote.

Senator Murphy offered amendment S—5950 filed by Senators Murphy and Welsh from the floor to page 1 of the bill.

Senator Vande Hoef raised the point of order that amendment S—5950 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5950 in order.

Senator Murphy moved the adoption of amendment S—5950, which motion prevailed by a voice vote.

Senator Riordan offered amendment S—5966 filed by Senators Riordan, et al., from the floor to page 1 of the bill and moved its adoption.

On the question “Shall amendment S—5966 be adopted?” (S.F. 2376) the vote was:

A record roll call was requested.

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

Ayes, 29:

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

Nays, 19:

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

Absent or not voting, 2:

Hutchins Tieden

Amendment S—5966 was adopted.

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

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5954 as amended to Senate File 2376 was adopted by the Senate on May 2, 1992.

A record roll call was requested.

On the question “Shall the motion to reconsider be adopted?” (S.F. 2376) the vote was:

Ayes, 35:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rife
Rittmer	Running	Slife	Soorholtz
Taylor	Varn	Welsh	

Nays, 13:

Buhr	Hannon	Hedge	Kramer
Lloyd-Jones	Rensink	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Tinsman
Vande Hoef			

Absent or not voting, 2:

Fuhrman Tieden

The motion prevailed and amendment S—5954 by Senator Boswell to page 1 of the bill, was taken up for reconsideration.

Action on amendment S—5954 was temporarily deferred.

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

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5922 to Senate File 2376 was adopted by the Senate on May 2, 1992.

The motion prevailed by a voice vote and amendment S—5922 by Senators Jensen and Priebe to page 1 of the bill, was taken up for reconsideration.

Senator Jensen offered amendment S—5965 filed by him from the floor to amendment S—5922 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5965 to amendment S—5922 be adopted?" (S.F. 2376) the vote was:

Ayes, 48:

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
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins Tieden

Amendment S—5965 was adopted.

Senator Jensen moved the adoption of amendment S—5922 as amended, which motion prevailed by a voice vote.

The Senate resumed consideration of amendment S—5954 by Senator Boswell to page 1 of the bill, previously deferred.

Senator Welsh offered amendment S—5968 filed by him from the floor to amendment S—5954.

Senator Lind asked unanimous consent that action on amendment S—5968 to amendment S—5954 and amendment S—5954 be deferred.

Senator Lind withdrew his request to defer.

Senator Welsh moved the adoption of amendment S—5968 to amendment S—5954.

A non record roll call was requested.

The ayes were 25, nays 17.

Amendment S—5968 was adopted.

Senator Boswell moved the adoption of amendment S—5954 as amended.

On the question “Shall amendment S—5954 as amended by adopted?” (S.F. 2376) the vote was:

Ayes, 28:

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

Nays, 19:

Borlaug	Drake	Fuhrman	Hedge
Hester	Jensen	Kersten	Kinley
Kramer	McLaren	Pate	Rensink
Rife	Rittmer	Slife	Soorholtz
Taylor	Tinsman	Vande Hoef	

Voting present, 2:

Hagerla	Lind
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Absent or not voting, 1:

Tieden

Amendment S—5954 as amended 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. 2376) 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
Fraise	Gettings	Gronstal	Hannon
Horn	Hutchins	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Palmer
Peterson	Priebe	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 23:

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

Absent or not voting, 1:

Tieden

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

Senator Hutchins asked and received unanimous consent that **Senate File 2376** be immediately messaged to the House.

The Senate stood at ease at 11:47 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 1:05 a.m., Senator Connolly presiding.

CONFERENCE COMMITTEE REPORT RECEIVED

A conference committee report signed by the following Senate and House members was filed May 2, 1992, on House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions:

On the Part of the Senate:

RICHARD VARN, Chair
LEONARD BOSWELL
JIM LIND
LARRY MURPHY

On the Part of the House:

KAY CHAPMAN, Chair
JANET ADAMS
RAY LAGESCHULTE
MARY NEUHAUSER

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 2, 1992, **failed to adopt** the conference committee report and appointed a second conference committee on **House File 2465**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, and the members are: The Representative from Linn, Mrs. Chapman, Chair; the Representative from Linn, Mr. Corbett; the Representative from Dubuque, Mr. Jochum; the Representative from Bremer, Mr. Lageschulte; the Representative from Clinton, Mr. Ollie.

ALSO: That the House has on May 2, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2486, a bill for an act relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992.

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

ALSO: That the House has on May 2, 1992, adopted the conference committee report and passed **Senate File 2347**, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates.

The Senate stood at ease at 1:10 a.m. until the fall of the gavel.

The Senate resumed session at 1:25 a.m., Senator Boswell presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on

Senate File 2097 on the part of the Senate: Senators Varn, Chair; Sturgeon, Deluhery, Fuhrman and Hester.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on **House File 2465** on the part of the Senate: Senators Varn, Chair; Buhr, Murphy, Lind and Kramer.

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 2nd day of May, 1992:

Senate Files 2249 and 2320.

JOHN F. DWYER
Secretary of the Senate

CONFERENCE COMMITTEE REPORT RECEIVED

A conference committee report signed by the following Senate and House members was filed May 2, 1992, on House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund:

On the Part of the Senate:

JIM RIORDAN, Chair
BILL HUTCHINS
RICHARD RUNNING

On the Part of the House:

PHILIP WISE, Chair
ROBERT DVORSKY
CHARLES PONCY

AMENDMENTS FILED

(May 2, 1992)

S-5951	S.F.	2373	Richard Varn
S-5952	S.F.	2376	Leonard Boswell
S-5953	S.F.	2376	Leonard Boswell
			Harry Slife
			William Dieleman
			Wally Horn
S-5954	S.F.	2376	Leonard Boswell
S-5955	S.F.	2376	Leonard Boswell

S—5956	S. F.	2373	Linn Fuhrman
S—5957	S. F.	2374	Mike Connolly
S—5958	S. F.	2376	Bill Hutchins
S—5959	S. F.	2376	Jack Rife Bill Hutchins
S—5960	S. F.	2376	Jim Riordan
S—5961	S. F.	2376	Jack Rife Bill Hutchins
S—5962	S. F.	2376	Jack Rife Bill Hutchins
S—5963	S. F.	2376	Derryl McLaren
S—5964	S. F.	2376	Elaine Szymoniak Mary Kramer
S—5965	S. F.	2376	John Jensen
S—5966	S. F.	2376	Jim Riordan Joe Welsh Wally Horn Richard Running
S—5967	S. F.	2374	Mike Connolly
S—5968	S. F.	2376	Joe Welsh

AMENDMENT FILED

(May 3, 1992)

S—5969	S. F.	2374	Mike Connolly
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ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 1:27 a.m., until 11:00 a.m., Sunday, May 3, 1992.

JOURNAL OF THE SENATE

ONE HUNDRED TWELFTH CALENDAR DAY
SEVENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Sunday, May 3, 1992

The Senate met in regular session at 11:05 a.m., Senator Peterson presiding.

Prayer was offered by the Honorable Berl Priebe, member of the Senate from Kossuth County, Algona, Iowa.

QUORUM CALL

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

Senator Connolly took the chair at 11:25 a.m.

Senator Murphy took the chair at 12:10 p.m.

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 2374

On motion of Senator Boswell, Senate File 2374, a bill for an act relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992, was taken up for consideration.

Senator Boswell offered amendment S—5970 filed by him from the floor to pages 2-5 of the bill and moved its adoption.

Amendment S—5970 was adopted by a voice vote.

Senator Boswell asked and received unanimous consent that House File 2486 be substituted for Senate File 2374 as amended.

House File 2486

On motion of Senator Boswell, House File 2486, a bill for an act relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992, was taken up for consideration.

Senator Connolly offered amendment S—5971 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5971 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2486) the vote was:

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

Ayes, 42:

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

Nays, 1:

Rittmer

Absent or not voting, 7:

Dieleman	Kersten	McLaren	Soorholtz
Taylor	Tieden	Welsh	

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 2486 be immediately messaged to the House.

WITHDRAWN

Senator Boswell asked and received unanimous consent that Senate File 2374 be withdrawn from further consideration of the Senate.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McLaren, Kersten and Soorholtz until they arrive on request of Senator Borlaug.

Senator Running took the chair at 1:15 p.m.

QUORUM CALL

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

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

The Senate stood at ease at 1:18 p.m. until the fall of the gavel.

The Senate resumed session at 1:47 p.m., Senator Connolly presiding.

QUORUM CALL

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

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

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, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2489, a bill for an act relating to the inspection of slot machines or video games of chance prior to installation on an excursion gambling boat and making technical corrections to pari-mutuel wagering and gambling game amendments, and providing effective and applicability dates.

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

ALSO: That the House has, on May 3, 1992, failed to adopt the conference committee report and appointed a second conference committee on **House File 2462**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, and the members are: The Representative from Lee, Mr. Wise, Chair; the Representative from Johnson, Mr. Dvorsky; the Representative from Black Hawk, Mr. Hanson; the Representative from Mills, Mr. Harbor; the Representative from Wapello, Mr. Poncy.

CONFERENCE COMMITTEE REPORT RECEIVED

A conference committee report signed by the following Senate and House members was filed May 3, 1992, on Senate File 2097, 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 a retroactive applicability provision, and providing effective date and applicability provisions:

On the Part of the Senate:

RICHARD VARN, Chair
PATRICK DELUHERY
LINN FUHRMAN
JACK W. HESTER
AL STURGEON

On the Part of the House:

DANIEL JAY, Chair
STEVE HANSEN
DAVE HIBBARD

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2097

Senator Varn called up the conference committee report on Senate File 2097, 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 a retroactive applicability provision, and providing effective date and applicability provisions, filed on May 3, 1992, 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. 2097) the vote was:

Ayes, 45:

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

Nays, none.

Absent or not voting, 5:

Dieleman	McLaren	Running	Tieden
Welsh			

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 2097** be immediately messaged to the House.

BILLS ASSIGNED TO COMMITTEE

The Chair announced that **House Concurrent Resolution 121** was assigned to the committee on **Rules and Administration** and **House File 2489** was assigned to the committee on **State Government**.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on **House File 2462** on the part of the Senate: Senators Riordan, Chair; Running, Connolly, Kramer and Borlaug.

The Senate stood at ease at 2:14 p.m. until the fall of the gavel.

The Senate resumed session at 3:51 p.m., President Gronstal presiding.

QUORUM CALL

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

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

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2489, a bill for an act relating to the inspection of slot machines or video games of chance prior to installation on an excursion gambling boat and making technical corrections to pari-mutuel wagering and gambling game amendments, and providing effective and applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Kibbie, Buhr, Doyle, Drake, Horn, Kramer, Murphy, Pate, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 9: Lloyd-Jones, Lind, Dieleman, Gronstal, McLaren, Priebe, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2489.

House File 2489

On motion of Senator Kibbie, House File 2489, a bill for an act relating to the inspection of slot machines or video games of chance prior to installation on an excursion gambling boat and making technical corrections to pari-mutuel wagering and gambling game amendments, and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2489) the vote was:

Ayes, 45:

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

Nays, none.

Absent or not voting, 5:

Dieleman	McLaren	Miller	Tieden
Welsh			

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 2489** be immediately messaged to the House.

INTRODUCTION OF BILL

Senate File 2378, by committee on Ways and Means, a bill for an act relating to a limitation on the amount of property tax dollars that a city or county may collect from designated property tax levies and providing an effective date.

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

COMMITTEE REPORTS

WAYS AND MEANS

Final Vote: HOUSE FILE 2484, a bill for an act relating to speculative shell buildings by allowing a for-profit entity to receive a property tax exemption for the building under certain circumstances and allowing accelerated depreciation of the building for income tax purposes and providing applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Hedge, Husak, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none. Absent or not voting, 2: Dieleman and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2378 (SSB 2306), a bill for an act relating to a limitation on the amount of property tax dollars that a city or county may collect from property tax levies and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hedge, Husak, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none. Absent or not voting, 2: Dieleman and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STUDY BILL RECEIVED**SSB 2306 Ways and Means**

Relating to a limitation on the amount of property tax dollars that a city or county may collect from designated property tax levies and providing an effective date.

SUBCOMMITTEE ASSIGNMENT**SSB 2306**

WAYS AND MEANS: Husak, Chair; Drake and Fraise

**CONSIDERATION OF BILLS
(Ways and Means Calendar)**

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2484.

House File 2484

On motion of Senator Palmer, House File 2484, a bill for an act relating to speculative shell buildings by allowing a for-profit entity to receive a property tax exemption for the building under certain circumstances and allowing accelerated depreciation of the building for income tax purposes and providing applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hutchins offered amendment S—5972 filed by him from the floor to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5972 was adopted by a voice vote.

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. 2484) the vote was:

Ayes, 41:

Borlaug
Deluhery

Boswell
Doyle

Buhr
Drake

Connolly
Fraise

Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn			

Nays, none.

Absent or not voting, 9:

Dieleman	Fuhrman	Kramer	McLaren
Peterson	Rosenberg	Tieden	Vande Hoef
Welsh			

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 2484** be immediately messaged to the House.

Senate File 2378

On motion of Senator Husak, Senate File 2378, a bill for an act relating to a limitation on the amount of property tax dollars that a city or county may collect from property tax levies and providing an effective date, was taken up for consideration.

Senator Szymoniak offered amendment S—5973 filed by her from the floor to page 2 of the bill.

Senator Pate raised the point of order that amendment S—5973 was not germane to the bill.

Senator Pate withdrew his point of order.

Senator Szymoniak moved the adoption of amendment S—5973 and requested a record roll call.

On the question "Shall amendment S—5973 be adopted?" (S.F. 2378) the vote was:

Ayes, 20:

Buhr	Connolly	Deluhery	Gronstal
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Hannon	Hutchins	Kramer	Lloyd-Jones
Miller	Murphy	Peterson	Riordan
Rittmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Tinsman	Vande Hoef

Nays, 26:

Borlaug	Boswell	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Lind	Palmer	Pate	Priebe
Rensink	Rife	Slife	Soorholtz
Taylor	Varn		

Absent or not voting, 4:

Dieleman	McLaren	Tieden	Welsh
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Amendment S—5973 lost.

Senator Szymoniak offered amendment S—5975 filed by Senators Szymoniak and Husak from the floor to pages 1 and 2 of the bill.

Senator Connolly took the chair at 5:02 p.m.

Senator Szymoniak moved the adoption of amendment S—5975.

Amendment S—5975 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5974 filed by her from the floor to page 4 of the bill.

Senator Husak raised the point of order that amendment S—5974 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5974 out of order.

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. 2378) the vote was:

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

Ayes, 28:

Borlaug	Boswell	Dieleman	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Lind	Murphy
Pate	Priebe	Rife	Slife
Soorholtz	Taylor	Vande Hoef	Varn

Nays, 19:

Buhr	Connolly	Deluhery	Doyle
Gronstal	Kramer	Lloyd-Jones	Miller
Palmer	Peterson	Rensink	Riordan
Rittmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Tinsman	

Absent or not voting, 3:

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

Senator Hutchins asked and received unanimous consent that Senate File 2378 be immediately messaged to the House.

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 3, 1992, adopted the conference committee report and passed Senate File 2097, 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 a retroactive applicability provision, and providing effective date and applicability provisions.

The Senate stood at ease at 5:45 p.m. until the fall of the gavel.

The Senate resumed session at 7:09 p.m., Senator Sorensen presiding.

QUORUM CALL

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

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

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 3, 1992, adopted the second conference committee report and passed House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund.

ALSO: That the House has on May 3, 1992, adopted the second conference committee report and passed House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions.

ALSO: That the House has on May 3, 1992, 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 2373, a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates.

ALSO: That the House has on May 3, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2484, a bill for an act relating to speculative shell buildings by allowing a for-profit entity to receive a property tax exemption for the building under certain circumstances and allowing accelerated depreciation of the building for income tax purposes and providing applicability date provisions.

INTRODUCTION OF BILL

Senate File 2379, by Hutchins, a bill for an act relating to the inspection of slot machines prior to installation on an excursion

gambling boat and making technical corrections to pari-mutuel wagering and gambling game amendments, and providing effective and applicability dates.

Read first time and passed on file.

**SECOND CONFERENCE COMMITTEE
REPORT RECEIVED
(House File 2462)**

A second conference committee report signed by the following Senate and House members was filed May 3, 1992, on House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund:

On the Part of the Senate:

JIM RIORDAN, Chair
MIKE CONNOLLY
RICHARD RUNNING

On the Part of the House:

PHILIP WISE, Chair
ROBERT DVORSKY
CHARLES N. PONCY

**SECOND CONFERENCE COMMITTEE
REPORT ADOPTED**

House File 2462

Senator Riordan called up the second conference committee report on House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, filed on May 3, 1992, and moved its adoption.

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

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

On the question "Shall the bill pass?" (H.F. 2462) the vote was:

Ayes, 27:

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

Nays, 20:

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

Absent or not voting, 3:

McLaren	Tieden	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.

Senator Hutchins asked and received unanimous consent that House File 2462 be immediately messaged to the House.

SECOND CONFERENCE COMMITTEE REPORT RECEIVED (House File 2465)

A second conference committee report signed by the following Senate and House members was filed May 3, 1992, on House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions:

On the Part of the Senate:

RICHARD VARN, Chair
FLORENCE BUHR

On the Part of the House:

KAY CHAPMAN, Chair
RON CORBETT

MARY KRAMER
JIM LIND
LARRY MURPHY

THOMAS JOCHUM
C. ARTHUR OLLIE

SECOND CONFERENCE COMMITTEE REPORT ADOPTED

House File 2465

Senator Varn called up the second conference committee report on House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, filed on May 3, 1992.

President pro tempore Lloyd-Jones took the chair at 7:51 p.m.

Senator Varn moved the adoption of the second conference committee report.

The motion prevailed by a voice vote and the second 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. 2465) 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	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

McLaren

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 2465 be immediately messaged to the House.

The Senate stood at ease at 8:11 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:25 p.m., President Gronstal presiding.

QUORUM CALL

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

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

CONFERENCE COMMITTEE REPORT LOST

House File 2466

The Senate resumed consideration of House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, and the conference committee report, deferred on May 2, 1992.

Senator Kibbie moved the adoption of the conference committee report.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 2466) the vote was:

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

Ayes, 18:

Connolly	Deluhery	Gronstal	Hannon
Horn	Husak	Hutchins	Kibbie
Lloyd-Jones	Murphy	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 29:

Borlaug	Boswell	Buhr	Dieleman
Doyle	Drake	Fraise	Gettings
Hagerla	Hedge	Hester	Jensen
Kersten	Kinley	Kramer	Lind
Miller	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tinsman
Vande Hoef			

Absent or not voting, 3:

Fuhrman	McLaren	Tieden
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The motion lost.

Senator Hutchins asked and received unanimous consent that **House File 2466** be immediately messaged to the House.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on **House File 2466** on the part of the Senate: Senators Kinley, Chair; Gronstal, Lloyd-Jones, Lind and Rife.

The Senate stood at ease at 9:42 p.m. until the fall of the gavel.

The Senate resumed session at 10:30 p.m., President Gronstal presiding.

QUORUM CALL

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

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: HOUSE CONCURRENT RESOLUTION 119, a concurrent resolution commending the University of Iowa for leading the nation in championing gender equality in athletic programs and athletic scholarships.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Hutchins, Gronstal, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none. Pass, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House Concurrent Resolution 119.

House Concurrent Resolution 119

On motion of Senator Lloyd-Jones, House Concurrent Resolution 119, a concurrent resolution commending the University of Iowa for leading the nation in championing gender equality in athletic programs and athletic scholarships, with report of committee recommending passage, was taken up for consideration.

Senator Lloyd-Jones moved the adoption of House Concurrent Resolution 119, which motion prevailed by a voice vote.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2488, a bill for an act making an appropriation from the general fund of the state to a certain person in settlement of a claim against the state of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 18: Boswell, Husak, Buhr, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh. Nays, none. Absent or not voting, 3: Tieden, Connolly and McLaren.

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 2488.

House File 2488

On motion of Senator Kinley, House File 2488, a bill for an act making an appropriation from the general fund of the state to a certain person in settlement of a claim against the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Hagerla offered amendment S—5976 filed by him from the floor to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5976 be adopted?" (H.F. 2488) the vote was:

Ayes, 18:

Borlaug	Fraise	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	Pate	Rensink
Rife	Rittmer	Slife	Taylor
Tinsman	Vande Hoef		

Nays, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Soorholtz
Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Absent or not voting, 3:

Gettings	McLaren	Tieden
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Amendment S—5976 lost.

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. 2488) the vote was:

Ayes, 42:

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

Nays, 3:

Hagerla	Taylor	Vande Hoef
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Absent or not voting, 5:

Gettings	Hannon	Kersten	McLaren
Tieden			

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

Senator Running took the chair at 11:02 p.m.

LEADERSHIP RECOGNITION

President Gronstal, President pro tempore Lloyd-Jones, Majority Leader Hutchins and Minority Leader Rife were invited to the well and Senators Horn and Jensen presented each with an engraved pocket calculator/business card case and pen set on behalf of the members of the Senate in recognition of their leadership service during the Seventy-fourth General Assembly.

Each of the honored senators addressed the Senate with brief remarks.

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 3, 1992, appointed a second conference committee on **House File 2466**, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, and the members are: The Representative from Carroll, Mr. Peterson, Chair; the Representative from Lucas, Mr. Brown; the Representative from Polk, Mrs. Carpenter; the Representative from Johnson, Mrs. Neuhauser; the Representative from Iowa, Mr. Tyrrell.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2377.

Senate File 2377

On motion of Senator Welsh, Senate File 2377, a bill for an act relating to information subject to the review or control of the office of citizens' aide, with report of committee recommending passage, was taken up for consideration.

Senator Welsh asked and received unanimous consent that House File 2487 be substituted for Senate File 2377.

House File 2487

On motion of Senator Welsh, House File 2487, a bill for an act relating to information subject to the review or control of the office of citizens' aide, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2487) the vote was:

Ayes, 32:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Nays, 15:

Borlaug	Fuhrman	Hagerla	Hedge
Hester	Jensen	Kersten	Kramer
Lind	Pate	Rensink	Rife
Taylor	Tinsman	Vande Hoef	

Absent or not voting, 3:

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

WITHDRAWN

Senator Welsh asked and received unanimous consent that **Senate File 2377** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 2488, 2487** and **House Concurrent Resolution 119** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2302

Senator Rosenberg withdrew the motion to reconsider Senate File 2302, a bill for an act relating to domestic abuse, changing the definition of domestic abuse to include assaults between parents of the same child and persons who are involved or have been involved together in an engagement or marriage relationship,

providing for the adjudication of acts of domestic abuse as delinquent acts by minors, expanding the jurisdiction of magistrates to cover emergency domestic abuse orders, and providing penalties, filed by him on April 16, 1992, and found on page 1445 of the Senate Journal.

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 3, 1992, adopted the conference committee report and passed House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters.

INTRODUCTION OF BILL

Senate File 2380, by committee on Appropriations, a bill for an act relating to compensation and benefits for public employees by providing adjustments for salaries, by providing for other properly related matters, by making appropriations, and providing retroactive applicability and an effective date.

Read first time and placed on Appropriations Calendar.

CONFERENCE COMMITTEE REPORT RECEIVED

A conference committee report signed by the following Senate and House members was filed May 3, 1992, on House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures

and financial responsibility provisions, and providing for related matters:

On the Part of the Senate:

RALPH ROSENBERG, Chair
JOHN PETERSON
AL STURGEON

On the Part of the House:

DANIEL JAY, Chair
STEVE HANSEN
GARY SHERZAN

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2452

Senator Rosenberg called up the conference committee report on House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters, filed on May 3, 1992, 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?" (H.F. 2452) 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	Gronstal
Hagerla	Horn	Husak	Hutchins
Kibbie	Kinley	Kramer	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Rensink	Riordan	Rosenberg	Running

Slife	Sorensen	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 16:

Borlaug	Drake	Fuhrman	Hannon
Hedge	Hester	Jensen	Kersten
Lind	Pate	Priebe	Rife
Rittmer	Soorholtz	Taylor	Vande Hoef

Absent or not voting, 3:

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

Senator Hutchins asked and received unanimous consent that House File 2452 be immediately messaged to the House.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2380, a bill for an act relating to compensation and benefits for public employees by providing adjustments for salaries, by providing for other properly related matters, by making appropriations, and providing retroactive applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boswell, Husak, Buhr, Connolly, Gettings, Peterson, Riordan, Running, Szymoniak, Varn and Welsh. Nays, 8: Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Rensink, Rosenberg and Tinsman. Absent or not voting, 2: Tieden and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2380 and they were attached to the committee report.

CONSIDERATION OF BILL
(Appropriations Bill)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2380.

Senate File 2380

On motion of Senator Boswell, Senate File 2380, a bill for an act relating to compensation and benefits for public employees by providing adjustments for salaries, by providing for other properly related matters, by making appropriations, and providing retroactive applicability, was taken up for consideration.

Senator Drake offered amendment S—5977 filed by Senators Drake, et al., on May 3, 1992, to strike everything after the enacting clause and to the title page of the bill.

Senator Riordan took the chair at 1:04 a.m.

Senator Drake moved the adoption of amendment S—5977 and requested a record roll call.

On the question “Shall amendment S—5977 be adopted?” (S.F. 2380) the vote was:

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

Ayes, 25:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	Pate	Priebe	Rensink
Rife	Rittmer	Rosenberg	Slife
Soorholtz	Taylor	Tinsman	Vande Hoef
Varn			

Nays, 22:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gronstal
Hannon	Horn	Husak	Kibbie
Miller	Murphy	Palmer	Peterson
Riordan	Running	Sorensen	Sturgeon
Szymoniak	Welsh		

Absent or not voting, 3:

Gettings McLaren Tieden

Amendment S—5977 was adopted.

With the adoption of amendment S—5977, the Chair ruled the following amendments out of order:

S—5978 filed by Senator Boswell from the floor to page 3 of the bill.

S—5979 filed by Senator Connolly from the floor to page 6 of the bill.

S—5980 filed by Senator Boswell from the floor to pages 1, 3, 4 and 6 of the bill.

S—5981 filed by Senator Boswell from the floor to page 3 of the bill.

The Senate stood at ease at 1:47 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 1:50 a.m., President Gronstal presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings for the remainder of the session on request of Senator Hutchins.

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 Senate File 2380 and House File 2490.

BILL HUTCHINS
LEONARD L. BOSWELL
RALPH ROSENBERG

RICHARD VARN
BEVERLY A. HANNON
EMIL J. HUSAK
EUGENE FRAISE
WALLY E. HORN
JOHN P. KIBBIE
RICHARD RUNNING

Action on Senate File 2380 was temporarily deferred.

The Senate stood at ease until the fall of the gavel at 1:56 a.m.

The Senate resumed session at 2:20 a.m., President Gronstal presiding.

QUORUM CALL

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

The vote revealed 46 present, 4 absent and a quorum present.

CALL OF THE SENATE LIFTED

Senator Hutchins moved that the Call of the Senate be lifted.

A non record roll call was requested.

The ayes were 27, nays 19.

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

The motion prevailed and the Call of the Senate was lifted.

The Senate stood at ease at 2:35 a.m., until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:07 a.m., Senator Murphy presiding.

QUORUM CALL

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

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

BUSINESS PENDING

Senate File 2380

The Senate resumed consideration of Senate File 2380, a bill for an act relating to compensation and benefits for public employees by providing adjustments for salaries, by providing for other properly related matters, by making appropriations, and providing retroactive applicability, previously deferred.

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

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5977 to Senate File 2380 was adopted by the Senate on May 4, 1992.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2380) the vote was:

Ayes, 26:

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

Nays, 19:

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

Absent or not voting, 5:

Gettings	McLaren	Palmer	Priebe
Tieden			

The motion prevailed and amendment S—5977 by Senators Drake, et al., to strike everything after the enacting clause and to the title page of the bill, was taken up for reconsideration.

Senator Hutchins asked and received unanimous consent that action on amendment S—5977 and **Senate File 2380** be deferred.

The Senate stood at ease at 3:30 a.m., until the fall of the gavel.

The Senate resumed session at 4:08 a.m., Senator Riordan presiding.

QUORUM CALL

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

President Gronstal took the chair at 4:10 a.m.

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

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 4, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2490, a bill for an act relating to compensation and benefits for public employees by providing adjustments for salaries, by providing for other properly related matters, by making appropriations, and providing retroactive applicability.

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

ALSO: That the House has on May 4, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2378, a bill for an act relating to a limitation on the amount of property tax dollars that a city or county may collect from designated property tax levies and providing an effective date (S—5982).

HOUSE AMENDMENT CONSIDERED**Senate File 2378**

Senator Husak called up for consideration Senate File 2378, a bill for an act relating to a limitation on the amount of property tax dollars that a city or county may collect from designated property tax levies and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5982 filed May 4, 1992.

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

Senator Hutchins asked and received unanimous consent that **Senate File 2378 be immediately messaged** to the House.

The Senate stood at ease at 4:25 a.m. until the fall of the gavel.

The Senate resumed session at 4:32 a.m., Senator Riordan presiding.

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.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2302 be immediately messaged** to the House.

BUSINESS PENDING**Senate File 2380**

The Senate resumed consideration of Senate File 2380, a bill for an act relating to compensation and benefits for public employees by providing adjustments for salaries, by providing for other properly related matters, by making appropriations, and providing retroactive applicability and amendment S—5977 by Senators Drake, et al., previously deferred.

Senator Boswell offered amendment S—5983 filed by him from the floor to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5983 was adopted by a voice vote.

Senator Boswell asked and received unanimous consent that **House File 2490** be substituted for **Senate File 2380** as amended.

President Gronstal took the chair at 4:40 a.m.

House File 2490

On motion of Senator Boswell, House File 2490, a bill for an act relating to compensation and benefits for public employees by providing adjustments for salaries, by providing for other properly related matters, by making appropriations, and providing retroactive applicability, was taken up for consideration.

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. 2490) the vote was:

Ayes, 26:

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

Nays, 18:

Borlaug	Dieleman	Fuhrman	Hagerla
Hedge	Hester	Kersten	Kramer
Lind	McLaren	Pate	Rensink
Rife	Rittmer	Slife	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 6:

Drake	Gettings	Jensen	Priebe
Soorholtz	Tieden		

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

Senator Hutchins asked and received unanimous consent that **House File 2490** be **immediately messaged** to the House.

Senator Boswell asked and received unanimous consent that **Senate File 2380** be **withdrawn** from further consideration of the Senate.

The Senate stood at ease at 5:07 a.m. until the fall of the gavel.

The Senate resumed session at 5:32 a.m., Senator Gronstal 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 House has on May 4, 1992, adopted the second conference committee report and passed **House File 2466**, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 130, by committee on Rules and Administration, a senate concurrent resolution to provide for adjournment sine die.

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

QUORUM CALL

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

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen for the remainder of the session on request of Senator Vande Hoef.

SECOND CONFERENCE COMMITTEE REPORT RECEIVED

A second conference committee report signed by the following Senate and House members was filed May 4, 1992, on House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions:

On the Part of the Senate:

GEORGE KINLEY, Chair
JEAN LLOYD-JONES
MICHAEL GRONSTAL
JIM LIND
JACK RIFE

On the Part of the House:

MICHAEL PETERSON, Chair
JOEL BROWN
MARY NEUHAUSER
PHIL TYRRELL

SECOND CONFERENCE COMMITTEE REPORT ADOPTED

House File 2466

Senator Kinley called up the second conference committee report on House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, filed on May 4, 1992, and moved its adoption.

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

Senator 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. 2466) the vote was:

Ayes, 41:

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

Nays, 2:

Doyle Peterson

Absent or not voting, 7:

Drake	Gettings	Jensen	Priebe
Soorholtz	Taylor	Tieden	

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

Senator Hutchins asked and received unanimous consent that **House File 2466** 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 4, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2371, a bill for an act relating to the time of payment of state foundation aid to school corporations and providing effective and retroactive applicability date provisions.

ALSO: That the House has on May 4, 1992, 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 2486, a bill for an act relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992 (S—5984 to H—6098).

ALSO: That the House has on May 4, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 123, a house concurrent resolution to provide for adjournment sine die.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2486

Senator Boswell called up for consideration House File 2486, a bill for an act relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5984 to Senate amendment H—6098 filed May 4, 1992.

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

Senator Boswell 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. 2486) the vote was:

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

Ayes, 26:

Boswell	Connolly	Deluhery	Dieleman
Fraise	Gronstal	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller

Murphy
Slife
Varn

Riordan
Sorensen
Welsh

Rittmer
Szymoniak

Rosenberg
Tinsman

Nays, 16:

Borlaug
Hagerla
Palmer
Rife

Buhr
Kramer
Pate
Running

Doyle
Lind
Peterson
Sturgeon

Fuhrman
McLaren
Rensink
Vande Hoef

Absent or not voting, 8:

Drake
Priebe

Gettings
Soorholtz

Jensen
Taylor

Kersten
Tieden

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

Senator Hutchins asked and received unanimous consent that **House File 2486** be immediately messaged to the House.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 130, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gronstal, Rife, Husak, Kinley and Lloyd-Jones. Nays, none. Absent or not voting, 3: Gettings, Jensen and Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 130.

On motion of Senator Hutchins, Senate Concurrent Resolution 130, a senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Hutchins asked and received unanimous consent that **House Concurrent Resolution 123** be substituted for **Senate Concurrent Resolution 130**.

House Concurrent Resolution 123

On motion of Senator Hutchins, House Concurrent Resolution 123, a senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Hutchins moved the adoption of House Concurrent Resolution 123, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent that **House Concurrent Resolution 123** be immediately messaged to the House.

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2376, the following corrections were made:

1. Page 25, line 31, the word "Division ___" was changed to the words "Sec. 58."
2. Page 26, line 9, the words "Sections 500 through 504" were changed to the words "Sections 32 and 38 through 41".
3. Page 26, line 12, the words "section 500" were changed to the words "section 32".
4. Page 26, line 14, the words "section 501" were changed to the words "section 38".
5. Page 26, line 15, the words "sections 502 and 504" were changed to the words "sections 39 and 41".
6. Page 26, line 16, the words "section 503" were changed to the words "section 40".
7. Page 26, line 21, the words "Sections 150 through 152" were changed to the words "Sections 29 through 31".
8. Page 26, line 24, the words "Sections 200 and 201" were changed to the words "Sections 34 and 35".
9. Page 26, line 27, the words "Section 48" were changed to the words "Section 37".

JOHN F. DWYER
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 3, 1992, 9:50 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: Tieden, Ranking Member and McLaren (both excused).

Committee Business: Recommended passage of House File 2488; amended and approved LSB 6370 as a committee bill.

Adjourned: 10:00 p.m.

RULES AND ADMINISTRATION

Convened: May 3, 1992, 5:10 p.m.

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

Members Absent: none.

Committee Business: Recommended passage of House Concurrent Resolution 119.

Adjourned: 5:15 p.m.

STATE GOVERNMENT

Convened: May 3, 1992, 2:20 p.m.

Members Present: Kibbie, Chair; Buhr, Doyle, Drake, Horn, Kramer, Murphy, Pate, Running, Sorensen and Vande Hoef.

Members Absent: Lloyd-Jones, Vice Chair; Lind, Ranking Member; Dieleman, Gronstal, McLaren, Priebe, Rife, Soorholtz and Welsh (all excused).

Committee Business: Recommended passage of House File 2489.

Adjourned: 2:22 p.m.

WAYS AND MEANS

Convened: May 3, 1992, 1:37 p.m.

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

Members Absent: Dieleman and McLaren (both excused).

Committee Business: Approved SSB 2306 as a committee bill and recommended passage of House File 2484.

Adjourned: 1:43 p.m.

EXPLANATION OF VOTES

MR. PRESIDENT: I was in a conference committee when the vote was taken on House File 2484.

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

LINN FUHRMAN

MR. PRESIDENT: I was in a conference committee when the vote was taken on House File 2484.

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

RICHARD VANDE HOEF

AMENDMENTS FILED

(May 3, 1992)

S-5970	S.F.	2374	Leonard Boswell
S-5971	H.F.	2486	Mike Connolly
S-5972	H.F.	2484	Bill Hutchins
S-5973	S.F.	2378	Elaine Szymoniak
S-5974	S.F.	2378	Elaine Szymoniak
S-5975	S.F.	2378	Elaine Szymoniak Emil Husak
S-5976	H.F.	2488	Mark Hagerla
S-5977	S.F.	2380	Richard Drake Richard Varn Jim Lind Ralph Rosenberg Jean Lloyd-Jones

AMENDMENTS FILED

(May 4, 1992)

S-5978	S.F.	2380	Leonard Boswell
S-5979	S.F.	2380	Mike Connolly
S-5980	S.F.	2380	Leonard Boswell
S-5981	S.F.	2380	Leonard Boswell
S-5982	S.F.	2378	House amendment
S-5983	S.F.	2380	Leonard Boswell
S-5984	H.F.	2486	House amendment

The Senate stood at ease at 6:20 a.m. until the fall of the gavel.

The Senate resumed session, President Gronstal presiding.

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to Senate Rule 24, the following motions to reconsider which remained on the Senate calendar upon adjournment of the 1992 Regular Session of the Seventy-fourth General Assembly, will be considered to have failed:

HOUSE FILE 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations (Senate passed April 28, 1992). Motions filed by Senators Murphy, Boswell, Kibbie and Running on April 28, 1992.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2034, the following corrections were made:

1. Page 20, line 21, the words "Section 6" were changed to the words "Section 13".
2. Page 20, line 24, the words "Section 7" were changed to the words "Section 15".
3. Page 20, line 27, the words "Section 9" were changed to the words "Section 17".
4. Page 20, line 30, the words "Section 10" were changed to the words "Section 18".
5. Page 20, line 33 and 34, the words "Sections 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40" were changed to the words "Sections 4, 9, 10, 22, 12, 20, 22, 23, 25, 27, and 36".
6. Page 21, line 2, the words "Section 50" were changed to the words "Section 14".
7. Page 21, line 5, the words "Sections 60, 61, 62, 63, 64, and 65" were changed to the words "Sections 7, 8, 28, 29, 30, and 31".
8. Page 21, lines 7 and 8, the words "Sections 62, 63, and 64" were changed to the words "Sections 28, 29, and 30".

ALSO: That in enrolling Senate File 2097, the following corrections were made:

1. Page 19, line 34, the words "Sections 8 and 15" were changed to the words "Sections 36 and 42".

2. Page 20, line 1, the words "Section 2000" were changed to the words "Section 7".

3. Page 20, line 6, the words "Section 3333" were changed to the words "Section 28".

ALSO: That in enrolling Senate File 2329, the following corrections were made:

1. Page 2, line 25, the words "Section 6" were changed to the words "Section 5".

2. Page 2, line 27, the words "Sections 3, 4, and 5" were changed to the words "Sections 2, 3, and 4".

ALSO: That in enrolling Senate File 2345, the following corrections were made:

1. Page 24, line 32, the words "Section 200" were changed to the words "section 37".

2. Page 25, line 5, the words "Sections 11, 24 and 26" were changed to the words "Sections 12, 38 and 40".

3. Page 25, line 7, the words "Sections 18 and 19" were changed to the words "Sections 27 and 28".

ALSO: That in enrolling Senate File 2353, the following corrections were made:

1. Page 3, line 14, and page 8, line 16, the word "costmetology" was change to the word "cosmetology".

2. In Section 3 of the bill, the paragraphs were renumbered.

ALSO: That in enrolling Senate File 2355, the following corrections were made:

1. Page 45, line 15, the words "Section 100" were changed to the words "Section 26".

2. Page 70, line 19, the words "sections 201" were changed to the words "sections 40".

3. Page 70, lien 20, the words "through 206 and 208" were changed to the words "through 45 and 47".

ALSO: That in enrolling Senate File 2373, the following corrections were made:

1. Page 4, line 34, the word "duties." was changed to the word "duties:".

ALSO: That in enrolling Senate File 2375, the following correction was made:

1. Page 1, line 13, the word "~~department.~~" was changed to the word "~~department.~~"

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 4th day of May, 1992:

Senate Files 2371, 2254, 2241, 2353, 2375, 2329, 2351, 2034, 2355, 2367, 2356, 2348, 2373, 2347, 414, 2097, 2345 and Senate Joint Resolution 2009.

JOHN F. DWYER
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 4, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2035 — Relating to parental rights and obligations including the discharge of an adoptive parent's obligation for support of an adopted child, and providing for the act's applicability.

SENATE FILE 2117 — Relating to implementation of a statewide system utilizing a governmental services card.

SENATE FILE 2218 — Relating to the regulation of swimming pools, spas, and swimming pool or spa water heaters regulated by the Iowa department of public health and providing an effective date.

SENATE FILE 2316 — Relating to child support recovery.

SENATE FILE 2366 — 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 an effective date.

GOVERNOR'S VETO MESSAGE

May 4, 1992

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

Dear Madam Secretary:

Senate File 2372, a act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties, is hereby disapproved and transmitted to you in accordance with Article II, Section 16, of the Constitution of the State of Iowa.

Senate File 2372 would require employers who recruit non-English speaking residents of other states more than 500 miles from the place of employment to provide return transportation for the employee to the location from which the employee was recruited if the employee is discharged or dismissed within four weeks of an employee's initial date of employment. Senate File 2372 would also require employers to file reports to the Labor Commissioner concerning the employment of non-English speaking persons, and to have on file a written statement in the language of the employee providing certain information regarding the position of employment including an explanation of applicable employment laws in Iowa. A civil penalty of up to \$1,000 could be assessed against an employer for each violation per each employee.

The Commissioner of Labor would be authorized to charge an employer a fee for costs related to the certification of the written statements concerning employment which are provided to employees and kept on file by the employer.

I am unable to approve Senate File 2372 because current law provides sufficient information and protection to non-English speaking employees. Iowa employers are already required by law to provide information about employment to non-English speaking employees, such as the expected minimum number of hours of work per week, the amount of hourly wages, a description of tasks and responsibilities, and information about known health risks associated with a job. Employers are already subject to civil penalties for violation of the current requirements in Section 91E.3 of the Code, and current law requires employers to provide return transportation for an employee if the employee resigns within four weeks of the initial date of employment.

Employers should not have to provide return transportation for an employee terminated for good cause, and the additional reports and paperwork are unnecessary.

For the above reasons, I hereby respectfully disapprove Senate File 2372.

Sincerely,
TERRY E. BRANSTAD
Governor

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Secretary of the Senate:

DEPARTMENT OF COMMERCE Alcoholic Beverages Division

Annual Report for fiscal year ending June 30, 1991, pursuant to Chapter 123, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual Report for fiscal year 1991 of the Labor-Management Cooperation Council.

Annual Report for fiscal year 1991 of the Conservation Corps.

DEPARTMENT OF EDUCATION

A multi-year plan for elementary, secondary and postsecondary education, pursuant to Chapter 256.7(4), Code of Iowa. A report on "Funding Developmental Education in Iowa's Community Colleges", pursuant to Chapter 1254(32), 1990 Acts of the 73rd General Assembly.

1991 Annual Report on Iowa Child Development Coordinating Council, pursuant to Chapter 256.9(32), Code of Iowa.

DEPARTMENT OF EMPLOYMENT SERVICES

Annual Report, pursuant to Chapter 86.9, 91.4(5) and 96.10, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Annual Report and State Plan for fiscal year 1991.

DEPARTMENT OF PUBLIC HEALTH

A report on Substitute Medical Decision-Making, pursuant to Chapter 135.28(9), Code of Iowa. Annual Report, pursuant to Chapter 135.11(18), Code of Iowa.

Report of the Council on Chemically Exposed Infants, pursuant to Chapter 235C.1, Code of Iowa.

GENERAL ASSEMBLY OF VIRGINIA
HJR No. 62

Requests that state legislatures apply to Congress for proposal of a Constitutional amendment providing power to the President for a line-item veto of appropriation measures.

GENERAL ASSEMBLY OF WISCONSIN
Assembly Joint Resolution 27

Requesting appropriate action by the congress to propose an amendment to the U.S. constitution prohibiting the physical desecration of the flag of the United States.

IOWA COLLEGE AID COMMISSION

Higher Education Strategic Planning Council A report of "Draft Strategic Plan for Iowa Higher Education", pursuant to Chapter 1254.10, 1990 Acts of the 73rd General Assembly.

IOWA HEALTH DATA COMMISSION

Final report of the Iowa Health Care Utilization Task Force, pursuant to Senate File 538, 1989 Acts of the 73rd General Assembly.

IOWA HEALTH DATA COMMISSION

Iowa Hospital Resource & Outcome Report for the fiscal year ending June, 1991, pursuant to Chapter 145, Code of Iowa.

IOWA HIGHWAY RESEARCH BOARD

Annual Report for 1991, pursuant to Chapter 307D, Code of Iowa.

OFFICE OF THE TREASURER

A report of the state treasury for fiscal year ended June 30, 1991, pursuant to Chapter 12.17, Code of Iowa.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hutchins moved that a committee be appointed to notify the Governor that the Senate was ready to adjourn sine die in accordance with House Concurrent Resolution 123.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Lloyd-Jones and Rife.

COMMITTEE TO NOTIFY THE HOUSE

Senator Hutchins moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with House Concurrent Resolution 123.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Doyle 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 Doyle 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 Lloyd-Jones reported that the committee appointed to notify the Governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 123, duly adopted, the day of May 4, 1992, having arrived, President Gronstal declared the 1992 Regular Session of the Seventy-fourth General Assembly adjourned sine die.

MESSAGE FROM THE GOVERNOR

May 19, 1992

The Honorable Michael E. Gronstal
President of the Senate
State Capitol Building
L O C A L

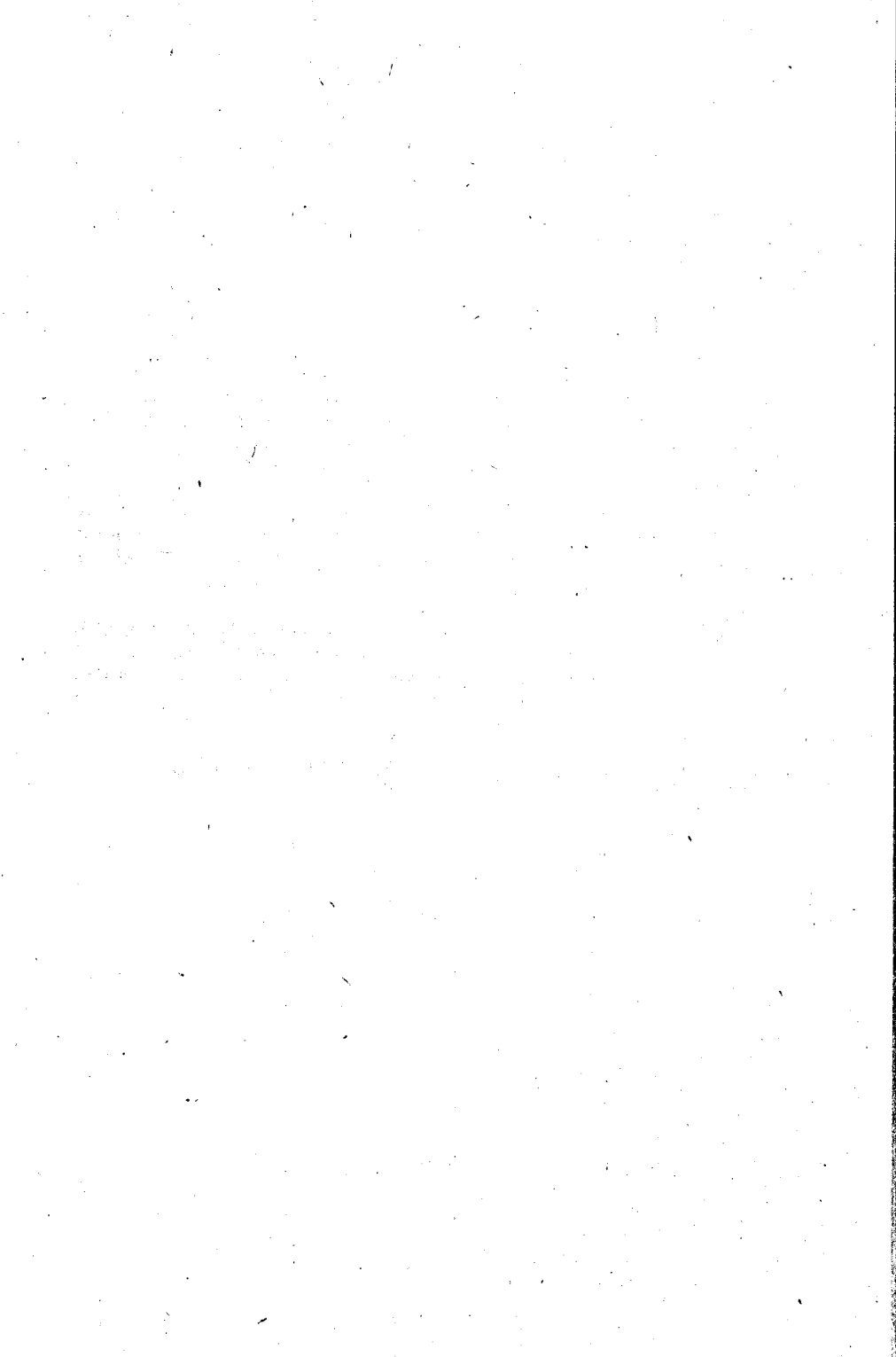
Dear Mr. President:

During the 1992 regular session of the Iowa General Assembly, we focused our efforts on the state budget problems and the need to reform spending. The Legislature took action to pass some significant reforms that will help control spending in future years, but we need to complete spending reform.

It is our responsibility as elected representatives of the people of Iowa to conserve their tax resources and use them efficiently and wisely to meet the needs of the state and to provide opportunities for Iowans. We need to continue our efforts to bring the state budget under control and to live within our means.

I encourage the members of the General Assembly to continue to address controls on spending and to find the courage to make difficult budget decisions now and in the future. The work we do now to restore fiscal responsibility to the state's budget and to maintain it is crucial to our state's future.

Sincerely,
TERRY E. BRANSTAD
Governor



**SUPPLEMENT
TO THE
SENATE JOURNAL**

**Seventy-fourth General Assembly
1992 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 1992 Regular Session:

- S.F. 414 — Relating to landlords and tenants. Approved May 19.
- S.F. 2034 — Relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the minimum amount below which no individual income tax is imposed, the increase in the rate of the sales and use taxes rate, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, mobile home tax reduction, homestead tax credit, and rent reimbursement claims, and generation skipping transfer tax returns, and making technical corrections to the state general fund expenditure limitation law, and providing effective and retroactive applicability dates. Vetoed May 22. See Governor's Veto Message.
- S.F. 2097 — 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 a retroactive applicability provision, and providing effective date and applicability provisions. Approved May 19.
- S.F. 2241 — Establishing a structured fines pilot program and providing an effective date. Approved May 14.
- S.F. 2249 — Relating to pari-mutuel racing and excursion boat gambling, charitable gaming, and raffles, prohibiting video lottery, providing a tax credit, providing for properly related matters, and providing effective and retroactive applicability dates. Approved May 14.
- S.F. 2254 — Relating to special land use districts and to the establishment of a certification program for backflow assembly testers, the creation of a combined water and sanitary district and a department of public works, providing for a governing board, providing penalties, and providing for other properly related matters and providing an effective date. Approved May 14.

- S.F. 2320 — Relating to state aid to school corporations and providing effective date and applicability provisions. Item vetoed and approved June 3. See Governor's Item Veto Message.
- S.F. 2329 — Relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision. Vetoed May 22. See Governor's Veto Message.
- S.F. 2345 — Relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date. Item Vetoed and approved June 3. See Governor's Item Veto Message.
- S.F. 2347 — Relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates. Item Vetoed and approved June 3. See Governor's Item Veto Message.
- S.F. 2348 — Relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date. Item vetoed and approved June 3. See Governor's Item Veto Message.
- S.F. 2351 — Relating to state budget and financial control by requiring certain financial practices, providing an appropriation, and providing effective date and applicability provisions. Approved June 2.
- S.F. 2353 — Relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees. Approved May 14.
- S.F. 2355 — Relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates. Item vetoed and approved June 3. See Governor's Item Veto Message.
- S.F. 2356 — Legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date. Approved May 15.
- S.F. 2367 — Relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date. Item vetoed and approved May 15. See Governor's Item Veto Message.

- S.F. 2371 — Relating to the time of payment of state foundation aid to school corporations and providing effective and retroactive applicability date provisions. Approved May 5.
- S.F. 2373 — Relating to state budgeting processes and providing applicability provisions and effective dates. Vetoed June 3. See Governor's Veto Message.
- S.F. 2375 — Relating to the powers and duties of the health data commission, and providing for the collection of fees. Approved May 14.
- S.J.R. 2009 — Authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments. Approved May 14.

GOVERNOR'S ITEM VETO MESSAGES

May 15, 1992

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

Dear Madam Secretary:

I hereby transmit Senate File 2367, an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date.

Senate File 2367 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 107, in its entirety. This provision would cap the funding available to the Executive Council to pay for court costs of state agencies at \$192,826 for fiscal year 1992. To date, \$250,375.86 has been approved and/or expended by the Executive Council to pay for the services provided by outside counsel in this fiscal year. Additional claims totaling in excess of \$200,000 are expected to be submitted this year, including requests from the attorney general's office. Given that the proposed cap has already been exceeded and additional demands for payment are expected, this provision cannot be approved.

I am unable to approve the item designated as the second unnumbered and unlettered paragraph of Section 201, in its entirety. This provision would authorize an unlimited expenditure of use tax revenues for purposes unrelated to the construction and maintenance of the state's highways. Subsequent to the passage of this bill, the legislature approved Senate File 2347 which includes language repealing this provision.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2367 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 3, 1992

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

Dear Madam Secretary:

I hereby transmit Senate File 2320, an act relating to state aid to school corporations and providing effective date and applicability provisions.

Senate File 2320 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 3 and Section 16, in their entirety. These provisions would change the date on which the Department of Management is required to compute a state percent of growth under Chapter 257, the school foundation program. Because the provisions of Senate File 2351 establish a new method for determining the state percent of growth, and are in conflict with Senate File 2320, these items cannot be approved.

I am unable to approve the items designated as Section 4, Section 5, and Section 13, in their entirety. These sections would recalculate the special education support services cost per pupil based on the revised weighted enrollment established by this Act. The special education support services cost per pupil for the 1993 fiscal year should not be changed, and I am unable to approve these items. Notwithstanding the disapproval of these provisions, the budget for area education agency special education support services will increase by more than \$5 million in the 1993 fiscal year.

I am unable to approve the item designated as Section 7, in its entirety. Because the provisions of this section are inconsistent with the provisions of Senate File 2371, which has previously been approved, this item cannot be approved.

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 2320 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 3, 1992

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

Dear Madam Secretary:

I hereby transmit Senate File 2345, an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, creating a litigation expense fund and making appropriations, providing for properly related matters, and providing an effective date.

Senate File 2345 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 3, subsection 2, paragraph b, in its entirety. This provision expresses the intent of the General Assembly to include any new classification of Riverboat Law Enforcement Officers as a "protection occupation" within the Iowa Public Employees Retirement System. If it is appropriate to include the classification of Riverboat Law Enforcement Officer as a protection occupation, the General Assembly should enact legislation to amend Section 97B.49, subsection 16, paragraph d, of the Code.

I am unable to approve the item designated as Section 13, in its entirety. This provision states that the General Assembly and Governor are opposed to the federal regulation requiring a hard suspension of a drivers license for drug related convictions. I support a hard suspension for drug related convictions and, in fact, have submitted proposed legislation to bring Iowa into conformity. Iowa needs to be a leader in the effort to control illegal drug use. This provision goes in the wrong direction.

I am unable to approve the item designated as Section 14, in its entirety. This section would require the creation of a new legislative committee to review state transportation policy issues with members of the State Transportation Commission. The legislative process offers adequate opportunity for members of both the standing and joint appropriation committees on transportation to discuss transportation policy issues. The creation of a new legislative committee for this purpose is duplicative and unnecessary.

I am unable to approve the item designated as Section 19, in its entirety. This section provides that the Iowa Law Enforcement Academy Council would appoint the Director of the Iowa Law Enforcement Academy. The appointment of the director should be consistent with the appointment of other agency directors. The appointment should be made by the Governor with confirmation by the Senate.

I am unable to approve the items designated as Sections 23 and 24, in their entirety. These provisions would require county governments to increase expenditures from county budgets for farm-to-market and secondary roads. Because county governments should not be required to increase property taxes for these purposes, these items cannot be approved.

I am unable to approve the item designated as Section 41, in its entirety. This provision would repeal the extension of the sunset on workers' compensation insurance rate regulation to July 1, 1994, as provided in Senate File 2345. By disapproving this provision, the regulations will sunset July 1, 1994.

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 2345 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 3, 1992

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

Dear Madam Secretary:

I hereby transmit Senate File 2347, an act relating to budgetary and administrative matters by providing for appropriations and revenue, and providing for statutory changes, including matters involving agriculture and natural resources, and providing effective dates.

Senate File 2347 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, in its entirety. This section appropriates \$192,426 for a lamb and wool education program which is administered through the community colleges. This program was designed to be a temporary pilot project and other funds should be sought to provide ongoing support for the program.

I am unable to approve the item designated as Section 6, subsection 8, in its entirety. This section appropriates \$129,279 to the Green Thumb Program. It is not possible to continue the program given existing budget limitations. Other employment opportunities may be available through the seasonal employment programs in state agencies.

I am unable to approve the item designated as Section 8, subsection 3, in its entirety. This section appropriates \$144,320 to the Fish and Game Trust Fund. Because the Fish and Game Trust Fund, which is not part of the general fund, has a sufficient operating balance, this transfer is not necessary.

I am unable to approve the item designated as Section 11, in its entirety. This section mandates that \$50,000 appropriated to the Agriculture Experiment Station be transferred to the Department of Agriculture and Land Stewardship to administer a new program to control predator damage to livestock. By disapproving this item, the Board of Regents will revert \$50,000 to the general fund of the state at the end of fiscal year 1993.

I am unable to approve the item designated as Section 12, subsection 2, in its entirety. This section appropriates \$500,000 for waste reduction and recycling programs and \$400,000 for soil and water conservation practices. Alternative sources of funding already exist for these programs. By disapproving this item, the Department of Natural Resources will revert \$900,000 to the general fund of the state at the end of fiscal year 1993.

I am unable to approve the item designated as Section 13, in its entirety. This section appropriates \$99,445 for a new program to stabilize eroded stream banks. Because this new program has implications for ongoing funding, I am unable to approve this item.

I am unable to approve the item designated as Section 14, in its entirety. This section appropriates \$397,780 for the continued dredging of Black Hawk Lake. Section 42 of this bill requires that the Natural Resource Commission approve all dredging projects. Because this section is not consistent with Section 42 and because resources are available from the marine fuel tax fund to continue the dredging of Black Hawk Lake, I am unable to approve this item.

I am unable to approve the item designated as Section 24, in its entirety. This section mandates that the Department of Natural Resources request an appropriation to pay all taxes on land purchased after July 1, 1992. Because most land purchases are now paid for through the REAP program or the Wildlife Habitat Stamp, both of which include payment for applicable taxes, I cannot approve this item.

I am unable to approve the item designated as Section 68, in its entirety. This section would allow the Grain Warehouse Bureau to carry forward for one year any reimbursement received for administration of a receivership from the federal government. This type of receipt is a repayment receipt as defined in Section 8.2 of the Code and must be expended in the year it is received or be reverted to the general fund.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2347 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 3, 1992

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
LOCAL

Dear Madam Secretary:

I hereby transmit Senate File 2348, an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date.

Senate File 2348 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 7, subsection 3, and Sections 18, 19, 25 and 26, in their entirety. These sections appropriate funds and establish program guidelines for a new Child Custody Pilot Program. The State has received a Federal Family Support Act grant which is being used to study such issues as mediation, family counseling and visitations. The State should review the results of this study before establishing a new program.

I am unable to approve the items designated as Sections 13, 22, and 23, in their entirety. These sections would extend the sunset on the Farmers Mediation and Farmers Legal Assistance programs from July 1, 1993, to July 1, 1995. These programs were developed to address the farm crisis of the 1980's. Extensions of these programs should be examined annually.

I am unable to approve the items designated as Sections 14, 15, and 16, in their entirety. These sections would require the Department of Human Services and the Department of Corrections to receive approval from the General Assembly prior to the sale of any farmland. These departments should retain the authority to dispose of real property under their control.

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 others items in Senate File 2348 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 3, 1992

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
LOCAL

Dear Madam Secretary:

I hereby transmit Senate File 2355, an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving health care and providing for effective and applicability dates.

Senate File 2355 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 3, in its entirety. This provision appropriates \$276 million for medical assistance programs. It is imperative that the State of Iowa address the issue of escalating costs for medical services. Without adequate cost containment, we will be unable to bring the state budget under control.

I am unable to approve the item designated as Section 5, subsection 4, in its entirety. This provision would require the state to pay an additional \$940,000 annually to residential care facilities for residents under the supplementary assistance program. Because this funding requirement has not been incorporated into the appropriation for state supplementary assistance, this item cannot be approved.

I am unable to approve the item designated as Section 25, subsection 5, in its entirety. This subsection transfers \$20,000 from the appropriation for mental health/mental retardation/development disabilities/brain injury community services to the Legislative Service Bureau to develop a plan to restructure the MH/MR/DD system. Because the Legislative Service Bureau is one of the few remaining agencies which have a standing unlimited appropriation, funding for this purpose should come from that agency's budget. By disapproving this item, the Department of Human Services will revert \$20,000 to the general fund of the state at the end of fiscal year 1993.

I am unable to approve the item designated as Section 33, subsection 4, paragraph a, in its entirety. This provides for future increases in reimbursement payments to foster parents. Because House File 2480, as amended by House File 2486, provides for an increase in reimbursement payments, I am unable to approve this section.

I am unable to approve the items designated as Sections 40 through 47, in their entirety. Given current financial constraints, I am unable to approve the expenditure of \$1.3 million for the new programs established by these sections.

I am unable to approve the items designated as Sections 49 through 62, in their entirety. These sections provide for registration, licensing and certification of acupuncturists. This issue requires additional study and cannot be approved.

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 others items in Senate File 2355 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

GOVERNOR'S VETO MESSAGES

May 22, 1992

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
LOCAL

Dear Madam Secretary:

Senate File 2034, an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the minimum amount below which no individual income tax is imposed, the increase in the rate of the sales and use taxes rate, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, mobile home tax reduction, homestead tax credit, and rent reimbursement claims, and generation skipping transfer tax returns, and making technical corrections to the state general fund expenditure limitation law, and providing effective and retroactive applicability dates, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

In the Proclamation calling for a special session, I asked the General Assembly to complete the task of reforming the spending practices of state government. I indicated that the enactment of these reforms was a prerequisite to considering an increase in the sales tax. These reforms are necessary to achieve balanced budgets in future years and to prevent additional tax increases.

I am deeply disappointed that the General Assembly did not complete the work of achieving long-term fiscal reform, specifically in the areas of restraining the growth in property taxes, addressing the escalating costs of Medicaid services, and providing for the equitable compensation for all state employees.

If I approved this bill without adequate spending reform, I could not assure the taxpayers of Iowa that additional tax increases would not follow in future years. As I have indicated to legislative leaders and to the people of Iowa, I must insist that the work in spending reforms be completed.

For the above reasons, I hereby respectfully disapprove Senate File 2034.

Sincerely,
TERRY E. BRANSTAD
Governor

May 22, 1992

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
LOCAL

Dear Madam Secretary:

Senate File 2329, an act relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2329 would expand eligibility for unemployment insurance benefits by eliminating the deduction from unemployment benefits the compensation which individuals receive for vacation pay, severance pay, and pensions, and by allowing benefits to be paid to certain individuals who would otherwise be ineligible under the federal Emergency Unemployment Compensation Act.

An individual who is otherwise eligible for unemployment insurance, but who is being compensated by an employer for vacation benefits or other benefits, should not be eligible to receive unemployment compensation. After benefits which are being provided by an employer have been exhausted, eligible individuals should be able to receive unemployment compensation. It would be inappropriate for an individual to receive both unemployment compensation and compensation from an employer during the same period.

Additionally, it would be inappropriate to provide unemployment compensation benefits, which would be financed entirely by Iowa employers, to individuals who do not meet the eligibility requirements under the Emergency Unemployment Compensation Act recently approved by Congress. Eligibility requirements for extended unemployment benefits in Iowa should be the same as provided in other states under federal law.

The impact on the Iowa Unemployment Compensation Trust Fund should be seriously evaluated when changes in unemployment benefits are considered. Over the next ten years, Senate File 2329 would increase employer contributions to the Trust Fund by nearly \$53 million, increase unemployment benefit payments

by \$40 million, and result in the loss of nearly \$8 million in interest earned by the Trust Fund. During the next seven years, the balance in the Unemployment Compensation Trust Fund is projected to decline by nearly two-thirds. Given the projected decline in available resources for unemployment benefits, it would be unwise to expand the eligibility for benefits at the present time.

For the above reasons, I hereby respectfully disapprove Senate File 2329.

Sincerely,
TERRY E. BRANSTAD
Governor

June 3, 1992

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

Dear Madam Secretary:

Senate File 2373, an act relating to state budgeting processes and providing applicability provisions and effective dates, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

In January, I recommended to the General Assembly several key reforms to the budgeting process that I felt would have a significant, long-term impact in state finances. These reforms included a provision for the automatic sunset of all programs, paired with a recommendation for the General Assembly to return to biennial budgeting.

This bill contains provisions relating to program review and biennial budgeting, however, these provisions are vastly different from the concepts I proposed. My plan called for the automatic expiration of all programs, on a six-year cycle, in the absence of affirmative action to renew them. Thus, the burden of proof would have been on the program to rejustify its existence. In contrast, under the concept of program review contained in this bill, the burden of proof is on the reviewer to show why the program should not be continued.

I am also disappointed the General Assembly chose not to return to a biennial budgeting cycle, as had been recommended by the Fisher Commission. The bill would require the Governor to develop and submit a biennial budget, however, the General Assembly would not be subject to this requirement. Biennial budgeting would prompt the General Assembly to look beyond a single year in making budget decisions. I believe the lack of foresight has contributed to our current financial problems. Moreover, in the absence of additional resources for this purpose, a biennial budget cycle is necessary to free up resources for program review.

There are several provisions in the bill that are unacceptable. First, two dates are changed that would shorten the window in which the Governor's budget and program recommendations are to be developed. Yet, these date changes would not hasten the delivery of my budget to the General Assembly. Any adjustment in statutory deadlines should benefit the Governor and/or the General Assembly, rather than merely serving as a convenience to the legislative staff.

Second, this bill would give the Legislative Fiscal Bureau the responsibility for determining the format of agency budget requests. This responsibility should remain with the executive branch.

To the extent that resources permit, I pledge to continue the activities such as strategic planning that would have become mandatory under this bill. It is also my intention to develop and submit biennial budgets, as has been past practice. However, in the absence of funding, I am unable to accept new legislative mandates.

For the above reasons, I hereby respectfully disapprove Senate File 2373.

Sincerely,
TERRY E. BRANSTAD
Governor

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition subsequent to adjournment of the 1992 Regular Session:

Todd Pritchard, Davenport — For attaining the coveted rank of Eagle Scout. Senator Rife (5-15-92).

Clay Schuett, Wilton — Best of Class 1992. Senator Rife (5-15-92).

Bill Prochaska, Fayette — For retirement after 21 years as Upper Iowa Basketball Coach. Senator Murphy (5-15-92).

Richard (Dutch) Stofer, Oelwein — For retiring magistrate Fayette County. Senator Murphy (5-15-92).

Unity Christian High School, Orange City — For winning the Class 2A Girls State Track Meet 1992. Senator Rensink (5-27-92).

Art's Way Manufacturing, Armstrong — For receiving the Iowa Small Business of the Year Award for Emmet County. Senator Kibbie (5-29-92).

Tecton Industries, Inc., Spencer — For receiving the Iowa Small Business of the Year Award for Clay County. Senator Kibbie (5-29-92).

Farmers Exchange Coop Elevator, Lake Park — For receiving the Iowa Small Business of the Year Award for Dickinson County. Senator Kibbie (5-29-92).

Shaver Manufacturing, Graettinger — For receiving the Iowa Small Business of the Year Award for Palo Alto County. Senator Kibbie (5-29-92).

Doug Peterson, Bettendorf — For attaining the coveted rank of Eagle Scout. Senator Tinsman (6-14-92).



AMENDMENTS FILED

**During The
Seventy-fourth General Assembly
1992 Regular Session**

S-5001

- 1 Amend House File 695, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 3, line 11, by striking the figure "1991"
- 4 and inserting the following: "1992".
- 5 2. Page 3, line 19, by striking the figure "1991"
- 6 and inserting the following: "1992".

WILLIAM W. DIELEMAN

S-5002

- 1 Amend House File 39 as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 8 and
- 4 inserting the following:
- 5 "Section 1. Section 331.604, Code Supplement 1991,
- 6 is amended to read as follows:
- 7 331.604 GENERAL RECORDING AND FILING FEE.
- 8 1. Except as otherwise provided by state law or
- 9 section 331.605, subsection 2, the recorder shall
- 10 collect a fee of five dollars for each page or
- 11 fraction of a page of an instrument which is filed or
- 12 recorded in the recorder's office. If a page or
- 13 fraction of a page contains more than one transaction,
- 14 the recorder shall collect the fee for each
- 15 transaction."

ALLEN BORLAUG
ALVIN V. MILLER

S-5003

- 1 Amend Senate File 2011 as follows:
- 2 1. Page 4, by striking lines 18 through 20.
- 3 2. Page 15, line 20, by striking the words "Iowa
- 4 veterans home" and inserting the following:
- 5 "commission of veterans affairs".

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chairperson

S-5004

- 1 Amend Senate File 2011 as follows:
- 2 1. Page 12, line 27, by striking the word

3 "commandant" and inserting the following:
4 "commission".

WILLIAM W. DIELEMAN

S-5005

1 Amend Senate File 2020 as follows:
2 1. Page 1, by striking lines 6 through 8 and
3 inserting the following: "because of a head injury,
4 autism, behavioral disorder, or physical, mental,
5 communication or learning disabilities or who are
6 behaviorally disordered disability, as defined by the
7 rules of the department of".

ELAINE SZYMONIAK

S-5006

1 Amend Senate File 2015 as follows:
2 1. Page 1, by inserting after line 4 the
3 following:
4 "Sec. 2. Section 261.1, subsection 5, unnumbered
5 paragraph 1, Code Supplement 1991, is amended to read
6 as follows:
7 Eight additional members to be appointed by the
8 governor. One of the members shall be selected to
9 represent private colleges, private universities and
10 private junior colleges located in the state of Iowa.
11 When appointing this member, the governor shall give
12 careful consideration to any person or persons
13 nominated or recommended by any organization or
14 association of some or all private colleges, private
15 universities and private junior colleges located in
16 the state of Iowa. One of the members shall be
17 selected to represent the executive director of the
18 organization or association of community colleges that
19 represents the largest number of community colleges
20 located in the state of Iowa. When appointing this
21 member, the governor shall give careful consideration
22 to any person or persons nominated or recommended by
23 any organization or association of Iowa community
24 colleges. One member shall be enrolled as a student
25 at a board of regents institution, community college,
26 or accredited private institution. One member shall
27 be a representative of a lending institution located
28 in this state. One member shall be a representative
29 of the Iowa student loan liquidity corporation. The
30 other three members, none of whom shall be official
31 board members or trustees of an institution of higher

32 learning or of an association of institutions of
 33 higher learning, shall be selected to represent the
 34 general public."

JOHN P. KIBBIE

S-5007

1 Amend Senate File 2010 as follows:
 2 1. Page 1, line 3, by striking the words "shotgun
 3 shell" and inserting the following: "shotshell or
 4 cartridge".
 5 2. Page 1, by inserting after line 6 the
 6 following:
 7 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
 8 of immediate importance, takes effect upon enactment."
 9 3. Title, line 3, by inserting after the word
 10 "applicable" the following: ", and providing an
 11 effective date".

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5008

1 Amend Senate File 2064 as follows:
 2 1. Page 3, line 7, by inserting after the word
 3 "municipality.", the following: "The plan of
 4 repayment by the municipality shall not take into
 5 consideration any potential recovery of investment
 6 loss. If the municipality recovers any portion of an
 7 investment loss for which it has a loan agreement, the
 8 amount recovered shall be immediately paid to the
 9 authority to be applied by it against the
 10 municipality's obligation in accordance with the terms
 11 of the loan agreement."

COMMITTEE ON APPROPRIATIONS
 LEONARD L. BOSWELL, Chairperson

S-5009

1 Amend House File 2061 as follows:
 2 1. Page 1, by inserting after line 25 the
 3 following:
 4 "Sec. 100. Section 411.38, unnumbered paragraph 2,
 5 Code 1991, is amended to read as follows:
 6 It is the intent of the general assembly that a
 7 terminated city fire or police retirement system shall
 8 not subsidize any portion of any other system's

9 unfunded liabilities in connection with the transition
10 to the statewide system. If the assets of a
11 terminated city fire or police retirement system
12 exceed the amount sufficient to cover the accrued
13 liabilities of that terminated system as of January 1,
14 1992, as determined by the actuary of the statewide
15 system, all excess funds and the interest and earnings
16 from those excess funds shall be used only to reduce
17 the city's contribution rate to the statewide system.
18 The participating city shall determine what portion of
19 the excess funds shall be applied to reduce the city's
20 contribution rate for a given year."

21 2. Page 1, by inserting before line 26 the
22 following:

23 "Sec. 101. NEW SECTION. 411.39 BENEFITS FOR
24 EMPLOYEES OF THE BOARD OF TRUSTEES FOR THE STATEWIDE
25 SYSTEM.

26 1. As used in this section, unless the context
27 otherwise requires:

28 a. "Benefit programs" mean the state life
29 insurance program, the state health or medical
30 insurance program, and the state employees disability
31 program administered by the department of personnel.

32 b. "Employees" mean the secretary and other
33 employees of the board of trustees for the statewide
34 fire and police retirement system.

35 2. Employees are eligible to participate in the
36 benefit programs for state employees. Participation
37 in the benefit programs is optional, and an employee
38 may participate by filing an election, in writing,
39 with the board of trustees for the statewide system.
40 The board of trustees shall file these elections with
41 the department of personnel.

42 3. The board of trustees shall determine what, if
43 any, amount of the costs or premiums of the benefit
44 programs shall be paid by the participating employees,
45 and shall deduct the amount from the wages of the
46 participating employees. The board of trustees shall
47 pay the remaining costs or premiums of the benefit
48 programs from the fire and police retirement fund,
49 including any portion to be attributed to an employer,
50 and shall forward all amounts paid by participating

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1 employees and the board to the department of
2 personnel.

3 4. Participating employees shall be exempted from
4 preexisting medical condition waiting periods.

5 Participating employees may change programs or

6 coverage under the state health or medical service
 7 group insurance plan subject to the enrollment rules
 8 established for full-time state employees excluded
 9 from collective bargaining as provided in chapter 20.
 10 A participating employee or the participating
 11 employee's surviving spouse shall have the same rights
 12 upon final termination of employment or death as are
 13 afforded full-time state employees and the employees'
 14 surviving spouses excluded from collective bargaining
 15 as provided in chapter 20."

16 3. Page 1, by striking lines 26 through 28 and

17 inserting the following:

18 "Sec. 102. EFFECTIVE AND RETROACTIVE APPLICABILITY
 19 DATES. This Act, being deemed of immediate
 20 importance, takes effect upon enactment, and sections
 21 1 and 100 apply retroactively to May 3, 1990."

22 4. Title page, line 3, by inserting after the
 23 word "system," the following: "providing for the use
 24 of excess funds of terminated city systems,".

25 5. Title page, line 3, by inserting after the
 26 word "system," the following: "providing for certain
 27 benefits for employees of the statewide system,".

28 6. By renumbering as necessary.

JOHN KIBBIE

S-5010

1 Amend Senate File 2060 as follows:

2 1. By striking page 1, line 26 through page 3,
 3 line 11, and inserting the following:

4 "Sec. ____ . EFFECTIVE AND RETROACTIVE APPLICABILITY
 5 DATES. This Act, being deemed of immediate
 6 importance, takes effect upon enactment, and applies
 7 retroactively to May 3, 1990."

8 2. Title page, by striking lines 2 through 6 and
 9 inserting the following: "or police retirement
 10 systems with unfunded accrued liabilities to the
 11 statewide system, and providing effective and
 12 retroactive applicability dates."

13 3. By renumbering and correcting internal
 14 references as necessary.

JOHN KIBBIE

S-5011

1 Amend amendment, S-5003, to Senate File 2011, as
 2 follows:

3 1. Page 1, line 2, by inserting after the figure

- 4 "20" the following: ", and inserting the following:
 5 3. The office of the commission shall be located
 6 at the Iowa veterans home."
 7 2. By renumbering and as necessary.

JOHN KIBBIE
 EMIL HUSAK

S-5012

- 1 Amend Senate File 2064 as follows:
 2 1. Page 6, line 7, by striking the word
 3 "contiguously" and inserting the following:
 4 "contingently".
 5 2. Page 7, line 12, by striking the word
 6 "department" and inserting the following:
 7 "departments".
 8 3. Page 7, line 18, by striking the word
 9 "department" and inserting the following:
 10 "departments".

JOHN P. KIBBIE

S-5013

- 1 Amend Senate File 395 as follows:
 2 1. Page 1, by striking lines 1 through 3 and
 3 inserting the following:
 4 "Section 1. Section 135.63, Code Supplement 1991,
 5 is amended by adding the following new subsection:
 6 ' NEW SUBSECTION. 4. Effective July 1, 1992, this
 7 division".
 8 2. Page 1, line 17, by striking the word
 9 "PATIENTS" and inserting the following: "RESIDENTS".
 10 3. Page 1, line 22, by inserting after the word
 11 "admission" the following: "regardless of the source
 12 of payment for services".
 13 4. Page 1, line 26, by striking the word
 14 "patients" and inserting the following: "residents".
 15 5. Page 2, line 9, by striking the figure "1993"
 16 and inserting the following: "1994".

RICHARD V. RUNNING

S-5014

- 1 Amend Senate File 2010 as follows:
 2 1. Page 1, lines 4 and 5, by striking the words
 3 "~~exploding, or detonating, or igniting and burning~~"
 4 and inserting the following: "exploding or

5 detonating".
 6 2. Page 1, line 6, by inserting after the word
 7 "impact" the following: "or any shotshell or
 8 cartridge containing exothermic pyrophoric misch metal
 9 as a projectile which is designed to throw or project
 10 a flame or fireball to simulate a flamethrower".

DONALD V. DOYLE

S-5015

1 Amend the amendment, S-5009, to House File 2061, as
 2 passed by the House, as follows:
 3 1. Page 1, by striking lines 16 through 20 and
 4 inserting the following: "from those excess funds
 5 shall be used only as approved by the city council of
 6 the participating city. However, the city council
 7 shall only approve use of the excess funds for any or
 8 all of the following: Reduction of the city's
 9 contribution to the statewide system, reduction of the
 10 members' contributions to the statewide system,
 11 benefit improvement for members who were employed by
 12 the participating city prior to January 1, 1992."

ALLEN BORLAUG

S-5016

1 Amend Senate File 2064 as follows:
 2 1. Page 7, by inserting after line 8 the follow-
 3 ing:
 4 "Sec. ____ . Sections 220.171 through 220.176 are
 5 repealed on August 1, 1993. The repeal of sections
 6 220.171 through 220.176 shall not affect the operation
 7 or enforceability of any action taken or agreement
 8 entered into pursuant to sections 220.171 through
 9 220.176 prior to August 1, 1993, by the authority, a
 10 municipality, or a bondholder or noteholder, and
 11 section 4.13 shall apply."
 12 2. By renumbering as necessary.

DERRYL McLAREN
 JOHN P. KIBBIE
 HARRY SLIFE
 MARK R. HAGERLA
 EMIL J. HUSAK
 JIM RIORDAN
 LEONARD L. BOSWELL
 FLORENCE BUHR
 WALLY HORN

LARRY MURPHY
BEVERLY A. HANNON

S-5017

- 1 Amend Senate File 2034 as follows:
- 2 1. Page 3, line 29, by striking the word "in".
- 3 2. Page 3, by striking lines 30 through 34 and
- 4 inserting the following: "of one thousand dollars or
- 5 more derived from gambling activities authorized under
- 6 chapter 99B, 99D, or 99E or derived from slot machines
- 7 authorized under chapter 99F."

RALPH ROSENBERG
LARRY MURPHY
JACK W. HESTER
PAUL D. PATE
JIM LIND
JOHN P. KIBBIE
WALLY E. HORN
MIKE CONNOLLY

S-5018

- 1 Amend Senate File 2036 as follows:
- 2 1. Page 2, line 27, by inserting before the word
- 3 "ASSISTANCE" the following: "INFORMATION AND
- 4 TECHNICAL".
- 5 2. Page 2, line 29, by inserting before the word
- 6 "assistance" the following: "technical".
- 7 3. Page 2, line 32, by inserting before the word
- 8 "assistance" the following: "technical".
- 9 4. Page 3, line 3, by inserting before the word
- 10 "assistance" the following: "technical".

COMMITTEE ON STATE GOVERNMENT
JOHN KIBBIE, Chairperson

S-5019

- 1 Amend the amendment, S-5009, to House File 2061, as
- 2 passed by the House, as follows:
- 3 1. Page 1, by striking lines 16 through 20 and
- 4 inserting the following: "from those excess funds
- 5 shall be used only as approved by the city council of
- 6 the participating city. However, the city council
- 7 shall only approve use of the excess funds for any or
- 8 all of the following: Reduction of the city's

9 contribution to the statewide system and reduction of
10 the members' contributions to the statewide system."

ALLEN BORLAUG

S-5020

1 Amend the amendment, S-5017, to Senate File 2034 as
2 follows:

3 1. Page 1, by striking lines 2 through 7 and in-
4 serting the following:

5 "____. Page 3, line 30, by striking the words "six
6 hundred" and inserting the following: "one
7 thousand"."

WILLIAM W. DIELEMAN

S-5021

1 Amend Senate File 43 as follows:

2 1. By striking page 1, line 1, through page 2,
3 line 13, and inserting the following:

4 "Section 1. Section 125.14A, Code Supplement 1991,
5 is amended to read as follows:

6 125.14A PERSONNEL OF A LICENSED PROGRAM ADMITTING
7 JUVENILES.

8 1. If a person is being considered for licensure
9 under this chapter, or for employment involving direct
10 responsibility for a child or with access to a child
11 when the child is alone, by a program admitting
12 juveniles subject to licensure under this chapter, or
13 if a person will reside in a facility utilized by such
14 a program, and if the person has been convicted of a
15 crime or has a record of founded child or dependent
16 adult abuse, the department of human services and the
17 program for an employee of the program shall perform
18 an evaluation to determine whether the crime or
19 founded child or dependent adult abuse warrants
20 prohibition of licensure, employment, or residence in
21 the facility. The department shall conduct criminal
22 and child and dependent adult abuse record checks in
23 this state and may conduct these checks in other
24 states. The evaluation shall be performed in
25 accordance with procedures adopted for this purpose by
26 the department of human services.

27 2. If the department of human services determines
28 that a person has committed a crime or has a record of
29 founded child or dependent adult abuse and is
30 licensed, employed by a program licensed under this
31 chapter, or resides in a licensed facility the

32 department shall notify the program that an evaluation
33 will be conducted to determine whether prohibition of
34 the person's licensure, employment, or residence is
35 warranted.

36 3. In an evaluation, the department of human
37 services and the program for an employee of the
38 program shall consider the nature and seriousness of
39 the crime or founded child or dependent adult abuse in
40 relation to the position sought or held, the time
41 elapsed since the commission of the crime or founded
42 child or dependent adult abuse, the circumstances
43 under which the crime or founded child or dependent
44 adult abuse was committed, the degree of
45 rehabilitation, the likelihood that the person will
46 commit the crime or founded child or dependent adult
47 abuse again, and the number of crimes or founded child
48 or dependent adult abuses committed by the person
49 involved. The department of human services may permit
50 a person who is evaluated to be licensed, employed, or

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1 to reside, or to continue to be licensed, employed, or
2 to reside in a program, if the person complies with
3 the department's conditions relating to the person's
4 licensure, employment, or residence, which may include
5 completion of additional training. For an employee of
6 a licensee, these conditional requirements shall be
7 developed with the licensee. The department of human
8 services has final authority in determining whether
9 prohibition of the person's licensure, employment, or
10 residence is warranted and in developing any
11 conditional requirements under this subsection.

12 4. If the department of human services determines
13 that the person has committed a crime or has a record
14 of founded child or dependent adult abuse which
15 warrants prohibition of licensure, employment, or
16 residence, the person shall not be licensed under this
17 chapter to operate a program admitting juveniles and
18 shall not be employed by a program or reside in a
19 facility admitting juveniles licensed under this
20 chapter."

21 2. Page 2, line 22, by inserting after the word
22 "founded" the following: "child or".

23 3. Page 2, line 24, by inserting after the word
24 "founded" the following: "child or".

25 4. Page 2, line 30, by inserting after the word
26 "founded" the following: "child or".

27 5. Page 3, line 3, by inserting after the word
28 "founded" the following: "child or".

- 29 6. Page 3, line 5, by inserting after the word
30 "founded" the following: "child or".
- 31 7. Page 3, line 8, by inserting after the word
32 "founded" the following: "child or".
- 33 8. Page 3, line 9, by inserting after the word
34 "founded" the following: "child or".
- 35 9. Page 3, line 15, by inserting after the word
36 "founded" the following: "child or".
- 37 10. By striking page 3, line 20, through page 7,
38 line 23, and inserting the following:
39 "Sec. ____ . Section 135H.7, subsections 2 and 3,
40 Code Supplement 1991, are amended to read as follows:
41 2. a. If a person is being considered for
42 licensure under this chapter, or for employment
43 involving direct responsibility for a child or with
44 access to a child when the child is alone, by a
45 licensed psychiatric institution, or if a person will
46 reside in a facility utilized by a licensee, and if
47 the person has been convicted of a crime or has a
48 record of founded child or dependent adult abuse, the
49 department of human services and the licensee for an
50 employee of the licensee shall perform an evaluation

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- 1 to determine whether the crime or founded child or
2 dependent adult abuse warrants prohibition of
3 licensure, employment, or residence in the facility.
4 The department shall conduct criminal and child and
5 dependent adult abuse record checks in this state and
6 may conduct these checks in other states. The
7 evaluation shall be performed in accordance with
8 procedures adopted for this purpose by the department
9 of human services.
- 10 b. If the department of human services determines
11 that a person has committed a crime or has a record of
12 founded child or dependent adult abuse and is
13 licensed, employed by a psychiatric institution
14 licensed under this chapter, or resides in a licensed
15 facility the department shall notify the program that
16 an evaluation will be conducted to determine whether
17 prohibition of the person's licensure, employment, or
18 residence is warranted.
- 19 c. In an evaluation, the department of human
20 services and the licensee for an employee of the
21 licensee shall consider the nature and seriousness of
22 the crime or founded child or dependent adult abuse in
23 relation to the position sought or held, the time
24 elapsed since the commission of the crime or founded
25 child or dependent adult abuse, the circumstances

26 under which the crime or founded child or dependent
27 adult abuse was committed, the degree of
28 rehabilitation, the likelihood that the person will
29 commit the crime or founded child or dependent adult
30 abuse again, and the number of crimes or founded child
31 or dependent adult abuses committed by the person
32 involved. The department may permit a person who is
33 evaluated to be licensed, employed, or to reside, or
34 to continue to be licensed, employed, or to reside in
35 a licensed facility, if the person complies with the
36 department's conditions relating to the person's
37 licensure, employment, or residence, which may include
38 completion of additional training. For an employee of
39 a licensee, these conditional requirements shall be
40 developed with the licensee. The department of human
41 services has final authority in determining whether
42 prohibition of the person's licensure, employment, or
43 residence is warranted and in developing any
44 conditional requirements under this paragraph.
45 3. If the department of human services determines
46 that the person has committed a crime or has a record
47 of founded child or dependent adult abuse which
48 warrants prohibition of licensure, employment, or
49 residence, the person shall not be licensed under this
50 chapter to operate a psychiatric institution and shall

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1 not be employed by a psychiatric institution or reside
2 in a facility licensed under this chapter.
3 Sec. ____ . Section 237.8, subsection 2, Code
4 Supplement 1991, is amended to read as follows:
5 2. a. If a person is being considered for
6 licensure under this chapter, or for employment
7 involving direct responsibility for a child or with
8 access to a child when the child is alone, by a
9 licensee under this chapter, or if a person will
10 reside in a facility utilized by a licensee, and if
11 the person has been convicted of a crime or has a
12 record of founded child or dependent adult abuse, the
13 department and the licensee for an employee of the
14 licensee shall perform an evaluation to determine
15 whether the crime or founded child or dependent adult
16 abuse warrants prohibition of licensure, employment,
17 or residence in the facility. The department shall
18 conduct criminal and child and dependent adult abuse
19 record checks in this state and may conduct these
20 checks in other states. The evaluation shall be
21 performed in accordance with procedures adopted for
22 this purpose by the department.

23 b. If the department determines that a person has
24 committed a crime or has a record of founded child or
25 dependent adult abuse and is licensed, employed by a
26 licensee, or resides in a licensed facility the
27 department shall notify the licensee that an
28 evaluation will be conducted to determine whether
29 prohibition of the person's licensure, employment, or
30 residence is warranted.

31 c. In an evaluation, the department and the
32 licensee for an employee of the licensee shall
33 consider the nature and seriousness of the crime or
34 founded child or dependent adult abuse in relation to
35 the position sought or held, the time elapsed since
36 the commission of the crime or founded child or
37 dependent adult abuse, the circumstances under which
38 the crime or founded child or dependent adult abuse
39 was committed, the degree of rehabilitation, the
40 likelihood that the person will commit the crime or
41 founded child or dependent adult abuse again, and the
42 number of crimes or founded child or dependent adult
43 abuses committed by the person involved. The
44 department may permit a person who is evaluated to be
45 licensed, employed, or to reside, or to continue to be
46 licensed, employed, or to reside in a licensed
47 facility, if the person complies with the department's
48 conditions relating to the person's licensure,
49 employment, or residence, which may include completion
50 of additional training. For an employee of a

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1 licensee, these conditional requirements shall be
2 developed with the licensee. The department has final
3 authority in determining whether prohibition of the
4 person's licensure, employment, or residence is
5 warranted and in developing any conditional
6 requirements under this paragraph.

7 d. If the department determines that the person
8 has committed a crime or has a record of founded child
9 or dependent adult abuse which warrants prohibition of
10 licensure, employment, or residence, the person shall
11 not be licensed under this chapter and shall not be
12 employed by a licensee or reside in a licensed
13 facility.

14 Sec. ____ . Section 237A.5, subsection 2, Code
15 Supplement 1991, is amended to read as follows:

16 2. a. If a person is being considered for
17 licensure or registration under this chapter, or for
18 employment involving direct responsibility for a child
19 or with access to a child when the child is alone, by

20 a child day care facility subject to licensure or
21 registration under this chapter, or if a person will
22 reside in a facility, and if the person has been
23 convicted of a crime or has a record of founded child
24 or dependent adult abuse, the department and the
25 licensee or registrant for an employee of the licensee
26 or registrant shall perform an evaluation to determine
27 whether the crime or founded child or dependent adult
28 abuse warrants prohibition of licensure, registration,
29 employment, or residence in the facility. The
30 department shall conduct criminal and child and
31 dependent adult abuse record checks in this state and
32 may conduct these checks in other states. The
33 evaluation shall be performed in accordance with
34 procedures adopted for this purpose by the department.
35 b. If the department determines that a person has
36 committed a crime or has a record of founded child and
37 dependent adult abuse and is licensed, employed by a
38 licensee or registrant or registered under this
39 chapter, or resides in a licensed or registered
40 facility the department shall notify the licensee or
41 registrant that an evaluation will be conducted to
42 determine whether prohibition of the person's
43 licensure, registration, employment, or residence is
44 warranted.
45 c. In an evaluation, the department and the
46 licensee or registrant for an employee of the licensee
47 or registrant shall consider the nature and
48 seriousness of the crime or founded child or dependent
49 adult abuse in relation to the position sought or
50 held, the time elapsed since the commission of the

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1 crime or founded child or dependent adult abuse, the
2 circumstances under which the crime or founded child
3 or dependent adult abuse was committed, the degree of
4 rehabilitation, the likelihood that the person will
5 commit the crime or founded child or dependent adult
6 abuse again, and the number of crimes or founded child
7 or dependent adult abuses committed by the person
8 involved. The department may permit a person who is
9 evaluated to be licensed, registered, employed, or to
10 reside, or to continue to be licensed, registered,
11 employed, or to reside in a licensed facility, if the
12 person complies with the department's conditions
13 relating to the person's licensure, registration,
14 employment, or residence, which may include completion
15 of additional training. For an employee of a licensee
16 or registrant, these conditional requirements shall be

17 developed with the licensee or registrant. The
 18 department has final authority in determining whether
 19 prohibition of the person's licensure, registration,
 20 employment, or residence is warranted and in
 21 developing any conditional requirements under this
 22 paragraph.

23 d. If the department determines that the person
 24 has committed a crime or has a record of founded child
 25 or dependent adult abuse which warrants prohibition of
 26 licensure, registration, employment, or residence, the
 27 person shall not be licensed or registered under this
 28 chapter to operate a child day care facility and shall
 29 not be employed by a licensee or registrant or reside
 30 in a facility licensed or registered under this
 31 chapter."

32 11. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chairperson

S-5022

1 Amend the amendment, S-5007, to Senate File 2010 as
 2 follows:

3 1. Page 1, by striking lines 2 through 4 and
 4 inserting the following:

5 "___ . Page 1, line 3, by striking the words "
 6 shotgun shell".

7 ___ . Page 1, lines 4 and 5, by striking the words
 8 "exploding, or detonating, or igniting and burning"
 9 and inserting the following: "exploding or
 10 detonating".

11 ___ . Page 1, line 6, by inserting after the word
 12 "impact" the following: "or any shotshell or
 13 cartridge containing exothermic pyrophoric misch metal
 14 as a projectile which is designed to throw or project
 15 a flame or fireball to simulate a flamethrower".

DONALD V. DOYLE

S-5023

1 Amend Senate Concurrent Resolution 102 as follows:

2 1. Page 2, line 21, by inserting after the word
 3 "obligation" the following: "from appropriations
 4 already committed to the Agricultural Experiment
 6 in appropriations to the station after the fiscal year
 7 ending June 30, 1992".

RICHARD VARN

S-5024

- 1 Amend Senate File 2097 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 19B.8, Code 1991, is amended
5 to read as follows:
6 19B.8 SANCTIONS.
7 The department of management may impose appropriate
8 sanctions on individual state agencies, including the
9 state board of regents and its institutions, and upon
10 a community college, area education agency, or school
11 district, in order to ensure compliance with state
12 programs emphasizing equal opportunity through
13 affirmative action, contract compliance policies, and
14 requirements for procurement set-asides goals for
15 targeted small businesses."
16 2. By renumbering and correcting internal
17 references as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5025

- 1 Amend Senate File 2097 as follows:
2 1. Page 2, by inserting after line 4 the
3 following:
4 "Sec. ____ . Section 147.107, subsection 5, Code
5 Supplement 1991, is amended to read as follows:
6 5. Notwithstanding subsection 1 and any other
7 provision of this section to the contrary, a physician
8 may delegate the function of prescribing drugs,
9 controlled substances, and medical devices to a
10 physician assistant licensed pursuant to chapter 148C.
11 When delegated prescribing occurs, the supervising
12 physician's name shall be used, recorded, or otherwise
13 indicated in connection with each individual
14 prescription so that the individual who dispenses or
15 administers the prescription knows under whose
16 delegated authority the physician assistant is
17 prescribing. Rules relating to the authority of
18 physician assistants to prescribe drugs, controlled
19 substances, and medical devices pursuant to this
20 subsection shall be adopted by the board of physician
21 assistant examiners, after consultation with the board
22 of medical examiners and the board of pharmacy
23 examiners, as soon as possible after July 1, 1991.
24 The rules shall be reviewed and approved by the

25 physician assistant rules review group created under
 26 subsection 7 and shall be adopted in final form by
 27 January 1, 1993. However, the rules shall prohibit
 28 the prescribing of schedule II controlled substances
 29 which are listed as stimulants or depressants pursuant
 30 to chapter 204. If rules are not reviewed and
 31 approved by the physician assistant rules review group
 32 created under subsection 7 and adopted in final form
 33 by January 1, 1993, a physician assistant may
 34 prescribe drugs as a delegated act of a supervising
 35 physician under rules adopted by the physician
 36 assistant board of examiners and subject to the rules
 37 review process established in section 148C.7. The
 38 board of physician assistant examiners shall be the
 39 only board to regulate the practice of physician
 40 assistants relating to prescribing and supplying
 41 prescription drugs, controlled substances and medical
 42 devices, and supplying prescription drugs and medical
 43 devices, notwithstanding section 148C.6A. The board
 44 of pharmacy examiners shall regulate the distribution
 45 of controlled substances pursuant to chapter 204."
 46 2. By renumbering and correcting internal
 47 references as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5026

1 Amend Senate File 2097 as follows:
 2 1. Page 3, by inserting after line 29 the
 3 following:
 4 "Sec. 200. Section 453.14, unnumbered paragraph 3,
 5 Code 1991, is amended by striking the unnumbered
 6 paragraph."
 7 2. Page 5, by inserting after line 17 the
 8 following:
 9 "Sec. 201. USE AND CREDITING OF BOND EARNINGS AND
 10 PROCEEDS. The authority granted in 1971 Iowa Acts,
 11 chapter 222, section 1, codified as section 453.14,
 12 Code 1973, applies to the use and crediting of
 13 earnings and investments of the proceeds from bonds
 14 issued on or after as well as prior to July 1, 1971.
 15 Sec. ____ . Sections 200 and 201 of this Act apply
 16 retroactively to July 1, 1971."
 17 3. Title page, line 5, by inserting after the
 18 word "ambiguities" the following: "and providing a
 19 retroactive applicability provision".

20 4. By renumbering and correcting internal
21 references as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5027

1 Amend Senate File 2097 as follows:
2 1. Page 3, by inserting after line 29 the
3 following:
4 "Sec. ____ . Section 428A.1, unnumbered paragraph 2,
5 Code Supplement 1991, is amended to read as follows:
6 When each deed, instrument, or writing by which any
7 real property in this state is granted, assigned,
8 transferred, or otherwise conveyed is presented for
9 recording to the county recorder, a declaration of
10 value signed by at least one of the sellers or one of
11 the buyers or their agents shall be submitted to the
12 county recorder. A declaration of value is not
13 required for those instruments described in section
14 428A.2, subsections 2 to 5, 7 to 13, and 16 to ~~20~~ 21,
15 or described in section 428A.2, subsection 6, except
16 in the case of a federal agency or instrumentality, or
17 if a transfer is the result of acquisition of lands,
18 whether by contract or condemnation, for public
19 purposes through an exercise of the power of eminent
20 domain.
21 PARAGRAPH DIVIDED. The declaration of value shall
22 state the full consideration paid for the real
23 property transferred. If agricultural land, as
24 defined in section 172C.1, is purchased by a
25 corporation, limited partnership, trust, alien or
26 nonresident alien, the declaration of value shall
27 include the name and address of the buyer, the name
28 and address of the seller, a legal description of the
29 agricultural land, and identify the buyer as a
30 corporation, limited partnership, trust, alien, or
31 nonresident alien. The county recorder shall not
32 record the declaration of value, but shall enter on
33 the declaration of value information the director of
34 revenue and finance requires for the production of the
35 sales/assessment ratio study and transmit all
36 declarations of value to the city or county assessor
37 in whose jurisdiction the property is located. The
38 city or county assessor shall enter on the declaration
39 of value the information the director of revenue and
40 finance requires for the production of the
41 sales/assessment ratio study and transmit one copy of
42 each declaration of value to the director of revenue

43 and finance, at times as directed by the director of
 44 revenue and finance. The assessor shall retain one
 45 copy of each declaration of value for three years from
 46 December 31 of the year in which the transfer of
 47 realty for which the declaration was filed took place.
 48 The director of revenue and finance shall, upon
 49 receipt of the information required to be filed under
 50 this chapter by the city or county assessor, send to

Page 2

1 the office of the secretary of state that part of the
 2 declaration of value which identifies a corporation,
 3 limited partnership, trust, alien, or nonresident
 4 alien as a purchaser of agricultural land as defined
 5 in section 172C.1.”
 6 2. By renumbering and correcting internal
 7 references as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, CHAIRPERSON

S-5028

1 Amend Senate File 2097 as follows:
 2 1. Page 4, by inserting after line 12 the
 3 following:
 4 “Sec. 100. Section 556.9A, subsection 1, paragraph
 5 a, Code 1991, is amended to read as follows:
 6 a. “Property” means intangible personal property
 7 located outside the state, but issued by the state of
 8 Iowa, a state agency, a political subdivision of the
 9 state, or a person formed or otherwise located within
 10 the state as a corporation, trust, partnership,
 11 limited partnership, association, cooperative, union,
 12 or organization.
 13 Sec. 101. Section 556.9A, subsection 2, Code 1991,
 14 is amended to read as follows:
 15 2. Property and income derived from the property,
 16 including but not limited to dividends, earnings, and
 17 interest, which are held by a temporary custodian ~~on~~
 18 ~~behalf of the property's owner~~, are presumed abandoned
 19 and after deducting lawful charges are subject to the
 20 custody of this state as unclaimed property, if all
 21 the following apply:
 22 a. The owner has not claimed the property or
 23 income derived from the property or corresponded in
 24 writing with the temporary custodian of the property
 25 within three years after the date prescribed for
 26 delivery of the property or payment of income from the

27 property.

28 b. The current last known address of the owner is
29 unknown.

30 c. Notice that the property may be claimed has
31 been delivered to the last known address of the
32 owner."

33 2. Page 5, by inserting after line 17 the
34 following:

35 "Sec. ____ . EFFECTIVE DATE AND APPLICABILITY
36 PROVISIONS.

37 1. Sections 100, 101, and this section of this
38 Act, being deemed of immediate importance, take effect
39 upon enactment.

40 2. Section 101 of this Act applies to all property
41 held at any time on or after the effective date of
42 section 101, regardless of when the property is
43 abandoned or becomes presumptively abandoned."

44 3. Title page, line 5, by inserting after the
45 word "ambiguities" the following: ", and providing
46 effective date and applicability provisions".

47 4. By renumbering and correcting internal
48 references as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5029

1 Amend the Committee amendment, S-5021, to Senate

2 File 43 as follows:

3 1. Page 6, by inserting after line 31 the
4 following:

5 " ____ . Title, line 1, by inserting before the word

6 "dependent" the following: "child or"."

BEVERLY A. HANNON

S-5030

1 Amend Senate File 2093 as follows:

2 1. Page 1, by inserting after line 2, the
3 following:

4 "Sec. ____ . This Act takes effect on July 1, 1993."

5 2. Title page, line 2, by inserting after the
6 word "carriers" the following: "and providing an
7 effective date".

8 3. By renumbering as necessary.

MARK R. HAGERLA

S-5031

1 Amend the amendment, S-5007, to Senate File 2010 as
2 follows:

3 1. Page 1, by striking lines 2 through 4 and

4 inserting the following:

5 " . Page 1, line 3, by striking the words "
6 shotgun shell".

7 . Page 1, lines 4 and 5, by striking the words
8 "exploding, or detonating, or igniting and burning"
9 and inserting the following: "exploding or
10 detonating".

11 . Page 1, line 6, by inserting after the word
12 "impact" the following: ", or any shotshell or
13 cartridge containing exothermic pyrophoric misch metal
14 alloy or similar compound or substance as a projectile
15 which is designed to throw or project a flame or
16 fireball to simulate a flamethrower".

LINN FUHRMAN

S-5032

1 Amend House File 695, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, line 11, by striking the word and
4 figures "October 1, 1991" and inserting the following:
5 "July 1, 1992".

6 2. Page 3, line 19, by striking the word and
7 figures "October 1, 1991" and inserting the following:
8 "July 1, 1992".

WILLIAM W. DIELEMAN

S-5033

1 Amend Senate File 316 as follows:

2 1. Page 2, by inserting after line 10 the
3 following:

4 "5. This section does not supersede a provision of
5 a collective bargaining agreement negotiated under
6 chapter 20, or the grievance procedures provisions of
7 chapter 20."

8 2. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chairperson

S-5034

- 1 Amend Senate File 2034 as follows:
- 2 1. Page 3, line 31, by striking the figure “,
- 3 99D,”.
- 4 2. Page 3, line 32, by inserting before the word
- 5 “shall” the following: “shall be withheld on winnings
- 6 in excess of one thousand dollars from gambling
- 7 activities authorized under chapter 99D. State income
- 8 tax”.

WILLIAM DIELEMAN

S-5035

- 1 Amend Senate File 2011 as follows:
- 2 1. Page 4, by striking lines 31 and 32.
- 3 2. Page 4, line 33, by striking the words
- 4 “Consult with and advise the commandant on” and
- 5 inserting the following: “Supervise the commandant’s
- 6 administration of commission”.
- 7 3. Page 10, by striking lines 9 through 11 and
- 8 inserting the following:
- 9 “The ~~director~~ commission shall adopt all the
- 10 necessary rules, pursuant to chapter 17A, for the
- 11 preservation of order and enforcement”.
- 12 4. Page 11, by striking line 23 and inserting the
- 13 following:
- 14 “1. The ~~director~~ governor shall appoint a
- 15 commandant, subject to senate confirmation, who”.
- 16 5. Page 11, line 26, by striking the word
- 17 “commission” and inserting the following: “governor”.
- 18 6. Page 12, by striking lines 3 and 4 and
- 19 inserting the following:
- 20 “3. The salary of the commandant shall receive an
- 21 annual salary as the director may determine be fixed
- 22 by the governor within salary guidelines or a range
- 23 established by the general assembly. In addition to
- 24 salary, the”.
- 25 7. By renumbering as necessary.

EMIL J. HUSAK
WILLIAM W. DIELEMAN

S-5036

- 1 Amend House File 2086, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 21, by striking the word and

4 figure "July 1" and inserting the following: "August
5 1".

AL STURGEON

S-5037

1 Amend Senate File 2109 as follows:
2 1. Page 1, lines 5 and 6, by striking the words
3 "However, a supervisor shall not be reimbursed" and
4 inserting the following: "The board may authorize
5 reimbursement to a supervisor".

ALLEN BORLAUG
SHELDON RITTMER
WILMER RENSINK
H. KAY HEDGE
JACK RIFE
DERRYL MCLAREN
HARRY G. SLIFE
ALBERT SORENSEN
JACK W. HESTER
DALE L. TIEDEN
JOHN W. JENSEN
ALVIN V. MILLER
JAMES R. RIORDAN
JAMES B. KERSTEN
WALLY E. HORN
WILLIAM W. DIELEMAN
AL STURGEON
EMIL J. HUSAK
LEONARD L. BOSWELL
DONALD V. DOYLE
MARY E. KRAMER
JIM LIND
MAGGIE TINSMAN
RAY TAYLOR
LARRY MURPHY
LINN FUHRMAN
JOHN E. SOORHOLTZ
PAUL D. PATE

S-5038

1 Amend Senate File 2094 as follows:
2 1. Page 2, by inserting after line 9, the
3 following:
4 "Sec. ____ . Section 321E.8, subsection 4, Code
5 Supplement 1991, is amended to read as follows:
6 4. All movements of mobile homes and other

7 vehicles the width of which, including any load,
 8 exceeds the roadway lane width of the street or
 9 highway being traversed, shall be under escort except
 10 that mobile homes and other factory-built structures
 11 with an overall width not exceeding sixteen feet six
 12 inches shall not be required to have an escort if
 13 travel is on an interstate or four-lane highway”.
 14 2. By renumbering as necessary.

DON E. GETTINGS

S-5039

1 Amend Senate File 316 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 “Code” the following: “Supplement”.
 4 2. Page 2, line 11, by inserting after the word
 5 “Code” the following: “Supplement”.
 6 3. Page 2, line 13, by striking the figure “5”
 7 and inserting the following: “6”.

JOE J. WELSH

S-5040

1 Amend Senate File 2113 as follows:
 2 1. Page 1, line 3, by striking the word “-
 3 EXCEPTION”.
 4 2. Page 1, line 21, by striking the word and
 5 figure “August 1,” and inserting the following: “July
 6 1.”.

AL STURGEON

S-5041

1 Amend Senate File 2116 as follows:
 2 1. Page 5, by inserting after line 4 the
 3 following:
 4 “DEPARTMENT OF ECONOMIC DEVELOPMENT
 5 Sec. ____ . 1991 Iowa Acts, chapter 267, section
 6 301, subsection 1, paragraph b, unnumbered paragraph
 7 3, is amended to read as follows:
 8 As a condition, limitation, and qualification of
 9 the appropriation under this subsection, \$425,000
 10 shall be allocated to the rural enterprise fund, and
 11 \$140,000 shall be allocated for rural community
 12 leadership. Notwithstanding section 8.33, moneys
 13 obligated or committed to grantees under contract that
 14 remain unexpended at the end of the fiscal year, shall

15 not revert but shall be available for expenditure for
16 purposes of the contract during succeeding fiscal
17 years.

18 Sec. ____ . 1991 Iowa Acts, chapter 267, section
19 301, subsection 2, paragraph c, is amended to read as
20 follows:

21 c. Federal procurement office

22 For salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-
24 time equivalent positions:

25	\$	100,000
26	FTEs	3.00

27 Notwithstanding section 8.33, moneys remaining
28 unencumbered or unobligated on June 30, 1992, shall
29 not revert and shall be available for expenditure
30 during the fiscal year beginning July 1, 1992, for the
31 same purposes.

32 Sec. ____ . 1991 Iowa Acts, chapter 267, section
33 301, subsection 6, paragraph d, is amended by adding
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
36 8.33, moneys obligated or committed to grantees under
37 contract that remain unexpended at the end of the
38 fiscal year, shall not revert but shall be available
39 for expenditure for purposes of the contract during
40 succeeding fiscal years.

41 Sec. ____ . 1991 Iowa Acts, chapter 269, section 17,
42 subsection 1, is amended to read as follows:

43 1. If funds received from the federal government
44 in the form of block grants exceed the amounts
45 appropriated in sections 1, 2, 3, 4, 6, 7, and 9 of
46 this Act, the excess shall be prorated to the
47 appropriate programs according to the percentages
48 specified in those sections, except additional funds
49 shall not be prorated for administrative expenses.

50 Sec. ____ . Section 15.287, Code Supplement 1991, is

Page 2

1 amended by adding the following new unnumbered
2 paragraph:

3 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
4 restrictions on the use of the revolving fund in this
5 section, the director may use unallocated repayments
6 to the revolving fund to pay for administration of
7 programs under the Cranston-Gonzalez National

8 Affordable Housing Act of 1990, Pub. L. No. 101-625."

9 2. By renumbering as necessary.

JIM RIORDAN
LEONARD BOSWELL

S-5042

1 Amend Senate File 2116 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "3.25 PERCENT

5 Section 101. REDUCTIONS OF FISCAL YEAR 1991-1992
6 APPROPRIATIONS.

7 1. Moneys appropriated from the general fund of
8 the state for the fiscal year beginning July 1, 1991,
9 by the Seventy-fourth General Assembly, 1991 Session,
10 and standing limited and unlimited appropriations from
11 the general fund of the state for the fiscal year
12 beginning July 1, 1991, are reduced by three and one-
13 quarter percent. However, moneys appropriated from
14 the general fund of the state for the fiscal year
15 beginning July 1, 1991, shall not be reduced if the
16 appropriation is any of the following:

17 a. Made by the Seventy-fourth General Assembly,
18 1992 Session.

19 b. Made pursuant to section 2.12.

20 c. Made to the judicial branch of the government.

21 2. The three and one-quarter percent reduction in
22 appropriations under subsection 1 shall be carried out
23 uniformly and proportionately in the manner specified
24 in section 8.31. The reduction of moneys appropriated
25 and available for the fiscal year beginning July 1,
26 1991, shall not, because of both executive action
27 prior to the effective date of this section and
28 pursuant to subsection 1, exceed more than three and
29 one-quarter percent.

30 3. Moneys which become available as a result of
31 the three and one-quarter percent reduction under
32 subsection 1 and funds available from allotments which
33 are modified because of the execution of the authority
34 under section 8.31 as contained in executive order
35 number 42 shall revert to the general fund of the
36 state on the effective date of this section or on the
37 effective date of the allotment, whichever is later.

38 REDUCTIONS

39 Department of Human Services

40 Sec. 201. The appropriations from the general fund
41 of the state to the department of human services for
42 the fiscal year beginning July 1, 1991, and ending

43 June 30, 1992, in 1991 Iowa Acts, chapter 267,
 44 division I, are reduced by the following amounts for
 45 the purposes designated:

46 1. Child support recovery, in section 112:	
47	\$ 41,021
48 2. a. Iowa juvenile home at Toledo, in section 49 113, subsection 1:	
50	\$ 128,771

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1 b. State training school at Eldora, in section 2 113, subsection 2:	
3	\$ 240,829
4 3. Iowa veterans home, in section 120:	
5	\$ 1,356,958
6 4. a. State mental health institute at Clarinda, 7 in section 121, subsection 2:	
8	\$ 977,595
9 b. State mental health institute at Mount 10 Pleasant, in section 121, subsection 4:	
11	\$ 2,286,261
12 5. a. State hospital-school at Glenwood, in 13 section 122, subsection 1:	
14	\$ 632,848
15 b. State hospital-school at Woodward, in section 16 122, subsection 2:	
17	\$ 557,080
18 6. Field operations, in section 129:	
19	\$ 1,756,463
20 7. General administration, in section 130:	
21	\$ 276,378
22 Department of Education	
23 Sec. 202. The appropriations from the general fund 24 of the state to the department of education for the 25 fiscal year beginning July 1, 1991, and ending June 26 30, 1992, in 1991 Iowa Acts, chapter 267, section 201, 27 are reduced by the following amounts for the purposes 28 designated:	
29 1. General administration, in subsection 1:	
30	\$ 223,852
31 2. Board of educational examiners, in subsection 32 3:	
33	\$ 3,711
34 3. Vocational education administration, in 35 subsection 6:	
36	\$ 30,736
37 4. Vocational rehabilitation division for 38 salaries, support, maintenance, and miscellaneous 39 purposes, in subsection 8, paragraph "a":	

40	.....	\$	89,588
41	State Board of Regents		
42	Sec. 203. The appropriations from the general fund		
43	of the state to the state board of regents for the		
44	fiscal year beginning July 1, 1991, and ending June		
45	30, 1992, in 1991 Iowa Acts, chapter 267, section 210,		
46	are reduced by the following amounts for the purposes		
47	designated:		
48	1. State university of Iowa, in subsection 2:		
49	a. General university, in paragraph "a":		
50	\$	1,784,245

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1	b. University hospitals, in paragraph "d":		
2	\$	295,206
3	c. Psychiatric hospital, in paragraph "e":		
4	.....	\$	74,843
5	d. Hospital-school, in paragraph "f":		
6	.....	\$	69,113
7	e. Oakdale campus, in paragraph "g":		
8	.....	\$	117,450
9	f. State hygienic laboratory, in paragraph "h":		
10	.....	\$	63,485
11	g. Family practice program, in paragraph "i":		
12	.....	\$	37,384
13	h. Child health care services, in paragraph "j":		
14	.....	\$	7,360
15	2. Iowa state university of science and		
16	technology, in subsection 3:		
17	a. General university, in paragraph "a":		
18	.....	\$	1,364,550
19	b. Agricultural experiment station, in paragraph		
20	"c":		
21	.....	\$	175,354
22	c. Cooperative extension service, in paragraph		
23	"e":		
24	.....	\$	79,365
25	3. University of northern Iowa, in subsection 4:		
26	For salaries, support, maintenance, equipment, and		
27	miscellaneous purposes, in paragraph "a":		
28	.....	\$	444,160
29	4. State school for the deaf, in subsection 5:		
30	.....	\$	78,966
31	5. Iowa braille and sight saving school, in		
32	subsection 6:		
33	.....	\$	75,973
34	Department of Cultural Affairs		
35	Sec. 204. The appropriations from the general fund		
36	of the state to the department of cultural affairs for		

37 the fiscal year beginning July 1, 1991, and ending
 38 June 30, 1992, in 1991 Iowa Acts, chapter 267, section
 39 214, are reduced by the following amounts for the
 40 purposes designated:

41	1. Arts division, in subsection 1:		
42	.....	\$	22,900
43	2. Historical division, in subsection 2:		
44	.....	\$	80,780
45	3. Terrace Hill commission, in subsection 3:		
46	.....	\$	6,400
47	4. Library division, in subsection 4:		
48	\$	35,162
49	5. Administration division, in subsection 6:		
50	\$	18,608

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1	6. Public broadcasting division, in subsection 10:		
2	\$	157,237
3	Department of Economic Development		
4	Sec. 205. The appropriations from the general fund		
5	of the state to the department of economic development		
6	for the fiscal year beginning July 1, 1991, and ending		
7	June 30, 1992, in 1991 Iowa Acts, chapter 267, section		
8	301, are reduced by the following amounts for the		
9	purposes designated:		
10	1. Administrative services division, in subsection		
11	1:		
12	a. General administration, in paragraph "a":		
13	.....	\$	6,300
14	b. Rural resource coordination, in paragraph "b":		
15	.....	\$	8,256
16	c. Primary research and computer center, in		
17	paragraph "c":		
18	.....	\$	7,050
19	d. Film office, in paragraph "d":		
20	.....	\$	900
21	2. Business development division, in subsection 2:		
22	Business development operations, in paragraph "a":		
23	.....	\$	23,424
24	3. Community and rural development division, in		
25	subsection 3:		
26	Community progress, in paragraph "c":		
27	.....	\$	34,173
28	4. International division, in subsection 4:		
29	a. European trade office, in paragraph "b":		
30	.....	\$	31,387
31	b. Export trade activities program, in paragraph		
32	"e":		
33	.....	\$	4,000

34	5. Tourism division, in subsection 5:		
35	Tourism operations, in paragraph "a":		
36	.....	\$	37,958
37	6. Work force development division, in subsection		
38	6:		
39	a. Iowa corps, in paragraph "b":		
40	.....	\$	29,161
41	b. Job retraining program, in paragraph "c":		
42	.....	\$	34,669
43	Board of Parole		
44	Sec. 206. The appropriation from the general fund		
45	of the state to the board of parole for the fiscal		
46	year beginning July 1, 1991, and ending June 30, 1992,		
47	in 1991 Iowa Acts, chapter 267, section 403, is		
48	reduced by the following amount for the purposes		
49	designated:		
50	For salaries, support, maintenance, and		

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1	miscellaneous purposes:		
2	\$	26,655
3	Department of Corrections		
4	Sec. 207. The appropriations from the general fund		
5	of the state to the department of corrections for the		
6	fiscal year beginning July 1, 1991, and ending June		
7	30, 1992, in 1991 Iowa Acts, chapter 267, division IV,		
8	are reduced by the following amounts for the purposes		
9	designated:		
10	1. Operation of adult correctional facilities, in		
11	section 404, subsection 1:		
12	a. Fort Madison correctional facility, in		
13	paragraph "a":		
14	.....	\$	226,091
15	b. Anamosa correctional facility, in paragraph		
16	"b":		
17	.....	\$	132,456
18	c. Newton correctional facility, in paragraph "d":		
19	.....	\$	641,237
20	d. Mt. Pleasant correctional facility, in		
21	paragraph "e":		
22	.....	\$	161,862
23	e. Rockwell City correctional facility, in		
24	paragraph "f":		
25	.....	\$	464,235
26	f. Clarinda correctional facility, in paragraph		
27	"g":		
28	.....	\$	81,747
29	g. Mitchellville correctional facility, in		
30	paragraph "h":		

31	.....	\$	488,191
32	2. a. For general administration, in section 405,		
33	subsection 1:		
34	.....	\$	57,390
35	b. For salaries, support, maintenance, and		
36	miscellaneous purposes at the correctional training		
37	center at Mt. Pleasant, in section 405, subsection 4:		
38	.....	\$	824
39	3. For judicial district departments of		
40	correctional services, in section 406, subsection 1:		
41	a. First judicial district, in paragraph "a":		
42	.....	\$	169,818
43	b. Second judicial district, in paragraph "b":		
44	.....	\$	137,132
45	c. Third judicial district, in paragraph "c":		
46	.....	\$	42,838
47	d. Fourth judicial district, in paragraph "d":		
48	\$	46,186
49	e. Fifth judicial district, in paragraph "e":		
50	\$	261,802

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1	f. Sixth judicial district, in paragraph "f":		
2	\$	227,262
3	g. Seventh judicial district, in paragraph "g":		
4	.....	\$	124,596
5	h. Eighth judicial district, in paragraph "h":		
6	.....	\$	102,217
7	Governor's Drug Coordinator		
8	Sec. 208. The appropriation from the general fund		
9	of the state to the office of the governor's drug		
10	enforcement and abuse prevention coordinator for the		
11	fiscal year beginning July 1, 1991, and ending June		
12	30, 1992, in 1991 Iowa Acts, chapter 268, section 103,		
13	is reduced by the following amount for the purposes		
14	designated:		
15	For salaries, support, maintenance, and		
16	miscellaneous purposes, in subsection 1:		
17	.....	\$	7,181
18	Department of General Services		
19	Sec. 209. The appropriations from the general fund		
20	of the state to the department of general services for		
21	the fiscal year beginning July 1, 1991, and ending		
22	June 30, 1992, in 1991 Iowa Acts, chapter 268, section		
23	107, are reduced by the following amounts for the		
24	purposes designated:		
25	1. Administration division, in subsection 1:		
26	\$	26,418
27	2. Materials management division, in subsection 3:		

AMENDMENTS FILED

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28	\$	667
29	3. Property management division, in subsection 4:		
30	\$	206,622
31	4. Printing and mail division, in subsection 5:		
32	.....	\$	664
33	5. Records management division, in subsection 6:		
34	.....	\$	38,033
35	6. Information services division, in subsection 7:		
36	.....	\$	207,167
37	Department of Revenue and Finance		
38	Sec. 210. The appropriations from the general fund		
39	of the state to the department of revenue and finance		
40	for the fiscal year beginning July 1, 1991, and ending		
41	June 30, 1992, in 1991 Iowa Acts, chapter 268, section		
42	114, are reduced by the following amounts for the		
43	purposes designated:		
44	1. Audit and compliance, in subsection 1:		
45	.....	\$	573,385
46	2. Financial management, in subsection 2:		
47	\$	80,735
48	3. Information and management systems, in		
49	subsection 3:		
50	\$	25,280

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1	4. Technical services, in subsection 5:		
2	\$	31,381
3	Department of Natural Resources		
4	Sec. 211. The appropriations from the general fund		
5	of the state to the department of natural resources		
6	for the fiscal year beginning July 1, 1991, and ending		
7	June 30, 1992, in 1991 Iowa Acts, chapter 268, section		
8	207, are reduced by the following amounts for the		
9	purposes designated:		
10	1. Coordination and information division, in		
11	subsection 2:		
12	.....	\$	24,342
13	2. Administrative services division, in subsection		
14	3:		
15	.....	\$	71,957
16	3. Parks and preserves division, in subsection 4:		
17	.....	\$	176,890
18	4. Forests and forestry division, in subsection 5:		
19	.....	\$	86,729
20	5. Energy and geological resources division, in		
21	subsection 6:		
22	.....	\$	38,004
23	6. Environmental protection division, in		
24	subsection 7:		

25	.....	\$	35,743
26	7. For the green thumb program, in subsection 11:		
27	.....	\$	30,858
28	Civil Rights Commission		
29	Sec. 212. The appropriation from the general fund		
30	of the state to the Iowa state civil rights commission		
31	for the fiscal year beginning July 1, 1991, and ending		
32	June 30, 1992, in 1991 Iowa Acts, chapter 268, section		
33	301, is reduced by the following amount for the		
34	purposes designated:		
35	For salaries, support, maintenance, and		
36	miscellaneous purposes:		
37	.....	\$	41,786
38	Department of Human Rights		
39	Sec. 213. The appropriations from the general fund		
40	of the state to the department of human rights for the		
41	fiscal year beginning July 1, 1991, and ending June		
42	30, 1992, in 1991 Iowa Acts, chapter 268, section 302,		
43	are reduced by the following amounts for the purposes		
44	designated:		
45	1. Central administration division, in subsection		
46	1:		
47	\$	19,964
48	2. Persons with disabilities division, in		
49	subsection 3:		
50	\$	9,213

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1	3. Deaf services division, in subsection 5:		
2	\$	21,156
3	4. Criminal and juvenile justice planning		
4	division, in subsection 7:		
5	.....	\$	13,518
6	Department for the Blind		
7	Sec. 214. The appropriation from the general fund		
8	of the state to the department for the blind for the		
9	fiscal year beginning July 1, 1991, and ending June		
10	30, 1992, in 1991 Iowa Acts, chapter 268, section 303,		
11	is reduced by the following amount for the purposes		
12	designated:		
13	For salaries, support, maintenance, and		
14	miscellaneous purposes:		
15	.....	\$	21,377
16	Department of Elder Affairs		
17	Sec. 215. The appropriation from the general fund		
18	of the state to the department of elder affairs for		
19	the fiscal year beginning July 1, 1991, and ending		
20	June 30, 1992, in 1991 Iowa Acts, chapter 268, section		
21	304, is reduced by the following amount for the		

22 purposes designated:

23 For salaries, support, maintenance, and
24 miscellaneous purposes, in subsection 1:

25 \$ 22,273

26 Department of Public Health

27 Sec. 216. The appropriations from the general fund
28 of the state to the Iowa department of public health
29 for the fiscal year beginning July 1, 1991, and ending
30 June 30, 1992, in 1991 Iowa Acts, chapter 268, section
31 305, are reduced by the following amounts for the

32 purposes designated:

33 1. Central administration division, in subsection
34 1:

35 \$ 74,030

36 2. Health planning division, in subsection 2,
37 paragraph "a":

38 \$ 22,408

39 3. a. Disease prevention division, in subsection
40 3, paragraph "a":

41 \$ 75,223

42 b. Disease prevention division, in subsection 3,
43 paragraph "b":

44 \$ 26,287

45 4. State board of medical examiners, in subsection
46 6:

47 \$ 15,884

48 5. Substance abuse division, in subsection 10,
49 paragraph "a":

50 \$ 66,745

Page 9

1 6. Family and community health division, in
2 subsection 11, paragraph "a":

3 \$ 76,034

4 Department of Employment Services

5 Sec. 217. The appropriations from the general fund
6 of the state to the department of employment services
7 for the fiscal year beginning July 1, 1991, and ending
8 June 30, 1992, in 1991 Iowa Acts, chapter 268, section
9 403, are reduced by the following amounts for the
10 purposes designated:

11 1. Division of labor services, in subsection 1:

12 \$ 34,392

13 2. Division of industrial services, in subsection
14 2:

15 \$ 88,458

16 Department of Inspections and Appeals

17 Sec. 218. The appropriations from the general fund
18 of the state to the department of inspections and

19 appeals for the fiscal year beginning July 1, 1991,
 20 and ending June 30, 1992, in 1991 Iowa Acts, chapter
 21 268, division IV, are reduced by the following amounts
 22 for the purposes designated:

23	1. Finance and services division, in section 406,		
24	subsection 1:		
25	.....	\$	20,461
26	2. Audits division, in section 406, subsection 2:		
27	.....	\$	174,091
28	3. Appeals and fair hearings division, in section		
29	406, subsection 3:		
30	.....	\$	15,941
31	4. Health facilities division, in section 406,		
32	subsection 5:		
33	.....	\$	49,713
34	5. Inspections division, in section 406,		
35	subsection 6:		
36	.....	\$	86,726
37	6. Racing and gaming commission, in section 424:		
38	.....	\$	38,000
39	Department of Commerce		
40	Sec. 219. The appropriations from the general fund		
41	of the state to the department of commerce for the		
42	fiscal year beginning July 1, 1991, and ending June		
43	30, 1992, in 1991 Iowa Acts, chapter 268, division IV,		
44	are reduced by the following amounts for the purposes		
45	designated:		
46	1. Professional licensing and regulation division,		
47	in section 416:		
48	.....	\$	16,115
49	2. Administrative services division, in section		
50	417:		

Page 10

1	.....	\$	63,099
2	3. Alcoholic beverages division, in section 418:		
3	.....	\$	89,522
4	4. Banking division, in section 419:		
5	.....	\$	95,129
6	5. Credit union division, in section 420:		
7	.....	\$	33,535
8	6. Insurance division, in section 421:		
9	.....	\$	141,143
10	7. Utilities division, in section 423:		
11	.....	\$	159,269
12	Law Enforcement Academy		
13	Sec. 220. The appropriation from the general fund		
14	of the state to the Iowa law enforcement academy for		
15	the fiscal year beginning July 1, 1991, and ending		

16 June 30, 1992, in 1991 Iowa Acts, chapter 268, section
 17 501, is reduced by the following amount for the
 18 purposes designated:

19 For salaries, support, maintenance, and
 20 miscellaneous purposes, including jailer training and
 21 technical assistance:

22 \$ 45,710

23 Department of Public Defense

24 Sec. 221. The appropriations from the general fund
 25 of the state to the department of public defense for
 26 the fiscal year beginning July 1, 1991, and ending
 27 June 30, 1992, in 1991 Iowa Acts, chapter 268, section
 28 502, are reduced by the following amounts for the
 29 purposes designated:

30 1. Military division, in subsection 1:

31 \$ 46,506

32 2. Disaster services division, in subsection 2:

33 \$ 39,612

34 3. Veterans affairs division, in subsection 3:

35 \$ 4,616

36 Department of Public Safety

37 Sec. 222. The appropriations from the general fund
 38 of the state to the department of public safety for
 39 the fiscal year beginning July 1, 1991, and ending
 40 June 30, 1992, in 1991 Iowa Acts, chapter 268, section
 41 503, are reduced by the following amounts for the
 42 purposes designated:

43 1. Administrative functions, including the medical
 44 examiner's office and criminal justice information
 45 system, and the missing person program, in subsection
 46 1:

47 \$ 106,741

48 2. Division of criminal investigation and bureau
 49 of identification, in subsection 3:

50 \$ 360,023

Page 11

1 3. Division of narcotics for contribution to the
 2 peace officers' retirement, accident, and disability
 3 system and federal fund matching requirements, in
 4 subsection 4, paragraph "a":

5 \$ 56,553

6 4. Fire marshal's office, in subsection 5:

7 \$ 46,900

8 5. Capitol security division, in subsection 6:

9 \$ 72,631

10 Department of Transportation

11 Sec. 223. The appropriation from the general fund
 12 of the state to the state department of transportation

13 for the fiscal year beginning July 1, 1991, and ending
14 June 30, 1992, in 1991 Iowa Acts, chapter 268, section
15 508, is reduced by the following amount for the
16 purposes designated:

17 Aeronautics and public transit for salaries,
18 support, maintenance, and miscellaneous purposes, in
19 subsection 3:

20 \$ 17,611

21 Department of Education -- Educational Excellence

22 Sec. 224. The appropriation from the general fund

23 of the state to the department of education for the

24 fiscal year beginning July 1, 1991, and ending June

25 30, 1992, in section 294A.25, subsection 1, is reduced

26 by the following amount for the purpose designated:

27 Educational excellence program:

28 \$ 3,497

29 3.25 Percent Reduction

30 Sec. 225. EFFECT OF APPROPRIATION REDUCTIONS. The

31 reductions in appropriations for the fiscal year

32 beginning July 1, 1991, and ending June 30, 1992, made

33 in sections 201 through 224 of this Act are in

34 addition to the three and one-quarter percent

35 reduction made in those appropriations pursuant to

36 section 101 of this Act.

37 SUPPLEMENTALS".

38 2. Page 7, line 12, by inserting after the word

39 "reduction" the following: "made in section 101 of

40 this Act or".

41 3. By renumbering as necessary.

DALE L. TIEDEN
JACK RIFE
JIM LIND
MAGGIE TINSMAN
RICHARD VANDE HOEF
MARK R. HAGERLA
JOHN W. JENSEN
JAMES B. KERSTEN
ALLEN BORLAUG
H. KAY HEDGE
HARRY G. SLIFE
MARY E. KRAMER
DERRYL MCLAREN
LINN FUHRMAN
JACK W. HESTER
WILMER RENSINK

S-5043

1 Amend Senate File 2116 as follows:

2 1. Page 2, line 10, by striking the figure
3 "996,224" and inserting the following: "950,000".

4 2. Page 2, by inserting after line 10 the
5 following:

6 "Sec. ____ . MEDICAL ASSISTANCE COPAYMENTS. 1991
7 Iowa Acts, chapter 267, section 103, is amended by
8 adding the following new subsection:

9 **NEW SUBSECTION.** 18. The department shall
10 implement for the period beginning with the effective
11 date of this Act and ending June 30, 1992, the maximum
12 copayments allowed by federal regulations for the
13 following medical assistance services: for each
14 laboratory or X-ray procedure provided by an X-ray and
15 laboratory service provider; for each day of service
16 for services provided by clinics, ambulatory surgical
17 centers, community mental health centers, certified
18 registered nurse anesthetists, rural health clinics,
19 federally qualified health centers, and outpatient
20 hospital services; for each day of service for
21 services provided by home health agencies and
22 physicians; and for each day of service in an
23 inpatient hospital. Copayment shall not apply to the
24 following: children under 21 years of age; pregnant
25 women; persons residing in nursing facilities,
26 residential care facilities, or psychiatric
27 institutions; family planning services; federal
28 medicare crossover claims; services provided by a
29 contracting health maintenance organization; and
30 emergency services as defined by federal regulations.
31 Rules adopted pursuant to this subsection shall become
32 effective immediately upon filing unless a later date
33 is specified in the rules. The rules shall be
34 published as a notice of intended action.

35 Sec. ____ . RESIDENTIAL CARE FACILITY REIMBURSEMENT
36 RATES -EMERGENCY RULES. The department of human
37 services may adopt administrative rules under section
38 17A.4, subsection 2, and section 17A.5, subsection 2,
39 paragraph "b", to implement changes in the maximum
40 reimbursement rate set for residential care facilities
41 that will allow the department to spend funds
42 sufficient to meet federal maintenance of effort
43 requirements and not exceed the amount of funds
44 appropriated for this purpose in the fiscal year
45 beginning July 1, 1991."

46 3. Page 3, by striking lines 21 through 27.

47 4. Page 4, by striking lines 1 through 9.

48 5. Page 4, by striking lines 10 through 18.

49 6. Page 7, line 1, by striking the word and
50 figures " , 7, 8, and 9" and inserting the following:

Page 2

- 1 "and 8".
- 2 7. By numbering, renumbering, and correcting
- 3 internal references as necessary.

DALE L. TIEDEN
JACK RIFE
MAGGIE TINSMAN
RICHARD VANDE HOEF
JOHN W. JENSEN
MARY E. KRAMER
ALLEN BORLAUG
H. KAY HEDGE
HARRY G. SLIFE
DERRYL MCLAREN
JIM LIND
LINN FUHRMAN
JACK W. HESTER
WILMER RENSINK
RAY TAYLOR

S-5044

- 1 Amend Senate File 316 as follows:
- 2 1. Page 1, line 6, by striking the word
- 3 "employees" and inserting the following: "full-time,
- 4 part-time, and temporary employees, including, but not
- 5 limited to, interns, clerks, and pages. Each house
- 6 shall develop and cause to be distributed, at the time
- 7 of hiring or orientation, a guide that describes for
- 8 its employees the applicable sexual harassment
- 9 prohibitions and grievance, violation, and disposition
- 10 procedures."
- 11 2. Page 1, line 11, by inserting after the word
- 12 "to" the following: "full-time, part-time, and
- 13 temporary".
- 14 3. Page 1, line 12, by inserting after the word
- 15 "employees" the following: "and to develop and
- 16 distribute, at the time of hiring or orientation, a
- 17 guide that describes for its employees the applicable
- 18 sexual harassment prohibitions and grievance,
- 19 violation, and disposition procedures".
- 20 4. Page 1, line 18, by inserting after the word
- 21 "institution." the following: "This section applies
- 22 to full-time, part-time, or temporary employees, to
- 23 inpatients and outpatients, and to full-time or part-

24 time students.”

25 5. Page 2, by inserting after line 10 the
26 following:

27 “—. The department of personnel shall develop
28 for all state agencies, and all state agencies shall
29 distribute at the time of hiring or orientation, a
30 guide for employees that describes the applicable
31 sexual harassment prohibitions and grievance,
32 violation, and disposition procedures.

33 —. The state board of regents shall develop, and
34 direct the institutions under its control to
35 distribute at the time of hiring, registration, or
36 orientation, a guide for employees, students, and
37 patients that describes the applicable sexual
38 harassment prohibitions and grievance, violation, and
39 disposition procedures.”

40 6. Page 2, line 16, by inserting after the word
41 “for” the following: “full-time, part-time, and
42 temporary”.

43 7. Page 2, line 17, by inserting after the word
44 “department.” the following: “The court shall direct
45 its personnel system to develop and to distribute at
46 the time of hiring or orientation, a guide for its
47 employees that describes the applicable sexual
48 harassment prohibitions and grievance, violation, and
49 disposition procedures.”

50 8. By renumbering as necessary.

LARRY MURPHY
ELAINE E. SZYMONIAK
MARY E. KRAMER

S-5045

1 Amend Senate File 2116 as follows:

2 1. Page 6, by inserting after line 5 the
3 following:

4 “Sec. —. Section 298.14, unnumbered paragraph 3,
5 Code 1991, is amended to read as follows:

6 The director of revenue and finance shall draw
7 warrants in payment of the surtaxes collected in each
8 school district. Warrants shall be payable in two
9 installments to be paid on approximately drawn so that
10 approximately one-half of the surtaxes collected are
11 paid by the first day of December and the remaining
12 one-half are paid by the first day of February
13 following collection of the taxes and shall be
14 delivered to the respective school districts. In

- 15 paying the first one-half of the surtaxes collected,
 16 the director shall make partial payments to the school
 17 districts on or about the fifteenth of August,
 18 September, October, and November."

RAY TAYLOR

S-5046

- 1 Amend the amendment, S-5042, to Senate File 2116 as
 2 follows:
 3 1. Page 1, by striking lines 37 and 38 and
 4 inserting the following: "effective date of the
 5 allotment, whichever is later."
 6 ____ Page 1, by inserting before line 1 the
 7 following:
 8 "REDUCTIONS".

DALE L. TIEDEN

S-5047

- 1 Amend Senate File 2116 as follows:
 2 1. Page 5, by striking lines 5 through 21.

MICHAEL W. CONNOLLY
ELAINE SZYMONIAK

S-5048

- 1 Amend Senate File 2116 as follows:
 2 1. Page 5, by striking lines 5 through 21.

MICHAEL W. CONNOLLY
ELAINE SZYMONIAK
RALPH ROSENBERG
MAGGIE TINSMAN
AL STURGEON

S-5049

- 1 Amend House File 2061, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 25 the
 4 following:
 5 "In the alternative, a city may treat the city's
 6 accrued unfunded liability for the terminated system
 7 as legal indebtedness to the statewide system for the
 8 purposes of section 384.24, subsection 3, paragraph
 9 "f"."

- 10 2. By renumbering and correcting internal
11 references as necessary.

DONALD V. DOYLE
JOHN P. KIBBIE

S-5050

- 1 Amend Senate File 2112 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "permit" the following: ", class "B" wine permit,".

JOHN P. KIBBIE
WALLY HORN

S-5051

- 1 Amend Senate File 2005 as follows:
2 1. Page 1, by inserting before line 1 the fol-
3 lowing:
4 "Section 1. Section 601K.103, subsection 2,
5 paragraph a, Code 1991, is amended to read as follows:
6 a. Meet the income guidelines established pursuant
7 to the federal low-income home energy assistance
8 program, with income at or below one hundred ten
9 percent of the federal poverty income guidelines
10 established by the office of management and budget.
11 The division may adjust the income threshold by rule
12 as necessitated by budgetary restrictions."
13 2. Page 1, by inserting after line 7 the fol-
14 lowing:
15 "Sec. ____ . Section 601K.103, subsection 3,
16 paragraph a, subparagraph (2), subparagraph
17 subdivision (b), Code 1991, is amended to read as
18 follows:
19 (b) Annual unreimbursed medical expenses, not to
20 exceed two hundred dollars per month.
21 Sec. ____ . Section 601K.103, subsection 3,
22 paragraph a, subparagraph (2), Code 1991, is amended
23 by adding the following new subparagraph subdivision:
24 NEW SUBPARAGRAPH SUBDIVISION. (e) Annual child
25 care costs.
26 Sec. ____ . Section 601K.103, subsection 3,
27 paragraph c, subparagraph (2), Code 1991, is amended
28 to read as follows:
29 (2) Subtracting from the figure determined under
30 subparagraph "b" the federal low-income home energy
31 assistance program grants for which the participant is
32 eligible grant, if a grant is received.
33 Sec. ____ . Section 601K.103, Code 1991, is amended

- 34 by adding the following new subsection:
 35 NEW SUBSECTION. 5A. Any moneys appropriated for
 36 the Iowa affordable heating program which are not
 37 expended by April 30 of each fiscal year shall be used
 38 to fund the low-income energy assistance program.
 39 Sec. 100. 1990 Iowa Acts, chapter 1242, section 7,
 40 is repealed.
 41 Sec. ____ . Section 100 of this Act takes effect
 42 June 30, 1992.”
 43 3. Title page, line 1, by striking the words
 44 “eligibility for participation in”.
 45 4. Title page, line 2, by inserting after the
 46 word “program” the following: “and providing for an
 47 effective date”.
 48 5. By renumbering as necessary.

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES
 RALPH ROSENBERG, Chairperson

S-5052

- 1 Amend Senate File 2116 as follows:
 2 1. Page 6, by inserting before line 14 the
 3 following:
 4 “Sec. ____ . Notwithstanding section 8.39, it is the
 5 intent of the general assembly that if funds are
 6 unavailable to implement the purposes of the
 7 appropriations made in this Act, the executive branch
 8 of government may make interdepartmental or
 9 intradepartmental transfers of excess moneys or
 10 potential reversions within the same department or
 11 another state department in order to implement such
 12 purposes.”

LEONARD L. BOSWELL

S-5053

- 1 Amend Senate File 2116 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “3.25 PERCENT
 5 Section 101. REDUCTIONS OF FISCAL YEAR 1991-1992
 6 APPROPRIATIONS.
 7 1. Moneys appropriated from the general fund of
 8 the state for the fiscal year beginning July 1, 1991,
 9 by the Seventy-fourth General Assembly, 1991 Session,
 10 and standing limited and unlimited appropriations from
 11 the general fund of the state for the fiscal year

12 beginning July 1, 1991, are reduced by three and one-
13 quarter percent. However, moneys appropriated from
14 the general fund of the state for the fiscal year
15 beginning July 1, 1991, shall not be reduced, except
16 as provided in section 102, if the appropriation is
17 any of the following:

18 a. Made by the Seventy-fourth General Assembly,
19 1992 Session.

20 b. Made pursuant to section 2.12.

21 c. Made to the judicial branch of the government.

22 2. The three and one-quarter percent reduction in
23 appropriations under subsection 1 shall be carried out
24 uniformly and proportionately in the manner specified
25 in section 8.31. The reduction of moneys appropriated
26 and available for the fiscal year beginning July 1,
27 1991, shall not, because of both executive action
28 prior to the effective date of this section and
29 pursuant to subsection 1, exceed more than three and
30 one-quarter percent.

31 3. Moneys which become available as a result of
32 the three and one-quarter percent reduction under
33 subsection 1 and funds available from allotments which
34 are modified because of the execution of the authority
35 under section 8.31 as contained in executive order
36 number 42 shall revert to the general fund of the
37 state on the effective date of this section or on the
38 effective date of the allotment, whichever is later.

39 .46 PERCENT

40 Sec. 102. ADDITIONAL REDUCTIONS OF FISCAL YEAR
41 1991-1992 APPROPRIATIONS.

42 1. In addition to the reduction pursuant to
43 section 101 of this Act, moneys appropriated from the
44 general fund of the state for the fiscal year
45 beginning July 1, 1991, by the Seventy-fourth General
46 Assembly, 1991 Session, and standing limited and
47 unlimited appropriations from the general fund of the
48 state for the fiscal year beginning July 1, 1991, are
49 reduced by forty-six hundredths of one percent.
50 However, moneys appropriated from the general fund of

Page 2

1 the state for the fiscal year beginning July 1, 1991,
2 shall not be reduced if the appropriation is any of
3 the following:

4 a. Made to the department of human services for
5 entitlement programs as delineated in subsection 4, or
6 to the department of corrections as specified in
7 subsection 5.

8 b. Made pursuant to section 2.12.

- 9 c. Made to the judicial branch of the government.
- 10 2. The forty-six hundredths of one percent
11 reduction in appropriations under subsection 1 shall
12 be carried out uniformly and proportionately in the
13 manner specified in section 8.31, except as provided
14 in subsections 4 and 5.
- 15 3. Moneys which become available as a result of
16 the forty-six hundredths of one percent reduction
17 under subsection 1 shall revert to the general fund of
18 the state on the effective date of this section.
- 19 4. The reduction percentage in subsection 1 shall
20 not be applied to reduce the appropriations to the
21 department of human services for allotments for
22 services to which an individual is statutorily
23 entitled, including, but not limited to, aid to
24 dependent children under chapter 239, including the
25 payment standard, transitional child day care
26 assistance in including provider reimbursements,
27 medical assistance under chapter 249A including the
28 medically needy program and other optional services
29 and eligibility groups, residential care facilities
30 reimbursements, services and reimbursements provided
31 under the enhanced services program under medical
32 assistance, court-ordered services provided to
33 juveniles pursuant to section 232.141, foster care and
34 foster care service payments including currently
35 eligible individuals, and in-home health related care.
- 36 5. Appropriations made to the department of
37 corrections in 1991 Iowa Acts, chapter 267, section
38 405, subsections 5 and 6 and in section 3 of this Act
39 for annual payments relating to prison expansion shall
40 not be reduced under subsection 1.”
- 41 2. Page 5, by striking lines 5 through 21.
- 42 3. Page 7, line 12, by inserting after the word
43 “reduction” the following: “made in section 101 of
44 this Act”.
- 45 4. Page 7, line 14, by inserting after the word
46 “Act.” the following: “However, these supplemental
47 appropriations shall be subject to reduction under
48 section 102 of this Act to the extent not otherwise
49 exempt under that section.”
- 50 5. Page 7, by striking lines 17 and 18 and

Page 3

- 1 inserting the following: “1992.”
- 2 6. Page 7, line 19, by striking the words and

3 figures "repealed July 1, 1992."

RICHARD J. VARN
LEONARD L. BOSWELL
MICHAEL W. CONNOLLY

S-5054

1 Amend Senate File 2116 as follows:
2 1. Page 4, by inserting after line 18 the
3 following:
4 "Department of public safety
5 Sec. ____ . DIVISION OF HIGHWAY SAFETY AND UNIFORMED
6 FORCE. The department of public safety, department of
7 personnel, and the department of management shall make
8 every reasonable effort to fill the entire complement
9 of positions authorized for the division of highway
10 safety and uniformed force under the appropriation
11 made to the division from the road use tax fund in
12 1991 Iowa Acts, chapter 268, section 504, subsection
13 1, as soon after the effective date of this Act as
14 practicable."
15 2. By renumbering as necessary.

JOE WELSH
JAMES B. KERSTEN
WALLY E. HORN

S-5055

1 Amend the amendment, S-5053 to Senate File 2116 as
2 follows:
3 1. Page 2, line 40, by striking the word and
4 figure "subsection 1." and inserting the following:
5 "subsection 1.
6 6. School districts receiving an additional
7 reduction in the amount of state school foundation aid
8 under chapter 257, as a result of the reduction in
9 subsection 1, shall not raise the lost state aid by a
10 cash reserve levy under section 298.10 to replace the
11 state school foundation aid reduction in subsection
12 1."

LARRY MURPHY
JOHN P. KIBBIE
LEONARD L. BOSWELL
BEVERLY A. HANNON
EUGENE S. FRAISE
BERL E. PRIEBE
EMIL J. HUSAK

WILLIAM W. DIELEMAN
DONALD V. DOYLE

S-5056

1 Amend the amendment, S-5053, to Senate File 2116 as
2 follows:
3 1. Page 2, line 40, by striking the word and
4 figure "subsection 1." and inserting the following:
5 "subsection 1.
6 6. The reduction, as a result of subsection 1, in
7 state aid to school districts appropriated under
8 section 257.16 shall be applied on a per pupil basis
9 to each school district so that the same dollar amount
10 in state aid per pupil is reduced."

LARRY MURPHY

S-5057

1 Amend the amendment, S-5053, to Senate File 2116 as
2 follows:
3 1. Page 2, by striking lines 8 and 9.

JIM LIND
MAGGIE TINSMAN
PAUL D. PATE
LINN FUHRMAN
MARK R. HAGERLA
ALLEN BORLAUG
HARRY G. SLIFE
H. KAY HEDGE
SHELDON RITTMER
JACK W. HESTER
JOHN W. JENSEN
RAY TAYLOR
RICHARD VANDE HOEF
MARY E. KRAMER
DALE L. TIEDEN

S-5058

1 Amend Senate File 2116 as follows:
2 1. Page 1, line 11, by striking the figure
3 "4,306,161" and inserting the following: "3,606,161".
4 2. Page 1, by striking lines 16 and 17.
5 3. Page 6, by inserting before line 14 the
6 following:
7 "Sec. ____ . Notwithstanding section 8.39, the
8 department of management with the approval of the

9 governor may make necessary transfers from surplus
10 appropriations resulting from reductions in force to
11 any appropriation in this Act that is insufficient to
12 pay the legal obligations of that appropriation.”

DALE L. TIEDEN
JIM LIND

S-5059

1 Amend the amendment, S-5053, to Senate File 2116 as
2 follows:
3 1. Page 2, by striking line 8.

JIM LIND

S-5060

1 Amend the amendment, S-5058, to Senate File 2116 as
2 follows:
3 1. Page 1, line 3, by striking the figure
4 “3,606,161” and inserting the following: “2,606,161”.
5 2. Page 1, by striking line 4 and inserting the
6 following:
7 “— . Page 1, line 17, by striking the figure
8 “19,605,610” and inserting the following:
9 “1,605,610”.”

DALE L. TIEDEN

S-5061

1 Amend the amendment, S-5053, to Senate File 2116 as
2 follows:
3 1. Page 2, by striking line 9.

RICHARD VANDE HOEF
RAY TAYLOR

S-5062

1 Amend amendment, S-5044, to Senate File 316 as
2 follows:
3 1. Page 1, line 35, by inserting after the word
4 “registration,” the following: “admission.”
5 2. Page 1, by striking lines 46 and 47 and
6 inserting the following: “the time of hiring or

7 orientation, a guide that describes for its employees
8 the applicable sexual”.

LARRY MURPHY
ELAINE SZYMONIAK
MARY KRAMER

S-5063

1 Amend Senate File 2136 as follows:
2 1. Page 1, by striking line 21 through page 2,
3 line 28.
4 2. Page 4, by striking line 16 through page 5,
5 line 15.
6 3. Title, line 3, by striking the words “solid
7 waste collection and disposal services and”.

GEORGE R. KINLEY

S-5064

1 Amend Senate File 2136 as follows:
2 1. By striking page 2, line 29 through page 4,
3 line 15.
4 2. Title page, line 4, by striking the words
5 “consulting services, and”.

LARRY MURPHY

S-5065

1 Amend the amendment, S-5044, to Senate File 316 as
2 follows:
3 1. Page 1, by striking lines 40 through 49 and
4 inserting the following:
5 “— . Page 2, by striking lines 11 through 17 and
6 inserting the following:
7 “Sec. 4. Section 602.1401, subsection 1, Code
8 Supplement 1991, is amended to read as follows:
9 1. The supreme court shall establish, and may
10 amend, a personnel system and a pay plan for court
11 employees. The personnel system shall include a
12 designation by position title, classification, and
13 function of each position or class of positions within
14 the department. Reasonable efforts shall be made to
15 accommodate the individual staffing and management
16 practices of the respective clerks of the district
17 court. The personnel system, in the employment of
18 court employees, shall not discriminate on the basis
19 of race, creed, color, sex, national origin, religion,

20 physical disability, or political party preference.
 21 The supreme court, in establishing the personnel
 22 system, shall implement the comparable worth
 23 directives issued by the state court administrator
 24 under section 602.1204, subsection 2. The personnel
 25 system shall include the prohibitions against sexual
 26 harassment of full-time, part-time, and temporary
 27 employees set out in section 19B.12, and shall include
 28 a grievance procedure for discriminatory harassment.
 29 The personnel system shall develop and distribute at
 30 the time of hiring or orientation, a guide that
 31 describes for employees the applicable sexual
 32 harassment prohibitions and grievance, violation, and
 33 disposition procedures.”
 34 2. By renumbering as necessary.

ELAINE SZYMONIAK
 MARY E. KRAMER

S-5066

1 Amend Senate File 2136 as follows:
 2 1. Page 1, by striking lines 1 through 20.
 3 2. Title page, lines 1 and 2, by striking the
 4 words “redefining wine and beer for the applicability
 5 of certain taxes, and”.

LARRY MURPHY
 WALLY E. HORN
 JOE J. WELSH

S-5067

1 Amend Senate File 2136 as follows:
 2 1. By striking page 2, line 29 through page 4,
 3 line 15.
 4 2. Title page, line 4, by striking the words
 5 “consulting services, and”.

JIM KERSTEN
 DERRYL MCLAREN
 ALLEN BORLAUG
 DALE L. TIEDEN
 RAY TAYLOR
 JOHN E. SOORHOLTZ
 JIM LIND
 RICHARD VANDE HOEF
 MARY E. KRAMER

S-5068

- 1 Amend Senate File 2010 as follows:
- 2 1. Page 1, by inserting after line 6, the
- 3 following:
- 4 "Notwithstanding section 724.2, no person is
- 5 authorized to possess in this state a shotgun or
- 6 cartridge intended to project a flame or fireball of
- 7 the type described in this section."
- 8 2. Title page, line 2, by inserting after the
- 9 word "weapons" the following: ", prohibiting
- 10 possession."

MIKE CONNOLLY

S-5069

- 1 Amend Senate File 2010 as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:
- 4 "For the purpose of this section "exothermic
- 5 pyrophoric misch metal" means a combustible, heat
- 6 producing substance or compound including, but not
- 7 limited to, an alloy comprised of lanthanum, cerium,
- 8 and iron."

MICHAEL CONNOLLY

S-5070

- 1 Amend Senate File 2136 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 98.6, subsection 1, Code
- 5 Supplement 1991, is amended to read as follows:
- 6 1. There is imposed, and shall be collected and
- 7 paid to the department, the following taxes a tax on
- 8 all cigarettes used or otherwise disposed of in this
- 9 state for any purpose whatsoever:
- 10 Class A: On cigarettes weighing not more than
- 11 three pounds per thousand; eighteen mills equal to two
- 12 and three-tenths cents on each such cigarette.
- 13 Class B: On cigarettes weighing more than three
- 14 pounds per thousand; eighteen mills on each such
- 15 cigarette.
- 16 Sec. ____ . Section 98.43, subsection 1, unnumbered
- 17 paragraph 1, Code Supplement 1991, is amended to read
- 18 as follows:
- 19 A tax is imposed upon all tobacco products in this
- 20 state and upon any person engaged in business as a

21 distributor of tobacco products, at the rate of
 22 ~~twenty-two~~ twenty-eight percent of the wholesale sales
 23 price of the tobacco products, except little cigars as
 24 defined in section 98.42. Little cigars shall be
 25 subject to the same rate of tax imposed upon
 26 cigarettes in section 98.6, payable at the time and in
 27 the manner provided in section 98.6; and stamps shall
 28 be affixed as provided in division I of this chapter.
 29 The tax on tobacco products, excluding little cigars,
 30 shall be imposed at the time the distributor does any
 31 of the following:

32 Sec. ____ . Section 98.43, subsection 2, unnumbered
 33 paragraph 1, Code Supplement 1991, is amended to read
 34 as follows:

35 A tax is imposed upon the use or storage by
 36 consumers of tobacco products in this state, and upon
 37 the consumers, at the rate of ~~twenty-two~~ twenty-eight
 38 percent of the cost of the tobacco products.”

39 2. Title page, line 1, by inserting after the
 40 word “to” the following: “increasing the cigarette
 41 and tobacco products tax.”

LARRY MURPHY
 BEVERLY A. HANNON

S-5071

1 Amend Senate File 2059 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 “Section 1. Section 192.124, Code Supplement 1991,
 5 is amended by adding the following new unnumbered
 6 paragraph:

7 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 8 189.21, a person retaining a container used for the
 9 sale of dairy products as provided in this section,
 10 which bears a mark registered pursuant to section
 11 192.123, shall not be subject to any penalty provided
 12 by law, if the person returns the container to its
 13 owner on or after May 1, 1992, but before August 1,
 14 1992.

15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
 16 immediate importance, takes effect upon enactment.”

17 2. Title page, line 2, by inserting after the
 18 word “penalty” the following: “and providing an
 19 effective date”.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5072

1 Amend Senate File 2136 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. NEW SECTION. 2.110 GENERAL FUND
5 EXPENDITURE LIMIT.

6 1. For the fiscal year beginning July 1, 1993,
7 total expenditures from the general fund of the state
8 during the fiscal year beginning July 1, 1993, shall
9 not exceed the sum of the latest estimated general
10 fund revenue for the fiscal year beginning July 1,
11 1992, plus one-half of the estimated increase in
12 general fund revenues during the fiscal year beginning
13 July 1, 1993, and after estimated tax refunds due for
14 these fiscal years are subtracted, as both estimates
15 are made by the revenue estimating conference prior to
16 January 1, 1993.

17 For fiscal years beginning on or after July 1,
18 1994, total expenditures from the general fund of the
19 state during a fiscal year shall not exceed the sum of
20 the latest estimated general fund revenue, after
21 estimated tax refunds due for that fiscal year are
22 subtracted, for the previous fiscal year plus one-half
23 of the estimated increase in general fund revenues,
24 after estimated tax refunds are subtracted, for the
25 fiscal year, as both estimates are made by the revenue
26 estimating conference prior to January 1 of that
27 previous fiscal year.

28 The limitation provided in this subsection shall
29 only be exceeded in a fiscal year by passage by a two-
30 thirds vote of each house and approval by the
31 governor, of a joint resolution that provides that the
32 limitation shall not apply for the ensuing fiscal year
33 only.

34 2. Unless a joint resolution has been passed and
35 approved which authorizes exceeding the limitation on
36 general fund expenditures as provided in subsection 1,
37 before the general assembly shall adjourn the year's
38 session, the department of management and the
39 legislative fiscal bureau shall certify that the
40 expenditure limit in subsection 1 has not been
41 exceeded. If the department of management and the
42 legislative fiscal bureau certify that the limitation
43 has been exceeded, the general assembly shall pass a
44 bill reducing appropriations made previously in
45 enacted appropriations bills so that the limitation is
46 not exceeded.

47 Sec. ____ . NEW SECTION. 2.111 PROGRAMS --
48 APPROPRIATIONS -LIMITS.

49 Beginning with the fiscal year beginning July 1,
50 1993, the general assembly shall not establish new

Page 2

1 programs to be administered by a state agency unless
2 the Act in which the new program is established
3 contains an appropriation for the administration and
4 operating costs of the program for the first fiscal
5 year. In addition, such program shall only begin on
6 July 1 unless the program is required by the federal
7 government and it is not possible to begin the program
8 at the beginning of the fiscal year. In making
9 appropriations for a fiscal year, the general assembly
10 shall not make the appropriations contingent upon the
11 occurrence of some event, including but not limited
12 to, the passage of a bill by the general assembly,
13 establishment of a program, or unexpected increase in
14 state revenues.

15 Sec. — . NEW SECTION. 2.112 STANDING
16 APPROPRIATIONS.

17 1. For purposes of this section, "standing
18 unlimited appropriation" means an appropriation made
19 from any state fund for more than one fiscal year
20 where the law making the appropriation does not
21 specify the exact dollar amount to be appropriated.
22 "Standing unlimited appropriation" includes, but is
23 not limited to, an appropriation under phase II in
24 section 294A.9, phase III in section 294A.14, school
25 foundation aid under section 257.16, programs for at-
26 risk children under section 279.51, and transportation
27 for nonpublic students in section 285.2.

28 2. Notwithstanding the law authorizing a standing
29 unlimited appropriation for fiscal years beginning on
30 or after July 1, 1994, allotments of a standing
31 unlimited appropriation shall not exceed the amount of
32 the appropriation actually expended for the previous
33 fiscal year unless the general assembly by a
34 constitutional majority agrees to increase the
35 allotments and the governor approves the increase.

36 Sec. — . Section 8.6, Code Supplement 1991, is
37 amended by adding the following new subsections:
38 NEW SUBSECTION. 16. To review the treasurer of
39 state's report concerning the bonding levels and
40 activities of the state board of regents and to
41 monitor the lease-purchase and lease agreements of
42 state agencies, and the purchases made by state
43 agencies. An annual report shall be provided to the
44 general assembly within the first month of the
45 convening of a regular session which report covers the

46 fiscal year ending prior to the convening of the
47 session.
48 **NEW SUBSECTION. 17.** To analyze the cost to the
49 state and local governments of federal mandates. The
50 analysis shall include, in addition to the actual

Page 3

1 cost, benefits and matching moneys received by the
2 state.
3 Sec. ____ . Section 8.22, part II, Code 1991, is
4 amended by adding the following new unnumbered
5 paragraph:
6 **NEW UNNUMBERED PARAGRAPH.** For fiscal years
7 beginning on or after July 1, 1993, the sum of the
8 governor's recommendations for appropriations from the
9 general fund of the state plus all standing
10 appropriations from the general fund of the state for
11 the ensuing fiscal year shall not exceed the latest
12 estimated general fund revenue for the year in
13 progress as adjusted by subtracting the estimated tax
14 refunds due on that revenue, as made by the revenue
15 estimating conference prior to January 1 of that year
16 in progress.
17 Sec. ____ . Section 8.23, Code Supplement 1991, is
18 amended to read as follows:
19 **8.23 ANNUAL DEPARTMENTAL ESTIMATES.**
20 **1. a.** On or before September 1, prior to each
21 legislative session, all departments and
22 establishments of the government shall transmit to the
23 director, on blanks to be furnished by the director,
24 estimates of their expenditure requirements, including
25 every proposed expenditure, for the ensuing fiscal
26 year, classified so as to distinguish between
27 expenditures estimated for administration, operation,
28 and maintenance, and the cost of each project
29 involving the purchase of land or the making of a
30 public improvement or capital outlay of a permanent
31 character, together with supporting data and
32 explanations as called for by the director. The
33 budget estimates shall include for those agencies
34 which pay for energy directly a line item for energy
35 expenses itemized by type of energy and location. The
36 **For those designated departments and establishments of**
37 **the government and for the designated fiscal years as**
38 **provided in subsection 2, the estimates of expenditure**
39 **requirements shall be based upon seventy-five zero**
40 **percent of the funding provided for the current fiscal**
41 **year accounted for by program reduced by the**
42 **historical employee vacancy factor in form specified**

43 by the director and the remainder of the estimate of
44 expenditure requirements prioritized by program. If
45 the budget for the current year includes a one-time
46 capital appropriation, it shall not be included in any
47 budget estimates for the following fiscal year. The
48 estimates shall be accompanied with performance
49 measures for evaluating the effectiveness of the
50 program. If a department or establishment fails to

Page 4

1 submit estimates within the time specified, the
2 governor shall cause estimates to be prepared for that
3 department or establishment as in the governor's
4 opinion are reasonable and proper. The director shall
5 furnish standard budget request forms to each
6 department or agency of state government.
7 b. On or before November 15 all departments and
8 establishments of government and the judicial
9 department shall transmit to the department of
10 management and the legislative fiscal bureau estimates
11 of their receipts and expenditure requirements from
12 federal or other nonstate grants, receipts, and funds
13 for the ensuing fiscal year. The transmittal shall
14 include the names of the grantor and the grant or the
15 source of the funds, the estimated amount of the
16 funds, and the planned expenditures and use of the
17 funds. The format of the transmittal shall be
18 specified by the legislative fiscal bureau. In the
19 case where federal grants, receipts, or funds are
20 involved, the transmittal shall also include the
21 amount of any required state match.

22 2. The following departments and establishments of
23 the government, beginning with the designated fiscal
24 year and for every sixth fiscal year thereafter, shall
25 provide budget estimates under subsection 1 based upon
26 zero percent of the funding provided for the current
27 fiscal year and shall provide for each program an
28 evaluation concerning the program demand, employee
29 workload, productivity effectiveness, and other
30 relevant information concerning the program's
31 performance;

32 a. For the fiscal year beginning July 1, 1993, the
33 state departments of agriculture and land stewardship,
34 economic development, education, and human rights, and
35 the office of auditor of state.

36 b. For the fiscal year beginning July 1, 1994, the
37 state departments of commerce, elder affairs, human
38 services, and public health, and the offices of
39 governor's substance abuse prevention coordinator,

40 secretary of state, and state-federal relations.
 41 c. For the fiscal year beginning July 1, 1995, the
 42 state departments for the blind, inspections and
 43 appeals, public defense, and public safety, campaign
 44 finance disclosure commission, public employment
 45 relations board, and state board of regents.
 46 d. For the fiscal year beginning July 1, 1996, the
 47 state departments of general services, justice, and
 48 revenue and finance, the college student aid
 49 commission, the office of governor, and the board of
 50 parole.

Page 5

1 e. For the fiscal year beginning July 1, 1997, the
 2 state departments of cultural affairs, employment
 3 services, natural resources, and transportation, Iowa
 4 state civil rights commission, and the Iowa law
 5 enforcement academy.
 6 f. For the fiscal year beginning July 1, 1998, the
 7 state departments of corrections, management, and
 8 personnel, executive council, judicial department, and
 9 office of treasurer of state.
 10 Sec. ____ . NEW SECTION. 17A.4A FISCAL REVIEW.
 11 1. If the administrative rules review committee
 12 determines that a proposed rule may cost the state
 13 more than one hundred thousand dollars in a fiscal
 14 year or more than five hundred thousand dollars over a
 15 five-year period, a fiscal note shall be prepared on
 16 that rule. Notwithstanding the provisions of section
 17 17A.4, the effective date of a proposed rule for which
 18 a fiscal note is required shall be delayed and the
 19 procedure under section 17A.8, subsection 9, relating
 20 to the effective date of a rule that has been delayed
 21 shall apply.
 22 2. If the proposed rule is approved and adopted,
 23 following the first complete fiscal year after its
 24 adoption, the agency which proposed the rule shall
 25 submit a report of the actual expenses incurred by the
 26 state and agencies and entities which contract with
 27 the state in implementing the rule."
 28 2. Title page, line 1, by inserting after the
 29 words "relating to" the following: "the state budget
 30 and financial condition by requiring certain financial
 31 practices,".

LINN FUHRMAN
 RAY TAYLOR
 MAGGIE TINSMAN
 PAUL D. PATE

JAMES B. KERSTEN
DERRYL MCLAREN

S-5073

1 Amend Senate File 2136 as follows:
2 1. Page 5, by inserting after line 15 the
3 following:
4 "Sec. ____ . Section 422.45, Code Supplement 1991,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 47. The first three thousand
7 dollars of the gross receipts from the sale of
8 tangible personal property used in a funeral and from
9 the provision of services for a funeral."
10 2. Title, line 4, by inserting after the word
11 "services," the following: "exempting certain funeral
12 expenses from the state sales, services, and use
13 tax,".

GEORGE R. KINLEY

S-5074

1 Amend Senate File 2110 as follows:
2 1. Page 1, by inserting after line 31 the
3 following:
4 "Sec. ____ . Section 256.11, subsection 5, paragraph
5 g, unnumbered paragraph 2, Code Supplement 1991, is
6 amended to read as follows:
7 Students in grades nine through eleven Eleventh
8 grade students may be excused from the physical
9 education requirement in order to enroll in academic
10 courses not otherwise available to the student if the
11 board of directors of the school district in which the
12 school is located, or the authorities in charge of the
13 school, if the school is a nonpublic school, determine
14 that students from the school may be permitted to be
15 excused from the physical education requirement. A
16 student may be excused by the principal of the school
17 in which the student is enrolled, in consultation with
18 the student's counselor, for up to one semester,
19 trimester, or the equivalent of a semester or
20 trimester, per year if the parent or guardian of the
21 student requests in writing that the student be
22 excused from the physical education requirement. The
23 student seeking to be excused from the physical
24 education requirement must, at some time during the
25 period for which the excuse is sought, be a
26 participant in an organized and supervised athletic
27 program which requires at least as much time of

- 28 participation per week as one-eighth unit of physical
 29 education.”
 30 2. Title page, line 2, by inserting after the
 31 word “conditions” the following: “and removing ninth
 32 and tenth grade students from the physical education
 33 exemption”.
 34 3. By renumbering as necessary.

JIM LIND
 LARRY MURPHY
 JOHN P. KIBBIE

S-5075

- 1 Amend Senate File 2142, as follows:
 2 1. Page 1, line 7, by striking the word “A” and
 3 inserting the following: “Therefore, to the extent
 4 that funds are available, a”.
 5 2. Page 1, line 8, by striking the word
 6 “therefore”.
 7 3. Page 1, line 17, by inserting after the word
 8 “assembly” the following: “and the availability of
 9 funds”.
 10 4. Page 2, line 4, by inserting after the word
 11 “project” the following: “, for which funds are
 12 available.”.
 13 5. Page 2, line 26, by inserting after the word
 14 “projects” the following: “for which funds are
 15 available”.

JIM LIND

S-5076

- 1 Amend Senate File 2094 as follows:
 2 1. Page 1, by striking lines 29 through 31 and
 3 inserting the following:
 4 “Sec. ____ . Section 312.3, subsection 1, Code
 5 Supplement 1991, is amended by striking the subsection
 6 and inserting in lieu thereof the following:
 7 1. Apportion among the counties in the ratio that
 8 the needs of the secondary roads of each county bear
 9 to the total needs of the secondary roads of the state
 10 for each fiscal year based upon the total needs of
 11 secondary roads of the state as shown in the latest
 12 quadrennial need study report developed by the state
 13 department of transportation, and which is on record
 14 at the department, seventy percent of the allocation
 15 from road use tax funds which is credited to the
 16 secondary road fund of the counties, and apportion

- 17 among the counties in the ratio that the area of each
 18 county bears to the total area of the state, thirty
 19 percent of the allocation from road use tax funds
 20 which is credited to the secondary road fund of the
 21 counties.
 22 "Latest quadrennial need study report".
 23 2. Page 2, by inserting after line 9 the
 24 following:
 25 "Sec. ____ . Section 312.5, subsection 5, Code
 26 Supplement 1991, is amended by striking the
 27 subsection."

SHELDON RITTMER
 RICHARD F. DRAKE
 JIM LIND
 JOHN P. KIBBIE
 WALLY E. HORN
 MICHAEL W. CONNOLLY
 RICHARD V. RUNNING
 EMIL J. HUSAK
 PAUL D. PATE
 BERL E. PRIEBE
 GEORGE R. KINLEY
 JOHN E. SOORHOLTZ

S-5077

- 1 Amend Senate File 2154 as follows:
 2 1. Page 1, line 24, by striking the words "~~may~~
 3 shall" and inserting the following: "may".

JOHN P. KIBBIE
 WALLY HORN

HOUSE AMENDMENT TO
 SENATE FILE 260

S-5078

- 1 Amend Senate File 260, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "real" the following: "or personal".
 5 2. Page 1, line 7, by striking the word "real".
 6 3. Page 1, line 16, by inserting before the word
 7 "lease-purchase" the following: "lease or".
 8 4. Page 1, line 27, by inserting before the word
 9 "lease-purchase" the following: "lease or".
 10 5. Page 1, line 29, by striking the word "annual"
 11 and inserting the following: "lease and".
 12 6. Page 1, line 30, by inserting before the word

- 13 "lease-" the following: "lease or".
- 14 7. Page 2, line 2, by striking the word "lease-
- 15 purchase" and inserting the following: "lease or
- 16 lease-purchase contract for personal property which is
- 17 payable from the general fund. The board must follow
- 18 substantially the authorization procedures of section
- 19 331.443 to authorize a lease or lease-purchase".
- 20 8. Page 2, line 20, by inserting before the word
- 21 "lease-purchase" the following: "lease or".
- 22 9. Page 2, line 22, by inserting before the word
- 23 "lease-purchase" the following: "lease or".
- 24 10. Page 2, line 25, by inserting before the word
- 25 "lease-purchase" the following: "lease or".
- 26 11. Page 2, line 26, by striking the words
- 27 "proposal to enter" and inserting the following:
- 28 "meeting to discuss entering".
- 29 12. Page 2, line 26, by inserting before the word
- 30 "lease-" the following: "lease or".
- 31 13. Page 2, line 28, by inserting before the word
- 32 "lease-purchase" the following: "lease or".
- 33 14. Page 2, line 30, by inserting before the word
- 34 "meeting" the following: "discussion meeting. No
- 35 sooner than thirty days following the discussion
- 36 meeting shall the board hold a".
- 37 15. Page 2, line 31, by inserting before the word
- 38 "lease-" the following: "lease or".
- 39 16. Page 2, line 33, by striking the words "date
- 40 fixed for taking" and inserting the following: "end
- 41 of the thirty-day period after which a meeting may be
- 42 held to take".
- 43 17. Page 2, line 34, by inserting before the word
- 44 "lease-purchase" the following: "lease or".
- 45 18. Page 3, line 1, by inserting before the word
- 46 "lease-purchase" the following: "lease or".
- 47 19. Page 3, line 4, by inserting before the word
- 48 "lease-purchase" the following: "lease or".
- 49 20. Page 3, line 6, by inserting before the word
- 50 "lease-" the following: "lease or".

Page 2

- 1 21. Page 3, line 9, by inserting after the word
- 2 "persons." the following: "The question to be placed
- 3 on the ballot shall be stated affirmatively in
- 4 substantially the following manner: Shall the county
- 5 of _____ enter into a lease or lease-purchase
- 6 contract in an amount of \$_____ for the purpose of
- 7 _____?"
- 8 22. Page 3, line 13, by inserting before the word
- 9 "lease-purchase" the following: "lease or".

- 10 23. Page 3, line 15, by inserting before the word
 11 "lease-purchase" the following: "lease or".
- 12 24. Page 3, line 16, by inserting before the word
 13 "lease-purchase" the following: "lease or".
- 14 25. Page 3, line 20, by inserting before the word
 15 "lease-purchase" the following: "lease or".
- 16 26. Page 4, line 34, by inserting after the word
 17 and figure "(1) The" the following: "board shall
 18 follow substantially the authorization procedures of
 19 section 331.443 to authorize a loan agreement for
 20 personal property which is payable from the general
 21 fund. The".
- 22 27. Page 5, line 23, by striking the words
 23 "proposal to enter" and inserting the following:
 24 "meeting to discuss entering".
- 25 28. Page 5, line 27, by inserting before the word
 26 "meeting" the following: "discussion meeting. No
 27 sooner than thirty days following the discussion
 28 meeting shall the board hold a".
- 29 29. Page 5, line 29, by striking the words "date
 30 fixed for taking" and inserting the following: "end
 31 of the thirty-day period after which a meeting may be
 32 held to take".
- 33 30. Page 6, line 4, by inserting after the word
 34 "persons." the following: "The question to be placed
 35 on the ballot shall be stated affirmatively in
 36 substantially the following manner: Shall the county
 37 of _____ enter into a loan agreement in amount of
 38 \$ _____ for the purpose of _____?"
- 39 31. Page 7, line 12, by inserting after the word
 40 "real" the following: "or personal".
- 41 32. Page 7, line 15, by striking the word "real".
- 42 33. Page 7, line 24, by inserting before the word
 43 "lease-purchase" the following: "lease or".
- 44 34. Page 8, line 1, by inserting before the word
 45 "lease-purchase" the following: "lease or".
- 46 35. Page 8, line 3, by inserting before the word
 47 "lease-purchase" the following: "lease or".
- 48 36. Page 8, line 5, by inserting before the word
 49 "lease-purchase" the following: "lease or".
- 50 37. Page 8, line 13, by inserting before the word

Page 3

- 1 "lease-purchase" the following: "lease or lease-
 2 purchase contract for personal property which is
 3 payable from the general fund. The governing body
 4 must follow substantially the authorization procedures
 5 of section 384.25 to authorize the lease or".
- 6 38. Page 8, line 24, by inserting before the word

- 7 "lease-purchase" the following: "lease or".
8 39. Page 8, line 26, by inserting before the word
9 "lease-purchase" the following: "lease or".
10 40. Page 8, line 29, by inserting before the word
11 "lease-purchase" the following: "lease or".
12 41. Page 8, line 30, by striking the words
13 "proposal to enter" and inserting the following:
14 "meeting to discuss entering".
15 42. Page 8, line 30, by inserting before the word
16 "lease-" the following: "lease or".
17 43. Page 8, line 32, by inserting before the word
18 "lease-purchase" the following: "lease or".
19 44. Page 8, line 35, by inserting before the word
20 "meeting" the following: "discussion meeting. No
21 sooner than thirty days following the discussion
22 meeting shall the governing body hold a".
23 45. Page 9, line 1, by inserting before the word
24 "lease-purchase" the following: "lease or".
25 46. Page 9, line 2, by striking the words "date
26 fixed for taking" and inserting the following: "end
27 of the thirty-day period after which a meeting may be
28 held to take".
29 47. Page 9, line 3, by inserting before the word
30 "lease-purchase" the following: "lease or".
31 48. Page 9, line 5, by inserting before the word
32 "lease-" the following: "lease or".
33 49. Page 9, line 8, by inserting before the word
34 "lease-purchase" the following: "lease or".
35 50. Page 9, line 11, by inserting before the word
36 "lease-purchase" the following: "lease or".
37 51. Page 9, line 13, by inserting after the word
38 "persons." the following: "The question to be placed
39 on the ballot shall be stated affirmatively in
40 substantially the following manner: Shall the city of
41 _____ enter into a lease or lease purchase contract
42 in amount of \$_____ for the purpose of _____?"
43 52. Page 9, line 17, by inserting before the word
44 "lease-purchase" the following: "lease or".
45 53. Page 9, line 19, by inserting before the word
46 "lease-purchase" the following: "lease or".
47 54. Page 9, line 20, by inserting before the word
48 "lease-purchase" the following: "lease or".
49 55. Page 9, line 25, by inserting before the word
50 "lease-purchase" the following: "lease or".

Page 4

- 1 56. Page 11, line 4, by striking the word and
2 letter "a. The" and inserting the following:
3 "a. The governing body must follow substantially

- 4 the authorization procedures of section 384.25 to
5 authorize a loan agreement for personal property which
6 is payable from the general fund. The”.
- 7 57. Page 11, line 22, by striking the words
8 “proposal to enter” and inserting the following:
9 “meeting to discuss entering”.
- 10 58. Page 11, line 27, by inserting before the
11 word “meeting” the following: “discussion meeting.
12 No sooner than thirty days following the discussion
13 meeting shall the governing body hold a”.
- 14 59. Page 11, line 29, by striking the words “date
15 fixed for taking” and inserting the following: “end
16 of the thirty-day period after which a meeting may be
17 held to take”.
- 18 60. Page 12, line 5, by inserting after the word
19 “persons.” the following: “The question to be placed
20 on the ballot shall be stated affirmatively in
21 substantially the following manner: Shall the city of
22 _____ enter into a loan agreement in amount of
23 \$_____ for the purpose of _____?”
- 24 61. Page 13, line 3, by striking the figure
25 “1991” and inserting the following: “1992”.
- 26 62. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

S-5079

- 1 Amend Senate File 2133 as follows:
- 2 1. Page 3, by inserting after line 11 the
3 following:
- 4 “1A. The board shall implement the latest and most
5 cost effective technological improvements for the
6 center in order to provide operators and excavators
7 with the most accurate data available and in a timely
8 manner to allow operators and excavators to perform
9 their responsibilities with the minimum amount of
10 interruptions.”
- 11 2. Page 4, line 25, by inserting after the word
12 “excavator” the following: “, unless otherwise agreed
13 upon between the excavator and the operator.”
- 14 3. Page 5, by striking lines 1 and 2 and
15 inserting the following: “first excavation period,
16 and the operator shall remark the location of the
17 underground facility in a manner that will last for a
18 second excavation period.
- 19 (3) If the excavation extends beyond this second
20 excavation period, the excavator shall propose and the
21 operator shall agree to a reasonable schedule for the
22 marking of the underground facility during the
23 extended period of excavation.”

- 24 4. Page 5, by striking lines 18 through 23.
25 5. Page 7, by striking line 9, and inserting the
26 following:
27 "Sec. ____ . Section 479.47, unnumbered paragraph 2,
28 Code 1991, is amended by striking the paragraph.
29 Sec. ____ . Section 479A.26, unnumbered paragraphs 2
30 and 3, Code 1991, are amended by striking the
31 paragraphs.
32 Sec. ____ . Sections 478.36 and 480.2, Code 1991,
33 are repealed.
34 Sec. ____ . This Act takes effect on January 1,
35 1993."
36 6. Title page, line 5, by inserting after the
37 word "relief" the following: ", and providing an
38 effective date".
39 7. By renumbering as necessary.

JOHN W. JENSEN

S-5080

- 1 Amend Senate File 316 as follows:
2 1. Page 2, by inserting after line 17 the
3 following:
4 "Sec. ____ . Section 602.1401, subsection 1, Code
5 Supplement 1991, is amended to read as follows:
6 1. The supreme court shall establish, and may
7 amend, a personnel system and a pay plan for court
8 employees. The personnel system shall include a
9 designation by position title, classification, and
10 function of each position or class of positions within
11 the department. Reasonable efforts shall be made to
12 accommodate the individual staffing and management
13 practices of the respective clerks of the district
14 court. The personnel system, in the employment of
15 court employees, shall not discriminate on the basis
16 of race, creed, color, sex, national origin, religion,
17 physical disability, or political party preference.
18 The supreme court, in establishing the personnel
19 system, shall implement the comparable worth
20 directives issued by the state court administrator
21 under section 602.1204, subsection 2. The personnel
22 system shall include the prohibitions against sexual
23 harassment of full-time, part-time, and temporary
24 employees set out in section 19B.12, and shall include
25 a grievance procedure for discriminatory harassment.
26 The personnel system shall develop and distribute at
27 the time of hiring or orientation, a guide that
28 describes for employees the applicable sexual
29 harassment prohibitions and grievance, violation, and

30 disposition procedures."

31 2. By renumbering as necessary.

ELAINE SZYMONIAK
MARY E. KRAMER

S-5081

1 Amend Senate File 2141 as follows:

2 1. Page 1, line 20, by inserting after the word
3 "hours" the following: "or the trimester or quarter
4 equivalent of one hundred fifty semester hours."

5 2. Page 2, by inserting after line 7 the
6 following:

7 "Sec. ____ . Section 116.20, subsection 2, paragraph
8 d, Code Supplement 1991, is amended to read as
9 follows:

10 d. Persons holding the certificate of certified
11 public accountant under the provisions of section
12 116.5 who have a baccalaureate degree conferred by a
13 college or university recognized by the board and not
14 less than thirty semester ~~credit~~ hours additional
15 study or the trimester or quarter equivalent of thirty
16 semester hours, the total educational program to
17 include an accounting concentration or its equivalent
18 and such related subjects as the board determines to
19 be appropriate, and who have had at least one year of
20 experience in the practice of public accounting such
21 experience being acceptable to the board, shall be
22 issued permits by the board."

23 3. By renumbering as necessary.

JOHN P. KIBBIE

S-5082

1 Amend Senate File 2142 as follows:

2 1. Page 1, lines 12 and 13, by striking the words
3 "ten districts" and inserting the following: "nine
4 districts and one area education agency".

5 2. Page 1, line 23, by inserting after the word
6 "which" the following: "area education agency and".

7 3. Page 1, line 35, by inserting after the word
8 "those" the following: "area education agencies and".

9 4. Page 2, line 11, by inserting after the word
10 "schools" the following: "and area education
11 agencies".

12 5. Page 2, line 16, by inserting after the word
13 "district" the following: "or area education agency".

14 6. Page 2, line 19, by striking the words

15 "district, although districts" and inserting the
 16 following: "district or area education agency,
 17 although districts and area education agencies".
 18 7. Page 2, line 22, by striking the word
 19 "Districts" and inserting the following: "The area
 20 education agency and districts".
 21 8. Page 2, line 28, by inserting after the word
 22 "districts" the following: "and the participating
 23 area education agency".
 24 9. Page 2, line 29, by inserting after the word
 25 "district" the following: "and the area education
 26 agency".
 27 10. Page 2, line 31, by inserting after the word
 28 "district's" the following: "or the area education
 29 agency's".

MIKE CONNOLLY

S-5083

1 Amend Senate File 2167 as follows:
 2 1. Page 3, line 24, by striking the word "may"
 3 and inserting the following: "shall".
 4 2. Page 4, line 13, by inserting after the word
 5 "health," the following: "public health care
 6 practitioners, maternal and child health care
 7 providers,".

ELAINE SZYMONIAK

S-5084

1 Amend Senate File 2143 as follows:
 2 1. Page 2, line 18, by inserting after the word
 3 "a.m." the following: "during the time when school is
 4 in session".

MIKE CONNOLLY

S-5085

1 Amend Senate File 2036 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 12.1, Code 1991, is amended by
 5 adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. The treasurer shall
 7 report on the investments of all political
 8 subdivisions and agencies authorized to invest funds
 9 made in accordance with section 452.10 to the general

10 assembly. The treasurer shall adopt rules pursuant to
11 chapter 17A requiring all political subdivisions and
12 agencies authorized to invest funds to submit periodic
13 reports of investments made in accordance with section
14 452.10 to the treasurer and prescribing the forms for
15 making the reports. Each political subdivision and
16 agencies authorized to invest funds shall provide all
17 the information required pursuant to this provision
18 which shall be public records under section 22.1.

19 Sec. 2. NEW SECTION. 12.62 INVESTMENTS BY
20 AGENCIES AND POLITICAL SUBDIVISIONS -- TECHNICAL
21 INFORMATION AND ASSISTANCE.

22 The treasurer of state shall adopt rules pursuant
23 to chapter 17A for providing technical information and
24 assistance to agencies of this state authorized to
25 invest funds and political subdivisions seeking to
26 invest public funds. The treasurer or the treasurer's
27 designee shall provide technical information and
28 assistance to an agency authorized to invest funds or
29 political subdivision at the request of the agency
30 authorized to invest funds or political subdivision,
31 including but not limited to technical information
32 regarding the statutory requirements for investments
33 by the agency authorized to invest funds or political
34 subdivision and technical assistance to enable the
35 agency authorized to invest funds or political
36 subdivision to invest its funds in accordance with
37 state law. However, the fact that information and
38 assistance are provided under this section to an
39 agency or political subdivision authorized to invest
40 funds shall not make the state, the treasurer of
41 state, or the treasurer's designee liable to an agency
42 or political subdivision authorized to invest funds in
43 any manner for any loss, damage, or expense incurred
44 by the agency or political subdivision authorized to
45 invest funds as a result of an investment.

46 Sec. 3. Section 262.14, subsection 3, unnumbered
47 paragraph 1, Code 1991, is amended to read as follows:

48 Any portion of the funds may be invested by the
49 board. All investments of funds shall be subject to
50 sections 452.10 and 452.10A and other applicable law.

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1 In the investment of the funds, the board shall
2 exercise the judgment and care, under the
3 circumstances then prevailing, which persons of
4 prudence, discretion and intelligence exercise in
5 their own affairs as provided in section 633.123,
6 subsection 1.

7 Sec. 4. Section 279.29, unnumbered paragraph 2,
8 Code 1991, is amended to read as follows:
9 Pending audit and allowance of claims under this
10 section, the board shall invest moneys of the
11 corporation to the extent practicable, and the board
12 may provide for the joint investment of moneys with
13 one or more school corporations pursuant to a joint
14 investment agreement. All investments of funds shall
15 be subject to sections 452.10 and 452.10A and other
16 applicable law.

17 Sec. 5. Section 302.11, Code 1991, is amended to
18 read as follows:

19 302.11 SCHOOL FUND ACCOUNTS -- AUDIT OF LOSSES.

20 The director of revenue and finance shall keep the
21 permanent school fund accounts in books provided for
22 that purpose, separate and distinct from the revenue
23 books. The auditor of state shall audit losses to the
24 permanent school or university fund caused by the
25 defalcation, mismanagement, or fraud of the agents or
26 officers controlling and managing the fund. The
27 auditor of state shall adopt rules pursuant to chapter
28 17A for those officers as necessary to ascertain the
29 losses.

30 Sec. 6. Section 331.555, subsection 6, Code 1991,
31 is amended to read as follows:

32 6. The treasurer shall keep all funds invested to
33 the extent practicable and may invest the funds
34 jointly with one or more counties, judicial district
35 departments of correctional services, cities, or city
36 utilities pursuant to a joint investment agreement.
37 All investments of funds shall be subject to sections
38 452.10 and 452.10A and other applicable law.

39 Sec. 7. Section 384.21, Code 1991, is amended to
40 read as follows:

41 384.21 JOINT INVESTMENT OF FUNDS.

42 A city or a city utility board shall keep all funds
43 invested to the extent practicable and may invest the
44 funds jointly with one or more cities, utility boards,
45 judicial district departments of correctional
46 services, or counties pursuant to a joint investment
47 agreement. All investments of funds shall be subject
48 to sections 452.10 and 452.10A and other applicable
49 law.

50 Sec. 8. Section 452.10, Code Supplement 1991, is

Page 3

1 amended by striking the section and inserting in lieu
2 thereof the following:

3 452.10 PUBLIC FUNDS INVESTMENT STANDARDS.

4 1. In addition to investment standards and
5 requirements otherwise provided by law, the investment
6 of public funds by the treasurer of state, state
7 agencies authorized to invest funds, and political
8 subdivisions of this state, shall comply with this
9 section, except where otherwise provided by another
10 statute specifically referring to this section.

11 2. The treasurer of state, state agencies
12 authorized to invest funds, and political subdivisions
13 of this state, when investing or depositing public
14 funds, shall exercise the care, skill, prudence, and
15 diligence under the circumstances then prevailing that
16 a prudent person acting in a like capacity and
17 familiar with such matters would use to attain the
18 goals of this subsection. This standard requires that
19 when making investment decisions, a public entity
20 shall consider the role that the investment or deposit
21 plays within the portfolio of assets of the public
22 entity and the goals of this subsection. The primary
23 goals of investment prudence shall be based in the
24 following order of priority:

25 a. Safety of principal is the first priority.

26 b. Maintaining the necessary liquidity to match
27 expected liabilities is the second priority.

28 c. Obtaining a reasonable return is the third
29 priority.

30 3. Investments of public funds shall be made in
31 accordance with written policies. A written
32 investment policy shall address the goals set out in
33 subsection 2 and shall also address, but is not
34 limited to, diversification, maturity, and quality and
35 capability of investment management.

36 4. The treasurer of state and all other state
37 agencies authorized to invest funds shall only
38 purchase and invest in the following:

39 a. Obligations of the United States government,
40 its agencies and instrumentalities.

41 b. Certificates of deposit and other evidences of
42 deposit at federally insured depository institutions
43 approved pursuant to chapter 453.

44 c. Prime bankers' acceptances.

45 d. Commercial paper or other short term corporate
46 debt rated within the two highest classifications, as
47 established by at least one of the standard rating
48 services approved by the superintendent of banking by
49 rule adopted pursuant to chapter 17A, provided that at
50 the time of purchase no more than five percent of all

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- 1 amounts invested in commercial paper shall be invested
2 in paper rated in the second highest classification.
- 3 e. Repurchase agreements whose underlying
4 collateral consists of the investments set out in
5 paragraphs "a" through "d" if the treasurer of state
6 or state agency authorized to invest funds takes
7 delivery of the collateral either directly or through
8 an authorized custodian. Repurchase agreements do not
9 include reverse repurchase agreements.
- 10 f. Investments authorized for the Iowa public
11 employee retirement system in section 97B.7,
12 subsection 2, paragraph "b", except that investment in
13 common stocks is not permitted.
- 14 g. An open-end management investment company
15 organized in trust form registered with the federal
16 securities and exchange commission under the federal
17 Investment Company Act of 1940, 15 U.S.C. § 80(a) and
18 operated in accordance with 17 C.F.R. § 270.2a-7.
- 19 Futures and options contracts are not permissible
20 investments.
- 21 5. Political subdivisions of this state, including
22 entities organized pursuant to chapter 28E whose
23 primary function is other than to jointly invest
24 public funds, shall only purchase and invest in the
25 following:
- 26 a. Obligations of the United States government,
27 its agencies and instrumentalities.
- 28 b. Certificates of deposit and other evidences of
29 deposit at federally insured depository institutions
30 approved pursuant to chapter 453.
- 31 c. Prime bankers' acceptances.
- 32 d. Commercial paper or other short term corporate
33 debt rated within the two highest classifications, as
34 established by at least one of the standard rating
35 services approved by the superintendent of banking by
36 rule adopted pursuant to chapter 17A, provided that at
37 the time of purchase no more than five percent of all
38 amounts invested in commercial paper shall be in paper
39 rated in the second highest classification.
- 40 e. Repurchase agreements whose underlying
41 collateral consists of the investments set out in
42 paragraph "a" if the subdivision takes delivery of the
43 collateral either directly or through an authorized
44 custodian. Repurchase agreements do not include
45 reverse repurchase agreements.
- 46 f. A joint investment trust organized pursuant to
47 chapter 28E or an open-end management investment
48 company, provided that such entities are registered

49 with the federal securities and exchange commission
50 under the federal Investment Company Act of 1940, 15

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1 U.S.C. § 80(a), and are operated in accordance with 17
2 C.F.R. § 270.2a-7.

3 Futures and options contracts are not permissible
4 investments. The provisions of section 452.10A must
5 also be satisfied by the purchaser or investor.

6 6. Investments by the Iowa public employees'
7 retirement system are governed by chapter 97B and are
8 not subject to this section.

9 Sec. 9. NEW SECTION. 452.10A PUBLIC INVESTMENT
10 MATURITY AND PROCEDURAL LIMITATIONS.

11 1. In addition to the investment standards and
12 requirements otherwise required by law, including
13 section 452.10, subsections 3 and 5, the following
14 shall apply to the investment of public funds by an
15 individual political subdivision of this state,
16 including entities organized pursuant to chapter 28E
17 whose primary function is other than to jointly invest
18 public funds:

19 a. As used in this subsection, "operating funds"
20 means those funds which are reasonably expected to be
21 expended or disbursed during the current budget year
22 or within fifteen months of receipt.

23 b. Operating funds must be accounted for in a
24 manner so as to be distinguishable from all other
25 funds available for deposit or investment.

26 c. Operating funds shall only be invested in
27 investments which mature within three hundred ninety-
28 seven days and which are authorized by law for the
29 investing public entity.

30 d. A contract for the investment or deposit of
31 public funds shall not provide for compensation of an
32 agent or fiduciary based upon performance above market
33 interest rates.

34 2. The investment standards and requirements
35 otherwise required by law, including section 452.10,
36 subsections 3 and 5, governing the investment of
37 public funds do not supercede chapter 453 and shall be
38 construed so as to add to and not conflict with the
39 requirements of chapter 453 regarding collateralized
40 deposits in financial institutions.

41 Sec. 10. NEW SECTION. 452.10B COMPLIANCE TESTING
42 OF INVESTMENT POLICIES.

43 1. The written investment policy required by
44 section 452.10 shall be delivered to all of the
45 following:

- 46 a. The governing body or officer of the public
 47 entity to which the policy applies.
 48 b. All depository institutions or fiduciaries for
 49 public funds of the public entity.
 50 c. The independent auditor of the public entity.

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1 2. At the time of audit, the auditor shall also
 2 perform compliance testing of a reasonable number of
 3 transactions in relation to the total assets invested
 4 and quantity of transactions of the public entity in
 5 the course of the audit of the public entity under
 6 section 11.2, 11.6, or 302.11. The audit report shall
 7 specifically review internal control structures. The
 8 auditor shall report the results of the compliance
 9 testing in the audit report. The auditor may make
 10 recommendations for changes to either the investment
 11 policies or practices or internal control structures
 12 to improve safety or compliance. The governing body
 13 of the entity and the officer responsible for deposits
 14 or investments of the public entity shall take
 15 immediate steps to remedy the causes of any reported
 16 incidents of noncompliance to assure future
 17 compliance.

18 3. The audit report of the public entity shall
 19 include a review of the most recent regulatory
 20 examination report or independent audit report of all
 21 outside persons doing one or more of the following for
 22 the public entity:

- 23 a. Investing public funds.
 24 b. Advising on the investment of public funds.
 25 c. Directing the deposit of investment of public
 26 funds.
 27 d. Acting in a fiduciary capacity for the public
 28 entity.

29 The review by the auditor of the most recent annual
 30 report to shareholders of an open-end management
 31 investment company registered with the federal
 32 securities and exchange commission under the federal
 33 Investment Company Act of 1940, 15 U.S.C. § 80(a),
 34 pursuant to 17 C.F.R. § 270.30d-1 shall satisfy the
 35 review requirements of this subsection.

36 The auditor shall advise the public entity of
 37 concerns raised by review of such reports on third
 38 parties.

39 **Sec. 11. NEW SECTION. 452.10C REGULATION OF**
 40 **PUBLIC FUNDS CUSTODIAL AGREEMENTS.**

41 A commission consisting of the treasurer of state,
 42 the auditor of state, the commissioner of insurance,

43 the superintendent of banking, the superintendent of
44 savings and loan associations, and the superintendent
45 of credit unions, shall adopt rules under chapter 17A
46 requiring the inclusion in public funds custodial
47 agreements of any provisions necessary to prevent loss
48 of public funds.
49 The superintendent of banking shall enforce
50 compliance with rules adopted pursuant to this section

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1 with respect to banks organized under chapter 524 and
2 acting as or designating custodians of public funds.
3 The superintendent of credit unions shall enforce
4 compliance with rules adopted pursuant to this section
5 with respect to credit unions organized under chapter
6 533 and acting as or designating custodians of public
7 funds. The superintendent of savings and loan
8 associations shall enforce compliance with rules
9 adopted pursuant to this section with respect to
10 associations organized under chapter 534 and acting as
11 or designating custodians of public funds. The
12 administrator under chapter 502 shall enforce
13 compliance with rules adopted pursuant to this section
14 with respect to all other persons acting as or
15 designating custodians of public funds.
16 As used in this section, "public funds custodial
17 agreement" means any contractual arrangement pursuant
18 to which one or more persons, including but not
19 limited to, investment advisors, investment companies,
20 trustees, agents and custodians, are authorized to act
21 as a custodian of or to designate another person to
22 act as a custodian of public funds or any security or
23 document of ownership or title evidencing public funds
24 investments other than custodial agreements between an
25 open-end management investment company registered with
26 the federal securities and exchange commission under
27 the federal Investment Company Act of 1940, 15 U.S.C.
28 § 80(a) and a custodian bank.
29 As used in this section "public funds" means public
30 funds as defined in section 453.1, and any borrowed
31 funds which are secured by a pledge of public funds as
32 defined in section 453.1, or future receipts or
33 revenues of the state or a political subdivision.
34 Sec. 12. Section 453.16, subsection 1, unnumbered
35 paragraph 1, Code 1991, is amended to read as follows:
36 Before a deposit of public funds is made by a
37 public officer with a depository institution in excess
38 of the amount insured by federal deposit insurance or
39 federal savings and loan insurance, and before the

40 investment of public funds in investments authorized
41 in section 452.10 which either are not obligations of
42 or guaranteed by the United States government or any
43 of its agencies, are in excess of the amount insured
44 by federal deposit insurance or federal savings and
45 loan insurance, or are investments by the treasurer of
46 state specifically authorized by section 452.10 to be
47 made as additional investments under section 97B-7,
48 subsection 2, paragraph "b", the public officer shall
49 obtain security for the deposit or investment by one
50 or more of the following:

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1 Sec. 13. Section 453.16, subsection 1, paragraph
2 b, unnumbered paragraph 2, Code 1991, is amended to
3 read as follows:
4 Direct obligations of, or obligations that are
5 insured or fully guaranteed as to principal and
6 interest by, the United States of America, which may
7 be used to secure the deposit of public funds under
8 subparagraph (1), include investments in an open-end
9 management investment company or investment trust
10 registered under the federal Investment Company Act of
11 1940, 15 U.S.C. § 80a, and operated in accordance with
12 17 C.F.R. § 270.2a-7 the portfolio of which is limited
13 to the United States government obligations described
14 in subparagraph (1) and to repurchase agreements fully
15 collateralized by the United States government
16 obligations described in subparagraph (1); if the
17 investment company or investment trust takes delivery
18 of the collateral either directly or through an
19 authorized custodian.
20 Sec. 14. EFFECTIVE DATE. This Act, being deemed
21 of immediate importance, takes effect upon enactment.
22 The requirements for adoption of rules, written
23 investment policies, audit standards, and other
24 administrative duties shall be implemented as soon as
25 possible but not later than September 1, 1992. This
26 Act does not apply to an investment made on or before
27 the effective date of this Act or to a joint
28 investment trust organized pursuant to chapter 28E
29 prior to the effective date of this Act, except that
30 such a joint investment trust shall fully comply with
31 this Act by July 1, 1993."
32 2. Title page, by striking lines 1 through 5 and
33 inserting the following: "An Act relating to

34 regulating the investment of public funds and
35 providing an effective date."

COMMITTEE ON COMMERCE
PATRICK J. DELUHERY, Chairperson

S-5086

1 Amend Senate File 2103 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 331.424, subsection 1, Code
5 1991, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. p. Operation and maintenance of a
8 county transit system, and for the creation of a
9 reserve fund for the system, but the amount shall not
10 exceed ninety-five cents per thousand dollars of the
11 assessed value of the taxable property in areas within
12 the county outside the boundaries of a city. This
13 levy shall also apply to the assessed value of the
14 taxable property within a city in a county with the
15 agreement of the city council. Any portion of the
16 levy imposed pursuant to this section on taxable
17 property within a city is void to the extent the levy
18 imposed pursuant to this section added to a levy
19 imposed pursuant to section 384.12, subsection 10,
20 exceeds the levy imposed on the taxable property in
21 areas of the county outside the boundaries of a city.
22 The proceeds of the levy shall not be used to pay
23 interest and principal on bonds issued for the
24 purposes of a transit system."

ELAINE SZYMONIAK

HOUSE AMENDMENT TO
SENATE FILE 2116

S-5087

1 Amend Senate File 2116 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "DIVISION I
6 SUPPLEMENTALS
7 Department of Human Services
8 Section 101. SUPPLEMENTAL APPROPRIATIONS. 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, to
 12 supplement the appropriations made in 1991 Iowa Acts,
 13 chapter 267, division I, the following amounts, or so
 14 much thereof as is necessary, to be used for the
 15 purposes designated:

16 1. Aid to families with dependent children, in
 17 section 101:
 18 \$ 4,306,161

19 2. Emergency assistance to families with dependent
 20 children to match federal funding for homeless
 21 prevention programs in section 102:
 22 \$ 375,000

23 3. Medical assistance, in section 103:
 24 \$ 20,605,610

25 4. Medical contracts, in section 104:
 26 \$ 295,104

27 5. State supplementary assistance, in section 107:
 28 \$ 1,117,613

29 6. Child day care assistance, in section 109:
 30 \$ 230,883

31 7. Transitional child care assistance, in section
 32 110:
 33 \$ 10,508

34 8. Foster care, in section 114:
 35 \$ 11,525,652

36 9. Home-based services, in section 116:
 37 \$ 287,332

38 10. Community-based programs, in section 117:
 39 \$ 767,036

40 11. a. State mental health institute at Cherokee,
 41 in section 121, subsection 1:
 42 \$ 158,485

43 b. State mental health institute at Independence,
 44 in section 121, subsection 3:
 45 \$ 758,139

46 Department of Corrections

47 Sec. 102. There is appropriated from the general
 48 fund of the state to the department of corrections for
 49 the fiscal year beginning July 1, 1991, and ending
 50 June 30, 1992, to supplement the appropriations made

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1 in 1991 Iowa Acts, chapter 267, section 405, the
 2 following amounts, or so much thereof as is necessary,
 3 to be used for the purposes designated:

4 1. For annual payment relating to prison
 5 expansion, in subsection 5:
 6 \$ 20,340

7 2. For annual payment relating to prison

8 expansion, in subsection 6:
9 \$ 102,156
10 Department of Inspections and Appeals
11 Sec. 103. There is appropriated from the road use
12 tax fund to the department of inspections and appeals
13 for the fiscal year beginning July 1, 1991, and ending
14 June 30, 1992, to supplement the appropriation made in
15 1991 Iowa Acts, chapter 268, section 414, the
16 following amount, or so much thereof as is necessary,
17 to be used for the purposes designated:
18 For salaries, support, maintenance, and
19 miscellaneous purposes:
20 \$ 100,000
21 Sec. 104. There is appropriated from the general
22 fund of the state to the racing and gaming commission
23 of the department of inspections and appeals for the
24 fiscal year beginning July 1, 1991, and ending June
25 30, 1992, to supplement the appropriation made in 1991
26 Iowa Acts, chapter 268, section 425, the following
27 amount, or so much thereof as is necessary, to be used
28 for the purposes designated:
29 For salaries, support, maintenance, miscellaneous
30 purposes, and for an increase of 2 full-time
31 equivalent positions:
32 \$ 50,000
33 Department of General Services
34 Sec. 105. There is appropriated from the use tax
35 revenues credited to the road use tax fund under
36 section 423.24, subsection 1, paragraph "c", to the
37 department of general services for the fiscal year
38 beginning July 1, 1991, and ending June 30, 1992, the
39 following amount, or so much thereof as is necessary,
40 to be used for the purpose designated:
41 For the removal of the court avenue bridge:
42 \$ 375,000
43 Department of Justice
44 Sec. 106. There is appropriated from the general
45 fund of the state to the department of justice for the
46 fiscal year beginning July 1, 1991, and ending June
47 30, 1992, the following amount, or so much thereof as
48 is necessary, for the purpose designated:
49 For expenses relating to the enforcement of
50 odometer fraud laws:

1 \$ 130,000
2 Sec. 107. Notwithstanding section 8.33,
3 unobligated and unencumbered moneys remaining on June
4 30, 1992, from the appropriations made for the fiscal

5 year beginning July 1, 1991, in section 105 shall not
 6 revert but shall be available for expenditure for
 7 which appropriated during the fiscal year beginning
 8 July 1, 1992, and any unobligated and unencumbered
 9 moneys remaining on June 30, 1993, from such
 10 appropriations shall revert on August 31, 1993.

11 Sec. 108. Notwithstanding section 8.39, it is the
 12 intent of the general assembly that if funds are
 13 unavailable to implement the purposes of the
 14 supplemental appropriations for the 1991-1992 fiscal
 15 year made in this Act, the executive branch of
 16 government may make transfers of unexpended general
 17 fund appropriation balances to the general fund of the
 18 state during the 1991-1992 fiscal year. At least two
 19 weeks before such transfers are made, the executive
 20 branch shall file a report with the appropriate joint
 21 appropriations subcommittee chairpersons, the
 22 chairpersons of appropriations committees, the
 23 executive council, and the legislative fiscal bureau.
 24 This report shall state the amount of each transfer,
 25 identify the agency affected, the effect on that
 26 agency, and the reasons for the transfer.

27 Sec. 109. EFFECT OF APPROPRIATION REDUCTIONS. The
 28 moneys appropriated to supplement the appropriations
 29 for the fiscal year beginning July 1, 1991, and ending
 30 June 30, 1992, made in this division are not subject
 31 to the allotment reduction pursuant to executive order
 32 number 42.

33 DIVISION II
 34 REDUCTIONS

35 Department of Agriculture and Land Stewardship

36 Sec. 201. The appropriation from the general fund
 37 of the state to the department of agriculture and land
 38 stewardship for the fiscal year beginning July 1,
 39 1991, and ending June 30, 1992, in 1991 Iowa Acts,
 40 chapter 268, section 201, is reduced, as a result of
 41 the governor's item veto in section 201, by the
 42 following amount for the purpose designated:

43 Soil conservation division, in subsection 6:
 44 \$ 250,000
 45 Iowa Communications Network

46 Sec. 202. Notwithstanding the nonreversion
 47 provision in section 18.137, the unobligated and
 48 unencumbered moneys remaining in the Iowa
 49 communications network fund of the amount
 50 appropriated, as a result of the governor's item veto

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1 of 1991 Iowa Acts, chapter 267, section 507,
2 subsection 17, under section 18.137 to the fund for
3 the fiscal year beginning July 1, 1991, and ending
4 June 30, 1992, shall revert to the general fund of the
5 state on the effective date of this Act.

6 Sec. 203. EFFECT OF APPROPRIATION REDUCTIONS. The
7 reductions in appropriations for the fiscal year
8 beginning July 1, 1991, and ending June 30, 1992, made
9 in this division are in addition to the allotment
10 reduction pursuant to executive order number 42.

11 DIVISION III

12 STATE AID TO EDUCATION

13 Sec. 301. Section 11.6, subsection 1, unnumbered
14 paragraph 1, Code Supplement 1991, is amended to read
15 as follows:

16 The financial condition and transactions of all
17 cities and city offices, counties, county hospitals
18 organized under chapters 347 and 347A, memorial
19 hospitals organized under chapter 37, entities
20 organized under chapter 28E having gross receipts in
21 excess of one hundred thousand dollars in a fiscal
22 year, merged areas, area education agencies, and all
23 school offices in school districts, shall be examined
24 at least once each year, except that cities having a
25 population of seven hundred or more but less than two
26 thousand shall be examined at least once every four
27 years, and cities having a population of less than
28 seven hundred may be examined as otherwise provided in
29 this section. The examination shall cover the fiscal
30 year next preceding the year in which the audit is
31 conducted. The examination of school offices shall
32 include an audit of all school funds, the certified
33 annual financial report, and the certified enrollment
34 as provided in section ~~257.11~~ 257.6. Examinations of
35 community colleges shall include an audit of eligible
36 and noneligible contact hours as defined in section
37 286A.2. Eligible and noneligible contact hours and
38 the certified enrollment shall be certified to the
39 department of management.

40 Sec. 302. Section 257.13, Code 1991, is amended by
41 adding after unnumbered paragraph 1, the following new
42 unnumbered paragraph:

43 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
44 amount computed under the first paragraph, for the
45 budget year beginning July 1, 1991, each school
46 district shall receive an amount equal to the product
47 of the applicable percentage times ninety-nine and
48 one-half percent of the amount computed under the

49 first paragraph based upon the following schedule:

50 Percent Increase

Page 5

1 in Enrollment	<u>Applicable Percentage</u>
2 1. Less than .5%	0%
3 2. .5%, but not	
4 more than 1%	25%
5 3. 1%, but not	
6 more than 3%	50%
7 4. More than 3%	75%

8 Sec. 303. Section 257.16, unnumbered paragraph 2,
9 Code Supplement 1991, is amended to read as follows:

10 All state aids paid under this chapter, unless
11 otherwise stated, shall be paid in monthly
12 installments beginning on September 15 of a budget
13 year and ending on June 15 of the budget year and the
14 installments shall be as nearly equal as possible as
15 determined by the department of management, taking
16 into consideration the relative budget and cash
17 position of the state resources. However, an amount
18 of state school foundation aid equal to the general
19 allocation of the school district as determined under
20 section 405A.2 and the amount of the tax credit for
21 livestock pursuant to section 442.2, subsection 2, as
22 it appeared in the 1987 Code, shall be paid to the
23 school district on July 15 of the subsequent fiscal
24 year, and the appropriation for this amount shall be
25 made for the fiscal year during which the payment is
26 made. However, the state aid paid to school districts
27 under section 257.13 shall be paid in monthly
28 installments beginning on December 15 and ending on
29 June 15 of a budget year.

30 Sec. 304. Notwithstanding the repeal of chapter
31 442 as of July 1, 1991, the provision of section
32 442.26 that requires an amount of school aid equal to
33 the general allocation to a school district under
34 section 405A.2 and the amount of tax credit for
35 livestock to be paid to school districts on July 15 of
36 the subsequent fiscal year remains effective for the
37 school budget year beginning July 1, 1990, and such
38 amounts shall be paid to the school districts on July
39 15, 1991.

40 Sec. 305. APPLICABILITY. Sections 301 and 303 of
41 this division apply to school budget years beginning
42 on or after July 1, 1992. Section 302 of this
43 division applies retroactively to the school budget
44 year beginning July 1, 1991, only and is repealed July
45 1, 1992. Section 304 of this division applies

46 retroactively to the school budget year beginning July
47 1, 1990.

48 DIVISION IV
49 TAX AND OTHER CODE CHANGES
50 Sec. 401. Section 93.11, subsection 3, unnumbered

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1 paragraph 1, Code Supplement 1991, is amended to read
2 as follows:

3 An energy fund disbursement council is established.
4 The council shall be composed of the governor or the
5 governor's designee, the director of the department of
6 management ~~or the director's designee~~, who shall serve
7 as the council's chairperson, the administrator of the
8 division of community action agencies of the
9 department of human rights, the administrator of the
10 energy and geological resources division of the
11 department of natural resources, and a designee of the
12 director of the department of transportation, who is
13 knowledgeable in the field of energy conservation.
14 The council shall include as nonvoting members two
15 members of the senate appointed by the president of
16 the senate, after consultation with the majority
17 leader and the minority leader of the senate, and two
18 members of the house of representatives appointed by
19 the speaker of the house. The legislative members
20 shall be appointed upon the convening and for the
21 period of each general assembly. Not more than one
22 member from each house shall be of the same political
23 party. The council shall be staffed by the energy and
24 geological resources division of the department of
25 natural resources. The attorney general shall provide
26 legal assistance to the council.

27 Sec. 402. Section 422.43, Code Supplement 1991, is
28 amended by adding the following new subsection:
29 NEW SUBSECTION. 13. a. A tax of four percent is
30 imposed upon the gross receipts from the sales,
31 furnishing, or service of solid waste collection and
32 disposal service.

33 For purposes of this subsection, "solid waste"
34 means garbage, refuse, sludge from a water supply
35 treatment plant or air contaminant treatment facility,
36 and other discarded waste materials and sludges, in
37 solid, semisolid, liquid, or contained gaseous form,
38 resulting from industrial, commercial, mining, and
39 agricultural operations, and from community
40 activities, but does not include hazardous waste;
41 animal waste used as fertilizer; earthen fill,
42 boulders, rock; foundry sand used for daily cover at a

43 sanitary landfill; sewage sludge; solid or dissolved
44 material in domestic sewage or other common pollutants
45 in water resources, such as silt, dissolved or
46 suspended solids in industrial waste water effluents
47 or discharges which are point sources subject to
48 permits under section 402 of the federal Water
49 Pollution Control Act, dissolved materials in
50 irrigation return flows; or source, special nuclear,

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1 or by-product material defined by the federal Atomic
2 Energy Act of 1954.

3 A recycling facility that separates or processes
4 recyclable materials and that reduces the volume of
5 the waste by at least eighty-five percent is exempt
6 from the tax imposed by this subsection if the waste
7 exempted is collected and disposed of separately from
8 other solid waste.

9 b. A person who transports mixed municipal solid
10 waste generated by that person or another person
11 without compensation shall pay the tax imposed by this
12 subsection at the collection or disposal facility
13 based on the disposal charge or tipping fee. However,
14 the costs of a service or the portion of a service to
15 collect and manage recyclable materials separated from
16 mixed municipal solid waste by the waste generator is
17 exempt from the tax imposed by this subsection. For
18 purposes of this paragraph, "mixed municipal solid
19 waste" means garbage, refuse, and other solid waste
20 from commercial, industrial, and community activities
21 which is generated and collected in aggregate, but
22 does not include auto hulks, street sweepings, ash,
23 construction debris, mining waste, sludges, tree and
24 agricultural wastes, tires, lead acid batteries, used
25 oil, and other materials collected, processed, and
26 disposed of as separate waste streams.

27 Sec. 403. Section 422.43, subsection 11,
28 unnumbered paragraph 1, Code Supplement 1991, is
29 amended to read as follows:

30 The following enumerated services are subject to
31 the tax imposed on gross taxable services: ~~Alteration~~
32 alteration and garment repair; armored car; automobile
33 repair; battery, tire and allied; investment
34 counseling; service charges of all financial
35 institutions; barber and beauty; boat repair; car wash
36 and wax; carpentry; roof, shingle, and glass repair;
37 consultant services; computer services, including
38 software modifications to canned programs, software
39 custom program materials and professional services.

40 information storage and retrieval, data processing,
41 and mainframe access and processing fees; dance
42 schools and dance studios; dating services; dry
43 cleaning, pressing, dyeing, and laundering; electrical
44 and electronic repair and installation; rental of
45 tangible personal property, except mobile homes which
46 are tangible personal property; excavating and
47 grading; farm implement repair of all kinds; flying
48 service; furniture, rug, upholstery repair and
49 cleaning; fur storage and repair; golf and country
50 clubs and all commercial recreation; house and

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1 building moving; household appliance, television, and
2 radio repair; jewelry and watch repair; limousine
3 service, including driver; machine operator; machine
4 repair of all kinds; motor repair; motorcycle,
5 scooter, and bicycle repair; oilers and lubricators;
6 office and business machine repair; painting,
7 papering, and interior decorating; parking facilities;
8 pipe fitting and plumbing; wood pipe preparation; licensed
9 executive search agencies; private employment
10 agencies, excluding services for placing a person in
11 employment where the principal place of employment of
12 that person is to be located outside of the state;
13 sewing and stitching; shoe repair and shoeshine; sign
14 construction and installation; storage of food and
15 household goods, mini-storage, and warehousing of raw
16 agricultural products; swimming pool cleaning and
17 maintenance; taxidermy services; telephone answering
18 service; test laboratories, except tests on humans or
19 animals; termite, bug, roach, and pest eradicators;
20 tin and sheet metal repair; turkish baths, massage,
21 and reducing salons; weighing; welding; well drilling;
22 wrapping, packing, and packaging of merchandise other
23 than processed meat, fish, fowl and vegetables;
24 wrecking service; wrecker and towing; pay television;
25 campgrounds; carpet and upholstery cleaning; gun and
26 camera repair; janitorial and building maintenance or
27 cleaning; lawn care, landscaping and tree trimming and
28 removal; pet grooming; reflexology; security and
29 detective services; tanning beds or salons; and water
30 conditioning and softening.
31 Sec. 404. Section 422.43, subsection 11, Code
32 Supplement 1991, is amended by adding the following
33 new unnumbered paragraph:
34 NEW UNNUMBERED PARAGRAPH. For purposes of this
35 subsection, "consultant services" means services
36 provided, except as otherwise stated in this

37 paragraph, by a person who purports to give expert or
38 professional advice on any subject including, but not
39 limited to, advice on audiovisual, business, computer
40 and data processing, insurance, management, marketing,
41 security, and weather and meteorology. "Consultant
42 services" does not mean services provided by a person
43 licensed, registered, or certified by boards listed in
44 section 258A.1, or licensed under chapter 80A, 152A,
45 154C, 522, or 602, article 10, if the services
46 provided come within the purview of such person's
47 license, registration, or certification.

48 Sec. 405. Section 422.45, subsection 2, Code
49 Supplement 1991, is amended to read as follows:

50 2. The gross receipts from the sales, furnishing,

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1 or service of transportation service except the rental
2 of recreational vehicles or recreational boats, and
3 except the rental of motor vehicles subject to
4 registration which are registered for a gross weight
5 of thirteen tons or less for a period of sixty days or
6 less, and except the rental of aircraft for a period
7 of sixty days or less.

8 Sec. 406. Section 422.45, subsection 5, unnumbered
9 paragraph 1, Code Supplement 1991, is amended to read
10 as follows:

11 The gross receipts from services rendered,
12 furnished, or performed and of all sales of goods,
13 wares, or merchandise used for public purposes to a
14 tax-certifying or tax-levying body of the state or a
15 governmental subdivision of the state, including
16 regional transit systems, as defined in section
17 601J.1, the state board of regents, department of
18 human services, state department of transportation,
19 any municipally owned solid waste facility which sells
20 all or part of its processed waste as fuel to a
21 municipally owned public utility, and all divisions,
22 boards, commissions, agencies, or instrumentalities of
23 state, federal, county, or municipal government which
24 have no earnings going to the benefit of an equity
25 investor or stockholder, except sales of goods, wares,
26 or merchandise or from services rendered, furnished,
27 or performed and used by or in connection with the
28 operation of any municipally owned public utility
29 engaged in selling gas, electricity, heat, or pay
30 television service to the general public and except
31 the sales, furnishing, or service of solid waste
32 collection and disposal service to a county or
33 municipality on behalf of industrial, commercial,

34 mining, and agricultural operations located within the
35 county or municipality.

36 Sec. 407. Section 422.45, subsection 20, Code
37 Supplement 1991, is amended to read as follows:
38 20. The gross receipts from sales or services
39 rendered, furnished, or performed by a county or city.
40 This exemption does not apply to the tax specifically
41 imposed under section 422.43 on the gross receipts
42 from the sales, furnishing, or service of gas,
43 electricity, water, heat, pay television service, and
44 communication service to the public by a municipal
45 corporation in its proprietary capacity, does not
46 apply to the sales, furnishing, or service of solid
47 waste collection and disposal service to industrial,
48 commercial, mining, and agricultural operations, and
49 does not apply to fees paid to cities and counties for
50 the privilege of participating in any athletic sports.

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1 Sec. 408. 1991 Iowa Acts, chapter 260, section
2 1103, unnumbered paragraph 2, is amended to read as
3 follows:

4 The transfers under this section shall be made
5 during the period beginning April 16, 1991, and ending
6 June 30, 1991. However, state general fund cash
7 balances shall be available from the general fund of
8 the state for cash flow purposes to enable the timely
9 payment of obligations incurred for purposes for which
10 moneys in the funds designated in subsections 1
11 through 4 are to be used for the fiscal years ending
12 June 30, 1992, and June 30, 1993.

13 Sec. 409. 1991 Iowa Acts, chapter 266, section 19,
14 is amended to read as follows:

15 SEC. 19. There is appropriated from the health
16 insurance reserve fund to the general fund of the
17 state, on or before June 30, 1991, the following
18 amount:

19 \$ 6,000,000

20 However, state general fund cash balances shall be
21 available from the general fund of the state for cash
22 flow purposes to enable the timely payment of
23 obligations incurred for purposes of the health
24 insurance reserve fund for the fiscal years ending
25 June 30, 1992, and June 30, 1993.

26 Sec. 410. EFFECTIVE DATE. Sections 402 through
27 407 of this division take effect April 1, 1992.

28 DIVISION V
29 DEPARTMENT OF PUBLIC SAFETY
30 Sec. 501. DIVISION OF HIGHWAY SAFETY AND UNIFORMED

31 FORCE. The department of public safety, department of
 32 personnel, and the department of management shall take
 33 every action necessary to fill the entire complement
 34 of positions authorized for the division of highway
 35 safety and uniformed force under the appropriation
 36 made to the division from the road use tax fund in
 37 1991 Iowa Acts, chapter 268, section 504, subsection
 38 1, as soon after the effective date of this Act as
 39 possible. In filling the positions, nineteen
 40 positions shall be authorized to enter the Iowa law
 41 enforcement academy. Those individuals who entered
 42 the academy in July 1991 but who were not permitted to
 43 remain at the academy due to the action of executive
 44 order 42 shall not be required to repeat any part of
 45 the application process. In addition, any position
 46 which was eliminated solely due to executive action
 47 shall be recalled.

DIVISION VI

DEPARTMENT OF ECONOMIC DEVELOPMENT

50 Sec. 601. 1991 Iowa Acts, chapter 267, section

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1 301, subsection 1, paragraph b, unnumbered paragraph
2 3, is amended to read as follows:

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. Notwithstanding section 8.33, moneys
 8 obligated or committed to grantees under contract that
 9 remain unexpended at the end of the fiscal year, shall
 10 not revert but shall be available for expenditure for
 11 purposes of the contract during succeeding fiscal
 12 years.

13 Sec. 602. 1991 Iowa Acts, chapter 267, section
14 301, subsection 2, paragraph c, is amended to read as
15 follows:

16 c. Federal procurement office
 17 For salaries, support, maintenance, miscellaneous
 18 purposes, and for not more than the following full-
 19 time equivalent positions:

20	.....	\$	100,000
21	.....	FTEs	3.00

22 Notwithstanding section 8.33, moneys remaining
 23 unencumbered or unobligated on June 30, 1992, shall
 24 not revert and shall be available for expenditure
 25 during the fiscal year beginning July 1, 1992, for the
 26 same purposes.

27 Sec. 603. 1991 Iowa Acts, chapter 267, section

28 301, subsection 6, paragraph d, is amended by adding
 29 the following new unnumbered paragraph:
 30 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 31 8.33, moneys obligated or committed to grantees under
 32 contract that remain unexpended at the end of the
 33 fiscal year, shall not revert but shall be available
 34 for expenditure for purposes of the contract during
 35 succeeding fiscal years.
 36 Sec. 604. 1991 Iowa Acts, chapter 269, section 17,
 37 subsection 1, is amended to read as follows:
 38 1. If funds received from the federal government
 39 in the form of block grants exceed the amounts
 40 appropriated in sections 1, 2, 3, 4, 6, 7, and 9 of
 41 this Act, the excess shall be prorated to the
 42 appropriate programs according to the percentages
 43 specified in those sections, except additional funds
 44 shall not be prorated for administrative expenses.
 45 Sec. 605. Section 15.287, Code Supplement 1991, is
 46 amended by adding the following new unnumbered
 47 paragraph:
 48 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 49 restrictions on the use of the revolving fund in this
 50 section, the director may use unallocated repayments

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1 to the revolving fund to pay for administration of
 2 programs under the Cranston-Gonzalez National
 3 Affordable Housing Act of 1990, Pub. L. No. 101-625.

4 DIVISION VII
 5 EFFECTIVE DATE

6 Sec. 701. Except for sections 402 through 407,
 7 this Act, being deemed of immediate importance, takes
 8 effect upon enactment."

9 2. Title page, by striking lines 4 and 5 and
 10 inserting the following: "state aid to school
 11 corporations, imposing the sales, services, and use
 12 tax on solid waste collection and disposal services,
 13 consulting services, and additional services, and
 14 providing effective and applicability dates."

S-5088

1 Amend Senate File 2103 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 331.424, subsection 1, Code
 5 1991, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. p. Operation and maintenance of a

8 county transit system, and for the creation of a
 9 reserve fund for the system, but the tax rate shall
 10 not exceed ninety-five cents per thousand dollars of
 11 the assessed value of the taxable property in areas
 12 within the county outside the boundaries of a city.
 13 This levy shall also apply to the assessed value of
 14 the taxable property within a city in a county with
 15 the agreement of the city council. Any portion of the
 16 levy imposed pursuant to this section on taxable
 17 property within a city is void to the extent the levy
 18 imposed pursuant to this section added to a levy
 19 imposed pursuant to section 384.12, subsection 10,
 20 exceeds the levy imposed on the taxable property in
 21 areas of the county outside the boundaries of the
 22 city. The proceeds of the levy shall not be used to
 23 pay interest and principal on bonds issued for the
 24 purposes of a transit system."

ELAINE SZYMONIAK

S-5089

1 Amend Senate File 2186 as follows:
 2 1. Page 1, by striking lines 5 through 8 and
 3 inserting the following: "accreditation process for
 4 community college programs. By July 1, ~~1993~~ 1994, all
 5 community".
 6 2. Page 1, by striking lines 10 through 17 and
 7 inserting the following: ". For the school year
 8 commencing July 1, ~~1994~~ 1995, and in succeeding".
 9 3. Page 1, by striking lines 26 through 29 and
 10 inserting the following: "programs by the department
 11 of education beginning July 1, ~~1993~~ 1994."
 12 4. Page 1, line 30, by striking the word
 13 "repealed" and inserting the following: "amended to
 14 read as follows:
 15 SEC. 127. Section 280A.33 is repealed effective
 16 June 30, ~~1993~~ 1994."
 17 5. Title page, line 4, by inserting after the
 18 word "standards" the following: "for an additional
 19 year".

RICHARD VARN

S-5090

1 Amend Senate File 2005 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 601K.102, Code Supplement

5 1991, is amended by adding the following new
6 subsection:

7 **NEW SUBSECTION.** 4. Moneys in the fund shall be
8 used to assist low-income families in paying for
9 heating costs, notwithstanding the source of energy
10 which may include, but is not limited to, primary and
11 secondary sources of energy.

12 Sec. 2. Section 601K.103, subsection 1, Code 1991,
13 is amended to read as follows:

14 1. The division shall establish an Iowa affordable
15 heating program for the purpose of assisting low-
16 income persons in paying for **primary** heating fuel
17 costs."

18 2. Page 1, by inserting after line 7, the
19 following:

20 "Sec. ____ . Section 601K.103, subsection 3,
21 paragraph b, subparagraph (2), Code 1991, is amended
22 to read as follows:

23 (2) Where subsection 3, paragraph "b",
24 subparagraph (1) does not apply, the predicted heating
25 cost shall be based upon, but is not limited to,
26 **primary** heating fuel usage incurred during the twelve-
27 month period immediately preceding application, first
28 adjusted for weather and then adjusted for rate
29 changes occurring during the twelve-month period
30 immediately preceding application.

31 Sec. ____ . Section 601K.103, subsection 3,
32 paragraph c, subparagraph (1), Code 1991, is amended
33 to read as follows:

34 (1) Adding the predicted heating cost figure to
35 any scheduled repayment of an arrearage which has been
36 negotiated between the participant and the **primary**
37 heating fuel provider. The arrearage shall not exceed
38 three hundred dollars annually. Any remaining
39 arrearage shall be considered in subsequent years.

40 Sec. ____ . Section 601K.103, subsection 3,
41 paragraph d, unnumbered paragraph 1, and subparagraph
42 (1), Code 1991, are amended to read as follows:

43 The division shall promulgate rules to establish a
44 standard percentage not to exceed twenty-five percent
45 of household heating costs to adjusted income, taking
46 into consideration household family size. For each
47 participant, the administering agency shall determine
48 the percentage of adjusted heating cost to adjusted
49 income. If the participant's percentage exceeds the
50 standard percentage, an affordable heating payment

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1 shall be made as prescribed by rule. The payment
 2 shall be made to the participant's primary heating
 3 fuel provider and credited to the participant's
 4 heating account for the year in which the participant
 5 is eligible.

6 (1) When offered by the primary heating fuel
 7 provider, the provider shall calculate or recalculate
 8 the participant's annual level payment plan after all
 9 forms of assistance are credited. A monthly level
 10 payment shall be established. However, each level
 11 payment shall not be less than a monthly minimum as
 12 established by division rule.

13 Sec. ____ . Section 601K.103, subsection 4, Code
 14 1991, is amended to read as follows:

15 4. A participant in the Iowa affordable heating
 16 program who maintains the monthly level payment shall
 17 be protected from disconnection of service by the
 18 participant's primary heating fuel provider."

19 3. Title page, line 1, by inserting after the
 20 word "to" the following: "low-income heating energy
 21 assistance including".

RICHARD VARN

S-5091

1 Amend Senate File 2040 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 125.75A, Code 1991, is amended
 5 to read as follows:

6 125.75A INVOLUNTARY COMMITMENT OR TREATMENT OF
 7 MINORS -- JURISDICTION.

8 The juvenile court has exclusive original
 9 jurisdiction in proceedings concerning a minor for
 10 whom an application for involuntary commitment or
 11 treatment is filed under section 125.75. In
 12 proceedings under this division concerning a minor's
 13 involuntary commitment or treatment, the terms term
 14 "court", "judge", "~~referee~~", or "clerk" mean the
 15 juvenile court, judge, ~~referee~~, or clerk.

16 Sec. 2. Section 229.6A, subsection 1, Code 1991,
 17 is amended to read as follows:

18 1. Notwithstanding section 229.11, the juvenile
 19 court has exclusive original jurisdiction in
 20 proceedings concerning a minor for whom an application
 21 for involuntary admission is filed under section 229.6
 22 or for whom an application for voluntary admission is

23 made under section 229.2, subsection 1, to which the
24 minor objects. In proceedings under this chapter
25 concerning a minor, notwithstanding section 229.11,
26 the terms term "court", "judge", "referee", or "clerk"
27 mean the juvenile court, judge, referee, or clerk.

28 Sec. 3. Section 331.754, subsection 2, Code 1991,
29 is amended to read as follows:

30 2. The acting county attorney shall receive a
31 reasonable compensation as determined by the board for
32 services rendered in proceedings before a judicial
33 magistrate or rendered on behalf of a county officer
34 or employee. If the proceedings are held before a
35 district associate judge or a district judge, the
36 judge shall determine a reasonable compensation for
37 the acting county attorney. If the proceedings are
38 held before a juvenile court referee an associate
39 juvenile judge or a judicial hospitalization referee,
40 the acting county attorney shall be compensated at a
41 rate approved by the judge who appointed the associate
42 juvenile judge or referee. The compensation shall be
43 paid from funds to be appropriated to the office of
44 county attorney by the board.

45 Sec. 4. Section 602.7103, Code 1991, is amended to
46 read as follows:

47 ~~602.7103 REFEREE ASSOCIATE JUVENILE JUDGE -~~
48 ~~PROCEDURE.~~

49 1. The chief judge may appoint and may remove for
50 cause with due process a juvenile court referee an

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1 associate juvenile judge. The referee associate
2 juvenile judge shall be an attorney admitted to
3 practice law in this state, and shall be qualified for
4 duties by training and experience.

5 2. The referee associate juvenile judge shall have
6 the same jurisdiction to conduct juvenile court
7 proceedings and to issue orders, findings, and
8 decisions as the judge of the juvenile court, except
9 that the referee associate juvenile judge shall not
10 issue warrants. However, the appointing judge may
11 limit the referee's exercise of juvenile court
12 jurisdiction by the associate juvenile judge.

13 3. The parties to a proceeding heard by the
14 referee an associate juvenile judge are entitled to a
15 review by the judge of the juvenile court of appeal
16 the referee's order, finding, or decision of an
17 associate juvenile judge, if the review is requested
18 within ten days after the entry of the referee's
19 order, finding, or decision in the manner of an appeal

20 from orders, findings, or decisions of district court
 21 judges. A request for review An appeal does not
 22 automatically stay the referee's order, finding, or
 23 decision of an associate juvenile judge. The review
 24 is on the record only."

25 2. Title page, by striking lines 1 and 2 and
 26 inserting the following: "An Act relating to changing
 27 the title "juvenile court referee" to "associate
 28 juvenile judge" and to the appeal of associate
 29 juvenile judge orders, findings, and decisions."

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5092

1 Amend Senate File 2175 as follows:
 2 1. Page 5, line 25, by inserting after the word
 3 "degree" the following: "in social work".

JOE WELSH

S-5093

1 Amend Senate File 2108 as follows:
 2 1. Page 1, by striking lines 20 through 29 and
 3 inserting the following: "lake under the jurisdiction
 4 of the commission except the following:
 5 a. A motorboat equipped with one or more outboard
 6 battery operated electric trolling motor of not more
 7 than one and one-half horsepower motors.
 8 b. A motorboat equipped with any power unit
 9 mounted or carried aboard the vessel may be operated
 10 at a no-wake speed on all artificial lakes of more
 11 than one hundred acres in size under the custody of
 12 the department. However, on Big Creek lake and lake
 13 Macbride, a motorboat with a".

EMIL J. HUSAK

S-5094

1 Amend Senate File 2006 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 321.34, Code Supplement 1991,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 15. PLATES RETAINED BY SURVIVING
 7 SPOUSE.
 8 The department may adopt rules to provide for the

9 retention of a special registration plate issued under
10 subsection 8, 11, 12, or 13 when the owner of the
11 vehicle is deceased and the surviving spouse would
12 like to retain the special registration plate. The
13 department shall allow the surviving spouse to retain
14 the plate that does not display the validation
15 stickers.”
16 2. Title page, lines 1 and 2, by striking the
17 words “prisoner of war and congressional medal of
18 honor”.

WILLIAM W. DIELEMAN

S-5095

1 Amend the amendment S-3353 to Senate File 84 as
2 follows:
3 1. Page 1, line 7, by striking the figure “1992”
4 and inserting the following: “1993”.

LARRY MURPHY
RALPH ROSENBERG

S-5096

1 Amend Senate File 2145 as follows:
2 1. Page 3, by striking lines 23 and 24.
3 2. Title page, line 4, by striking the word
4 “penalties” and inserting the following: “civil
5 remedies”.

BY COMMITTEE ON BUSINESS AND
LABOR RELATIONS
RICHARD RUNNING, Chairperson

S-5097

1 Amend Senate File 2207 as follows:
2 1. Page 1, line 9, by inserting after the word
3 “lists” the following: “which shall be adopted by
4 rule of the commission”.

BERL E. PRIEBE

S-5098

1 Amend Senate File 2143 as follows:
2 1. Page 2, by inserting after line 13 the fol-
3 lowing:
4 “— . This section shall not apply to an

5 emancipated minor. For purposes of this section
6 "emancipated minor" means a person under the age of
7 eighteen who is absent from the home of the person's
8 parents or legal custodians with the consent of the
9 parents, the legal custodians, or the court; is self-
10 supporting; and has assumed a new relationship
11 inconsistent with being a part of the family of the
12 parents or legal custodians."
13 2. By renumbering as necessary.

MIKE CONNOLLY

S-5099

1 Amend Senate File 2154 as follows:
2 1. Page 1, by inserting after line 25, the
3 following:
4 "Sec. ____ . Section 602.9202, subsection 1, Code
5 1991, is amended to read as follows:
6 1. "Senior judge" means a supreme court judge,
7 court of appeals judge, district court judge, or
8 district associate judge who meets the requirements of
9 section 602.9203 or section 602.9203A and who has not
10 been retired or removed from the roster of senior
11 judges under section 602.9207 or 602.9208.
12 Sec. ____ . **NEW SECTION. 602.9203A ALTERNATIVE**
13 **PROCEDURE FOR QUALIFICATION AS A SENIOR JUDGE.**
14 1. A supreme court judge, court of appeals judge,
15 district judge, or district associate judge, who
16 qualifies under subsection 2, may become a senior
17 judge by filing a written election form in the manner
18 provided in section 602.9203. A judge who qualifies
19 for senior judge status pursuant to both this section
20 and section 602.9203 shall only be required to file
21 one written election form, and shall not be required
22 to specify the section under which the judge is
23 proceeding.
24 2. A judge referred to in subsection 1 qualifies
25 for a senior judgeship if the judge meets all of the
26 following:
27 a. Retires from office on or after July 1, 1992,
28 whether or not the judge is of mandatory retirement
29 age.
30 b. Has attained the age of fifty-five or more at
31 the time of retirement with at least twenty years of
32 consecutive service. While a judge who qualifies
33 pursuant to this section may serve as a senior judge,
34 the judge shall not be paid an annuity pursuant to
35 section 602.9204 until attaining the age of sixty-
36 five.

37 c. Agrees in writing on a form prescribed by the
38 court administrator to be available as a senior judge
39 to perform judicial duties as assigned by the supreme
40 court for an aggregate period of thirteen weeks out of
41 each successive twelve-month period for at least three
42 consecutive twelve-month periods, health permitting.
43 d. Submits evidence to the supreme court as
44 required pursuant to section 602.9203, subsection 2,
45 paragraphs "d" and "e".
46 3. The clerk of the supreme court shall include
47 persons who file timely elections and qualify as
48 senior judges pursuant to this section in the roster
49 of senior judges pursuant to section 602.9203,
50 subsection 3, and the person shall be a senior judge

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1 upon entry of the name in the roster of senior judges
2 and until the person becomes a retired senior judge as
3 provided in section 602.9207, or until the person's
4 name is stricken from the roster of senior judges as
5 provided in section 602.9208, or until the person
6 dies. However, notwithstanding any other provision of
7 law to the contrary, including but not limited to this
8 section, if during the entire period for filing a
9 written election pursuant to this section, the supreme
10 court verifies that there are insufficient judicial
11 duties for the judge to perform, the judge shall not
12 be added to the roster of senior judges unless the
13 judge qualifies pursuant to section 602.9203.
14 4. The supreme court shall cause each senior judge
15 added to the roster in accordance with this section to
16 actually perform judicial duties during each
17 successive twelve-month period.

18 Sec. ____ . Section 602.9204, Code 1991, is amended
19 to read as follows:

20 **602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED**
21 **SENIOR JUDGE.**

22 A senior judge or a retired senior judge shall not
23 be paid a salary. A senior judge or retired senior
24 judge shall be paid an annuity under the judicial
25 retirement system in the manner provided in section
26 602.9109, but computed under this section in lieu of
27 section 602.9107, as follows: The annuity paid to a
28 senior judge or retired senior judge shall be an
29 amount equal to three percent of the current basic
30 salary, as of the time each payment is made, of the
31 office in which the senior judge last served as a
32 judge before retirement as a judge or senior judge,
33 multiplied by the judge's years of service prior to

34 retirement as a judge of one or more of the courts
35 included under this article, for which contributions
36 were made to the system, except the annuity of the
37 senior judge or retired senior judge shall not exceed
38 fifty percent of the current basic salary. In
39 addition, if a senior judge is under sixty-five years
40 of age at the time the judge becomes a senior judge,
41 the state shall pay the state's share of the senior
42 judge's medical insurance premium until the judge
43 attains age sixty-five. If a senior judge becomes a
44 senior judge pursuant to section 602.9203A, the state
45 shall also continue to pay the state's share of other
46 insurance premiums for programs in which the judge was
47 a participant at the time of retirement and in which
48 the state made contributions, including but not
49 limited to life insurance, dental insurance, and
50 disability insurance, until the senior judge becomes a

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1 retired senior judge pursuant to section 602.9207, is
2 stricken from the roster of senior judges as provided
3 in section 602.9208, or dies.

4 Sec. ____ . Section 602.9206, unnumbered paragraph
5 2, Code 1991, is amended to read as follows:

6 A senior judge also shall be available to serve in
7 the capacity of administrative law judge under chapter
8 17A upon the request of an agency, and the supreme
9 court may assign a senior judge for temporary duties
10 as an administrative law judge. A senior judge shall
11 not be required to serve a period of time as an
12 administrative law judge which, when added to the
13 period of time being served by the person as a judge,
14 if any, would exceed the maximum period of time the
15 person agreed to serve pursuant to section 602.9203,
16 subsection 2, or section 602.9203A, subsection 2.

17 Sec. ____ . Section 602.9208, subsection 1, Code
18 1991, is amended to read as follows:

19 1. A senior judge, at any time prior to the end of
20 the twelve-month period during which the judge attains
21 seventy-eight years of age, may submit to the clerk of
22 the supreme court a written request that the judge's
23 name be stricken from the roster of senior judges.
24 Upon the receipt of the request the clerk shall strike
25 the name of the person from the roster of senior
26 judges, at which time the person shall cease to be a
27 senior judge. A person who relinquishes a senior
28 judgeship as provided in this subsection may be
29 assigned to temporary judicial duties as provided in
30 section 602.1612. However, if a senior judge who

31 became a senior judge in accordance with section
32 602.9203A requests to be stricken from the roster of
33 senior judges prior to completing service for at least
34 three consecutive twelve-month periods, the senior
35 judge shall not be entitled to any additional benefits
36 for service pursuant to this part unless the supreme
37 court determines that the senior judge's health would
38 not permit completion of three consecutive twelve-
39 month periods. If the supreme court determines that
40 the senior judge's health permits continued service
41 for the remainder of the three twelve-month periods
42 and the senior judge still wishes to discontinue
43 service, the supreme court shall determine and the
44 senior judge shall refund to the state the amount of
45 any additional benefits which the senior judge has
46 received pursuant to this part, including but not
47 limited to the payment of insurance premiums by the
48 state on behalf of the senior judge.
49 Sec. ____ . Section 602.9208, subsection 3, Code
50 1991, is amended to read as follows:

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1 3. Except as otherwise provided in subsection 1,
2 a person who relinquishes a senior judgeship in the
3 manner provided in subsection 1 shall be paid a
4 retirement annuity that commences on the effective
5 date of the relinquishment and shall be based upon the
6 number of years the person served as a senior judge.
7 A person who serves six or more years as a senior
8 judge shall be paid a retirement annuity that is in an
9 amount equal to the amount of the annuity the person
10 is receiving on the effective date of the
11 relinquishment in lieu of an amount determined
12 according to section 602.9204. If the person serves
13 less than six years as a senior judge, the person
14 shall be paid a retirement annuity that is in an
15 amount equal to an amount determined according to
16 section 602.9107 added to an amount equal to the
17 number of years the person served as a senior judge,
18 divided by six, multiplied by the difference between
19 the amount of the annuity the person is receiving on
20 the effective date of the relinquishment and the
21 amount determined according to section 602.9107. A
22 person who is removed from a senior judgeship as
23 provided in subsection 2 shall be paid a retirement
24 annuity that commences on the effective date of the
25 removal and is in an amount determined according to
26 section 602.9107 in lieu of section 602.9204, and any
27 service and annuity of the person as a senior judge is

28 disregarded."

29 2. Title page, line 4, by inserting after the
30 word "sixty-five," the following: "expanding coverage
31 and benefits under the Iowa senior judge Act,".

32 3. By renumbering and correcting internal
33 references as necessary.

DONALD DOYLE

S-5100

1 Amend Senate File 2143 as follows:

2 1. Page 1, line 30, by striking the word "A" and
3 inserting the following: "Except for employment in a
4 street occupation as defined under section 92.1, a".

LARRY MURPHY
HARRY SLIFE

S-5101

1 Amend Senate File 2175 as follows:

2 1. Page 8, by inserting after line 15, the
3 following:

4 "This chapter does not apply to an individual
5 designated as the social services designee employed in
6 a nursing facility licensed under chapter 135C, with
7 less than 120 beds."

JOE J. WELSH

S-5102

1 Amend Senate File 2175 as follows:

2 1. Page 3, line 33, by striking the word "self-
3 employed." and inserting the following: "self-
4 employed".

5 2. Page 3, line 34, by inserting after the word
6 "practice" the following: ". and who provides
7 diagnosis and treatment of mental and emotional
8 disorders or conditions".

9 3. Page 8, by inserting after line 20 the follow-
10 ing:

11 "Sec. ____ . EXEMPTION FOR SOCIAL WORKERS EMPLOYED
12 IN NURSING HOMES. This Act shall not apply to a
13 social worker employed in a nursing home, as defined
14 in section 135E.1, on or before the effective date of
15 this Act."

JOE WELSH

S-5103

1 Amend Senate File 517 as follows:

2 1. Page 1, by inserting before line 1, the

3 following:

4 "Section 1. Section 331.653, subsection 21, Code
5 Supplement 1991, is amended to read as follows:

6 21. Destroy a neglected or estray disabled animal
7 as provided in section 188.49."

8 2. Page 1, by striking lines 19 through 32, and

9 inserting the following:

10 "2. A law enforcement officer may enter onto the
11 property of a person to rescue a neglected animal, if
12 the officer obtains a search warrant issued by a
13 court, or sees the neglected animal in open view in an
14 area where there exists no reasonable expectation of
15 privacy."

16 3. Page 1, line 33, by striking the words
17 "contract with" and inserting the following:

18 "contact".

19 4. By striking page 1, line 34 through page 2,
20 line 1, and inserting the following: "provider for
21 the maintenance of the neglected animal. The local
22 authority shall pay the animal care provider for the
23 animal's maintenance regardless of proceeds received
24 from the sale of the animal. The local authority may
25 assess the owner of the neglected animal the costs of
26 maintaining the animal, including payments made to the
27 animal care provider."

28 5. Page 2, by striking lines 26 through 35, and
29 inserting the following:

30 "___ . The owner of a neglected animal rescued by a
31 law enforcement officer is subject to a civil penalty
32 of not more than one thousand dollars. Each neglected
33 animal rescued by a law enforcement officer
34 constitutes a separate violation. If the action is
35 brought by a city, the moneys shall be deposited with
36 the city treasurer for use by the city in
37 administering and enforcing this section. If the
38 action is brought by a county, the moneys shall be
39 deposited with the county treasurer for use by the
40 county in administering and enforcing this".

41 6. Page 3, by striking lines 12 and 13.

COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chairperson

S-5104

- 1 Amend the amendment, S-5051, to Senate File 2005 as
- 2 follows:
- 3 1. Page 1, by striking line 20 and inserting the
- 4 following: "exceed two thousand four hundred
- 5 dollars."
- 6 2. Page 1, by striking line 40, and inserting the
- 7 following: "is amended to read as follows:
- 8 SEC. 7. The provisions of 1990 Iowa Acts, House
- 9 File 2294, creating the affordable heating program
- 10 advisory council, are repealed by July 1, ~~1992~~ 1993."

BEVERLY A. HANNON

S-5105

- 1 Amend Senate File 2120 as follows:
- 2 1. Page 3, line 18, by striking the words "that
- 3 the" and inserting the following: "that each".
- 4 2. Page 3, line 19, by inserting after the word
- 5 "must" the following: "also".

MIKE CONNOLLY

S-5106

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 8, by inserting before line 21, the
- 3 following:
- 4 "Sec. ____ . EXEMPTION FOR SOCIAL WORKERS EMPLOYED
- 5 IN CERTAIN HOSPITALS.
- 6 This Act shall not apply to a social worker
- 7 employed on or before the effective date of this Act
- 8, by a hospital, as defined in section 135B.1, with a
- 9 bed capacity for one hundred or fewer patients."

BEVERLY A. HANNON
 JIM RIORDAN
 DONALD V. DOYLE
 BERL E. PRIEBE
 EMIL J. HUSAK
 LARRY MURPHY
 LEONARD L. BOSWELL

S-5107

- 1 Amend Senate File 2204 as follows:
- 2 1. Page 1, by striking lines 1 through 7.
- 3 2. Title page, lines 1 and 2, by striking the

4 words "the information to be gained from a
5 preplacement investigation and".

AL STURGEON

S-5108

1 Amend Senate File 84 as follows:

2 1. Page 1, line 2, by inserting after the word
3 "Code" the following: "Supplement".

4 2. Page 1, line 16, by inserting after the word
5 "Code" the following: "Supplement".

6 3. Page 1, by inserting after line 22, the
7 following:

8 "Sec. ____ . Section 18.18, subsection 2, Code
9 Supplement 1991, is amended by adding the following
10 new paragraph:

11 NEW PARAGRAPH. c. Notwithstanding the
12 requirements of this subsection regarding the purchase
13 of recycled paper, the department shall purchase acid-
14 free permanent paper in the amount necessary for the
15 production or reproduction of documents, papers, or
16 similar materials produced or reproduced for permanent
17 preservation pursuant to law."

18 4. By renumbering as necessary.

RICHARD VARN

S-5109

1 Amend Senate File 2038 as follows:

2 1. Page 1, by striking everything after the
3 enacting clause and inserting the following:

4 "Section 1. IOWA VETERANS HOME. There is
5 appropriated from the general fund of the state to the
6 department of human services to supplement moneys
7 appropriated to the department for the Iowa veterans
8 home pursuant to 1991 Iowa Acts, chapter 267, section
9 120, for the fiscal year beginning July 1, 1991, and
10 ending June 30, 1992, the following amount, or so much
11 thereof as is necessary, to be used for the purpose
12 designated:

13 For the Iowa veterans home, including salaries,
14 support, maintenance, and miscellaneous purposes, to
15 restore and maintain the number of beds in operation
16 at the home at no less than 650 beds:

17 \$ 280,000

18 The appropriation made in this Act is based on the
19 requirement that the department of human services,
20 department of personnel, and department of management

21 shall take every action necessary to expeditiously
 22 restore and maintain in operation the number of beds
 23 specified in this Act, including authorizing and
 24 filling employee positions. Moneys appropriated in
 25 this Act shall not be reduced by action of executive
 26 order 42 or any other executive action initiated prior
 27 to the effective date of this Act. Moneys
 28 appropriated in this Act are for the purposes
 29 specified in this Act and shall not be used for any
 30 other purpose.
 31 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
 32 immediate importance, takes effect upon enactment."

EMIL HUSAK
 JOHN E. SOORHOLTZ
 JOHN P. KIBBIE
 BILL HUTCHINS
 LEONARD L. BOSWELL
 JOHN W. JENSEN
 RICHARD VANDE HOEF

S-5110

1 Amend Senate File 2180 as follows:
 2 1. Page 2, line 32, by inserting after the words
 3 "effective upon" the following: "personal".
 4 2. Page 6, by striking lines 26 through 29, and
 5 inserting the following:
 6 "A credit union shall maintain a fidelity bond for
 7 credit union employees and officials in a sufficient
 8 amount to indemnify the credit union against losses
 9 which may be incurred by reason of any act or acts of
 10 fraud, dishonesty, forgery, theft, larceny,
 11 embezzlement, wrongful abstraction, misapplication,
 12 misappropriation, or other unlawful act committed by
 13 the employee or official directly or through
 14 connivance with others, and general insurance coverage
 15 for losses caused by persons not associated with the
 16 credit union. The fidelity bond and general insurance
 17 coverage shall be obtained from a company authorized
 18 to do business in this state. The superintendent may
 19 require additional coverage for".

DON E. GETTINGS

S-5111

- 1 Amend Senate File 2120 as follows:
- 2 1. Page 1, line 21, by striking the words “,
- 3 including the power to sue and be sued,”.

JIM LIND
RICHARD J. VARN
WALLY E. HORN
WILMER RENSINK

S-5112

- 1 Amend Senate File 2120 as follows:
- 2 1. Page 7, lines 1 through 3, by striking the
- 3 words “, however, the withdrawal shall not take effect
- 4 until two years after the enactment of the
- 5 legislation”.

JIM LIND
RICHARD J. VARN
WALLY E. HORN
WILMER RENSINK

S-5113

- 1 Amend Senate File 2120 as follows:
- 2 1. Page 6, line 1, by inserting after the word
- 3 “states.” the following: “Funds necessary to finance
- 4 Iowa’s share of the moneys necessary under this
- 5 paragraph shall be paid from funds specifically
- 6 appropriated for that purpose.”
- 7 2. By renumbering as necessary.

JIM LIND

S-5114

- 1 Amend Senate File 2038 as follows:
- 2 1. Page 1, by inserting after line 29 the follow-
- 3 ing:
- 4 “Sec. ____ . SECRETARY OF STATE – REDUCTION. The
- 5 appropriation from the general fund of the state to
- 6 the office of the secretary of state for the fiscal
- 7 year beginning July 1, 1991, and ending June 30, 1992,
- 8 in 1991 Iowa Acts, chapter 268, section 101, is
- 9 reduced by the following amount for the purpose
- 10 designated:
- 11 By eliminating any activity to procure optical disk
- 12 equipment, including but not limited to purchase of

13 related hardware and software:

14 \$ 325,000

15 The secretary of state shall not enter into or
16 award a contract, or take any other action to procure
17 optical disk equipment, including but not limited to
18 purchase of related hardware and software, based on an
19 appropriation made by the Seventy-fourth General
20 Assembly, 1991 Session."

21 2. Title page, line 1, by striking the words
22 "making an" and inserting the following: "relating to
23 previously enacted appropriations by making a
24 supplemental".

25 3. Title page, line 2, by inserting after the
26 word "home" the following: "and reducing an
27 appropriation to the secretary of state,".

PAUL D. PATE

S-5115

1 Amend Senate File 2120 as follows:

2 1. Page 5, line 19, by inserting after the word
3 "agreements" the following: " , except that no
4 institution of higher education in this state shall be
5 assessed any fee or sum in addition to any
6 appropriated funds necessary to support the activities
7 of the commission".

DERRYL McLAREN

S-5116

1 Amend Senate File 2072 as follows:

2 1. Page 2, line 18, by striking the word
3 "However," and inserting the following: "In
4 designating additional drug-free or weapons-free zones
5 pursuant to this section, the county shall specify the
6 legal description of all real property located within
7 the zone. In addition,".

8 2. Page 2, line 29, by striking the word
9 "However," and inserting the following: "In
10 designating additional drug-free or weapons-free zones
11 pursuant to this section, the city shall specify the
12 legal description of all real property located within
13 the zone. In addition,".

14 3. Page 3, by striking lines 17 through 19 and
15 inserting the following: "reserve peace officer, as
16 defined in section 80D.1A, when the officer's duties
17 require the officer to carry dangerous weapons."
18 4. Page 3, by striking lines 21 and 22, and

19 inserting the following: "section 804.7A, when the
20 officer's duties require the officer to carry
21 dangerous weapons."

22 5. Page 3, by striking lines 24 and 25, and
23 inserting the following: "the national guard, when
24 the weapons are carried in connection with the
25 person's duties as a member of the armed forces or
26 national guard."

27 6. Page 3, by striking line 29 and inserting the
28 following:

29 "e. Any other person who has obtained a permit
30 pursuant to this chapter and has been approved by the
31 applicable jurisdiction to".

32 7. Page 3, by inserting after line 30 the follow-
33 ing:

34 "___ . A correctional officer, when the officer's
35 duties require, serving under the authority of the
36 Iowa department of corrections."

37 8. Page 3, by inserting after line 30 the follow-
38 ing:

39 "___ . A person who for any lawful purpose carries
40 an unloaded pistol, revolver, or other dangerous
41 weapon inside a closed and fastened container or
42 securely wrapped package which is too large to be
43 concealed on the person."

44 9. Page 3, by inserting after line 30 the follow-
45 ing:

46 "___ . A person who for any lawful purpose carries
47 or transports an unloaded pistol or revolver in a
48 vehicle inside a closed and fastened container or
49 securely wrapped package which is too large to be
50 concealed on the person or inside a cargo or luggage

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1 compartment where the pistol or revolver will not be
2 readily accessible to any person riding in the vehicle
3 or common carrier."

4 10. Page 3, by inserting after line 30 the fol-
5 lowing:

6 "___ . A person while the person is lawfully
7 engaged in target practice on a range designed for
8 that purpose or while actually engaged in lawful
9 hunting."

10 11. Page 3, by inserting after line 30 the fol-
11 lowing:

12 "___ . A person who carries a knife used in hunting
13 or fishing, while actually engaged in lawful hunting
14 or fishing."

15 12. Page 3, by inserting after line 30 the fol-

16 lowing:

17 " ____ . A law enforcement officer from another state
18 when the officer's duties require the officer to carry
19 the weapon and the officer is in this state for any of
20 the following reasons:

21 (1) The extradition or other lawful removal of a
22 prisoner from this state.

23 (2) Pursuit of a suspect in compliance with
24 chapter 806.

25 (3) Activities in the capacity of a law
26 enforcement officer with the knowledge and consent of
27 the chief of police of the city or the sheriff of the
28 county in which the activities occur or of the
29 commissioner of public safety."

30 13. Page 3, by inserting after line 30 the fol-
31 lowing:

32 " ____ . A person participating in an approved hunter
33 safety and ethics education course as provided in
34 section 110.27."

35 14. Page 3, by inserting after line 30 the
36 following:

37 " ____ . A person using a starter's gun in a track
38 event authorized by school or park officials."

39 15. Page 3, by inserting after the line 30 the
40 following:

41 " ____ . A person participating in a reserve officer
42 training corps or junior reserve officer training
43 corps shooting program or other program authorized by
44 school officials."

45 16. By renumbering, relettering, redesignating,
46 and correcting internal references as necessary.

LINN FUHRMAN

S-5117

1 Amend the amendment, S-5085, to Senate File 2036 as
2 follows:

3 1. Page 1, line 50, by striking the words and
4 figures "sections 452.10 and 452.10A and other
5 applicable law" and inserting the following: "section
6 452.10".

7 2. Page 2, by inserting after line 6, the
8 following:

9 "The board shall have written investment policies
10 which include listings of authorized and unauthorized
11 investments, approval processes for the selection of
12 investment managers and other investment
13 professionals, allowable maturities for fixed income
14 securities, and provisions for regular and frequent

15 board oversight, including audit. The board's
16 investment policy shall cover endowment and
17 nonendowment investments."

18 3. Page 4, line 13, by inserting after the word
19 "permitted" the following: "except with respect to
20 endowment funds or investments held under deferred
21 compensation agreements".

22 4. Page 4, line 18, by inserting after the figure
23 "\$ 270.2a-7" the following: "or "The Common Fund For
24 Nonprofit Organizations" or its affiliates, provided
25 that the persons managing the funds are regulated by
26 the federal securities and exchange commission as an
27 investment company under the federal Investment
28 Company Act of 1940, 15 U.S.C. § 80(a)."

RICHARD J. VARN

S-5118

1 Amend the amendment, S-5085, to Senate File 2036 as
2 follows:

3 1. Page 1, by inserting before line 4 the
4 following:

5 "Sec. ____ . Section 11.2, Code 1991, is amended to
6 read as follows:

7 **11.2 ANNUAL SETTLEMENTS.**

8 **1.** The auditor of state shall annually, and
9 oftener if deemed necessary, make a full settlement
10 between the state and all state officers and
11 departments and all persons receiving or expending
12 state funds, and shall annually make a complete audit
13 of the books and accounts of every department of the
14 state.

15 Provided, that the accounts, records, and documents
16 of the treasury department shall be audited daily.

17 Provided further, that a preliminary audit of the
18 educational institutions and the state fair board
19 shall be made periodically, at least quarterly, to
20 check the monthly reports submitted to the director of
21 revenue and finance as required by section 421.31,
22 subsection 4 and that a final audit of such state
23 agencies shall be made at the close of each fiscal
24 year.

25 **2.** In conjunction with the audit of the state
26 board of regents required under this section, the
27 auditor of state shall also perform tests for
28 compliance with the investment policy of a reasonable
29 number of investment transactions in relation to the
30 total investments and quantity of transactions in the
31 period audited. The results of the compliance testing

32 shall be reported by the auditor of state in
33 accordance with generally accepted auditing standards.
34 The auditor of state may also make recommendations for
35 changes to investment policy or practices. The state
36 board of regents is responsible for the remedy of
37 reported noncompliance with its policy or practices.
38 Except for security for public deposits as provided
39 in sections 453.16 through 453.19 and sections 453.22
40 and 453.23, as part of its audit, the state board of
41 regents is responsible for obtaining and providing to
42 the auditor of state the audited financial statements
43 and related report on internal control structure of
44 outside persons, performing any of the following for
45 the state board of regents:
46 a. Investing public funds.
47 b. Advising on the investment of public funds.
48 c. Directing the deposit or investment of public
49 funds.
50 d. Acting in a fiduciary capacity for the state

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1 board of regents.
2 The review by the auditor of state of the most
3 recent annual report to shareholders of an open-end
4 management investment company or an unincorporated
5 investment company or investment trust registered with
6 the federal securities and exchange commission under
7 the federal Investment Company Act of 1940, 15 U.S.C.
8 § 80(a), pursuant to 17 C.F.R. § 270.30d-1 shall
9 satisfy the review requirements of this subsection.
10 All outside persons shall notify in writing the
11 state board of regents subdivision within thirty days
12 of receipt of communication from the auditor of state
13 or any regulatory authority of the existence of a
14 material weakness in internal control structure, or
15 regulatory complaints, orders, or sanctions against
16 the outside person. This provision to provide notice
17 shall not be limited, or avoided, by contract.
18 Provided, however, that to the extent that a
19 provision of this subsection conflicts with federal
20 law, it shall be construed to avoid such conflict.
21 To the extent that a provision of this subsection
22 conflicts with federal law, it shall be construed to
23 avoid such conflict.
24 Sec. ____ . Section 11.6, subsection 1, Code
25 Supplement 1991, is amended to read as follows:
26 1. a. The financial condition and transactions of
27 all cities and city offices, counties, county
28 hospitals organized under chapters 347 and 347A,

29 memorial hospitals organized under chapter 37,
30 entities organized under chapter 28E having gross
31 receipts in excess of one hundred thousand dollars in
32 a fiscal year, merged areas, area education agencies,
33 and all school offices in school districts, shall be
34 examined at least once each year, except that cities
35 having a population of seven hundred or more but less
36 than two thousand shall be examined at least once
37 every four years, and cities having a population of
38 less than seven hundred may be examined as otherwise
39 provided in this section. The examination shall cover
40 the fiscal year next preceding the year in which the
41 audit is conducted. The examination of school offices
42 shall include an audit of all school funds, the
43 certified annual financial report, and the certified
44 enrollment as provided in section 257.11.
45 Examinations of community colleges shall include an
46 audit of eligible and noneligible contact hours as
47 defined in section 236A.2. Eligible and noneligible
48 contact hours and the certified enrollment shall be
49 certified to the department of management.
50 Subject to the exceptions and requirements of

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1 subsection 2 and subsection 4, paragraph "c",
2 examinations shall be made as determined by the
3 governmental subdivision either by the auditor of
4 state or by certified public accountants, certified in
5 the state of Iowa, and they shall be paid from the
6 proper public funds of the governmental subdivision.
7 b. In conjunction with the audit of the
8 governmental subdivision required under this section,
9 the person performing the audit shall also perform
10 tests for compliance with the investment policy of a
11 reasonable number of investment transactions in
12 relation to the total investments and quantity of
13 transactions in the period audited. The results of
14 the compliance testing shall be reported in accordance
15 with generally accepted auditing standards. The
16 person performing the audit may also make
17 recommendations for changes to investment policy or
18 practices. The governmental subdivision is
19 responsible for the remedy of reported noncompliance
20 with its policy or practices.
21 Except for security for public deposits as provided
22 in sections 453.16 through 453.19 and sections 453.22
23 and 453.23, as part of its audit, the governmental
24 subdivision is responsible for obtaining and providing
25 to the person performing the audit the audited

26 financial statements and related report on internal
 27 control structure of outside persons, performing any
 28 of the following for the governmental subdivision:
 29 (1) Investing public funds.
 30 (2) Advising on the investment of public funds.
 31 (3) Directing the deposit or investment of public
 32 funds.
 33 (4) Acting in a fiduciary capacity for the
 34 governmental subdivision.
 35 The review by the person performing the audit of
 36 the most recent annual report to shareholders of an
 37 open-end management investment company or an
 38 unincorporated investment company or investment trust
 39 registered with the federal securities and exchange
 40 commission under the federal Investment Company Act of
 41 1940, 15 U.S.C. § 80(a), pursuant to 17 C.F.R. §
 42 270.30d-1 shall satisfy the review requirements of
 43 this lettered paragraph.
 44 All outside persons shall notify in writing the
 45 governmental subdivision within thirty days of receipt
 46 of communication from an independent auditor or any
 47 regulatory authority of the existence of a material
 48 weakness in internal control structure, or regulatory
 49 complaints, orders, or sanctions against the outside
 50 person. This provision to provide notice shall not be

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1 limited, or avoided, by contract.
 2 The auditor of a joint investment trust shall file
 3 all examination reports with the administrator of the
 4 securities bureau of the insurance division of the
 5 department of commerce within ten days of completing
 6 the examination. The auditor shall immediately notify
 7 the administrator of any violations or weaknesses in
 8 internal control structures.
 9 Provided, however, that if a governmental
 10 subdivision does not have an annual audit, the
 11 governmental subdivision shall not contract with an
 12 outside person other than a joint investment trust
 13 pursuant to section 452.10, subsection 5, paragraph
 14 "f".
 15 Sec. ____ . Section 11.6, subsection 4, Code
 16 Supplement 1991, is amended by adding the following
 17 new unnumbered paragraph:
 18 NEW UNNUMBERED PARAGRAPH. An examination under
 19 this subsection shall include a determination of
 20 whether investments by the governmental subdivision
 21 are authorized by state law."
 22 2. Page 1, line 8, by striking the words "and

23 agencies" and inserting the following: "
24 instrumentalities, and agencies of the state".
25 3. Page 1, by striking lines 22 through 45 and
26 inserting the following:
27 "The treasurer of state shall adopt rules pursuant
28 to chapter 17A for providing technical information and
29 assistance to political subdivisions,
30 instrumentalities, and agencies of the state
31 authorized to invest funds which are seeking to invest
32 public funds. The treasurer or the treasurer's
33 designee shall provide technical information and
34 assistance to a political subdivision,
35 instrumentality, or agency of the state authorized to
36 invest funds at the request of the political
37 subdivision, instrumentality, or agency of the state
38 authorized to invest funds, including but not limited
39 to technical information regarding the statutory
40 requirements for investments by the political
41 subdivision, instrumentality, or agency and technical
42 assistance to enable the political subdivision,
43 instrumentality, or agency to invest funds in
44 accordance with state law. However, the fact that
45 information and assistance are provided under this
46 section to a political subdivision, instrumentality,
47 or agency authorized to invest funds shall not make
48 the state, the treasurer of state, or the treasurer's
49 designee liable to a political subdivision,
50 instrumentality, or agency of the state in any manner

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1 for any loss, damage, or expense incurred by the
2 political subdivision, instrumentality, or agency as a
3 result of an investment."
4 4. Page 1, by inserting before line 46 the
5 following:
6 "Sec. ____ . Section 28E.5, subsection 2, Code 1991,
7 is amended to read as follows:
8 2. The precise organization, composition and
9 nature of any separate legal or administrative entity
10 created thereby together with the powers delegated
11 thereto, provided such entity may be legally created.
12 However, if the agreement establishes a separate legal
13 or administrative entity, the entity shall, when
14 investing funds, comply with the provisions of
15 sections 452.10 and 452.10A through 452.10C and other
16 applicable law."
17 5. Page 3, by inserting after line 10 the
18 following:
19 "The treasurer of state and the treasurer of each

20 political subdivision shall at all times keep funds
21 coming into their possession as public money in a
22 vault or safe to be provided for that purpose or in
23 one or more depositories approved pursuant to chapter
24 453. However, the treasurer of state and the
25 treasurer of each political subdivision shall invest,
26 unless otherwise provided, any public funds not
27 currently needed in investments authorized by this
28 section."

29 6. Page 3, by striking line 34 and inserting the
30 following: "limited to, compliance with state law,
31 diversification, maturity, quality, and".

32 7. Page 3, line 40, by inserting after the word
33 "instrumentalities" the following: "that are insured
34 or fully guaranteed by the United States of America".

35 8. Page 4, line 1, by inserting after the word
36 "paper" the following: "and other short-term
37 corporate debt".

38 9. Page 4, line 2, by inserting after the word
39 "paper" the following: "and debt".

40 10. Page 4, line 18, by inserting after the
41 figure "270.2a-7" the following: ", the portfolio of
42 which is limited to investments authorized by
43 paragraphs "a" through "e".

44 11. Page 4, lines 21 through 24, by striking the
45 words ", including entities organized pursuant to
46 chapter 28E whose primary function is other than to
47 jointly invest public funds,".

48 12. Page 4, line 27, by inserting after the word
49 "instrumentalities" the following: "that are insured
50 or fully guaranteed by the United States of America".

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1 13. Page 4, line 38, by striking the words "shall
2 be in paper" and inserting the following: "and other
3 short-term corporate debt shall be".

4 14. By striking page 4, line 47, through page 5,
5 line 2, and inserting the following: "chapter 28E
6 organized prior to and existing in good standing on
7 the effective date of this Act. Provided that the
8 joint investment trust shall be rated within the two
9 highest classifications by at least one of the
10 standard rating services approved by the
11 superintendent of banking by rule adopted pursuant to
12 chapter 17A.

13 g. An open-end management investment company, or
14 an unincorporated investment company or investment
15 trust, or a joint investment trust organized pursuant
16 to chapter 28E on or after the effective date of this

17 Act, provided that such entities are registered under
18 the federal Investment Company Act of 1940, 15 U.S.C.
19 § 80(a), and are operated in accordance with 17 C.F.R.
20 § 270.2a-7, the portfolio of which is authorized by
21 section 452.10. An open-end management investment
22 company, or unincorporated investment company or
23 investment trust, or a joint investment trust
24 organized pursuant to chapter 28E on or after the
25 effective date of this Act shall be rated within the
26 two highest classifications by at least one of the
27 standard rating services approved by the
28 superintendent of banking by rule adopted pursuant to
29 chapter 17A."

30 15. Page 5, by inserting after line 5 the
31 following:

32 "The trading of securities in which public funds
33 are invested for the purpose of speculation and the
34 realization of short-term trading profits is
35 prohibited.

36 The investments by a political subdivision or
37 agency must have maturities that are consistent with
38 the needs and use of that political subdivision or
39 agency."

40 16. Page 5, by striking lines 11 through 50 and
41 inserting the following:

42 "1. The investment of public funds which are
43 operating funds by a political subdivision shall be
44 subject to the following:

45 a. As used in this section, "operating funds"
46 means those funds which are reasonably expected to be
47 expended during a current budget year or within
48 fifteen months of receipt.

49 b. Operating funds must be identified and
50 distinguished from all other funds available for

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1 investment.

2 c. Operating funds may only be invested in
3 investments which mature within three hundred ninety-
4 seven days or less and which are authorized by law for
5 the investing public entity. If the operating funds
6 are being invested jointly, the following additional
7 requirements apply:

8 (1) The weighted average maturity of all operating
9 fund investments shall not exceed ninety days.

10 (2) In order to assure that the investments can be
11 liquidated without risk of principal loss, the market
12 value of the investments must not be permitted to
13 fluctuate by more than one-half of one percent from

14 the amortized cost thereof. If larger fluctuations
15 occur, actions must be taken promptly to maintain the
16 principal value of such investments.

17 2. All investments of public funds by political
18 subdivisions shall be subject to the following:

19 a. Each investment must be authorized by
20 applicable law and the written investment policy of
21 the political subdivision.

22 b. The trading of securities in which any public
23 funds are invested for the purpose of speculation and
24 the realization of short-term trading profits is
25 prohibited.

26 c. Investments by a political subdivision must
27 have maturities that are consistent with the needs and
28 use of that political subdivision or agency.

29 d. Each political subdivision whose investments
30 involve the use of a public funds custodial agreement,
31 as defined in section 452.10C, shall comply with rules
32 adopted pursuant to section 452.10B relating to those
33 investments. All contracts providing for the
34 investment of public funds shall be in writing and
35 shall contain a provision requiring that all
36 investments shall be made in accordance with the laws
37 of this state. The political subdivision also shall
38 submit information about investments involving outside
39 persons to the treasurer of state as required by rule
40 adopted under section 12.1 which shall be public
41 records under section 22.1.

42 e. A contract for the investment or deposit of
43 public funds shall not provide for compensation of an
44 agent or fiduciary based upon investment performance.

45 3. A treasurer of a political subdivision may
46 invest funds of the political subdivision or agency
47 that are not operating funds in investments having
48 maturities longer than three hundred ninety-seven
49 days. Subsection 1 does not apply to public funds
50 that are not operating funds or to public funds that

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1 are invested under the provisions of a resolution or
2 indenture for the issuance of bonds, notes,
3 certificates, warrants, or other evidences of
4 indebtedness if such investments are classified or
5 approved as investments for municipal financing,
6 within the two highest classifications by at least one
7 of the standard rating services approved by the
8 superintendent of banking by rule pursuant to chapter
9 17A.

10 4. As used in this section, "public funds" means

11 all funds that are public funds within the meaning of
12 section 453.1, subsection 2, paragraph "b", except
13 state funds invested by the treasurer of state.

14 5. This section shall not be construed to
15 supersede any provision of this chapter or of chapter
16 453.

17 Sec. ____ . NEW SECTION. 452.10B WRITTEN
18 INVESTMENT POLICIES.

19 1. Political subdivisions shall approve written
20 investment policies which incorporate the guidelines
21 specified in section 452.10, sections 452.10A through
22 452.10C, and any other provisions deemed necessary to
23 adequately safeguard invested public funds.

24 2. The written investment policy required by
25 section 452.10 shall be delivered to all of the
26 following:

27 a. The governing body or officer of the public
28 entity to which the policy applies.

29 b. All depository institutions or fiduciaries for
30 public funds of the public entity.

31 c. The independent auditor of the public entity."
32 17. Page 6, by striking lines 1 through 38.

33 18. Page 7, by striking lines 30 through 33 and
34 inserting the following: "funds as defined in section
35 453.1. However, this section does not apply to public
36 funds that are invested under the provisions of a
37 resolution or indenture for the issuance of bonds,
38 notes, certificates, warrants, or other evidences of
39 indebtedness. To the extent that a provision of this
40 section conflicts with federal law, it shall be
41 construed to avoid the conflict."

42 19. Page 8, by inserting after line 19 the
43 following:

44 "Sec. ____ . NEW SECTION. 502.701 PUBLIC JOINT
45 INVESTMENT TRUSTS.

46 1. A joint investment trust organized pursuant to
47 chapter 28E for the purposes of joint investment of
48 public funds is subject to the jurisdiction and
49 authority of the administrator, including all
50 requirements of this chapter, except the registration

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1 provisions of section 502.201 and 502.218.

2 2. The administrator may make examinations within
3 or without the state, of the business and records of
4 each joint investment trust, at the times and in the
5 scope as the administrator determines. The
6 examinations may be made without prior notice to the
7 joint investment trust or the trust's investment

8 advisor. The administrator may copy all records the
 9 administrator feels are necessary to conduct the
 10 examination. The expense reasonably attributable to
 11 the examination shall be paid by the joint investment
 12 trusts whose business is examined, but the expense so
 13 payable shall not exceed an amount which the
 14 administrator by rule prescribes. For the purpose of
 15 avoiding unnecessary duplication of examinations, the
 16 administrator may cooperate with other regulatory
 17 authorities."

18 20. Page 8, by striking lines 27 through 31 and
 19 inserting the following: "the effective date of this
 20 Act."

RICHARD VARN
 WILLIAM D. PALMER

S-5119

1 Amend the amendment, S-5099, to Senate File 2154,
 2 as follows:
 3 1. Page 2, line 11, by inserting after the word
 4 "perform" the following: "or insufficient
 5 appropriations".

DONALD DOYLE

S-5120

1 Amend Senate File 2143 as follows:
 2 1. Page 2, by inserting after line 13 the
 3 following:
 4 "— . A person who is sixteen or seventeen years
 5 of age, who is maintaining at least a three and two-
 6 tenths percent grade point average on a four point
 7 scale at the school that the person is attending,
 8 shall be granted an exemption from the requirements of
 9 this section."
 10 2. By renumbering as necessary.

RAY TAYLOR

S-5121

1 Amend the amendment, S-5085, to Senate File 2036 as
 2 follows:
 3 1. Page 3, line 44, by inserting after the word
 4 "acceptances" the following: "that mature within one
 5 hundred eighty days and that are eligible for purchase
 6 by a federal reserve bank, provided that no more than

7 ten percent of the investment portfolio of the
8 treasurer of state or any other state agency shall be
9 in investments authorized by this paragraph".
10 2. Page 3, line 46, by inserting after the word
11 "debt" the following: "that matures within one
12 hundred eighty days and that is".
13 3. Page 4, line 2, by inserting after the word
14 "classification" the following: ", and provided
15 further that no more than ten percent of the
16 investment portfolio of the treasurer of state or any
17 other state agency shall be in investments authorized
18 by this paragraph".
19 4. Page 4, line 31, by inserting after the word
20 "acceptances" the following: "that mature within one
21 hundred eighty days and that are eligible for purchase
22 by a federal reserve bank, provided that no more than
23 ten percent of the investment portfolio of the
24 treasurer of state or any other state agency shall be
25 in investments authorized by this paragraph".
26 5. Page 4, line 33, by inserting after the word
27 "debt" the following: "that matures within one
28 hundred eighty days and that is".
29 6. Page 4, line 39, by inserting after the word
30 "classification" the following: ", and provided
31 further that no more than ten percent of the
32 investment portfolio of the treasurer of state or any
33 other state agency shall be in investments authorized
34 by this paragraph".

DERRYL McLAREN
JIM KERSTEN
HARRY SLIFE

S-5122

1 Amend Senate File 2187 as follows:
2 1. Page 1, by striking lines 1 through 9.
3 2. Page 1, line 17, by inserting after the word
4 "time" the following: ", work credits, and program
5 credits".
6 3. Page 1, by striking lines 20 through 31, and
7 inserting the following:
8 "c. In the case of multiple sentences, whether the
9 sentences shall be served consecutively or
10 concurrently."
11 4. By striking page 1, line 32 through page 2,
12 line 31.
13 5. Title page, line 1, by striking the words
14 "distribution and".
15 6. Title page, by striking lines 2 and 3, and

16 inserting the following: "information by the court at
17 the time of sentencing of persons convicted of
18 committing aggravated".
19 7. By renumbering, relettering, redesignating,
20 and correcting internal references as necessary.

RALPH ROSENBERG
LINN FUHRMAN

S-5123

1 Amend the amendment, S-5085, to Senate File 2036 as
2 follows:
3 1. Page 7, by inserting before line 34 the
4 following:
5 "Sec. ____ . Section 453.1, subsection 2, paragraph
6 a, Code 1991, is amended to read as follows:
7 a. "Depository" means a bank or any office of a
8 bank whose accounts are insured by the federal deposit
9 insurance corporation; or, a savings and loan
10 association or a savings bank or any branch of a
11 savings and loan association or savings bank whose
12 accounts are insured by the federal savings and loan
13 insurance corporation, or a credit union insured by
14 the national credit union administration in which
15 public funds are deposited under this chapter.
16 Sec. ____ . Section 453.1, subsection 2, Code 1991,
17 is amended by adding the following new paragraphs:
18 NEW PARAGRAPH. c. "Bank" means a corporation
19 engaged in the business of banking authorized by law
20 to receive deposits and whose deposits are insured by
21 the bank insurance fund of the federal deposit
22 insurance corporation and includes any office of a
23 bank.
24 NEW PARAGRAPH. d. "Savings and loan" means a
25 corporation authorized to operate under chapter 534 or
26 the federal Home Owner's Loan Act of 1933, 12 U.S.C. §
27 1461, et seq., and includes a savings and loan
28 association, a savings bank, or any branch of a
29 savings and loan association or savings bank.
30 NEW PARAGRAPH. e. "Credit union" means a
31 cooperative, nonprofit association incorporated under
32 chapter 533 or the federal Credit Union Act, 12 U.S.C.
33 § 1751, et seq., and that is insured by the national
34 credit union administration and includes an office of
35 a credit union.
36 NEW PARAGRAPH. f. "Financial institution" means a
37 bank, savings and loan, or a credit union.
38 Sec. ____ . Section 453.1, subsection 3, Code 1991,
39 is amended to read as follows:

40 3. A deposit of public funds in a depository
41 pursuant to this chapter shall be secured as follows:
42 a. If a depository is a savings and loan
43 association, a ~~savings bank, or an office of a savings~~
44 ~~and loan association or savings bank~~, then the public
45 deposits in those depositories ~~the savings and loan~~
46 ~~association~~ shall be secured pursuant to sections
47 453.16 through 453.19 and sections 453.23 and 453.24.
48 b. If a depository is a bank, ~~credit union, or an~~
49 ~~office of a bank or credit union~~, then the public
50 deposits in those depositories ~~the bank~~ shall be

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1 secured pursuant to sections ~~453.22 through 453.21,~~
2 ~~453.23, and 453.24.~~

3 ~~c. If the depository is a credit union, then~~
4 ~~public deposits in the credit union shall be secured~~
5 ~~pursuant to sections 453.22 through 453.24.~~

6 Sec. ____ . Section 453.15, Code 1991, is amended to
7 read as follows:

8 453.15 RESTRICTION ON REQUIRING COLLATERAL.

9 A local government shall not require a pledge of
10 collateral for that portion of the local government's
11 deposits in a depository institution ~~savings and loan~~
12 ~~or credit union~~ that is covered by insurance of a
13 federal agency or instrumentality including the
14 ~~federal deposit insurance corporation, the federal~~
15 ~~savings and loan insurance corporation, or the~~
16 ~~national credit union administration."~~

17 2. Page 7, by striking lines 34 through 50 and
18 inserting the following:

19 "Sec. ____ . Section 453.16, subsection 1,
20 unnumbered paragraph 1, Code 1991, is amended to read
21 as follows:

22 Before a deposit of public funds is made by a
23 public officer with a depository institution ~~savings~~
24 ~~and loan~~ in excess of the amount ~~federally~~ insured by
25 ~~federal deposit insurance or federal savings and loan~~
26 ~~insurance, and before the investment of public funds~~
27 ~~in investments authorized in section 452.10 which~~
28 ~~either are not obligations of or guaranteed by the~~
29 ~~United States government or any of its agencies, are~~
30 ~~in excess of the amount insured by federal deposit~~
31 ~~insurance or federal savings and loan insurance, or~~
32 ~~are investments by the treasurer of state specifically~~
33 ~~authorized by section 452.10 to be made as additional~~
34 ~~investments under section 97B-7, subsection 2,~~
35 ~~paragraph "b", the public officer shall obtain~~
36 security for the deposit or investment by one or more

37 of the following:

38 Sec. ____ . Section 453.16, subsection 1, paragraph

39 a, Code 1991, is amended to read as follows:

40 a. The ~~depository institution~~ savings and loan may
41 give to the public officer a corporate surety bond of
42 a surety corporation approved by the treasury
43 department of the United States and authorized to do
44 business in this state, which bond shall be in an
45 amount equal to the public funds on deposit at any
46 time. The bond shall be conditioned that the deposit
47 shall be paid promptly on the order of the public
48 officer making the deposit and shall be approved by
49 the officer making the deposit.

50 Sec. ____ . Section 453.16, subsection 1, paragraph

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1 b, unnumbered paragraph 1, Code 1991, is amended to
2 read as follows:

3 The ~~depository institution~~ savings and loan may
4 deposit, maintain, pledge and assign for the benefit
5 of the public officer in the manner provided in this
6 chapter, securities approved by the public officer,
7 the market value of which is not less than one hundred
8 ten percent of the total deposits of public funds
9 placed by that public officer in the ~~depository~~
10 institution savings and loan. The securities shall
11 consist of any of the following:"

12 3. Page 8, by inserting before line 20 the
13 following:

14 "Sec. ____ . Section 453.16, subsection 2, Code
15 1991, is amended to read as follows:

16 2. If public funds are secured by both the assets
17 of a ~~depository institution~~ savings and loan and a
18 bond of a surety company, the assets and bond shall be
19 held as security for a rateable proportion of the
20 deposit on the basis of the market value of the assets
21 and of the total amount of the surety bonds.

22 Sec. ____ . Section 453.17, subsection 1, unnumbered
23 paragraph 1, Code 1991, is amended to read as follows:

24 A ~~depository institution~~ savings and loan which
25 receives public funds shall pledge securities owned by
26 it as required by this chapter in one of the following
27 methods:

28 Sec. ____ . Section 453.17, subsections 3 and 4,
29 Code 1991, are amended to read as follows:

30 3. All deposits of securities, other than deposits
31 of securities with the appropriate public officer,
32 shall have a joint custody receipt taken for the
33 securities with one copy delivered to the public

34 officer and one copy delivered to the ~~depository~~
35 ~~institution~~ savings and loan. A ~~depository~~
36 ~~institution~~ savings and loan pledging securities with
37 a public officer may cause the securities to be
38 examined in the officer's office to show the
39 securities are placed with the officer as collateral
40 security and are not transferable except upon the
41 conditions provided in this chapter.

42 4. Upon written request from the appropriate
43 public officer but not less than quarterly, a
44 ~~depository institution~~ savings and loan shall report
45 the par value and the market value of any pledged
46 collateral and the total deposits of public funds of
47 that officer in the ~~depository institution~~ savings and
48 loan.

49 Sec. ____ . Section 453.18, Code 1991, is amended to
50 read as follows:

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1 453.18 CONDITION OF SECURITY.

2 The condition of the surety bond or the deposit of
3 securities, instruments, or a joint custody receipt,
4 must be that the ~~depository institution~~ savings and
5 loan will promptly pay to the parties entitled public
6 funds, including any interest on the funds, in its
7 custody upon lawful demand and, when required by law,
8 pay the funds to the public officer who made the
9 deposit.

10 Sec. ____ . Section 453.19, subsections 3 and 4,
11 Code 1991, are amended to read as follows:

12 3. In the event of substitution or exchange of
13 securities, the holder or custodian of the securities
14 shall, on the same day, forward by certified mail,
15 return receipt requested, to the public officer and
16 the ~~depository institution~~ savings and loan, a receipt
17 specifically describing and identifying both the
18 substituted securities and those released and returned
19 to the ~~depository institution~~ savings and loan.

20 4. The public officer which deposits public funds
21 with a ~~depository institution~~ savings and loan shall
22 require, if the market value of the securities
23 deposited with or for the benefit of the officer falls
24 below one hundred ten percent of the deposit liability
25 to the public officer, the deposit of additional
26 security to bring the total market value of the
27 security to one hundred ten percent of the amount of
28 public funds held by the ~~depository~~ savings and loan.

29 Sec. ____ . **NEW SECTION. 453.21 REQUIRED**
30 **COLLATERAL -- BANKS.**

31 1. A depository that is a bank shall pledge the
32 required collateral securities to the treasurer of
33 state by depositing before January 31 of each year the
34 collateral securities in restricted accounts of the
35 treasurer of state, including but not limited to
36 pledge-custody accounts, at a federal reserve bank, a
37 trust department of another commercial bank, or with
38 another financial institution which has been
39 designated by the treasurer of state that is not owned
40 or controlled directly or indirectly by the same
41 depository or holding company. The bank shall deliver
42 to the treasurer of state a security agreement which
43 provides the treasurer of state with a valid and
44 perfected security interest in the required
45 collateral. The market value of the required
46 collateral shall not be less than five percent of the
47 average total public funds placed on deposit in the
48 bank during the preceding year. The average total
49 public funds shall be calculated by adding the total
50 public funds reported quarterly to the federal

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1 government on the report of condition and income, and
2 dividing that amount by four. The calculation of the
3 average total public funds shall be made before
4 January 31 of each year.
5 2. The treasurer of state shall adopt the
6 following rules:
7 a. Providing for valuation of collateral if the
8 market value of a security is not readily
9 determinable.
10 b. Establishing reporting requirements.
11 c. Establishing procedures for substituting
12 different securities consistent with subsection 3.
13 d. Establishing administrative procedures
14 necessary to implement this chapter and other rules as
15 may be necessary to accomplish the purposes of this
16 chapter.
17 e. Designating financial institutions eligible to
18 be custodian of pledged collateral.
19 f. Establishing fee schedules to cover costs
20 incurred for opening and closing accounts and
21 substitution of collateral.
22 3. The securities used to secure public deposits
23 shall be acceptable to the treasurer of state and
24 shall be one or more of the following:
25 a. Direct obligations of, or obligations that are
26 insured or fully guaranteed as to principal and
27 interest by, the United States of America or an agency

28 or instrumentality of the United States of America.

29 b. Public bonds or obligations of this state or a
30 political subdivision of this state.

31 c. Public bonds or obligations of another state or
32 a political subdivision of another state whose bonds
33 are rated within the two highest classifications of
34 prime as established by at least one of the standard
35 rating services approved by the superintendent of
36 banking pursuant to chapter 17A.

37 d. To the extent of the guarantee, loans,
38 obligations, or nontransferable letters of credit upon
39 which the payment of principal and interest is fully
40 secured or guaranteed by the United States of America
41 or an agency or instrumentality of the United States
42 of America.

43 e. First lien mortgages which are valued according
44 to practices acceptable to the treasurer of state.

45 f. Corporate bonds rated within the two highest
46 classifications of prime as established by at least
47 one of the standard rating services approved by the
48 superintendent of banking pursuant to chapter 17A.

49 g. A bond of a surety company approved by the
50 United States treasury department.

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1 Direct obligations of, or obligations that are
2 insured or fully guaranteed as to principal and
3 interest by, the United States of America, which may
4 be used to secure public deposits under paragraph "a",
5 include investments in an investment company or
6 investment trust registered under the federal
7 Investment Company Act of 1940, 15 U.S.C. § 80a, the
8 portfolio of which is limited to the United States
9 government obligations described in paragraph "a", if
10 the investment company or investment trust takes
11 delivery of the collateral either directly or through
12 an authorized custodian.

13 4. A bank may borrow collateral used for a pledge
14 if the collateral is free of any liens, security
15 interests, claims, or encumbrances.

16 Sec. ____ . Section 453.22, subsection 1, Code 1991,
17 is amended to read as follows:

18 1. The depository A credit union shall pledge the
19 required collateral securities to the treasurer of
20 state by depositing the collateral securities in
21 restricted accounts of the treasurer of state,
22 including but not limited to pledge-custody accounts,
23 at a federal reserve bank, the United States central
24 credit union, a trust department of another commercial

25 bank or with another financial institution which has
 26 been designated by the treasurer of state that is not
 27 owned or controlled directly or indirectly by the same
 28 depository or holding company. The depository credit
 29 union shall deliver to the treasurer of state a
 30 security agreement which provides the treasurer of
 31 state with a valid and perfected security interest in
 32 the required collateral. The market value of the
 33 required collateral shall not be less than one hundred
 34 ten percent of the total public funds placed on
 35 deposit in the depository.

36 Sec. ____ . Section 453.22, subsection 4, Code 1991,
 37 is amended to read as follows:

38 4. A depository credit union may borrow collateral
 39 used for a pledge if the collateral is free of any
 40 liens, security interests, claims, or encumbrances.

41 Sec. ____ . Section 453.22, subsection 5, is amended
 42 by striking the subsection."

43 4. By renumbering as necessary.

RICHARD VARN
 PATRICK DELUHERY

S-5124

1 Amend Senate File 2227 as follows:

2 1. Page 1, by inserting after line 13 the fol-
 3 lowing:

4 "Sec. ____ . This Act, being deemed of immediate
 5 importance, takes effect upon enactment."

6 2. Title page, line 3, by inserting after the
 7 word "contracts" the following: "and providing an
 8 effective date".

JOE WELSH

S-5125

1 Amend Senate File 2175 as follows:

2 1. Page 3, line 33, by striking the word "self-
 3 employed," and inserting the following: "self-
 4 employed".

5 2. Page 3, line 34, by inserting after the word
 6 "practice" the following: ", and who provides
 7 diagnosis and treatment of mental and emotional
 8 disorders or conditions".

9 3. Page 8, line 1, by inserting before the word
 10 "EXEMPTIONS" the following: "GENERAL".

11 4. Page 8, by inserting after line 15 the follow-
 12 ing:

13 "Sec. ____ . NEW SECTION. 154C.8 EXEMPTIONS FOR
 14 CERTAIN EMPLOYEES OF NURSING FACILITIES.

15 This chapter does not apply to a person employed as
 16 a qualified social worker, who provides social
 17 services pursuant to 56 Fed. Reg. 48871(1991) (to be
 18 codified at 42 C.F.R. § 483), and who has a degree in
 19 a human services field other than social work, by a
 20 nursing facility, as defined in section 135C.1, with a
 21 bed capacity of more than one hundred twenty beds.

22 This chapter does not apply to a person employed to
 23 provide social services, who does not have a degree in
 24 social work, in a nursing facility, as defined in
 25 section 135C.1, with a bed capacity of one hundred
 26 twenty or fewer beds."

27 5. By renumbering as necessary.

JOE WELSH

S-5126

1 Amend Senate File 2231 as follows:

2 1. Page 3, by striking lines 31 through 33 and
 3 inserting the following: "simultaneously. If child
 4 abuse and dependent adult abuse mandatory reporter
 5 training are combined, a minimum of three hours of
 6 training is required. If less than three hours of
 7 combined training is completed, however, the
 8 curriculum and content of the training shall be
 9 submitted, for approval, to the department of human
 10 services."

LARRY MURPHY

S-5127

1 Amend Senate File 531 as follows:

2 1. Page 1, line 12, by striking the figure "1991"
 3 and inserting the following: "1992".

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chairperson

S-5128

1 Amend Senate File 2062 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 455D.16, Code 1991, is amended
 5 to read as follows:
 6 455D.16 PACKAGING PRODUCTS --RECYCLING --

7 PROHIBITION OF POLYSTYRENE PRODUCTS.

8 The department, in cooperation with businesses
9 involved in the manufacturing and use of packaging
10 products or food service items, shall establish a
11 recycling program to increase the recycling of
12 packaging products or food service items by twenty-
13 five percent by January 1, 1992, and by fifty percent
14 by January 1, 1993. If the recycling goals are not
15 reached, beginning January 1, 1994 1995, a person
16 shall not manufacture, offer for sale, sell, or use
17 any polystyrene packaging products or food service
18 items in this state.

19 Sec. 2. APPROPRIATION. There is appropriated from
20 the solid waste account of the groundwater protection
21 fund created pursuant to section 455E.11, from the
22 moneys allocated to the department of natural
23 resources for the development and implementation of
24 landfill alterations to solid waste disposal including
25 recycling programs, for the fiscal year beginning July
26 1, 1992, and ending June 30, 1993, the following
27 amount, or so much thereof as is necessary, to Iowa
28 state university to assist business involved in the
29 manufacturing and use of polystyrene products to
30 increase the use of recycled materials in the
31 manufacture of packaging products or food service
32 items and in the conversion of manufacturing equipment
33 to provide for the use of materials, other than
34 polystyrene, which are ecologically sound:

35 \$ 50,000".

36 2. Title page, line 1, by striking the words "the
37 elimination of".

38 3. Title page, line 2, by inserting after the word
39 "products" the following: "and making an appropriation".

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

S-5129

- 1 Amend Senate File 2103 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 331.424, subsection 1, Code
- 5 1991, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. p. Operation and maintenance of a
- 8 county transit system, and for the creation of a
- 9 reserve fund for the system, but the tax rate shall
- 10 not exceed ninety-five cents per thousand dollars of
- 11 the assessed value of the taxable property in areas

12 within the county outside the boundaries of a city.
13 The tax levy authorized in this paragraph applies to
14 counties having a population of more than thirty
15 thousand. This levy shall also apply to the assessed
16 value of the taxable property within a city in a
17 county with the agreement of the city council. Any
18 portion of the levy imposed pursuant to this section
19 on taxable property within a city is void to the
20 extent the levy imposed pursuant to this section added
21 to a levy imposed pursuant to section 384.12,
22 subsection 10, exceeds the levy imposed on the taxable
23 property in areas of the county outside the boundaries
24 of the city. The proceeds of the levy shall not be
25 used to pay interest and principal on bonds issued for
26 the purposes of a transit system."

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-5130

- 1 Amend Senate File 414 as follows:
2 1. Page 1, line 2, by striking the words "SERIOUS
3 AND CLEAR" and inserting the following: "CLEAR AND
4 PRESENT".
5 2. Page 1, lines 4 and 5, by striking the words
6 "serious and clear" and inserting the following:
7 "clear and present".
8 3. Page 1, line 13, by striking the words
9 "serious and clear" and inserting the following:
10 "clear and present".
11 4. Page 1, line 30, by striking the words "or
12 should have known".
13 5. Page 2, line 15, by striking the words
14 "SERIOUS AND CLEAR" and inserting the following:
15 "CLEAR AND PRESENT".
16 6. Page 2, lines 17 and 18, by striking the words
17 "serious and clear" and inserting the following:
18 "clear and present".
19 7. Page 2, line 26, by striking the words
20 "serious and clear" and inserting the following:
21 "clear and present".
22 8. Page 3, line 8, by striking the words "or
23 should have known".

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5131

- 1 Amend House File 547 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 18, the
- 4 following:
- 5 "Sec. ____ . Section 455D.3, Code 1991, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
- 8 455D.1, subsection 6, facilities which employ
- 9 combustion of solid waste with energy recovery and
- 10 refuse-derived fuel, which are included in an approved
- 11 comprehensive plan, and which were in operation prior
- 12 to July 1, 1989, may include these processes in the
- 13 definition of recycling for the purpose of meeting the
- 14 state goal."
- 15 2. By renumbering as necessary.

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
RALPH ROSENBERG, Chairperson

S-5132

- 1 Amend Senate File 2225 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and insert-
- 3 ing the following: "concerning smoking in airport
- 4 facilities, skywalks, or both, violation of which is a
- 5 civil penalty in an amount not".

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-5133

- 1 Amend Senate File 2214 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "fishing," the following: "trapping,".
- 4 2. Page 1, line 6, by inserting after the word
- 5 "more" the following: "immediately prior to
- 6 application".
- 7 3. Title page, line 1, by inserting after the
- 8 word "hunting" the following: ", trapping,".

COMMITTEE ON NATURAL RESOURCES
WILLIAM D. PALMER, Chairperson

S-5134

1 Amend Senate File 2119 as follows:

2 1. Page 1, by striking lines 2 through 30 and in-
3 serting the following: "subparagraph (12), Code 1991,
4 is amended by striking the subparagraph and inserting
5 in lieu thereof the following:

6 (12) Funding the acquisition, construction,
7 reconstruction, improvement, repair, or equipping of
8 waterworks, water mains and extensions, ponds,
9 reservoirs, capacity, wells, dams, pumping
10 installations, real and personal property, or other
11 facilities available or used for the storage, trans-
12 portation, or utilization of water.

13 (a) The county may, upon written petition of a
14 water supplier, established under chapter 357A or
15 504A, designate the territory of the water supplier as
16 a special taxing district. The county's debt service
17 tax levy for county general obligation bonds issued
18 for the purposes set out in this subparagraph shall be
19 levied only against real property within the county
20 which is included within the boundaries of the special
21 taxing district. A property not presently included
22 within the boundaries of the special taxing district
23 may petition to be included in the district subsequent
24 to its establishment.

25 (b) As an alternative to the process described in
26 the preceding subparagraph subdivision, the county may
27 issue its general obligation bonds for the purposes on
28 a county-wide basis.

29 (c) General obligation bonds for the purposes
30 outlined in this subparagraph are subject to the right
31 of petition for an election as provided in section
32 331.442, subsection 5, paragraphs "a", "b", and "c",
33 without limitation on the amount of the bond issue or
34 the size of the county, and the board shall include
35 notice of the right of petition in the notice
36 required.

37 (d) A county and a city entering into a water
38 supplier agreement shall provide in the agreement for
39 a different rate of the county's debt service tax levy
40 against benefited and nonbenefited property."

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-5135

1 Amend the amendment, S-5085, to Senate File 2036 as
2 follows:

3 1. Page 1, by inserting before line 4 the
4 following:

5 "Sec. ____ . Section 11.2, Code 1991, is amended to
6 read as follows:

7 11.2 ANNUAL SETTLEMENTS.

8 1. The auditor of state shall annually, and
9 oftener if deemed necessary, make a full settlement
10 between the state and all state officers and
11 departments and all persons receiving or expending
12 state funds, and shall annually make a complete audit
13 of the books and accounts of every department of the
14 state.

15 Provided, that the accounts, records, and documents
16 of the treasury department shall be audited daily.

17 Provided further, that a preliminary audit of the
18 educational institutions and the state fair board
19 shall be made periodically, at least quarterly, to
20 check the monthly reports submitted to the director of
21 revenue and finance as required by section 421.31,
22 subsection 4 and that a final audit of such state
23 agencies shall be made at the close of each fiscal
24 year.

25 2. In conjunction with the audit of the state
26 board of regents required under this section, the
27 auditor of state shall also perform tests for
28 compliance with the investment policy of a reasonable
29 number of investment transactions in relation to the
30 total investments and quantity of transactions in the
31 period audited. The results of the compliance testing
32 shall be reported by the auditor of state in
33 accordance with generally accepted auditing standards.
34 The auditor of state may also make recommendations for
35 changes to investment policy or practices. The state
36 board of regents is responsible for the remedy of
37 reported noncompliance with its policy or practices.

38 Except for security for public deposits as provided
39 in sections 453.16 through 453.19 and sections 453.22
40 and 453.23, as part of its audit, the state board of
41 regents is responsible for obtaining and providing to
42 the auditor of state the audited financial statements
43 and related report on internal control structure of
44 outside persons, performing any of the following for
45 the state board of regents:

46 a. Investing public funds.

47 b. Advising on the investment of public funds.

48 c. Directing the deposit or investment of public
49 funds.

50 d. Acting in a fiduciary capacity for the state

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1 board of regents.

2 The review by the auditor of state of the most
3 recent annual report to shareholders of an open-end
4 management investment company or an unincorporated
5 investment company or investment trust registered with
6 the federal securities and exchange commission under
7 the federal Investment Company Act of 1940, 15 U.S.C.
8 § 80(a), pursuant to 17 C.F.R. § 270.30d-1 or the
9 review pursuant to a regular examination under state
10 or federal law, to the extent the results of the
11 examination are not confidential, of the investment
12 activities of a bank, savings and loan, or credit
13 union on behalf of the board of regents, shall satisfy
14 the review requirements of this subsection.

15 All outside persons shall notify in writing the
16 state board of regents subdivision within thirty days
17 of receipt of communication from the auditor of state
18 or any regulatory authority of the existence of a
19 material weakness in internal control structure, or
20 regulatory complaints, orders, or sanctions against
21 the outside person. This provision to provide notice
22 shall not be limited, or avoided, by contract.

23 Provided, however, that to the extent that a
24 provision of this subsection conflicts with federal
25 law, it shall be construed to avoid such conflict.

26 Sec. ____ . Section 11.6, subsection 1, Code
27 Supplement 1991, is amended to read as follows:

28 1. a. The financial condition and transactions of
29 all cities and city offices, counties, county
30 hospitals organized under chapters 347 and 347A,
31 memorial hospitals organized under chapter 37,
32 entities organized under chapter 28E having gross
33 receipts in excess of one hundred thousand dollars in
34 a fiscal year, merged areas, area education agencies,
35 and all school offices in school districts, shall be
36 examined at least once each year, except that cities
37 having a population of seven hundred or more but less
38 than two thousand shall be examined at least once
39 every four years, and cities having a population of
40 less than seven hundred may be examined as otherwise
41 provided in this section. The examination shall cover
42 the fiscal year next preceding the year in which the
43 audit is conducted. The examination of school offices
44 shall include an audit of all school funds, the
45 certified annual financial report, and the certified
46 enrollment as provided in section 257.11.
47 Examinations of community colleges shall include an
48 audit of eligible and noneligible contact hours as

49 defined in section 286A.2. Eligible and noneligible
50 contact hours and the certified enrollment shall be

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1 certified to the department of management.
2 Subject to the exceptions and requirements of
3 subsection 2 and subsection 4, paragraph "c",
4 examinations shall be made as determined by the
5 governmental subdivision either by the auditor of
6 state or by certified public accountants, certified in
7 the state of Iowa, and they shall be paid from the
8 proper public funds of the governmental subdivision.
9 b. In conjunction with the audit of the
10 governmental subdivision required under this section,
11 the person performing the audit shall also perform
12 tests for compliance with the investment policy of a
13 reasonable number of investment transactions in
14 relation to the total investments and quantity of
15 transactions in the period audited. The results of
16 the compliance testing shall be reported in accordance
17 with generally accepted auditing standards. The
18 person performing the audit may also make
19 recommendations for changes to investment policy or
20 practices. The governmental subdivision is
21 responsible for the remedy of reported noncompliance
22 with its policy or practices.
23 Except for security for public deposits as provided
24 in sections 453.16 through 453.19 and sections 453.22
25 and 453.23, as part of its audit, the governmental
26 subdivision is responsible for obtaining and providing
27 to the person performing the audit the audited
28 financial statements and related report on internal
29 control structure of outside persons, performing any
30 of the following for the governmental subdivision:
31 (1) Investing public funds.
32 (2) Advising on the investment of public funds.
33 (3) Directing the deposit or investment of public
34 funds.
35 (4) Acting in a fiduciary capacity for the
36 governmental subdivision.
37 The review by the person performing the audit of
38 the most recent annual report to shareholders of an
39 open-end management investment company or an
40 unincorporated investment company or investment trust
41 registered with the federal securities and exchange
42 commission under the federal Investment Company Act of
43 1940, 15 U.S.C. § 80(a), pursuant to 17 C.F.R. §
44 270.30d-1 or the review pursuant to a regular
45 examination under state or federal law, to the extent

46 the results of the review are not confidential, of the
47 investment activities of a bank, savings and loan, or
48 credit union on behalf of a governmental subdivision,
49 shall satisfy the review requirements of this lettered
50 paragraph.

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1 All outside persons shall notify in writing the
2 governmental subdivision within thirty days of receipt
3 of communication from an independent auditor or any
4 regulatory authority of the existence of a material
5 weakness in internal control structure, or regulatory
6 complaints, orders, or sanctions against the outside
7 person. This provision to provide notice shall not be
8 limited, or avoided, by contract.

9 The auditor of a joint investment trust shall file
10 all examination reports with the administrator of the
11 securities bureau of the insurance division of the
12 department of commerce within ten days of completing
13 the examination. The auditor shall immediately notify
14 the administrator of any violations or weaknesses in
15 internal control structures.

16 Provided, however, that to the extent that a
17 provision of this subsection conflicts with federal
18 law, it shall be construed to avoid such conflict.

19 Sec. ____ . Section 11.6, subsection 4, Code
20 Supplement 1991, is amended by adding the following
21 new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. An examination under
23 this subsection shall include a determination of
24 whether investments by the governmental subdivision
25 are authorized by state law.

26 Sec. ____ . Section 11.6, subsection 7, Code
27 Supplement 1991, is amended to read as follows:

28 7. The auditor of state shall make guidelines
29 available to the public setting forth accounting and
30 auditing standards and procedures and audit and legal
31 compliance programs to be applied in the examination
32 of the governmental subdivisions of the state, which
33 shall require a review of the internal control
34 structure and specify testing of transactions for
35 compliance. The guidelines shall include a
36 requirement that the certified public accountant
37 immediately notify the auditor of state regarding any
38 suspected embezzlement or theft. The auditor shall
39 also provide standard reporting formats for use in
40 reporting the results of an examination of a
41 governmental subdivision."

42 2. Page 1, line 8, by striking the words "and

43 agencies" and inserting the following: "
44 instrumentalities, and agencies of the state".
45 3. Page 1, by striking lines 22 through 45 and
46 inserting the following:
47 "The treasurer of state shall adopt rules pursuant
48 to chapter 17A for providing technical information and
49 assistance to political subdivisions,
50 instrumentalities, and agencies of the state

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1 authorized to invest funds which are seeking to invest
2 public funds. The treasurer or the treasurer's
3 designee shall provide technical information and
4 assistance to a political subdivision,
5 instrumentality, or agency of the state authorized to
6 invest funds at the request of the political
7 subdivision, instrumentality, or agency of the state
8 authorized to invest funds, including but not limited
9 to technical information regarding the statutory
10 requirements for investments by the political
11 subdivision, instrumentality, or agency and technical
12 assistance to enable the political subdivision,
13 instrumentality, or agency to invest funds in
14 accordance with state law. However, the fact that
15 information and assistance are provided under this
16 section to a political subdivision, instrumentality,
17 or agency authorized to invest funds shall not make
18 the state, the treasurer of state, or the treasurer's
19 designee liable to a political subdivision,
20 instrumentality, or agency of the state in any manner
21 for any loss, damage, or expense incurred by the
22 political subdivision, instrumentality, or agency as a
23 result of an investment."

24 4. Page 1, by inserting before line 46 the
25 following:

26 "Sec. ____ . Section 28E.5, subsection 2, Code 1991,
27 is amended to read as follows:

28 2. The precise organization, composition and
29 nature of any separate legal or administrative entity
30 created thereby together with the powers delegated
31 thereto, provided such entity may be legally created.
32 However, if the agreement establishes a separate legal
33 or administrative entity, the entity shall, when
34 investing funds, comply with the provisions of
35 sections 452.10 and 452.10A through 452.10C and other
36 applicable law."

37 5. Page 1, line 50, by striking the words and
38 figures "sections 452.10 and 452.10A and other
39 applicable law" and inserting the following: "section

40 452.10".

41 6. Page 2, by inserting after line 6, the
42 following:

43 "The board shall have written investment policies
44 which include listings of authorized and unauthorized
45 investments, approval processes for the selection of
46 investment managers and other investment
47 professionals, allowable maturities for fixed income
48 securities, and provisions for regular and frequent
49 board oversight, including audit. The board's
50 investment policy shall cover endowment and

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1 nonendowment investments."

2 7. Page 2, by inserting after line 49 the
3 following:

4 "Sec. ____ . Section 411.7, subsection 2, Code
5 Supplement 1991, is amended by adding the following
6 new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Investments by the fund
8 shall be subject to the same audit and compliance
9 testing requirements as is a political subdivision
10 which invests public funds with a joint investment
11 trust organized pursuant to chapter 28E."

12 8. Page 3, by inserting after line 10 the
13 following:

14 "The treasurer of state and the treasurer of each
15 political subdivision shall at all times keep funds
16 coming into their possession as public money in a
17 vault or safe to be provided for that purpose or in
18 one or more depositories approved pursuant to chapter
19 453. However, the treasurer of state and the
20 treasurer of each political subdivision shall invest,
21 unless otherwise provided, any public funds not
22 currently needed in investments authorized by this
23 section."

24 9. Page 3, by striking line 34 and inserting the
25 following: "limited to, compliance with state law,
26 diversification, maturity, quality, and".

27 10. Page 4, line 1, by inserting after the word
28 "paper" the following: "and other short-term
29 corporate debt".

30 11. Page 4, line 2, by inserting after the word
31 "paper" the following: "and debt".

32 12. Page 4, line 13, by inserting after the word
33 "permitted" the following: "except with respect to
34 endowment funds or investments held under deferred
35 compensation agreements".

36 13. Page 4, line 18, by inserting after the

37 figure "270.2a-7" the following: "or "The Common Fund
38 For Nonprofit Organizations" or its affiliates,
39 provided that the persons managing the funds are
40 regulated by the federal securities and exchange
41 commission as an investment company under the federal
42 Investment Company Act of 1940, 15 U.S.C. § 80(a)."

43 14. Page 4, lines 21 through 24, by striking the
44 words "including entities organized pursuant to
45 chapter 28E whose primary function is other than to
46 jointly invest public funds,".

47 15. Page 4, line 38, by striking the words "paper
48 shall be in paper" and inserting the following:
49 "paper and other short term corporate debt shall be in
50 paper and debt".

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1 16. By striking page 4, line 47, through page 5,
2 line 2, and inserting the following: "chapter 28E
3 organized prior to and existing in good standing on
4 the effective date of this Act. Provided that the
5 joint investment trust shall be rated within the two
6 highest classifications by at least one of the
7 standard rating services approved by the
8 superintendent of banking by rule adopted pursuant to
9 chapter 17A.

10 g. An open-end management investment company, or
11 an unincorporated investment company or investment
12 trust, or a joint investment trust organized pursuant
13 to chapter 28E on or after the effective date of this
14 Act, provided that such entities are registered under
15 the federal Investment Company Act of 1940, 15 U.S.C.
16 § 80(a), and are operated in accordance with 17 C.F.R.
17 § 270.2a-7, the portfolio of which is authorized by
18 section 452.10."

19 17. Page 5, by inserting after line 5 the
20 following:

21 "The trading of securities in which public funds
22 are invested for the purpose of speculation and the
23 realization of short-term trading profits is
24 prohibited.

25 The investments by a political subdivision or
26 agency must have maturities that are consistent with
27 the needs and use of that political subdivision or
28 agency."

29 18. Page 5, by striking lines 11 through 50 and
30 inserting the following:

31 "1. The investment of public funds which are
32 operating funds by a political subdivision shall be
33 subject to the following:

34 a. As used in this section, "operating funds"
35 means those funds which are reasonably expected to be
36 expended during a current budget year or within
37 fifteen months of receipt.

38 b. Operating funds must be identified and
39 distinguished from all other funds available for
40 investment.

41 c. Operating funds may only be invested in
42 investments which mature within three hundred ninety-
43 seven days or less and which are authorized by law for
44 the investing public entity.

45 2. All investments of public funds by political
46 subdivisions shall be subject to the following:

47 a. Each investment must be authorized by
48 applicable law and the written investment policy of
49 the political subdivision.

50 b. The trading of securities in which any public

Page 8

1 funds are invested for the purpose of speculation and
2 the realization of short-term trading profits is
3 prohibited.

4 c. Investments by a political subdivision must
5 have maturities that are consistent with the needs and
6 use of that political subdivision or agency.

7 d. Each political subdivision whose investments
8 involve the use of a public funds custodial agreement,
9 as defined in section 452.10C, shall comply with rules
10 adopted pursuant to section 452.10B relating to those
11 investments. All contracts providing for the
12 investment of public funds shall be in writing and
13 shall contain a provision requiring that all
14 investments shall be made in accordance with the laws
15 of this state. The political subdivision also shall
16 submit information about investments involving outside
17 persons to the treasurer of state as required by rule
18 adopted under section 12.1 which shall be public
19 records under section 22.1.

20 e. A contract for the investment or deposit of
21 public funds shall not provide for compensation of an
22 agent or fiduciary based upon investment performance.

23 3. A treasurer of a political subdivision may
24 invest funds of the political subdivision or agency
25 that are not operating funds in investments having
26 maturities longer than three hundred ninety-seven
27 days. Subsection 1 does not apply to public funds
28 that are not operating funds or to public funds that
29 are invested under the provisions of a resolution or
30 indenture for the issuance of bonds, notes,

31 certificates, warrants, or other evidences of
 32 indebtedness if such investments are classified or
 33 approved as investments for municipal financing,
 34 within the two highest classifications by at least one
 35 of the standard rating services approved by the
 36 superintendent of banking by rule pursuant to chapter
 37 17A.

38 4. As used in this section, "public funds" means
 39 all funds that are public funds within the meaning of
 40 section 453.1, subsection 2, paragraph "b", except
 41 state funds invested by the treasurer of state.

42 5. This section shall not be construed to
 43 supersede any provision of this chapter or of chapter
 44 453.

45 Sec. — . NEW SECTION. 452.10B WRITTEN
 46 INVESTMENT POLICIES.

47 1. Political subdivisions shall approve written
 48 investment policies which incorporate the guidelines
 49 specified in section 452.10, sections 452.10A through
 50 452.10C, and any other provisions deemed necessary to

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1 adequately safeguard invested public funds.

2 2. The written investment policy required by
 3 section 452.10 shall be delivered to all of the
 4 following:

5 a. The governing body or officer of the public
 6 entity to which the policy applies.

7 b. All depository institutions or fiduciaries for
 8 public funds of the public entity.

9 c. The auditor of the public entity."

10 19. Page 6, by striking lines 1 through 38.

11 20. Page 7, by striking lines 30 through 33 and
 12 inserting the following: "funds as defined in section
 13 453.1. However, this section does not apply to public
 14 funds that are invested under the provisions of a
 15 resolution or indenture for the issuance of bonds,
 16 notes, certificates, warrants, or other evidences of
 17 indebtedness. To the extent that a provision of this
 18 section conflicts with federal law, it shall be
 19 construed to avoid the conflict."

20 21. Page 8, by inserting before line 20 the
 21 following:

22 "Sec. — . NEW SECTION. 502.701 PUBLIC JOINT
 23 INVESTMENT TRUSTS.

24 1. A joint investment trust organized pursuant to
 25 chapter 28E for the purposes of joint investment of
 26 public funds is subject to the jurisdiction and
 27 authority of the administrator, including all

28 requirements of this chapter, except the registration
29 provisions of section 502.201 and 502.218.
30 2. The administrator may make examinations within
31 or without the state, of the business and records of
32 each joint investment trust, at the times and in the
33 scope as the administrator determines. The
34 examinations may be made without prior notice to the
35 joint investment trust or the trust's investment
36 advisor. The administrator may copy all records the
37 administrator feels are necessary to conduct the
38 examination. The expense reasonably attributable to
39 the examination shall be paid by the joint investment
40 trusts whose business is examined, but the expense so
41 payable shall not exceed an amount which the
42 administrator by rule prescribes. For the purpose of
43 avoiding unnecessary duplication of examinations, the
44 administrator may cooperate with other regulatory
45 authorities.”
46 22. Page 8, by striking lines 26 through 31 and
47 inserting the following: “Act does not apply to an
48 investment made prior to the effective date of this
49 Act.
50 The requirement in section 452.10, subsection 5,

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1 paragraph “f”, as enacted in this Act that a joint
2 investment trust organized pursuant to chapter 28E and
3 existing prior to the effective date of this Act must
4 be rated within the two highest classifications by at
5 least one of the standard rating services approved by
6 the superintendent of banking by rule pursuant to
7 chapter 17A as a condition of eligibility for public
8 funds investments does not apply until July 1, 1993.
9 The operations of such a joint investment trust
10 nevertheless shall comply with all other provisions of
11 this Act not specifically exempted, on and after the
12 effective date of this Act.”
13 23. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

**RICHARD VARN
PAT DELUHERY**

S-5136

1 Amend the amendment, S-5085, to Senate File 2036 as
2 follows:
3 1. Page 7, by striking lines 34 through 50 and
4 inserting the following:

5 "Sec. ____ . Section 453.1, subsection 2, paragraph
6 a, Code 1991, is amended to read as follows:

7 a. "Depository" means a bank or any office of a
8 bank whose accounts are insured by the federal deposit
9 insurance corporation; or, a savings and loan
10 association or a savings bank or any branch of a
11 savings and loan association or savings bank whose
12 accounts are insured by the federal savings and loan
13 insurance corporation, or a credit union insured by
14 the national credit union administration in which
15 public funds are deposited under this chapter.

16 Sec. ____ . Section 453.1, subsection 2, Code 1991,
17 is amended by adding the following new paragraphs:
18 NEW PARAGRAPH. c. "Bank" means a corporation
19 engaged in the business of banking authorized by law
20 to receive deposits and whose deposits are insured by
21 the bank insurance fund of the federal deposit
22 insurance corporation and includes any office of a
23 bank.

24 NEW PARAGRAPH. d. "Savings and loan" means a
25 corporation authorized to operate under chapter 534 or
26 the federal Home Owner's Loan Act of 1933, 12 U.S.C. §
27 1461, et seq., and includes a savings and loan
28 association, a savings bank, or any branch of a
29 savings and loan association or savings bank.

30 NEW PARAGRAPH. e. "Credit union" means a
31 cooperative, nonprofit association incorporated under
32 chapter 533 or the federal Credit Union Act, 12 U.S.C.
33 § 1751, et seq., and that is insured by the national
34 credit union administration and includes an office of
35 a credit union.

36 NEW PARAGRAPH. f. "Financial institution" means a
37 bank, savings and loan, or a credit union.

38 Sec. ____ . Section 453.1, subsection 3, Code 1991,
39 is amended to read as follows:

40 3. A deposit of public funds in a depository
41 pursuant to this chapter shall be secured as follows:

42 a. If a depository is a savings and loan
43 association, a savings bank, or an office of a savings
44 and loan association or savings bank or a credit
45 union, then the public deposits in those depositories
46 the savings and loan or credit union shall be secured
47 pursuant to sections 453.16 through 453.19 and
48 sections 453.23 and 453.24.

49 b. If a depository is a bank, credit union, or an
50 office of a bank or credit union, then the public

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1 deposits in those depositories the bank shall be
2 secured pursuant to sections 453.22 through 453.21,
3 453.23, and 453.24.

4 Sec. ____ . Section 453.15, Code 1991, is amended to
5 read as follows:

6 **453.15 RESTRICTION ON REQUIRING COLLATERAL.**

7 A local government shall not require a pledge of
8 collateral for that portion of the local government's
9 deposits in a depository institution savings and loan
10 or credit union that is covered by insurance of a
11 federal agency or instrumentality including the
12 federal deposit insurance corporation, the federal
13 savings and loan insurance corporation, or the
14 national credit union administration.

15 Sec. ____ . Section 453.16, subsection 1, unnumbered
16 paragraph 1, Code 1991, is amended to read as follows:

17 Before a deposit of public funds is made by a
18 public officer with a depository institution savings
19 and loan or credit union in excess of the amount
20 federally insured by federal deposit insurance or
21 federal savings and loan insurance, and before the
22 investment of public funds in investments authorized
23 in section 452.10 which either are not obligations of
24 or guaranteed by the United States government or any
25 of its agencies, are in excess of the amount insured
26 by federal deposit insurance or federal savings and
27 loan insurance, or are investments by the treasurer of
28 state specifically authorized by section 452.10 to be
29 made as additional investments under section 97B-7,
30 subsection 2, paragraph "b", the public officer shall
31 obtain security for the deposit or investment by one
32 or more of the following:

33 Sec. ____ . Section 453.16, subsection 1, paragraph
34 a, Code 1991, is amended to read as follows:

35 a. The depository institution savings and loan or
36 credit union may give to the public officer a
37 corporate surety bond of a surety corporation approved
38 by the treasury department of the United States and
39 authorized to do business in this state, which bond
40 shall be in an amount equal to the public funds on
41 deposit at any time. The bond shall be conditioned
42 that the deposit shall be paid promptly on the order
43 of the public officer making the deposit and shall be
44 approved by the officer making the deposit.

45 Sec. ____ . Section 453.16, subsection 1, paragraph
46 b, unnumbered paragraph 1, Code 1991, is amended to
47 read as follows:

48 The depository institution savings and loan or

49 credit union may deposit, maintain, pledge and assign
50 for the benefit of the public officer in the manner

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1 provided in this chapter, securities approved by the
2 public officer, the market value of which is not less
3 than one hundred ten percent of the total deposits of
4 public funds placed by that public officer in the
5 depository institution savings and loan or credit
6 union. The securities shall consist of any of the
7 following:

8 Sec. ____ . Section 453.16, subsection 1, paragraph
9 b, subparagraph (4), Code 1991, is amended to read as
10 follows:

11 (4) To the extent of the guarantee, loans,
12 obligations, or nontransferable letters of credit upon
13 which the payment of principal and interest is fully
14 secured or guaranteed by the United States of America
15 or an agency or instrumentality of the United States
16 of America or the United States corporate central
17 credit union, and the rating of the United States
18 corporate central credit union remains within the two
19 highest classifications of prime established by at
20 least one of the standard rating services approved by
21 the superintendent of banking by rule pursuant to
22 chapter 17A. The treasurer of state shall adopt rules
23 pursuant to chapter 17A to implement this section."

24 2. Page 8, by inserting after line 19 the
25 following:

26 "Sec. ____ . Section 453.16, subsection 2, Code
27 1991, is amended to read as follows:

28 2. If public funds are secured by both the assets
29 of a depository institution savings and loan or credit
30 union and a bond of a surety company, the assets and
31 bond shall be held as security for a rateable
32 proportion of the deposit on the basis of the market
33 value of the assets and of the total amount of the
34 surety bonds.

35 Sec. ____ . Section 453.17, subsection 1, unnumbered
36 paragraph 1, Code 1991, is amended to read as follows:

37 A depository institution savings and loan or credit
38 union which receives public funds shall pledge
39 securities owned by it as required by this chapter in
40 one of the following methods:

41 Sec. ____ . Section 453.17, subsection 1, paragraph
42 c, Code 1991, is amended to read as follows:

43 c. The securities shall be deposited with the
44 federal reserve bank of Chicago, Illinois, or the
45 federal home loan bank of Des Moines, Iowa, or the

46 United States corporate central credit union pursuant
47 to a bailment agreement or a pledge custody agreement.
48 Sec. ____ . Section 453.17, subsections 3 and 4,
49 Code 1991, are amended to read as follows:
50 3. All deposits of securities, other than deposits

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1 of securities with the appropriate public officer,
2 shall have a joint custody receipt taken for the
3 securities with one copy delivered to the public
4 officer and one copy delivered to the depository
5 institution savings and loan or credit union. A
6 depository institution savings and loan or credit
7 union pledging securities with a public officer may
8 cause the securities to be examined in the officer's
9 office to show the securities are placed with the
10 officer as collateral security and are not
11 transferable except upon the conditions provided in
12 this chapter.

13 4. Upon written request from the appropriate
14 public officer but not less than quarterly, a
15 depository institution savings and loan or credit
16 union shall report the par value and the market value
17 of any pledged collateral and the total deposits of
18 public funds of that officer in the depository
19 institution savings and loan or credit union.

20 Sec. ____ . Section 453.18, Code 1991, is amended to
21 read as follows:

22 453.18 CONDITION OF SECURITY.

23 The condition of the surety bond or the deposit of
24 securities, instruments, or a joint custody receipt,
25 must be that the depository institution savings and
26 loan or credit union will promptly pay to the parties
27 entitled public funds, including any interest on the
28 funds, in its custody upon lawful demand and, when
29 required by law, pay the funds to the public officer
30 who made the deposit.

31 Sec. ____ . Section 453.19, subsections 3 and 4,
32 Code 1991, are amended to read as follows:

33 3. In the event of substitution or exchange of
34 securities, the holder or custodian of the securities
35 shall, on the same day, forward by certified mail,
36 return receipt requested, to the public officer and
37 the depository institution savings and loan or credit
38 union, a receipt specifically describing and
39 identifying both the substituted securities and those
40 released and returned to the depository institution
41 savings and loan or credit union.

42 4. The public officer which deposits public funds

43 with a ~~depository institution~~ savings and loan or
44 credit union shall require, if the market value of the
45 securities deposited with or for the benefit of the
46 officer falls below one hundred ten percent of the
47 deposit liability to the public officer, the deposit
48 of additional security to bring the total market value
49 of the security to one hundred ten percent of the
50 amount of public funds held by the depository savings

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1 and loan or credit union.

2 Sec. ____ . NEW SECTION. 453.21 REQUIRED

3 COLLATERAL -- BANKS.

4 1. A depository that is a bank shall pledge the
5 required collateral securities to the treasurer of
6 state by depositing before January 31 of each year the
7 collateral securities in restricted accounts of the
8 treasurer of state, including but not limited to
9 pledge-custody accounts, at a federal reserve bank, a
10 trust department of another commercial bank, or with
11 another financial institution which has been
12 designated by the treasurer of state that is not owned
13 or controlled directly or indirectly by the same
14 depository or holding company. The bank shall deliver
15 to the treasurer of state a security agreement which
16 provides the treasurer of state with a valid and
17 perfected security interest in the required
18 collateral. The market value of the required
19 collateral shall not be less than five percent of the
20 average total public funds placed on deposit in the
21 bank during the preceding year. The average total
22 public funds shall be calculated by adding the total
23 public funds reported quarterly to the federal
24 government on the report of condition and income, and
25 dividing that amount by four. The calculation of the
26 average total public funds shall be made before
27 January 31 of each year.

28 2. The treasurer of state shall adopt the
29 following rules:

30 a. Providing for valuation of collateral if the
31 market value of a security is not readily
32 determinable.

33 b. Establishing reporting requirements.

34 c. Establishing procedures for substituting
35 different securities consistent with subsection 3.

36 d. Establishing administrative procedures
37 necessary to implement this chapter and other rules as
38 may be necessary to accomplish the purposes of this
39 chapter.

- 40 e. Designating financial institutions eligible to
41 be custodian of pledged collateral.
- 42 f. Establishing fee schedules to cover costs
43 incurred for opening and closing accounts and
44 substitution of collateral.
- 45 3. The securities used to secure public deposits
46 shall be acceptable to the treasurer of state and
47 shall be one or more of the following:
- 48 a. Direct obligations of, or obligations that are
49 insured or fully guaranteed as to principal and
50 interest by, the United States of America or an agency

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- 1 or instrumentality of the United States of America.
- 2 b. Public bonds or obligations of this state or a
3 political subdivision of this state.
- 4 c. Public bonds or obligations of another state or
5 a political subdivision of another state whose bonds
6 are rated within the two highest classifications of
7 prime as established by at least one of the standard
8 rating services approved by the superintendent of
9 banking pursuant to chapter 17A.
- 10 d. To the extent of the guarantee, loans,
11 obligations, or nontransferable letters of credit upon
12 which the payment of principal and interest is fully
13 secured or guaranteed by the United States of America
14 or an agency or instrumentality of the United States
15 of America.
- 16 e. First lien mortgages which are valued according
17 to practices acceptable to the treasurer of state.
- 18 f. Corporate bonds rated within the two highest
19 classifications of prime as established by at least
20 one of the standard rating services approved by the
21 superintendent of banking pursuant to chapter 17A.
- 22 g. A bond of a surety company approved by the
23 United States treasury department.
- 24 Direct obligations of, or obligations that are
25 insured or fully guaranteed as to principal and
26 interest by, the United States of America, which may
27 be used to secure public deposits under paragraph "a",
28 include investments in an investment company or
29 investment trust registered under the federal
30 Investment Company Act of 1940, 15 U.S.C. § 80a, the
31 portfolio of which is limited to the United States
32 government obligations described in paragraph "a", if
33 the investment company or investment trust takes
34 delivery of the collateral either directly or through
35 an authorized custodian.
- 36 4. A bank may borrow collateral used for a pledge

37 if the collateral is free of any liens, security
38 interests, claims, or encumbrances.
39 Sec. ____ . Section 453.22, Code 1991, is repealed.”
40 3. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.

RICHARD VARN
PAT DELUHERY

S-5137

1 Amend Senate File 2275 as follows:
2 1. Page 1, by striking lines 15 through 17.
3 2. Title page, by striking line 3 and inserting
4 the following: “or contract.”
5 3. By renumbering and correcting internal
6 references as necessary.

LINN FUHRMAN

S-5138

1 Amend Senate File 2280 as follows:
2 1. Page 32, by inserting after line 24 the
3 following:
4 “Sec. ____ . Section 97B.66, unnumbered paragraph 3,
5 Code 1991, is amended by striking the unnumbered
6 paragraph.”
7 2. Page 40, line 21, by striking the figures
8 “97B.26, 97B.66,” and inserting the following:
9 “97B.26”.
10 3. By renumbering and correcting internal
11 references as necessary.

WALLY HORN

S-5139

1 Amend Senate File 2160 as follows:
2 1. Page 2, line 30, by inserting after the word
3 “shall” the following: “own and”.
4 2. Page 3, line 6, by striking the words “A
5 county,” and inserting the following: “A”.
6 3. Page 3, line 9, by inserting after the figure
7 “135C.2” the following: “, and may identify
8 limitations regarding the proximity of one proposed
9 elder group home to another”.
10 4. Page 3, line 12, by striking the words “elder
11 family” and inserting the following: “elder group”.
12 5. Page 3, line 13, by striking the figure

13 "135C.22" and inserting the following: "135C.2, and
14 may identify limitations regarding the proximity of
15 one proposed elder group home to another".

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

S-5140

1 Amend Senate File 2091 as follows:
2 1. Page 1, line 5, by striking the word "or".
3 2. Page 1, by striking line 6 and inserting the
4 following: "assistants, advanced registered nurse
5 practitioners, or certified clinical nurse specialists
6 licensed under chapter 148, 148C, 149, 150, 150A,
7 152".
8 3. Title page, line 2, by inserting after the
9 word "assistant" the following: ", advanced
10 registered nurse practitioner, or certified clinical
11 nurse specialist".

HUMAN RESOURCES COMMITTEE
BEVERLY A. HANNON, Chairperson

S-5141

1 Amend Senate File 2257 as follows:
2 1. Page 5, by striking lines 20 through 24 and
3 inserting the following: "hunting preserve shall
4 secure an Iowa hunting preserve license to do so in
5 accordance with the game law of Iowa. The department
6 of natural resources shall adopt rules which establish
7 a sliding fee scale, of up to one thousand dollars for
8 a hunting preserve license that shall be based on the
9 type and size of game bird or ungulate hunted. Rules
10 adopted may include provisions which permit the
11 hunting of particular species of game birds or
12 ungulates on game preserves by persons who have the
13 appropriate regular hunting license for that species
14 in lieu of requiring an Iowa hunting preserve license.
15 A wildlife habitat stamp shall be required".
16 2. By striking page 10, line 23 through page 11,
17 line 1.
18 3. By renumbering sections as necessary.

JOHN P. KIBBIE
DALE L. TIEDEN
JACK W. HESTER
WILLIAM D. PALMER
WILMER RENSINK

BERL E. PRIEBE
JAMES R. RIORDAN
RALPH ROSENBERG
H. KAY HEDGE
AL STURGEON

S-5142

1 Amend Senate File 2130 as follows:

2 1. By striking page 1, line 1, through page 2,

3 line 8, and inserting the following:

4 "Section 1. Section 73.15, Code 1991, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 3. As used in this division,

7 "procurement" means the purchasing or contracting for

8 goods and services including construction by state

9 departments or agencies, area education agencies,

10 community colleges, and school districts through

11 private sector vendors, except as otherwise provided

12 in section 73.16, subsection 2.

13 Sec. 2. Section 73.16, Code 1991, is amended to

14 read as follows:

15 73.16 PROCUREMENTS FROM SMALL BUSINESSES AND

16 TARGETED SMALL BUSINESSES -- GOALS.

17 Notwithstanding any provision of law or rule

18 relating to competitive bidding procedures:

19 1. Every agency, department, commission, board,

20 committee, area education agency, community college,

21 school district, officer or other governing body of

22 the state shall purchase goods and services supplied

23 by small businesses and targeted small businesses in

24 Iowa. In addition to the other provisions of this

25 section relating to procurement contracts for targeted

26 small businesses, all purchasing authorities shall

27 assure that a proportionate share of small businesses

28 and targeted small businesses identified under the

29 uniform small business vendor application program of

30 the department of economic development are given the

31 opportunity to bid on all solicitations issued by

32 agencies and departments of state government and area

33 education agencies, community colleges, and school

34 districts.

35 2. The director of each agency or department of

36 state government, the administrator of each area

37 education agency, the president of each community

38 college, and the superintendent of each school

39 district having purchasing authority shall establish a

40 procurement goal from certified targeted small

41 businesses identified pursuant to section 10A.104,

42 subsection 8, of at least ten percent of the value of

43 anticipated procurements of goods and services,
44 including construction, but not including utility
45 services, each fiscal year. The director of each
46 department and agency of state government, the
47 administrator of each area education agency, the
48 president of each community college, and the
49 superintendent of each school district shall cooperate
50 with the director of the department of inspections and

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1 appeals, the director of the department of economic
2 development, and the director of the department of
3 management and do all acts necessary to carry out the
4 provisions of this division.

5 A community college, area education agency, or
6 school district shall establish a procurement goal
7 from certified targeted small businesses, identified
8 pursuant to section 10A.104, subsection 8, of at least
9 ten percent of the value of anticipated procurements
10 of goods and services including construction, but not
11 including utility services, each fiscal year.

12 The directors, administrators, presidents, and
13 superintendents may divide the procurements so
14 designated into contract award units of economically
15 feasible production runs to facilitate offers or bids
16 from targeted small businesses. In designating
17 procurements intended to satisfy the targeted small
18 business procurement goals, the directors,
19 administrators, presidents, and superintendents may
20 vary the included procurements so that a variety of
21 goods and services produced by different targeted
22 small businesses may be procured each year. The
23 director of the department of economic development, in
24 conjunction with the director of the department of
25 management, shall review the information submitted and
26 may require modifications from the agencies and
27 departments, area education agencies, community
28 colleges, and community school districts.

29 Sec. 3. Section 73.17, Code Supplement 1991, is
30 amended by striking the section and inserting in lieu
31 thereof the following:

32 73.17 REPORTING REQUIREMENTS.

33 1. Annually, not later than August 15 of each
34 fiscal year, the directors, administrators,
35 presidents, and superintendents shall notify the
36 director of the department of economic development of
37 their anticipated purchases and recommended
38 procurements designated to satisfy the targeted small
39 business procurement goal.

40 2. Quarterly, the director of each agency and
41 department of state government, the administrator of
42 each area education agency, and president of each
43 community college shall review their anticipated
44 purchasing requirements and shall notify the director
45 of the department of economic development of the
46 anticipated purchases and recommended procurements
47 that are designated to satisfy the agency, department,
48 area education agency, or community college targeted
49 small business procurement goal for the next quarter.
50 3. In addition, on a quarterly basis, the director

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1 of each agency or department, the administrator of
2 each area education agency, and the president of each
3 community college shall report their actual
4 procurements from targeted small businesses during the
5 previous quarter. The report shall include, but not
6 be limited to, total procurements for the quarter and
7 total targeted small business procurements for the
8 quarter, including a list of targeted small businesses
9 utilized during the quarter and the amounts of the
10 contracts entered into with the targeted small
11 businesses.

12 4. The superintendent of each school district
13 shall file the reports listed in subsections 2 and 3
14 on an annual basis."

15 2. Page 2, line 13, by inserting after the word
16 "department" the following: "the administrator of
17 each area education agency, the president of each
18 community college, and the superintendent of each
19 school district".

20 3. Page 2, line 15, by striking the word "notify"
21 and inserting the following: "notify".

22 4. Page 2, by striking line 16 and inserting the
23 following: "the director of the department of
24 economic development consult a directory of certified
25 targeted small businesses produced by the department
26 of economic development that lists all certified
27 targeted small businesses by category of goods or
28 services provided prior".

29 5. Page 2, line 17, by inserting after the word
30 "solicitation" the following: "and shall send a copy
31 of the request for proposal or solicitation to any
32 appropriate targeted small business listed in the
33 directory. The Iowa department of economic
34 development may charge the department, agency, area
35 education agency, community college, or school
36 district a reasonable fee to cover the cost of

37 producing, distributing, and updating the directory".
 38 6. By striking page 2, line 21, through page 3,
 39 line 28, and inserting the following: "solicitation.
 40 The director of the department of economic development
 41 shall notify the soliciting agency or department, or
 42 community college, area education agency, or school
 43 district, of any targeted small businesses which have
 44 been certified pursuant to section 10A.104, subsection
 45 8; and which may be qualified to bid.
 46 Sec. ____ . Section 73.19, Code Supplement 1991, is
 47 amended to read as follows:
 48 73.19 NEGOTIATED PRICE OR BID CONTRACT.
 49 In awarding a contract under the targeted small
 50 business procurement goal program, a director of an

Page 4

1 agency or department, or the president of a community
 2 college, the administrator of an area education
 3 agency, or the superintendent of a school district,
 4 having purchasing authority may use either a
 5 negotiated price or bid contract procedure. A
 6 director of an agency or department, or the president
 7 of a community college, the administrator of an area
 8 education agency, or the superintendent of a school
 9 district, using a negotiated contract shall consider
 10 any targeted small business engaged in that business.
 11 The director of the department of economic development
 12 or the director of the department of management may
 13 assist in the negotiation of a contract price under
 14 this section. Surety bonds guaranteed by the United
 15 States small business administration are acceptable
 16 security for a construction award under this section."
 17 7. Title page, by striking lines 1 and 2 and in-
 18 sserting the following: "An Act to amend the reporting
 19 and presolicitation notification requirements under
 20 the targeted small business procurement goal program."
 21 8. By numbering and renumbering as necessary.

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 JIM RIORDAN, Chairperson

S-5143

- 1 Amend Senate File 2072 as follows:
- 2 1. Page 1, by striking lines 15 through 17 and
- 3 inserting the following: "park may, at the judge's
- 4 discretion, be sentenced".
- 5 2. Page 1, by striking lines 29 through 31 and

6 inserting the following: "park, the person shall
7 serve a minimum term of".

8 3. Page 2, by striking lines 9 and 10.

9 4. Page 2, line 11, by striking the figure
10 "~~364.25~~".

11 5. Page 2, by striking lines 13 through 34.

12 6. By striking page 2, line 35, through page 4,
13 line 2, and inserting the following:

14 "Sec. ____ . NEW SECTION. 724.30 WEAPONS-FREE
15 ZONES – ENHANCED PENALTIES.

16 1. As used in this section, unless the context
17 otherwise requires, "weapons-free zone" means the area
18 in or on, or within one thousand feet of the real
19 property comprising a public or private elementary or
20 secondary school, or in or on the real property
21 comprising a public park.

22 2. Except as otherwise provided in subsection 3,
23 notwithstanding sections 902.9 and 903.1, and any
24 other provision of law to the contrary, a person who
25 commits a public offense in violation of this chapter
26 within the area comprising a weapons-free zone may be
27 sentenced within the following limits:

28 a. For a class "D" felony, imprisonment not to
29 exceed ten years, and in addition, a fine of not more
30 than ten thousand dollars.

31 b. For an aggravated misdemeanor, imprisonment not
32 to exceed two years, and in addition, a fine of not
33 more than seven thousand five hundred dollars.

34 c. For a serious misdemeanor, imprisonment not to
35 exceed one year and six months, or a fine not to
36 exceed five thousand dollars, or both.

37 d. For a simple misdemeanor, imprisonment not to
38 exceed one year, or a fine not to exceed one thousand
39 dollars, or both.

40 3. This section does not apply to any of the
41 following:

42 a. A peace officer, as defined in section 801.4.

43 b. A federal law enforcement officer, as defined
44 in section 804.7A.

45 c. A member of the armed forces of the United
46 States or of the national guard.

47 d. A dangerous weapon located on private property
48 which is not property comprising a private elementary
49 or secondary school.

50 e. A dangerous weapon which is a firearm that is

Page 2

1 not loaded and is encased.

2 f. A dangerous weapon which is a firearm that is

- 3 not loaded, but which is contained in a locked
4 firearms rack that is on a motor vehicle.
- 5 g. A person using firearms in a state park or
6 preserve in accordance with section 111.42.
- 7 h. A person with a valid permit acting in
8 accordance with this chapter.
- 9 i. A person participating in an approved hunter
10 safety and ethics education course as provided in
11 section 110.27.
- 12 j. A person using a starter's gun in a track event
13 authorized by school or park officials.
- 14 k. A person participating in a reserve officer
15 training corps or junior reserve officer training
16 corps shooting program or other program authorized by
17 school officials."
- 18 7. Title page, line 2, by striking the words "and
19 other locations".
- 20 8. By renumbering, relettering, redesignating,
21 and correcting internal references as necessary.

ALLEN BORLAUG
JOHN P. KIBBIE
DALE L. TIEDEN
WILLIAM W. DIELEMAN
EUGENE S. FRAISE
GEORGE R. KINLEY
ALVIN V. MILLER
DONALD V. DOYLE
RICHARD V. RUNNING
EMIL J. HUSAK
WALLY E. HORN
BERL E. PRIEBE
JOHN E. SOORHOLTZ
RICHARD VANDE HOEF
RAY TAYLOR
PAUL D. PATE
WILMER RENSINK
H. KAY HEDGE
MARK R. HAGERLA
JIM KERSTEN
JACK RIFE
DERRYL MCLAREN

HOUSE AMENDMENT TO
SENATE FILE 2094

S-5144

- 1 Amend Senate File 2094, as passed by the Senate, as
2 follows:

- 3 1. Page 3, by inserting after line 19, the
4 following:
5 "The department shall adopt rules specifying the
6 records and other information required for an audit
7 under section 326.19."

HOUSE AMENDMENT TO
SENATE FILE 511

S-5145

- 1 Amend Senate File 511 as follows:
2 1. Page 1, line 3, by striking the words "A
3 utility" and inserting the following: "After
4 September 30, 1992, a utility".
5 2. Page 1, line 9, by striking the word "A" and
6 inserting the following: "Except as provided in
7 subsection 12, a".
8 3. Page 3, line 15, by inserting after the word
9 "board" the following: ", on or prior to September
10 30, 1992,".
11 4. Page 3, lines 19 and 20, by striking the word
12 and figures "July 1, 1990" and inserting the
13 following: "January 1, 1992".
14 5. Page 3, by striking line 34 and inserting the
15 following:
16 "13. Whenever the board or the consumer advocate
17 deems it necessary to carry out duties related to the
18 implementation of this section, the board or consumer
19 advocate may contract for necessary services with
20 persons who are not state employees including, but not
21 limited to, cartographers, engineers, and surveyors.
22 The cost of services contracted for shall not be paid
23 from appropriated funds, but shall be assessed pro
24 rata to all utilities receiving certificates based on
25 the number of each utility's access lines.
26 14. This section does not prevent the board from
27 adopting".
28 6. Page 4, by inserting after line 1 the
29 following:
30 "15. The board shall provide a written report to
31 the general assembly no later than January 20, 2005,
32 describing the current status of local telephone
33 service in this state. The report shall include at a
34 minimum the number of certificates of convenience
35 issued, the number of current providers of local
36 telephone service, and any other information deemed
37 appropriate by the board.
38 Sec. ____ . REPEAL. Section 476.29, subsection 13,
39 is amended by striking the subsection effective July

40 1, 1995.

41 Sec. ____ . REPEAL. Section 476.29 is repealed
42 effective July 1, 2007.

43 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
44 of immediate importance, is effective upon enactment.”

45 7. Title page, line 2, by inserting after the
46 word “utilities” the following: “and providing an
47 effective date”.

S-5146

1 Amend Senate Resolution 104 as follows:

2 1. By striking page 2, line 3, through page 3,
3 line 11, and inserting the following:

4 “WHEREAS, the Committee made recommendations for
5 Senate action with respect to the complaint against
6 Senator Joseph J. Welsh; and

7 WHEREAS, the Senate finds that Senator Joseph J.
8 Welsh acted knowingly and purposefully to bring
9 dishonor and disrespect to the Iowa Senate resulting

10 in the erosion of public confidence in the General
11 Assembly, and in the Senate in particular; NOW

12 THEREFORE,

13 BE IT RESOLVED BY THE SENATE, That Senator Joseph
14 J. Welsh be expelled from membership in the Senate and
15 his salary forfeited for the remainder of the Seventy-
16 fourth General Assembly.”

ALLEN BORLAUG
JACK W. HESTER
RICHARD VANDE HOEF
RAY TAYLOR
PAUL D. PATE
MARK R. HAGERLA

S-5147

1 Amend the amendment, S-5146, to Senate Resolution
2 104, as follows:

3 1. Page 1, line 6, by striking the word “and” and
4 inserting the following: “NOW THEREFORE,”

5 2. Page 1, by striking lines 7 through 12.

ALLEN BORLAUG

S-5148

1 Amend Senate File 2231 as follows:

2 1. Page 3, by striking lines 31 through 33 and
3 inserting the following: “simultaneously. A person

4 who is a mandatory reporter for both child abuse and
 5 dependent adult abuse may satisfy the combined
 6 training requirements of this subsection through
 7 completion of a two-hour training program, if the
 8 training program curriculum and content is approved by
 9 the department of human services."

LARRY MURPHY

S-5149

1 Amend Senate File 2046 as follows:

2 1. Page 2, by inserting after line 26 the
 3 following:

4 "Sec. ____ . Section 321L.6, subsection 1, Code
 5 1991, is amended to read as follows:

6 1. The handicapped parking sign shall ~~have a blue~~
 7 ~~background and~~ bear the international symbol of
 8 accessibility in white. The characters and symbols
 9 shall contrast with their background by having either
 10 light characters on a dark background or dark
 11 characters on a light background. If an entity who
 12 owns or leases real property in a city is required to
 13 provide handicapped parking spaces, the city shall
 14 provide, upon request, the signs for the entity at
 15 cost. If an entity who owns or leases real property
 16 outside the corporate limits of a city is required to
 17 provide handicapped parking spaces, the county in
 18 which the property is located shall provide the signs
 19 for the entity at cost upon request."

20 2. Page 3, by inserting after line 11 the
 21 following:

22 "Sec. 100. 1992 Iowa Acts, Senate File 2116,
 23 section 401, is amended to read as follows:

24 "SEC. 401. Section 321.109, subsection 1, Code
 25 1991, is amended to read as follows:

26 1. The annual fee for all motor vehicles including
 27 multipurpose vehicles and vehicles designated by
 28 manufacturers as station wagons, except motor trucks,
 29 motor homes, motor vehicles with handicapped equipment
 30 necessary for entering or exiting the vehicle or for
 31 the operation of the vehicle, ambulances, hearses,
 32 motorcycles, and motor bicycles, shall be equal to one
 33 percent of the value as fixed by the department plus
 34 forty cents for each one hundred pounds or fraction
 35 thereof of weight of vehicle, as fixed by the
 36 department. The weight of a motor vehicle, fixed by
 37 the department for registration purposes, shall
 38 include the weight of a battery, heater, bumpers,
 39 spare tire, and wheel. Provided, however, that for

40 any new vehicle purchased in this state by a
41 nonresident for removal to the nonresident's state of
42 residence the purchaser may make application to the
43 county treasurer in the county of purchase for a
44 transit plate for which a fee of ten dollars shall be
45 paid. And provided, however, that for any used
46 vehicle held by a registered dealer and not currently
47 registered in this state, or for any vehicle held by
48 an individual and currently registered in this state,
49 when purchased in this state by a nonresident for
50 removal to the nonresident's state of residence, the

Page 2

1 purchaser may make application to the county treasurer
2 in the county of purchase for a transit plate for
3 which a fee of three dollars shall be paid. The
4 county treasurer shall issue a nontransferable
5 certificate of registration for which no refund shall
6 be allowed; and the transit plates shall be void
7 thirty days after issuance. Such purchaser may apply
8 for a certificate of title by surrendering the
9 manufacturer's or importer's certificate or
10 certificate of title, duly assigned as provided in
11 this chapter. In this event, the treasurer in the
12 county of purchase shall, when satisfied with the
13 genuineness and regularity of the application, and
14 upon payment of a fee of ten dollars, issue a
15 certificate of title in the name and address of the
16 nonresident purchaser delivering the same to the
17 person entitled to the title as provided in this
18 chapter.

19 Sec. 101. 1992 Iowa Acts, Senate File 2116,
20 section 402, is amended to read as follows:
21 SEC. 402. Section 321.124, subsection 3, Code
22 1991, is amended to read as follows:

23 3. The annual registration fee for motor homes and
24 motor vehicles with handicapped equipment necessary
25 for entering or exiting the vehicle or for the
26 operation of the vehicle is as follows:

27 a. For class "A" motor homes with a list price of
28 eighty thousand dollars or more as certified to the
29 department by the manufacturer, four hundred dollars
30 for registration each year through five model years
31 and three hundred dollars for each succeeding
32 registration.

33 b. For class "A" motor homes with a list price of
34 forty thousand dollars or more but less than eighty
35 thousand dollars as certified to the department by the
36 manufacturer, two hundred dollars for registration

37 each year through five model years and one hundred
38 fifty dollars for each succeeding registration.

39 c. For class "A" motor homes with a list price of
40 twenty thousand dollars or more but less than forty
41 thousand dollars as certified to the department by the
42 manufacturer, one hundred forty dollars for the first
43 five registrations and one hundred five dollars for
44 each succeeding registration.

45 d. For class "A" motor homes with a list price of
46 less than twenty thousand dollars as certified to the
47 department by the manufacturer, one hundred twenty
48 dollars for registration each year through five model
49 years and eighty-five dollars for each succeeding
50 registration.

Page 3

1 e. For a class "A" motor home which is a
2 passenger-carrying bus which has been registered at
3 least five times as a motor truck and which has been
4 converted, modified or altered to provide temporary
5 living quarters, ninety dollars for registration each
6 year through ten model years and sixty-five dollars
7 for each succeeding registration. In computing the
8 number of registrations, the registrations shall be
9 cumulative beginning with the registration of the
10 class "A" motor home as a motor truck prior to its
11 conversion, modification, or alteration to provide
12 temporary living quarters.

13 f. For class "B" motor homes, ninety dollars for
14 registration each year through five model years and
15 sixty-five dollars for each succeeding registration.

16 g. For class "C" motor homes, one hundred ten
17 dollars for registration each year through five model
18 years and eighty dollars for each succeeding
19 registration.

20 h. For motor vehicles with handicapped equipment
21 necessary for entering or exiting the vehicle or for
22 the operation of the vehicle, seventy-five dollars for
23 registration each year through five model years and
24 fifty-five dollars for each succeeding registration.

25 Sec. ____ . Any handicapped identification hanging
26 device issued under section 321L.2 prior to the
27 effective date of this Act to an organization or
28 person for transporting the elderly shall continue to
29 be a valid handicapped identification device and shall
30 comply with the provisions which were in existence
31 when it was issued.

32 Sec. ____ . Sections 100 and 101 of this Act take
33 effect April 1, 1992."

- 34 3. Title page, line 1, by inserting after the
 35 word "to" the following: "registration fees for motor
 36 vehicles equipped with certain handicapped
 37 equipment,".
 38 4. Title page, line 2, by inserting after the
 39 word "devices" the following: ", handicapped parking
 40 signs,".
 41 5. Title page, line 3, by inserting after the
 42 word "device" the following: "and providing an
 43 effective date".
 44 6. By renumbering, relettering, or redesignating
 45 and correcting internal references as necessary.

COMMITTEE ON TRANSPORTATION
 EUGENE S. FRAISE, Chairperson

S-5150

- 1 Amend Senate File 2300 as follows:
 2 1. Page 3, lines 27 and 28, by striking the words
 3 "or contract for canteen services".

EUGENE S. FRAISE

S-5151

- 1 Amend Senate File 2221 as follows:
 2 1. Page 2, line 16, by striking the letter "1"
 3 and inserting the following: "1".

ALBERT SORENSEN

S-5152

- 1 Amend Senate File 2239 as follows:
 2 1. Page 1, by inserting after line 14 the
 3 following:
 4 "Sec. ____ . APPLICABILITY AND EFFECTIVE DATE.
 5 1. Section 12.36, subsection 3, as amended by this
 6 Act, applies retroactively to investment agreements
 7 executed before the effective date of this Act which
 8 have not expired.
 9 2. This Act, being deemed of immediate importance,
 10 takes effect upon enactment."
 11 2. Title page, line 3, by inserting after the
 12 word "Act" the following: ", and providing for its
 13 retroactive applicability and an effective date".

BEVERLY A. HANNON
 JIM RIORDAN

S-5153

- 1 Amend Senate File 2300 as follows:
- 2 1. Page 4, by inserting after line 9 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 246.320 VISITING HOURS
- 5 AT INSTITUTIONS.
- 6 In addition to other visiting hours that the
- 7 department permits, the department shall provide for
- 8 visiting hours during at least one weeknight and at
- 9 some point during the weekend at each of the
- 10 institutions under its control."
- 11 2. By renumbering and correcting internal
- 12 references as necessary.

LARRY MURPHY

S-5154

- 1 Amend Senate File 2213 as follows:
- 2 1. Page 2, by inserting after line 17 the fol-
- 3 lowing:
- 4 "Sec. ____ . Section 12.51, Code Supplement 1991, is
- 5 repealed."
- 6 2. By renumbering as necessary.

JAMES R. RIORDAN

S-5155

- 1 Amend Senate File 2213 as follows:
- 2 1. Page 2, line 17, by inserting after the word
- 3 "program" the following: "and the main street linked
- 4 investment loan program under section 12.51".

JAMES R. RIORDAN

S-5156

- 1 Amend Senate File 2287 as follows:
- 2 1. Page 1, line 4, by striking the word "minor"
- 3 and inserting the following: "person under twenty-one
- 4 years of age".
- 5 2. Page 1, line 7, by striking the word "minor"
- 6 and inserting the following: "person under twenty-one
- 7 years of age".
- 8 3. Title page, line 1, by striking the word

9 "minor" and inserting the following: "person under
10 twenty-one years of age".

LARRY MURPHY

S-5157

1 Amend the amendment, S-5085, to Senate File 2036 as
2 follows:

3 1. Page 3, line 44, by inserting after the word
4 "acceptances" the following: "that mature within one
5 hundred eighty days and that are eligible for purchase
6 by a federal reserve bank, provided that at the time
7 of purchase no more than thirty percent of the
8 investment portfolio of the treasurer of state or any
9 other state agency shall be in investments authorized
10 by this paragraph and that at the time of purchase no
11 more than five percent of the investment portfolio
12 shall be invested in the securities of a single
13 issuer".

14 2. Page 3, line 46, by inserting after the word
15 "debt" the following: "that matures within one
16 hundred eighty days and that is".

17 3. Page 4, line 2, by inserting after the word
18 "classification" the following: ", and provided
19 further that at the time of purchase no more than
20 thirty percent of the investment portfolio of the
21 treasurer of state or any other state agency shall be
22 in investments authorized by this paragraph and that
23 at the time of purchase no more than five percent of
24 the investment portfolio shall be invested in the
25 securities of a single issuer".

26 4. Page 4, line 31, by inserting after the word
27 "acceptances" the following: "that mature within one
28 hundred eighty days and that are eligible for purchase
29 by a federal reserve bank, provided that at the time
30 of purchase no more than ten percent of the investment
31 portfolio shall be in investments authorized by this
32 paragraph and that at the time of purchase no more
33 than five percent of the investment portfolio shall be
34 invested in the securities of a single issuer".

35 5. Page 4, line 33, by inserting after the word
36 "debt" the following: "that matures within one
37 hundred eighty days and that is".

38 6. Page 4, line 39, by inserting after the word
39 "classification" the following: ", and provided
40 further that at the time of purchase no more than ten
41 percent of the investment portfolio shall be in
42 investments authorized by this paragraph and that at
43 the time of purchase no more than five percent of the

44 investment portfolio shall be invested in the
45 securities of a single issuer”.

DERRYL McLAREN

S-5158

- 1 Amend Senate File 2297 as follows:
2 1. Page 16, by striking lines 27 through 33.

RICHARD VARN
DONALD V. DOYLE
JIM KERSTEN
HARRY SLIFE

S-5159

- 1 Amend Senate File 2258 as follows:
2 1. Page 1, by striking lines 8 through 10 and
3 inserting the following: “department shall have had a
4 minimum of five ten years’ experience in a fire
5 department, or three years eight years’ experience in
6 a”.

EUGENE FRAISE

S-5160

- 1 Amend Senate File 2197 as follows:
2 1. Page 5, line 14, by striking the words
3 “person, court,” and inserting the following:
4 “person”.

RALPH ROSENBERG

S-5161

- 1 Amend Senate File 2154 as follows:
2 1. Page 1, by inserting after line 25, the
3 following:
4 “Sec. ____ . Section 602.9106, Code 1991, is amended
5 to read as follows:
6 602.9106 RETIREMENT.
7 Any person who shall have become separated from
8 service as a judge of any of the courts included in
9 this article and who has had an aggregate of at least
10 six years of service as a judge of one or more of such
11 courts and shall have attained the age of sixty-five
12 years or who has had twenty-five years of consecutive
13 service as a judge of one or more of said courts, or

14 who qualifies as a senior judge in accordance with
15 section 602.9203A and whose name is added to the
16 roster of senior judges as provided in section
17 602.9203A, subsection 3, and who shall have otherwise
18 qualified as provided in this article, shall be
19 entitled to an annuity as hereinafter provided.

20 Sec. ____ . Section 602.9202, subsection 1, Code
21 1991, is amended to read as follows:

22 1. "Senior judge" means a supreme court judge,
23 court of appeals judge, district court judge, or
24 district associate judge who meets the requirements of
25 section 602.9203 or section 602.9203A and who has not
26 been retired or removed from the roster of senior
27 judges under section 602.9207 or 602.9208.

28 Sec. ____ . **NEW SECTION. 602.9203A ALTERNATIVE**
29 **PROCEDURE FOR QUALIFICATION AS A SENIOR JUDGE.**

30 1. A supreme court judge, court of appeals judge,
31 district judge, or district associate judge, who
32 qualifies under subsection 2, may become a senior
33 judge by filing a written election form in the manner
34 provided in section 602.9203. A judge who qualifies
35 for senior judge status pursuant to both this section
36 and section 602.9203 shall only be required to file
37 one written election form, and shall not be required
38 to specify the section under which the judge is
39 proceeding.

40 2. A judge referred to in subsection 1 qualifies
41 for a senior judgeship if the judge meets all of the
42 following:

43 a. Retires from office on or after July 1, 1992,
44 whether or not the judge is of mandatory retirement
45 age.

46 b. Has attained the age of fifty-five or more at
47 the time of retirement with at least twenty years of
48 consecutive service.

49 c. Agrees in writing on a form prescribed by the
50 court administrator to be available as a senior judge

Page 2

1 to perform judicial duties as assigned by the supreme
2 court for an aggregate period of thirteen weeks out of
3 each successive twelve-month period for at least three
4 consecutive twelve-month periods, health permitting.

5 d. Submits evidence to the supreme court as
6 required pursuant to section 602.9203, subsection 2,
7 paragraphs "d" and "e".

8 3. The clerk of the supreme court shall include
9 persons who file timely elections and qualify as
10 senior judges pursuant to this section in the roster

11 of senior judges pursuant to section 602.9203,
12 subsection 3, and the person shall be a senior judge
13 upon entry of the name in the roster of senior judges
14 and until the person becomes a retired senior judge as
15 provided in section 602.9207, or until the person's
16 name is stricken from the roster of senior judges as
17 provided in section 602.9208, or until the person
18 dies. However, notwithstanding any other provision of
19 law to the contrary, including but not limited to this
20 section, if during the entire period for filing a
21 written election pursuant to this section, the supreme
22 court verifies that there are insufficient judicial
23 duties for the judge to perform or insufficient
24 appropriations, the judge shall not be added to the
25 roster of senior judges unless the judge qualifies
26 pursuant to section 602.9203.

27 4. The supreme court shall cause each senior judge
28 added to the roster in accordance with this section to
29 actually perform judicial duties during each
30 successive twelve-month period.

31 Sec. ____ . Section 602.9204, Code 1991, is amended
32 to read as follows:

33 **602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED**
34 **SENIOR JUDGE.**

35 A senior judge or a retired senior judge shall not
36 be paid a salary. A senior judge or retired senior
37 judge shall be paid an annuity under the judicial
38 retirement system in the manner provided in section
39 602.9109, but computed under this section in lieu of
40 section 602.9107, as follows: The annuity paid to a
41 senior judge or retired senior judge shall be an
42 amount equal to three percent of the current basic
43 salary, as of the time each payment is made, of the
44 office in which the senior judge last served as a
45 judge before retirement as a judge or senior judge,
46 multiplied by the judge's years of service prior to
47 retirement as a judge of one or more of the courts
48 included under this article, for which contributions
49 were made to the system, except the annuity of the
50 senior judge or retired senior judge shall not exceed

Page 3

1 fifty percent of the current basic salary. In
2 addition, if a senior judge is under sixty-five years
3 of age at the time the judge becomes a senior judge,
4 the state shall pay the state's share of the senior
5 judge's medical insurance premium until the judge
6 attains age sixty-five. If a senior judge becomes a
7 senior judge pursuant to section 602.9203A, the state

8 shall also continue to pay the state's share of other
9 insurance premiums for programs in which the judge was
10 a participant at the time of retirement and in which
11 the state made contributions, including but not
12 limited to life insurance, dental insurance, and
13 disability insurance, until the senior judge becomes a
14 retired senior judge pursuant to section 602.9207, is
15 stricken from the roster of senior judges as provided
16 in section 602.9208, or dies.

17 Sec. ____ . Section 602.9206, unnumbered paragraph
18 2, Code 1991, is amended to read as follows:

19 A senior judge also shall be available to serve in
20 the capacity of administrative law judge under chapter
21 17A upon the request of an agency, and the supreme
22 court may assign a senior judge for temporary duties
23 as an administrative law judge. A senior judge shall
24 not be required to serve a period of time as an
25 administrative law judge which, when added to the
26 period of time being served by the person as a judge,
27 if any, would exceed the maximum period of time the
28 person agreed to serve pursuant to section 602.9203,
29 subsection 2, or section 602.9203A, subsection 2.

30 Sec. ____ . Section 602.9208, subsection 1, Code
31 1991, is amended to read as follows:

32 1. A senior judge, at any time prior to the end of
33 the twelve-month period during which the judge attains
34 seventy-eight years of age, may submit to the clerk of
35 the supreme court a written request that the judge's
36 name be stricken from the roster of senior judges.
37 Upon the receipt of the request the clerk shall strike
38 the name of the person from the roster of senior
39 judges, at which time the person shall cease to be a
40 senior judge. A person who relinquishes a senior
41 judgeship as provided in this subsection may be
42 assigned to temporary judicial duties as provided in
43 section 602.1612. However, if a senior judge who
44 became a senior judge in accordance with section
45 602.9203A requests to be stricken from the roster of
46 senior judges prior to completing service for at least
47 three consecutive twelve-month periods, the senior
48 judge shall not be entitled to any additional benefits
49 for service pursuant to this part unless the supreme
50 court determines that the senior judge's health would

Page 4

1 not permit completion of three consecutive twelve-
2 month periods. If the supreme court determines that
3 the senior judge's health permits continued service
4 for the remainder of the three twelve-month periods

5 and the senior judge still wishes to discontinue
6 service, the supreme court shall determine and the
7 senior judge shall refund to the state the amount of
8 any additional benefits which the senior judge has
9 received pursuant to this part, including but not
10 limited to the payment of insurance premiums by the
11 state on behalf of the senior judge.

12 Sec. ____ . Section 602.9208, subsection 3, Code
13 1991, is amended to read as follows:

14 3. A Except as otherwise provided in subsection 1.
15 a person who relinquishes a senior judgeship in the
16 manner provided in subsection 1 shall be paid a
17 retirement annuity that commences on the effective
18 date of the relinquishment and shall be based upon the
19 number of years the person served as a senior judge.
20 A person who serves six or more years as a senior
21 judge shall be paid a retirement annuity that is in an
22 amount equal to the amount of the annuity the person
23 is receiving on the effective date of the
24 relinquishment in lieu of an amount determined
25 according to section 602.9204. If the person serves
26 less than six years as a senior judge, the person
27 shall be paid a retirement annuity that is in an
28 amount equal to an amount determined according to
29 section 602.9107 added to an amount equal to the
30 number of years the person served as a senior judge,
31 divided by six, multiplied by the difference between
32 the amount of the annuity the person is receiving on
33 the effective date of the relinquishment and the
34 amount determined according to section 602.9107. A
35 person who is removed from a senior judgeship as
36 provided in subsection 2 shall be paid a retirement
37 annuity that commences on the effective date of the
38 removal and is in an amount determined according to
39 section 602.9107 in lieu of section 602.9204, and any
40 service and annuity of the person as a senior judge is
41 disregarded."

42 2. Title page, line 4, by inserting after the
43 word "sixty-five," the following: "expanding coverage
44 and benefits under the Iowa senior judge Act,".

45 3. By renumbering and correcting internal
46 references as necessary.

DONALD DOYLE

S-5162

- 1 Amend Senate File 2257 as follows:
- 2 1. Page 5, by inserting after line 25 the
- 3 following:

4 "3. In lieu of the hunting license or annual
5 hunting preserves license provided for in subsection
6 2, a hunting and fishing combined license may be
7 obtained for the license fee specified in section 101
8 of this Act."

9 2. Page 9, by inserting before line 1, the
10 following:

11 "Sec. ____ . Section 110.1, subsection 1, Code
12 Supplement 1991, is amended by adding the following
13 new paragraph:

14 NEW PARAGRAPH. e. Lifetime license for legal
15 residents permanently disabled or sixty-five years of
16 age or older

17 \$ 10.50

18 Sec. 101. Section 110.1, subsection 3, Code
19 Supplement 1991, is amended by striking the subsection
20 and inserting in lieu thereof the following:

21 3. Hunting and fishing combined licenses:

22 a. Legal residents except as otherwise provided

23 \$ 23.50

24 b. Lifetime license for legal residents
25 permanently disabled or sixty-five years of age or
26 older

27 \$ 30.50"

BERL E. PRIEBE
JAMES B. KERSTEN
DERRYL McLAREN
EMIL J. HUSAK
JOHN E. SOORHOLTZ

S-5163

1 Amend Senate File 2218 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 135I.2, Code 1991, is amended
5 to read as follows:

6 135I.2 APPLICABILITY.

7 This chapter applies to all swimming pools and spas
8 owned or operated by local or state government, or
9 commercial interests or private entities including,
10 but not limited to, facilities operated by cities,
11 counties, public or private school corporations,
12 hotels, motels, camps, apartments, condominiums, and
13 health or country clubs. This chapter does not apply
14 to facilities intended for single family use. To
15 avoid duplication and promote coordination of
16 inspection activities, the department may enter into
17 agreements pursuant to chapter 28E with a local board

18 of health ~~or multiple boards of health representing~~
 19 ~~contiguous areas~~ to provide for inspection and
 20 enforcement in accordance with this chapter.
 21 Sec. 2. Section 135I.4, subsections 3, 4, and 6,
 22 Code 1991, are amended to read as follows:
 23 3. Establish minimum qualifications for swimming
 24 pool, spa, and waterslide operators and lifeguards.
 25 Swimming pools operated by apartments or condominiums
 26 are exempt from requirements regarding lifeguards.
 27 4. Establish and collect fees to defray the cost
 28 of administering this chapter. It is the intent of
 29 the general assembly that fees collected under this
 30 chapter be used to defray the cost of administering
 31 this chapter. However, the portion of fees needed to
 32 defray the costs of a local board of health in
 33 implementing this chapter shall be established by the
 34 local board of health.
 35 6. Enter into agreements with a local board of
 36 health ~~or local boards of health in a contiguous area~~
 37 to implement the inspection and enforcement provisions
 38 of this chapter. The agreements shall provide that
 39 the fees established by the local board ~~or boards of~~
 40 health for inspection and enforcement shall be
 41 retained by the local board ~~or boards~~. A local board
 42 of health ~~or boards of health in a contiguous area~~ may
 43 enter into such an agreement with the department.
 44 However, inspection fees shall not be charged by the
 45 department for facilities which are inspected by
 46 third-party authorities. Third-party authorities
 47 shall be approved by the department. The department
 48 shall monitor and certify the inspection and
 49 enforcement programs of local boards of health and
 50 approved third-party authorities."

JEAN LLOYD-JONES

S-5164

- 1 Amend Senate File 2315 as follows:
- 2 1. Page 1, by striking lines 14 through 30.

LINN FUHRMAN

S-5165

- 1 Amend Senate File 2117 as follows:
- 2 1. Page 1, by striking lines 1 through 8 and
- 3 inserting the following:
- 4 "Section 1. NEW SECTION. 18.138 GOVERNMENTAL
- 5 SERVICES CARD.

6 1. A governmental services card advisory committee
7 is established consisting of the telecommunication and
8 information management council, as reconstituted by
9 executive order number 33, dated August 21, 1987,
10 representatives of the principal central departments
11 of the executive branch as enumerated in section 7E.5
12 and representatives of private industry, including,
13 but not limited to, financial institutions. The
14 governmental services card advisory committee shall
15 formulate a plan for the development and
16 implementation of a statewide governmental services
17 card system which shall include all of the following:
18 a. A governmental services card mission statement
19 which shall be consistent with the stated purposes of
20 the governmental services card.
21 b. A stated definition of the goals and objectives
22 of the committee.
23 c. A reasonable estimation of the costs and
24 benefits which would be incurred or realized through
25 implementation of a governmental services card system.
26 d. Recommendations for the process of coordinating
27 the receipt and disbursement of funds through the
28 treasurer of state's office and the appropriate state
29 agencies.
30 e. A proposed list of pilot projects where the
31 governmental services card may be implemented.
32 f. An implementation schedule which shall require
33 that the first pilot project shall begin no later than
34 January 1, 1996, but may begin at an earlier date if
35 ready for implementation. The governmental services
36 card system shall be implemented on a statewide basis
37 by January 1, 1997.
38 2. The governmental services card shall be used
39 for any governmental".
40 2. Page 1, line 12, by striking the word
41 "smartcard" and inserting the following:
42 "governmental services card".
43 3. Page 1, line 17, by striking the word
44 "smartcard" and inserting the following: "governmental
45 services card".
46 4. Page 1, by striking lines 20 through 35 and
47 inserting the following:
48 "3. The governmental services card standards shall
49 be compatible with the standards established for the
50 electronic transfer of funds under chapter 527. Any

Page 2

1 funds necessary for issuance of the governmental
2 services card shall be transferred from funds

3 appropriated to the various state agencies for costs
 4 associated with their respective identification card,
 5 information systems, and disbursement and receipt of
 6 funds."

7 5. Page 2, line 3, by striking the word
 8 "smartcard" and inserting the following:
 9 "governmental services card".

10 6. Page 2, by striking lines 4 and 5 and
 11 inserting the following:

12 "5. The governmental services card advisory
 13 committee shall".

14 7. Page 2, by striking lines 8 and 9 and
 15 inserting the following: "personal identification
 16 number."

17 8. Page 2, line 13, by striking the word
 18 "Smartcard" and inserting the following:
 19 "Governmental services card".

20 9. Title page, line 2, by striking the word
 21 "smartcard" and inserting the following:
 22 "governmental services card".

23 10. By renumbering as necessary.

RICHARD J. VARN

S-5166

1 Amend Senate File 2154 as follows:

2 1. Page 2, line 33, by striking the words
 3 "general fund".

4 2. Page 3, line 4, by inserting after the word
 5 "state" the following: ", or the applicable fund from
 6 which the position was funded,".

JOHN P. KIBBIE

S-5167

1 Amend Senate File 2254 as follows:

2 1. Page 1, line 1, by striking the figure
 3 "331.303" and inserting the following: "331.301".

4 2. Page 1, line 3, by striking the word and
 5 figure "10A. Establish" and inserting the following:
 6 "14. The county may establish".

RICHARD J. VARN

S-5168

1 Amend Senate File 2257 as follows:

2 1. Page 5, by inserting after line 25 the

3 following:

4 "3. In lieu of the hunting license or annual
5 hunting preserves license provided for in subsection
6 2, a hunting and fishing combined license may be
7 obtained for the license fee specified in section 101
8 of this Act."

9 2. Page 9, by inserting before line 1, the
10 following:

11 "Sec. ____ . Section 110.1, subsection 1, Code
12 Supplement 1991, is amended by adding the following
13 new paragraph:

14 NEW PARAGRAPH. e. Lifetime license for legal
15 residents permanently disabled or sixty-five years of
16 age or older

17 \$ 10.50
18 Sec. 101. Section 110.1, subsection 3, Code

19 Supplement 1991, is amended by striking the subsection
20 and inserting in lieu thereof the following:

21 3. Hunting and fishing combined licenses:

22 a. Legal residents except as otherwise provided

23 \$ 20.50

24 b. Lifetime license for legal residents

25 permanently disabled or sixty-five years of age or
26 older

27 \$ 30.50"

BERL E. PRIEBE
JAMES B. KERSTEN
DERRYL McLAREN
EMIL J. HUSAK
JOHN E. SOORHOLTZ

S-5169

1 Amend Senate File 2244 as follows:

2 1. Page 1, line 32, by striking the word

3 "seventy-five" and inserting the following: "at least

4 fifty-one"

5 2. Page 2, line 5, by striking the word "five"

6 and inserting the following: "ten".

JOHN P. KIBBIE

S-5170

1 Amend Senate File 2285 as follows:

2 1. Page 7, line 27, by striking the words

3 "transfer may retain the endorsement" and inserting

4 the following: "issuance who was previously issued a

5 commercial driver's license from another state may

- 6 retain the hazardous material endorsement from the
7 previously issued license".
8 2. Page 7, line 35, by striking the words
9 "combined vehicle weight rating" and inserting the
10 following: "vehicle weight rating or gross
11 combination weight rating".
12 3. Page 8, lines 10 and 11, by striking the words
13 "combined vehicle weight rating" and inserting the
14 following: "vehicle weight rating or gross
15 combination weight rating".

DONALD E. GETTINGS

S-5171

- 1 Amend Senate Concurrent Resolution 117 as follows:
2 1. Page 2, by striking lines 20 through 24 and
3 inserting the following: "encourage the Iowa Peace
4 Institute; the National Association for the
5 Advancement of Colored Persons; Proteus; the League of
6 United Latin American Citizens; the National
7 Conference of Christians and Jews; the Entrepreneurial
8 Group for Minorities; Education Equity Consultants;
9 Blacks in Management; the Department of Human Rights
10 and its divisions; the chambers of commerce, religious
11 communities, service clubs, sorority and fraternity
12 alumni groups, human rights organizations across the
13 state and any other interested organizations or groups
14 in Iowa to work in Iowa's rural and urban communities
15 to increase awareness, acceptance, and understanding
16 among Iowa's adults of the need for cultural, ethnic,
17 and socioeconomic diversity, that they may act
18 appropriately as role models for Iowa's youth."

LINN FUHRMAN

S-5172

- 1 Amend Senate File 2204 as follows:
2 1. Page 1, lines 24 and 25, by striking the words
3 ", and a list of search and support groups".

ELAINE SZYMONIAK

S-5173

- 1 Amend Senate File 2285 as follows:
2 1. Page 7, line 20, by inserting after the word
3 "farm." the following: "The exemption provided in
4 this subsection shall apply to farmers who assist each

5 other through an exchange of services and shall
 6 include operation of a commercial motor vehicle
 7 between the farms of the farmers who are exchanging
 8 services.”.

JIM KERSTEN
 DERRYL MC LAREN
 BERL E. PRIEBE
 JOHN E. SOORHOLTZ
 WILLIAM W. DIELEMAN
 MARK R. HAGERLA
 EMIL J. HUSAK

S-5174

1 Amend Senate File 2292 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 Supplement 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, mental health counselor, massage
 16 therapist, or social worker means a person licensed
 17 under this title.
 18 3. “Profession” means medicine and surgery,
 19 podiatry, osteopathy, osteopathic medicine and
 20 surgery, practice as a physician assistant,
 21 psychology, chiropractic, nursing, dentistry, dental
 22 hygiene, optometry, speech pathology, audiology,
 23 pharmacy, physical therapy, occupational therapy,
 24 cosmetology, barbering, mortuary science, marital and
 25 family therapy, mental health counseling, massage
 26 therapy, social work, or dietetics.
 27 Sec. 2. Section 147.2, Code 1991, is amended to
 28 read as follows:
 29 147.2 LICENSE REQUIRED.
 30 A person shall not engage in the practice of
 31 medicine and surgery, podiatry, osteopathy,
 32 osteopathic medicine and surgery, psychology,
 33 chiropractic, physical therapy, nursing, dentistry,
 34 dental hygiene, optometry, speech pathology,
 35 audiology, occupational therapy, pharmacy,

36 cosmetology, barbering, dietetics, massage therapy, or
37 mortuary science or shall not practice as a physician
38 assistant as defined in the following chapters of this
39 title, unless the person has obtained from the
40 department a license for that purpose.

41 Sec. 3. Section 147.13, Code Supplement 1991, is
42 amended by adding the following new subsection:
43 NEW SUBSECTION. 18. For massage therapists,
44 massage therapy examiners.

45 Sec. 4. Section 147.14, Code Supplement 1991, is
46 amended by adding the following new subsection:
47 NEW SUBSECTION. 14. For massage therapy
48 examiners, four members who are licensed to practice
49 massage therapy and three members who are not licensed
50 to practice massage therapy and who shall represent

Page 2

1 the public. A majority of the members of the board
2 shall constitute a quorum.

3 Sec. 5. Section 147.74, Code Supplement 1991, is
4 amended by adding the following new subsection:
5 NEW SUBSECTION. 16A. A massage therapists
6 licensed under chapter 154E and this chapter may use
7 the words "licensed massage therapist" after the
8 person's name.

9 Sec. 6. Section 147.80, Code Supplement 1991, is
10 amended by adding the following new subsection:
11 NEW SUBSECTION. 23A. License to practice massage
12 therapy issued upon the basis of an examination given
13 by the board of massage therapy examiners, license to
14 practice massage therapy issued under a reciprocal
15 agreement, or renewal of a license to practice massage
16 therapy.

17 Sec. 7. NEW SECTION. 154E.1 DEFINITIONS.

18 As used in this chapter, unless the context
19 otherwise requires:

20 1. "Board" means the board of massage therapy
21 examiners established in section 147.13.

22 2. "Massage therapist" means a person licensed to
23 practice massage therapy under chapter 147 and this
24 chapter.

25 3. "Massage therapy" means performance for
26 compensation of massage, myotherapy, massotherapy, or
27 therapeutic massage including modalities, or other
28 therapy which involves manipulation of the muscle and
29 connective tissue of the body to treat the muscle
30 tonus system for the purpose of enhancing muscle
31 relaxation, increasing range of motion, reducing
32 stress, relieving pain, or improving circulation.

33 "Massage therapy" does not include diagnosis or
34 service which requires a license to practice medicine
35 or surgery, chiropractic, or podiatry, and does not
36 include service performed by athletic trainers,
37 technicians, nurses, or physical therapists who act
38 under a professional license, certificate, or
39 registration or under the prescription or supervision
40 of a person licensed to practice medicine or surgery.
41 Sec. 8. NEW SECTION. 154E.2 REQUIREMENTS TO
42 OBTAIN LICENSE.
43 An applicant for a license to practice massage
44 therapy shall be granted a license by the board when
45 the applicant satisfies all of the following
46 requirements:
47 1. Has satisfactorily completed a curriculum of
48 massage education at a school approved by the board
49 pursuant to section 154E.5.
50 2. Has passed an examination given by the board.

Page 3

1 3. Has paid all fees required by the board.
2 Sec. 9. NEW SECTION. 154E.3 REQUIREMENTS TO
3 OBTAIN RECIPROCAL LICENSE.
4 The board may grant a license to practice massage
5 therapy to an applicant who possesses a license to
6 practice massage therapy in another state or country
7 issued upon requirements comparable to this chapter
8 and who has paid a fee for reciprocal license as
9 determined by the board.
10 Sec. 10. NEW SECTION. 154E.4 CONTINUING
11 EDUCATION.
12 The board shall require for renewal of a license
13 issued pursuant to this chapter completion annually of
14 at least twelve hours of continuing education as
15 approved by the board.
16 Sec. 11. NEW SECTION. 154E.5 MASSAGE THERAPY
17 CURRICULUM -- REQUIREMENTS FOR APPROVAL BY THE BOARD.
18 A massage therapy curriculum approved by the board
19 for purposes of section 154E.2 must satisfy all of the
20 following requirements:
21 1. Require for admission a diploma from an
22 accredited high school or the equivalent.
23 2. Employ one or more licensed massage therapists
24 as instructors.
25 3. Require completion of at least five hundred
26 hours of academic instruction.
27 Sec. 12. NEW SECTION. 154E.6 EMPLOYMENT OF
28 PERSON NOT LICENSED -- CIVIL PENALTY APPLICABLE.
29 A person, as defined in section 4.1, who employs a

30 person who is not licensed pursuant to this chapter
 31 shall not use the words "licensed massage therapist",
 32 "massage therapist", "masseur", or "masseuse", or any
 33 other words or titles which imply or represent that
 34 the person employed practices massage therapy. A
 35 person who violates this section is subject to
 36 imposition, at the discretion of the board, of a civil
 37 penalty not to exceed one thousand dollars. Each
 38 violation of this section is a separate offense. Each
 39 day a violation of this section occurs after citation
 40 by the board is a separate offense.

41 Sec. 13. NEW SECTION. 154E.7 USE OF TITLE OR
 42 SIMILAR TITLE -- CIVIL PENALTY APPLICABLE.

43 A person who is not licensed pursuant to this
 44 chapter shall not use the words "licensed massage
 45 therapist", "massage therapist", "masseur", or
 46 "masseuse", or any other words or titles which imply
 47 or represent that the person practices massage
 48 therapy. A person who violates this section is
 49 subject to imposition, at the discretion of the board,
 50 of a civil penalty not to exceed one thousand dollars.

Page 4

1 Each violation of this section is a separate offense.

2 Each day a violation of this section occurs after
 3 citation by the board is a separate offense.

4 Sec. 14. NEW SECTION. 154E.8 STANDARDS OF
 5 CONDUCT.

6 In addition to rules adopted pursuant to sections
 7 258A.3 and 258A.4, the board shall establish and adopt
 8 rules providing for standards of conduct for massage
 9 therapists.

10 Sec. 15. Section 232.69, subsection 1, Code 1991,
 11 is amended by adding the following new paragraph:
 12 NEW PARAGRAPH. c. Every licensed massage
 13 therapist who in the scope of professional practice
 14 provides services to a child and who reasonably
 15 believes the child has been abused.

16 Sec. 16. Section 235B.3, subsection 2, Code
 17 Supplement 1991, is amended by adding the following
 18 new paragraph:

19 NEW PARAGRAPH. f. A licensed massage therapist.

20 Sec. 17. Section 258A.1, subsection 6, Code 1991,
 21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. bb. The board of massage therapy
 23 examiners created pursuant to chapter 147.

24 Sec. 18. TRANSITION PROVISIONS.

25 1. A person practicing massage therapy on the
 26 effective date of this bill is eligible to receive a

27 temporary license at the discretion of the board which
 28 is valid for up to two years. The board shall adopt
 29 rules determining criteria for receipt of a temporary
 30 license which shall include successful passage of an
 31 examination given by the board.

32 2. Notwithstanding section 147.19, of the initial
 33 appointees to the board of massage therapy examiners,
 34 two members licensed to practice massage therapy and
 35 one representative of the public shall be appointed
 36 for one-year terms, one member licensed to practice
 37 massage therapy and one representative of the public
 38 shall be appointed for two-year terms, and one member
 39 licensed to practice massage therapy and one
 40 representative of the public shall be appointed for
 41 three-year terms. The initial appointees' successors
 42 shall be appointed for terms of three years each,
 43 except that a person chosen to fill a vacancy shall be
 44 appointed only for the unexpired term of the board
 45 member replaced.

46 Notwithstanding section 154E.2, initial appointees
 47 who are required to be licensed massage therapists
 48 shall meet the requirements of section 147.16 and
 49 shall have completed a curriculum of massage education
 50 at a school which complies with the curriculum

Page 5

1 requirements of section 154E.5."

LARRY MURPHY
 RICHARD V. RUNNING
 WALLY E. HORN
 PAUL D. PATE

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2061

S-5175

- 1 Amend the Senate amendment, H-5139, to House File
 2 2061, as passed by the House, as follows:
 3 1. Page 1, by striking lines 2 through 22.
 4 2. Page 1, by inserting after line 29 the
 5 following:
 6 "____. Page 1, by inserting after line 25 the
 7 following:
 8 "Sec. 100. Section 411.38, unnumbered paragraph 2,
 9 Code 1991, is amended to read as follows:
 10 It is the intent of the general assembly that a

11 terminated city fire or police retirement system shall
 12 not subsidize any portion of any other system's
 13 unfunded liabilities in connection with the transition
 14 to the statewide system. If the assets of a
 15 terminated city fire or police retirement system
 16 exceed the amount sufficient to cover the accrued
 17 liabilities of that terminated system as of January 1,
 18 1992, as determined by the actuary of the statewide
 19 system, all excess funds and the interest and earnings
 20 from those excess funds shall be used only to reduce
 21 the city's contribution rate to the statewide system.
 22 The participating city shall determine what portion of
 23 the excess funds shall be applied to reduce the city's
 24 contribution rate for a given year."
 25 3. By renumbering, relettering, or redesignating
 26 and correcting internal references as necessary.

S-5176

1 Amend Senate File 2222 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 99E.9, subsection 3, paragraph
 5 b, Code 1991, is amended to read as follows:
 6 b. The types of lottery games to be conducted.
 7 Rules governing the operation of a class of games are
 8 subject to chapter 17A. However, rules governing the
 9 particular features of specific games within a class
 10 of games are not subject to chapter 17A. Such rules
 11 may include, but are not limited to, setting the name
 12 and prize structure of the game and shall be made
 13 available to the public prior to the time the games go
 14 on sale and shall be kept on file at the office of the
 15 commissioner. The board shall authorize instant
 16 lottery and on-line lotto games and may authorize the
 17 use of any type of lottery game that on May 3, 1985,
 18 has been conducted by a state lottery of another state
 19 in the United States, or any game that the board
 20 determines will achieve the revenue objectives of the
 21 lottery and is consistent with subsection 1. However,
 22 the board shall not authorize a game using an
 23 electronic computer terminals terminal or other
 24 devices device if, upon winning a game, the terminals
 25 or devices dispense terminal or device immediately
 26 dispenses coins or currency upon the winning of a
 27 prize or a ticket, credit or token which is redeemable
 28 for cash or a prize. In a game utilizing instant
 29 tickets other than pull-tab tickets, each ticket in
 30 the game shall bear a unique consecutive serial number
 31 distinguishing it from every other ticket in the game,

32 and each lottery number or symbol shall be accompanied
33 by a confirming caption consisting of a repetition of
34 a symbol or a description of the symbol in words. In
35 the game other than an instant game which uses
36 tangible evidence of participation, each ticket shall
37 bear a unique serial number distinguishing it from
38 every other ticket in the game.

39 Sec. 2. Section 99E.9, subsection 6, Code 1991, is
40 amended to read as follows:

41 6. If reasonably practical when the lottery
42 division awards a contract under subsection 2, for the
43 lease or purchase of a machine to be used in the
44 conducting of a lottery game including, but not
45 limited to, a ~~video lottery machine or~~ machine used in
46 lotto, the lottery division shall give preference to
47 awarding the contract to a responsible vendor who
48 manufactures the machines in the state, provided the
49 costs and benefits to the lottery division are equal
50 to those available from competing vendors.

Page 2

1 If reasonably practical when the lottery division
2 awards a contract under subsection 2, for the
3 servicing of a machine to be used in the conducting of
4 a lottery game including, but not limited to, a ~~video~~
5 ~~lottery machine or~~ a machine used in lotto, the
6 lottery division shall give preference to a
7 responsible vendor whose principal place of business
8 is in Iowa, provided the costs and benefits to the
9 lottery division are equal to those available from
10 competing vendors."

11 2. Title page, by striking lines 1 and 2 and
12 inserting the following: "An Act prohibiting the
13 licensing of video lottery games."

LINN FUHRMAN
RAY TAYLOR
WILLIAM W. DIELEMAN

S-5177

1 Amend Senate File 2300 as follows:

2 1. Page 3, line 28, by striking the words "an
3 institution under the director's jurisdiction" and
4 inserting the following: "an institution under the
5 director's jurisdiction the Fort Madison correctional
6 facility".

EUGENE S. FRAISE

S-5178

- 1 Amend Senate File 2302 as follows:
- 2 1. Page 1, by striking lines 15 and 16 and
- 3 inserting the following: "have been, involved
- 4 together in a dating, courtship, or engagement, or
- 5 marriage relationship, regardless of whether they are
- 6 currently or have".
- 7 2. Title, by striking line 4 and inserting the
- 8 following: "together in a dating, courtship, or
- 9 engagement, or marriage relationship, including".

MARK R. HAGERLA
RICHARD J. VARN

S-5179

- 1 Amend Senate File 2167 as follows:
- 2 1. Page 1, line 28, by striking the words and
- 3 figures "sections 257.50 and 257.51" and inserting the
- 4 following: "under sections 294A.13 through 294A.16".

MIKE CONNOLLY

S-5180

- 1 Amend Senate File 2167 as follows:
- 2 1. By striking page 4, line 21 through page 10,
- 3 line 14.
- 4 2. By striking page 10, line 31 through page 11,
- 5 line 18.
- 6 3. Page 11, by striking line 19 and inserting the
- 7 following:
- 8 "Sec. ____ . Section 3 of this Act takes".
- 9 4. Title, by striking line 4 and inserting the
- 10 following: "and providing".
- 11 5. By renumbering as necessary.

MAGGIE TINSMAN
JIM LIND
MICHAEL W. CONNOLLY

S-5181

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 7, line 27, by striking the words
- 3 "transfer may retain the endorsement" and inserting
- 4 the following: "issuance who was previously issued a
- 5 commercial driver's license from another state may
- 6 retain the hazardous material endorsement from the

- 7 previously issued license”.
- 8 2. Page 7, line 35, by striking the words
- 9 “combined vehicle weight rating” and inserting the
- 10 following: “vehicle weight rating or gross
- 11 combination weight rating”.
- 12 3. Page 8, lines 10 and 11, by striking the words
- 13 “combined vehicle weight rating” and inserting the
- 14 following: “vehicle weight rating or gross
- 15 combination weight rating”.

DONALD E. GETTINGS

S-5182

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 7, line 20, by inserting after the word
- 3 “farm.” the following: “The exemption provided in
- 4 this subsection shall apply to farmers who assist each
- 5 other through an exchange of services and shall
- 6 include operation of a commercial motor vehicle
- 7 between the farms of the farmers who are exchanging
- 8 services.”.

JIM KERSTEN
 DERRYL MC LAREN
 BERL E. PRIEBE
 JOHN E. SOORHOLTZ
 WILLIAM W. DIELEMAN
 EUGENE S. FRAISE

S-5183

- 1 Amend Senate File 2236 as follows:
- 2 1. Page 2, by inserting after line 1 the fol-
- 3 lowing:
- 4 “Sec. ____ . 1989 Acts, chapter 278, section 9, is
- 5 amended to read as follows:
- 6 SEC. 9. Sections 1 through 3 and sections 5
- 7 through 7 are effective July 1, ~~1992~~ 1994.”
- 8 2. Title page, line 1, by striking the words “to
- 9 exempt nonpublic schools from” and inserting the
- 10 following: “relating to”.
- 11 3. By numbering and renumbering as necessary.

RAY TAYLOR
 LINN FUHRMAN

S-5184

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "section." the following: "For purposes of this sub-
- 4 section a person is considered to be retired if they
- 5 served twenty years or longer in the United States
- 6 armed forces."

WILLIAM DIELEMAN

S-5185

- 1 Amend the amendment S-5125 to Senate File 2175 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1, the
- 4 following:
- 5 "___ . Page 2, line 28, by inserting after the
- 6 word "communities." the following: "The practice of
- 7 social work shall not include the making of a medical
- 8 diagnosis, or the treatment of conditions or disorders
- 9 of biological etiology except treatment of conditions
- 10 or disorders which involve psychosocial aspects and
- 11 conditions."
- 12 ___ . Page 3, line 14, by striking the word
- 13 "psychotherapy" and inserting the following:
- 14 "psychosocial therapy."
- 15 2. Page 1, by striking lines 5 through 8, and
- 16 inserting the following:
- 17 "___ . Page 3, line 34, by inserting after the
- 18 word "practice" the following: ", and who after
- 19 having been licensed as an independent social worker
- 20 independently provides the level of services which
- 21 master social workers are qualified to perform."
- 22 3. By renumbering as necessary.

JOE WELSH

S-5186

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 1, by striking lines 24 through 28 and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 14. For social work examiners,
- 5 five members licensed to practice social work, one
- 6 from each of three levels of licensure described in
- 7 section 154C.3, subsection 1, and two employed by a
- 8 licensee under chapter 237, and two members who are
- 9 not licensed social workers and who shall represent
- 10 the general public."

11 2. Page 3, line 7, by inserting after the word
12 "practice." the following: "Bachelor social workers
13 may provide counseling to individuals, couples,
14 families, groups, and communities only under direct
15 supervision of a master social worker or independent
16 social worker."

JOE WELSH

S-5187

1 Amend Senate File 2004 as follows:
2 1. Page 1, by striking lines 3 through 5 and in-
3 serting the following: "A citation issued for failure
4 to have head lamps as required under section 321.385
5 shall first provide for a seventy-two hour period
6 within which the person charged with the violation".

MIKE CONNOLLY
GEORGE R. KINLEY
JOHN W. JENSEN

S-5188

1 Amend Senate File 2004 as follows:
2 1. Page 1, by inserting after line 11 the fol-
3 lowing:
4 "A citation issued for failure to have rear lamps
5 as required under section 321.387 or a rear
6 registration plate light as required under section
7 321.388 shall first provide for a seventy-two-hour
8 period within which the person charged with the
9 violation shall replace or repair the lamps or light.
10 If the person complies with the directive to replace
11 or repair the lamps or light within the allotted time
12 period, the citation shall be expunged. If the person
13 fails to comply within the allotted time period, the
14 citation shall be processed in the same manner as
15 other citations."
16 2. Title page, line 1, by striking the word
17 "headlamp" and inserting the following: "lamp or
18 light".

DONALD V. DOYLE

S-5189

1 Amend the amendment, S-5174, to Senate File 2292 as
2 follows:
3 1. Page 2, line 35, by inserting after the word

4 "surgery," the following: "osteopathic medicine and
 5 surgery, osteopathy,"
 6 2. Page 2, line 37, by inserting after the word
 7 "nurses," the following: "occupational therapists,"
 8 3. Page 2, line 40, by inserting after the word
 9 "surgery" the following: "or osteopathic medicine and
 10 surgery".

LARRY MURPHY

S-5190

1 Amend Senate File 531 as follows:
 2 1. Page 1, by inserting before line 13 the
 3 following:
 4 "Sec. ____ . Notwithstanding any other provision of
 5 law, a county board of supervisors shall abate the
 6 property taxes due and payable or refund the property
 7 taxes, if paid, which are due and payable in the
 8 fiscal year beginning July 1, 1992, of a religious
 9 institution which purchased a parsonage if the
 10 religious institution failed to apply for a property
 11 tax exemption for the parsonage prior to July 1, 1991,
 12 because the closing on the purchase of the parsonage
 13 property occurred in July 1991, and the exemption
 14 would have been granted if the entity had applied and
 15 the closing had occurred prior to July 1, 1991. This
 16 section is repealed August 15, 1992."
 17 2. Title page, line 2, by inserting after the
 18 word "blind" the following: "or a religious
 19 institution".

RAY TAYLOR

S-5191

1 Amend Senate File 2336 as follows:
 2 1. Page 2, line 13, by striking the figure
 3 "321J.17" and inserting the following: "321.209A".
 4 2. Page 2, by inserting after line 13 the
 5 following:
 6 "Sec. ____ . **NEW SECTION. 321.209A LICENSE**
 7 **REVOCAION SUBSTANCE ABUSE FUND.**
 8 The license revocation substance abuse fund is
 9 established as a separate fund in the state treasury.
 10 Moneys deposited in the fund shall be administered by
 11 the Iowa department of public health and dedicated to
 12 and used for the comprehensive substance abuse program
 13 established under section 125.3. Notwithstanding
 14 section 8.33, any balance in the fund on June 30 of

15 any fiscal year shall not revert to the general fund
16 of the state."

MIKE CONNOLLY

S-5192

1 Amend Senate File 2336 as follows:

2 1. Page 2, line 8, by inserting after the figure
3 "13." the following: "However, the need to travel to
4 and from a person's home for purposes of employment,
5 continuing health care, continuing health care of a
6 dependent, continuing education leading to a diploma,
7 degree, or certificate of successful educational
8 completion, substance abuse treatment, and court-
9 ordered community service responsibilities are deemed
10 to be compelling circumstances for which a temporary
11 restricted license or temporary restricted permit may
12 be issued under section 321.215 provided the civil
13 penalty imposed under this subsection has been paid."

14 2. Page 3, by striking lines 12 through 22 and
15 inserting the following:

16 "Sec. ____ . Section 321.215, subsection 2,
17 unnumbered paragraph 1, and paragraph d, Code 1991,
18 are amended to read as follows:

19 Upon conviction and the suspension or revocation of
20 a person's motor vehicle license under section
21 321.209, subsection 5, ~~or 6,~~ or 8, 321.210, 321.210A,
22 321.513, or 321.555, subsection 2, and upon the denial
23 by the director of an application for a temporary
24 restricted license, a person may apply to the district
25 court having jurisdiction for the residence of the
26 person for a temporary restricted permit to operate a
27 motor vehicle for the limited purpose or purposes
28 specified in subsection 1. The application may be
29 granted only if all of the following criteria are
30 satisfied:

31 d. Proof of financial responsibility is
32 established as defined in chapter 321A; however, such
33 proof is not required if the motor vehicle license was
34 suspended under section 321.210A or 321.513, or
35 revoked under section 321.209, subsection 8."

MIKE CONNOLLY

S-5193

1 Amend Senate File 2014 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

- 4 "Section 1. Section 147A.11, subsection 1, Code
 5 1991, is amended to read as follows:
 6 1. Any person not certified as required by this
 7 chapter who claims to be an advanced emergency medical
 8 care provider, or who uses any other term to indicate
 9 or imply that the person is an advanced emergency
 10 medical care provider, or who acts as an advanced
 11 emergency medical care provider without having
 12 obtained the appropriate certificate under this
 13 chapter, is guilty of a class "D" felony. The
 14 prohibition against acting as an advanced emergency
 15 medical care provider or a paramedic without having
 16 obtained the appropriate certificate under this
 17 chapter does not prohibit a qualified physician
 18 assistant licensed pursuant to chapter 148C from
 19 providing emergency medical services."
 20 2. By renumbering as necessary.

JIM RIORDAN
 JOHN W. JENSEN

S-5194

- 1 Amend the amendment, S-5163, to Senate File 2218,
 2 as follows:
 3 1. Page 1, by inserting before line 4, the
 4 following:
 5 "Section 1. Section 135I.1, Code Supplement 1991,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 5. "Swimming pool or spa water
 8 heater" means an appliance designed for heating
 9 nonpotable water stored at atmospheric pressure, such
 10 as water in a swimming pool, spa, hot tub, or for
 11 similar uses."
 12 2. Page 1, line 21, by inserting after the figure
 13 "135I.4," the following: "unnumbered paragraph 1
 14 and".
 15 3. Page 1, by inserting after line 22, the
 16 following:
 17 "The department is responsible for registering and
 18 regulating the operation of swimming pools, ~~and spas,~~
 19 ~~and, notwithstanding chapter 89, swimming pool or spa~~
 20 ~~water heaters.~~ The department shall conduct seminars
 21 and training sessions, and disseminate information
 22 regarding health practices, safety measures, and
 23 operating procedures required under this chapter. The
 24 department may:".
 25 4. Page 1, line 25, by striking the words "or
 26 condominiums" and inserting the following: "1
 27 condominiums, or mobile home parks".

28 5. Page 1, by striking lines 41 through 43, and
 29 inserting the following: "retained by the local board
 30 or boards. A local board of health or boards of
 31 health in a contiguous area may enter into such an
 32 agreement with the department."

33 6. Page 1, by inserting after line 50, the
 34 following:

35 "Sec. ____ . Section 135I.6, Code 1991, is amended
 36 to read as follows:

37 135I.6 ENFORCEMENT.

38 If the department or a local board or boards of
 39 health acting pursuant to agreement with the
 40 department determines that a provision of this chapter
 41 or a rule adopted pursuant to this chapter has been or
 42 is being violated, the department or the local board
 43 or boards of health may order that a facility or item
 44 of equipment not be used until the necessary
 45 corrective action has been taken. The department or
 46 the local board of health may request the county
 47 attorney to bring appropriate legal proceedings to
 48 enforce this chapter, including an action to enjoin
 49 violations. The attorney general may also institute
 50 appropriate legal proceedings at the request of the

Page 2

1 department. This remedy is in addition to any other
 2 legal remedy available to the department or a local
 3 board or boards of health."

4 "____ . Title page, line 1, by striking the words
 5 "and spas" and inserting the following: "spas, and
 6 swimming pool or spa water heaters"."

7 7. By renumbering as necessary.

JIM LIND
 JEAN LLOYD-JONES

S-5195

1 Amend Senate File 2203 as follows:

2 1. Page 1, line 2, by striking the words
 3 "unnumbered paragraph 2,".

4 2. Page 1, by inserting after line 3 the fol-
 5 lowing:

6 "c. Any person approved by the department if the
 7 person uses this information solely for the purposes
 8 of conducting a legitimate medical research project or
 9 of treating a patient in a medical facility."

10 3. Page 1, line 22, by inserting after the word
 11 "legitimate" the following: "medical".

- 12 4. Title page, line 2, by inserting after the
13 words "purpose of" the following: "medical".

ELAINE SZYMONIAK

S-5196

- 1 Amend Senate File 2327 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "and" the following: "participating".
4 2. Page 1, line 23, by inserting after the word
5 "or" the following: "participating".
6 3. Page 2, line 4, by inserting after the word
7 "and" the following: "participating".
8 4. Title page, line 2, by inserting after the
9 words "enrollees and" the following: "participating".

FLORENCE BUHR

S-5197

- 1 Amend Senate File 2201 as follows:
2 1. Page 5, by inserting after line 24 the
3 following:
4 "Notwithstanding other provisions of this section,
5 an educational institution, by action of its governing
6 board, may establish policy regarding the hiring of
7 personnel on the basis of sexual orientation."

WILLIAM DIELEMAN

S-5198

- 1 Amend Senate File 2201 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 not be limited to, information
6 regarding the effects on mental, emotional, and
7 physical productivity in the workplace and other
8 pertinent social, mental, and physical data, both
9 positive and negative, relating to the practices of
10 homosexuality, heterosexuality, and bisexuality."

WILLIAM DIELEMAN

S-5199

- 1 Amend Senate File 2256 as follows:
2 1. Page 3, line 20, by inserting after the word

3 "illness." the following: "A nursing facility which
4 designates and dedicates the facility or a special
5 unit within the facility for the care of persons who
6 suffer from chronic confusion or a dementing illness
7 shall be specially licensed."

ALBERT SORENSEN

S-5200

1 Amend Senate File 2256 as follows:
2 1. Page 6, by striking lines 7 through 12, and
3 inserting the following:
4 "5. This chapter does not prohibit the possession
5 of gambling devices by a manufacturer or distributor
6 if the possession is solely for sale out of the state
7 in another jurisdiction or in the state in a tribal
8 jurisdiction where possession of the device is legal
9 or for sale in the state or use in the state if the
10 use is licensed pursuant to either chapter 99B or
11 chapter 99E."

ALBERT SORENSEN

S-5201

1 Amend Senate File 2201 as follows:
2 1. Page 7, line 35, by striking the word "not".

RAY TAYLOR

S-5202

1 Amend Senate File 2201 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 information regarding the causes of acquired
6 immunodeficiency syndrome (AIDS); the contagion; the
7 costs of treatment for AIDS; the potential effects on
8 the health care system, health insurance, and mental
9 health care; and the tensions and fears associated
10 with the unrestrained promotion, practice, and
11 emphasis of homosexual and bisexual activity."

RAY TAYLOR

S-5203

1 Amend Senate File 2246, as follows:
 2 1. Page 4, by striking lines 23 through 28, and
 3 inserting the following: "improving any facility
 4 required for the center. However, the county board
 5 shall not expend money ~~from that fund~~, except for
 6 designated revenue sharing or other federal funding
 7 funds, for mental health treatment obtained outside a
 8 state institution in an amount exceeding eight dollars
 9 per capita in any county having less than forty
 10 thousand population."

BERL E. PRIEBE

S-5204

1 Amend Senate File 2201 as follows:
 2 1. Page 3, lines 14 and 15, by striking the words
 3 "paragraphs a and b, Code 1991, are" and inserting the
 4 following: "Code 1991, is".
 5 2. Page 3, by inserting after line 15 the
 6 following:
 7 1. It shall be an unfair or discriminatory
 8 practice for any owner, lessee, sublessee, proprietor,
 9 manager, or superintendent of any public accommodation
 10 or any agent or employee thereof."
 11 3. Page 3, by inserting after line 28 the
 12 following:
 13 c. Nothing in this subsection shall prohibit the
 14 owner or the manager of a public accommodation from
 15 imposing reasonable requirements for time, place, and
 16 manner of use of the accommodations, advantages,
 17 facilities, services, or privileges."

WILLIAM DIELEMAN

S-5205

1 Amend House File 2292, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 3 through 5 and
 4 inserting the following:
 5 "2. For medical examiners, ~~five~~ six members
 6 licensed to practice medicine and surgery, two members
 7 licensed to practice osteopathic medicine and surgery,
 8 and two".

BEVERLY A. HANNON

S-5206

- 1 Amend amendment, S-5163 to Senate File 2218 as
- 2 follows:
- 3 1. Page 1, by inserting after line 50 the
- 4 following:
- 5 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 ____ . Title page, line 2, by inserting after the
- 8 word "health" the following: "and providing an
- 9 effective date"."

JIM LIND

S-5207

- 1 Amend Senate File 2241 as follows:
- 2 1. By striking page 2, line 8 through page 4,
- 3 line 1.
- 4 2. By renumbering as necessary.

MIKE CONNOLLY

S-5208

- 1 Amend Senate File 2322 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "Highway". the following: "The department shall
- 4 adopt rules allowing veterans groups to sponsor signs
- 5 along the route of state highway number 3."

JOHN JENSEN
MIKE CONNOLLY

S-5209

- 1 Amend Senate File 2201 as follows:
- 2 1. Page 3, line 4, by inserting after the word
- 3 "qualification." the following: "The exemption
- 4 allowed under this paragraph to any bona fide
- 5 religious institution or its educational facility,
- 6 association, corporation or society, may be invoked
- 7 upon official action by the governing body of the
- 8 entity to apply to all positions of employment under
- 9 the jurisdiction of the governing body."

RAY TAYLOR
ALLEN BORLAUG
WILMER RENSINK
H. KAY HEDGE

RICHARD VANDE HOEF
WILLIAM W. DIELEMAN
JOHN W. JENSEN

S-5210

- 1 Amend Senate File 2201 as follows:
- 2 1. Page 5, by striking lines 3 through 10.
- 3 2. By renumbering as necessary.

RAY TAYLOR
ALLEN BORLAUG
WILMER RENSINK
H. KAY HEDGE
RICHARD VANDE HOEF
WILLIAM W. DIELEMAN
JOHN W. JENSEN

S-5211

- 1 Amend Senate File 2329 as follows:
- 2 1. Page 1, by inserting before line 35 the
- 3 following:
- 4 "Sec. ____ . Section 96.5, subsection 5, paragraph
- 5 a, Code Supplement 1991, is amended by striking the
- 6 paragraph."
- 7 2. Page 2, by striking lines 20 through 32 and
- 8 inserting the following:
- 9 "Sec. ____ . Section 96.29, Code 1991, is amended by
- 10 adding the following new subsection:
- 11 NEW SUBSECTION. 7. An individual who is
- 12 ineligible under subsection 1, paragraph "c", to
- 13 receive emergency unemployment compensation pursuant
- 14 to the federal Emergency Unemployment Compensation Act
- 15 of 1991, Pub. L. No. 102-164, Pub. L. No. 102-182, and
- 16 Pub. L. No. 102-244, shall be eligible for benefits
- 17 pursuant to this subsection under the same terms and
- 18 conditions as the federal Emergency Unemployment
- 19 Compensation Act of 1991, and any future amendments to
- 20 that federal Act for any week of benefits beginning on
- 21 or after the effective date of this Act.
- 22 Notwithstanding section 96.7, subsection 2, paragraph
- 23 "a", subparagraph (2), an employer's account shall not
- 24 be charged with benefits paid under this subsection."
- 25 3. By renumbering as necessary.

AL STURGEON
RICHARD V. RUNNING

S-5212

- 1 Amend Senate File 414 as follows:
- 2 1. Page 1, by striking lines 21 through 23 and
- 3 inserting the following: "illegal firearm."
- 4 2. By striking page 2, line 34 through page 3,
- 5 line 1 and inserting the following: "illegal
- 6 firearm."

ELAINE SZYMONIAK
RAY TAYLOR

S-5213

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 11, by inserting after line 23 the
- 3 following:
- 4 "Sec. ____ . Section 321.449, Code 1991, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Rules adopted under this
- 7 section concerning periodic inspections shall not
- 8 apply to special trucks as defined in section 321.1,
- 9 subsection 71, and registered under section 321.123."
- 10 2. By renumbering as necessary.

EUGENE FRAISE
JOHN P. KIBBIE
RICHARD F. DRAKE
LEONARD L. BOSWELL

S-5214

- 1 Amend Senate File 2271 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "5. This section does not affect any employer
- 5 policies or labor contracts which exist on or before
- 6 July 1, 1992."

MARY E. KRAMER
ELAINE SZYMONIAK

S-5215

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 3, by inserting after line 6, the
- 3 following:
- 4 "Sec. ____ . Section 99D.15, Code Supplement 1991,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. 4. The tax imposed in this

7 section on the gross sum wagered by the pari-mutuel
8 method shall be reduced by any other tax levied,
9 assessed, or collected from a licensee by the state or
10 by a political subdivision, except as provided in this
11 chapter."

JOHN P. KIBBIE
JIM LIND
DERRYL MCLAREN

S-5216

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 4, by striking lines 2 through 11.
- 3 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5217

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 3, by striking lines 7 through 21.
- 3 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5218

- 1 Amend Senate File 2249 as follows:
- 2 1. By striking page 1, line 32, through page 2,
- 3 line 3.
- 4 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5219

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 2, by striking lines 4 through 21.
- 3 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5220

- 1 Amend Senate File 2249 as follows:
- 2 1. By striking page 3, line 22 through page 4,
- 3 line 1.

WILLIAM W. DIELEMAN

S-5221

1 Amend Senate File 2244 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 172C.1, Code Supplement 1991,
5 is amended by adding the following new subsections:

6 NEW SUBSECTION. 11A. "Federated cooperative
7 association" means an association organized on a
8 cooperative basis whose membership is restricted to
9 cooperative associations.

10 NEW SUBSECTION. 14A. "Local cooperative
11 association" means any one of the following:

12 a. An association of persons organized pursuant to
13 chapter 497 for purposes of conducting an agricultural
14 or dairy business on a cooperative plan, as described
15 in section 497.1.

16 b. A cooperative association organized pursuant to
17 chapter 498 for purposes of conducting an
18 agricultural, livestock, horticultural, or dairy
19 business on a cooperative plan and acting as a
20 cooperative selling agency, as described in section
21 498.2.

22 c. A cooperative association as defined in section
23 499.2, and organized pursuant to chapter 499.

24 Sec. 2. Section 172C.2, unnumbered paragraph 1,
25 Code 1991, is amended to read as follows:

26 In order to preserve free and private enterprise,
27 prevent monopoly, and protect consumers, it is
28 unlawful for any processor of beef or pork or limited
29 partnership in which a processor holds partnership
30 shares as a general partner or partnership shares as a
31 limited partner, to own, control or operate a feedlot
32 in Iowa in which hogs or cattle are fed for slaughter.
33 In addition, a processor shall not directly or
34 indirectly control the manufacturing, processing, or
35 preparation for sale of pork products derived from
36 swine if the processor contracted for the care and
37 feeding of the swine in this state. ~~However, this~~
38 ~~section does not apply to a cooperative association~~
39 ~~organized under chapter 497, 498, or 499, if the~~
40 ~~cooperative association contracts for the care and~~
41 ~~feeding of swine with a member of the cooperative~~
42 ~~association who is actively engaged in farming. This~~
43 ~~section does not apply to an association organized as~~
44 ~~a cooperative in which another cooperative association~~
45 ~~organized under chapter 497, 498, or 499 is a member,~~
46 ~~if the association contracts with a member which is a~~
47 ~~cooperative association organized under chapter 497,~~

48 498; or 499, which contracts for the care and feeding
 49 of swine with a member of the cooperative who is
 50 actively engaged in farming.

Page 2

1 Notwithstanding this section, a local cooperative
 2 association may contract for the care and feeding of
 3 swine. The local cooperative association shall only
 4 contract with a member of the local cooperative
 5 association, including a stockholder or shareholder.
 6 The member of the local cooperative association who is
 7 a party to the contract shall be actively engaged in
 8 farming as provided in section 172C.1, subsection 1,
 9 paragraphs "a" through "c".

10 A federated cooperative association may contract
 11 for the care and feeding of swine to the extent that
 12 the federated cooperative association contracts with a
 13 member which is a local cooperative association. The
 14 local cooperative association shall only contract with
 15 a member of the local cooperative association,
 16 including a shareholder or stockholder. The member of
 17 the local cooperative association who is a party to
 18 the contract shall be actively engaged in farming as
 19 provided in section 172C.1, subsection 1, paragraphs
 20 "a" through "c". The procedures for entering into and
 21 the terms of the contract shall be consistent with
 22 section 497.36, 498.38, or 499.80.

23 PARAGRAPH DIVIDED. This section shall not preclude
 24 a processor or limited partnership from contracting
 25 for the purchase of hogs or cattle, provided that
 26 where the contract sets a date for delivery which is
 27 more than twenty days after the making of the contract
 28 it shall:

29 Sec. 3. NEW SECTION. 497.36 CONTRACTS FOR THE
 30 CARE AND FEEDING OF SWINE.

31 1. As used in this section, unless the context
 32 otherwise requires:

33 a. "Federated cooperative association" means an
 34 association organized on a cooperative basis whose
 35 membership is restricted to cooperative associations
 36 organized pursuant to this chapter or chapter 498 or
 37 499.

38 b. "Local cooperative association" means an
 39 association of persons organized pursuant to this
 40 chapter for purposes of conducting an agricultural or
 41 dairy business on a cooperative plan, as described in
 42 section 497.1.

43 2. A local cooperative association may enter into
 44 a contract with a federated cooperative association

45 for the care and feeding of swine as provided in
46 section 172C.2. However, the voting members of the
47 local cooperative association are required to approve
48 the contract at a regular or special meeting,
49 following a hearing, according to the following
50 procedures, regardless of articles of incorporation or

Page 3

1 bylaws of the local cooperative association:
2 a. The board shall mail notice of the proposed
3 contract to all stockholders of the local cooperative
4 association not more than ninety days and not less
5 than sixty days prior to the hearing. The board shall
6 publish notice of the proposal in one or more
7 newspapers of general circulation in the area where
8 the stockholders reside not more thirty days and not
9 less than twenty days prior to the hearing. The
10 notice shall specify the place and time of the hearing
11 and the meeting. The local cooperative association
12 shall conduct the meeting on the proposal within ten
13 days after the hearing.
14 b. At the meeting a ballot of the stockholders who
15 are entitled to vote shall be taken on approval of the
16 contract. In order to approve the contract, at least
17 sixty percent of the stockholders of the local
18 cooperative association are required to vote
19 affirmatively on the ballot in which a majority of all
20 voting members participate. Voting may be
21 accomplished by a mail ballot pursuant to section
22 497.16.
23 c. Notwithstanding a vote taken under this
24 section, a contract in effect on March 1, 1992, shall
25 continue in effect for that part of the contract's
26 unexpired term, but shall not continue in effect later
27 than March 1, 2002.
28 3. The local cooperative association shall only
29 contract with a stockholder of the local cooperative
30 association for the care and feeding of the swine.
31 The local stockholder is required to be actively
32 engaged in farming as provided in section 172C.1,
33 subsection 1, paragraphs "a" through "c". The terms
34 of the contract between the local cooperative
35 association and its local stockholder shall provide
36 that in any action or claim for damages based on the
37 contract and brought by the local cooperative
38 association, the local stockholder may set off the
39 amount for which the local stockholder is liable by
40 the fair value of the stockholder's interest in the
41 local cooperative association as determined on the day

42 that the contract was executed between the parties.
43 The fair value shall be calculated in the same manner
44 as provided in section 499.66.
45 Sec. 4. NEW SECTION. 498.38 CONTRACTS FOR THE
46 CARE AND FEEDING OF SWINE.
47 1. As used in this section, unless the context
48 otherwise requires:
49 a. "Federated cooperative association" means an
50 association organized on a cooperative basis whose

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1 membership is restricted to cooperative associations
2 organized pursuant to this chapter or chapter 497 or
3 499.
4 b. "Local cooperative association" means a
5 cooperative association organized pursuant to this
6 chapter for purposes of conducting an agricultural,
7 livestock, horticultural, or dairy business on a
8 cooperative plan and acting as a cooperative selling
9 agency, as described in section 498.2.
10 2. A local cooperative association may enter into
11 a contract with a federated cooperative association
12 for the care and feeding of swine as provided in
13 section 172C.2. However, the voting members of the
14 local cooperative association are required to approve
15 the contract at a regular or special meeting,
16 following a hearing, according to the following
17 procedures, regardless of articles of incorporation or
18 bylaws of the local cooperative association:
19 a. The board shall mail notice of the proposed
20 contract to all members of the local cooperative
21 association not more than ninety days and not less
22 than sixty days prior to the hearing. The board shall
23 publish the notice of the proposal in one or more
24 newspapers of general circulation in the area where
25 the members reside not more than thirty days and not less
26 than twenty days prior to the hearing. The notice
27 shall specify the place and time of the hearing and
28 the meeting. The local cooperative association shall
29 conduct the meeting on the proposal within ten days
30 after the hearing.
31 b. At the meeting a ballot of the members who are
32 entitled to vote shall be taken on approval of the
33 contract. In order to approve the contract, at least
34 sixty percent of the members of the local cooperative
35 association are required to vote affirmatively on the
36 ballot in which a majority of all voting members
37 participate. Voting may be accomplished by a mail
38 ballot pursuant to section 498.18.

39 c. Notwithstanding a vote taken under this
40 section, a contract in effect on March 1, 1992, shall
41 continue in effect for that part of the contract's
42 unexpired term, but shall not continue in effect later
43 than March 1, 2002.

44 3. The local cooperative association shall only
45 contract with a member of the local cooperative
46 association for the care and feeding of the swine.
47 The local member is required to be actively engaged in
48 farming as provided in section 172C.1, subsection 1,
49 paragraphs "a" through "c". The terms of the contract
50 between the local cooperative association and its

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1 local member shall provide that in any action or claim
2 for damages based on the contract and brought by the
3 local cooperative association, the local member may
4 set off the amount for which the local member is
5 liable by the fair value of the member's interest in
6 the local cooperative association as determined on the
7 day that the contract was executed between the
8 parties. The fair value shall be calculated in the
9 same manner as provided in section 499.66.

10 **Sec. 5. NEW SECTION. 499.80 CONTRACTS FOR THE**
11 **CARE AND FEEDING OF SWINE.**

12 1. As used in this section, unless the context
13 otherwise requires:

14 a. "Federated cooperative association" means an
15 association organized on a cooperative basis whose
16 membership is restricted to cooperative associations
17 organized pursuant to this chapter or chapter 497 or
18 498.

19 b. "Local cooperative association" means a
20 cooperative association as defined in section 499.2
21 and organized pursuant to this chapter.

22 2. A local cooperative association may enter into
23 a contract with a federated cooperative association
24 for the care and feeding of swine as provided in
25 section 172C.2. However, the voting members of the
26 local cooperative association are required to approve
27 the contract at a regular or special meeting,
28 following a hearing, according to the following
29 procedures, regardless of articles of incorporation or
30 bylaws of the local cooperative association:

31 a. The board shall mail a notice of the proposed
32 contract to all members of the local cooperative
33 association not more than ninety days and not less
34 than sixty days prior to the hearing. The board shall
35 publish notice of the proposal in one or more

36 newspapers of general circulation in the area where
37 the members reside not more thirty days and not less
38 than twenty days prior to the hearing. The notice
39 shall specify the place and time of the hearing and
40 the meeting. The local cooperative association shall
41 conduct the meeting on the proposal within ten days
42 after the hearing.

43 b. At the meeting a ballot of the members who are
44 entitled to vote shall be taken on approval of the
45 contract. In order to approve the contract, at least
46 sixty percent of the members of the local cooperative
47 association are required to vote affirmatively on the
48 ballot in which a majority of all voting members
49 participate. Voting may be accomplished by a mail
50 ballot pursuant to section 499.29.

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1 c. Notwithstanding a vote taken under this
2 section, a contract in effect on March 1, 1992, shall
3 continue in effect for that part of the contract's
4 unexpired term, but shall not continue in effect later
5 than March 1, 2002.

6 3. The local cooperative association shall only
7 contract with a member of the local cooperative
8 association for the care and feeding of the swine.
9 The local member is required to be actively engaged in
10 farming as provided in section 172C.1, subsection 1,
11 paragraphs "a" through "c". The terms of the contract
12 between the local cooperative association and its
13 local member shall provide that in any action or claim
14 for damages based on the contract and brought by the
15 local cooperative association, the local member may
16 set off the amount for which the local member is
17 liable by the fair value of the member's interest in
18 the local cooperative association as determined on the
19 day that the contract was executed between the
20 parties. The fair value shall be calculated in the
21 same manner as provided in section 499.66.

22 Sec. 6. CODE EDITOR. The Code editor is directed
23 to reorganize and renumber section 172C.2 to enhance
24 its readability.

25 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
26 immediate importance, takes effect upon enactment."

27 2. Title page, line 2, by inserting after the
28 word "associations" the following: "and providing an
29 effective date".

BERL E. PRIEBE
GEORGE R. KINLEY

EMIL J. HUSAK
WILLIAM D. PALMER
JOHN A. PETERSON
EUGENE S. FRAISE
DONALD V. DOYLE
ALVIN V. MILLER
JOHN E. SOORHOLTZ
DERRYL MCLAREN
JAMES B. KERSTEN
JIM LIND
H. KAY HEDGE
JACK W. HESTER
DALE L. TIEDEN
ALLEN BORLAUG
SHELDON RITTMER
MARK R. HAGERLA

S-5222

- 1 Amend Senate File 2249 as follows:
- 2 1. By striking page 2, line 30, through page 3,
- 3 line 6.

LARRY MURPHY

S-5223

- 1 Amend Senate File 2263 as follows:
- 2 1. Page 1, by striking lines 7 through 29.
- 3 2. By striking page 1, line 31 through page 2,
- 4 line 1 and inserting the following:
- 5 "1. This Act is retroactively applicable to July
- 6 1, 1990."
- 7 3. By renumbering as necessary.

JIM RIORDAN
DERRYL McLAREN

S-5224

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 4, by inserting after line 16 the
- 3 following:
- 4 "Sec. ____ Section 99F.7, subsection 2, paragraph
- 5 a, Code 1991, is amended to read as follows:
- 6 a. The applicant shall not, by a lease, contract,
- 7 understanding, or arrangement of any kind, grant,
- 8 assign, or turn over to a person the operation of an
- 9 excursion gambling boat licensed under this section or
- 10 of the system of wagering described in section 99F.9.

11 This section does not prohibit a management contract
 12 approved by the commission, but a management contract
 13 shall not be allowed between the excursion boat owner
 14 or operator and the licensee of the gambling game
 15 operation.
 16 Sec. ____ . Section 99F.7, subsection 2, Code 1991,
 17 is amended by adding the following new paragraph:
 18 NEW PARAGRAPH. c. If a management contract is
 19 implemented, the licensee of the gambling game
 20 operation shall retain direct control of the gambling
 21 game operation and shall maintain an arms length
 22 relationship with any vendor selling goods or services
 23 to the licensee."

MIKE CONNOLLY

S-5225

1 Amend Senate File 2249 as follows:
 2 1. Page 4, by inserting after line 29 the fol-
 3 lowing:
 4 "Sec. ____ . Section 99F.9, Code Supplement 1991, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 9. The commission shall provide
 7 that not less than thirty percent of the gambling
 8 machines on an excursion gambling boat shall be video
 9 poker machines or machines other than slot machines."

MIKE CONNOLLY

S-5226

1 Amend Senate File 2249 as follows:
 2 1. Page 4, by inserting after line 29 the fol-
 3 lowing:
 4 "Sec. ____ . Section 99F.9, Code Supplement 1991, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 8. The commission shall not allow
 7 blackjack, craps, or card games where the maximum
 8 wager and the minimum wager per hand or play are the
 9 same.
 10 Sec. ____ . Section 99F.9, Code Supplement 1991, is
 11 amended by adding the following new subsection:
 12 NEW SUBSECTION. 9. The commission shall provide
 13 that thirty percent of the slot machines authorized on
 14 an excursion boat may be played with a token having a
 15 value of less than one dollar."

MIKE CONNOLLY

S-5227

- 1 Amend Senate File 2145 as follows:
- 2 1. Page 2, line 7, by striking the word "A" and
- 3 inserting the following: "Except as provided in
- 4 subsection 6A, a".
- 5 2. Page 3, by inserting after line 22, the
- 6 following:
- 7 "6A. This section does not prohibit the genetic
- 8 testing of an employee who requests a genetic test and
- 9 who provides written and informed consent to taking a
- 10 genetic test for any of the following purposes:
- 11 a. Investigating a workers' compensation claim
- 12 under chapters 85, 85A, 85B, and 86.
- 13 b. Determining the employee's susceptibility or
- 14 level of exposure to potentially toxic chemicals or
- 15 potentially toxic substances in the workplace, if the
- 16 employer does not terminate the employee, or take any
- 17 other action that adversely affects any term,
- 18 condition, or privilege of the employee's employment
- 19 as a result of the genetic test."
- 20 3. By renumbering as necessary:

RICHARD RUNNING

S-5228

- 1 Amend Senate File 2137 as follows:
- 2 1. By striking page 1, line 2 through page 2,
- 3 line 7 and inserting the following: "Supplement,
- 4 1991, is amended by striking the unnumbered paragraph
- 5 and inserting in lieu thereof the following:
- 6 The certificate of title shall contain upon its
- 7 face the identical information required upon the face
- 8 of the registration receipt. In addition, the
- 9 certificate of title shall contain a statement of the
- 10 owner's title, the amount of tax paid pursuant to
- 11 section 423.7, the name and address of the previous
- 12 owner, and a statement of all security interests and
- 13 encumbrances as shown in the application, upon the
- 14 vehicle described, including the nature of the
- 15 security interest, date of notation, and name and
- 16 address of the secured party.
- 17 If the prior certificate of title is from another
- 18 state and indicates that the vehicle was rebuilt the
- 19 new certificate of title and the registration receipt
- 20 shall contain the designation of "REBUILT" stamped or
- 21 printed on its face together with the name of the
- 22 state issuing the prior title. The designation of
- 23 "REBUILT" and the name of the other state shall be

24 retained on all subsequent Iowa certificates of title
25 and registration receipts for the vehicle.

26 If the prior certificate of title is from another
27 state and indicates that the vehicle was junked, an
28 Iowa junking certificate shall be issued according to
29 section 321.52, subsections 1 and 2. If the prior
30 certificate of title from another state indicates that
31 the vehicle is salvaged and not rebuilt or is a
32 salvage certificate of title, an Iowa salvage
33 certificate of title shall be issued and a "SALVAGE"
34 designation shall be retained on all subsequent Iowa
35 certificates of title and registration receipts for
36 the vehicle, unless a title indicating the vehicle was
37 previously titled on a salvage certificate of title
38 designation is obtained for the vehicle pursuant to
39 section 321.52, subsection 4, paragraph "b", in which
40 case the designation shall be retained on all
41 subsequent Iowa certificates of title and registration
42 receipts for the vehicle. The department shall adopt
43 rules to determine the manner in which other states'
44 designations are to be indicated on Iowa titles.

45 Sec. ____ . Section 321.52, subsection 4, Code
46 Supplement 1991, is amended to read as follows:

47 4. a. A vehicle rebuilder or a motor vehicle
48 dealer licensed under chapter 322, person engaged in
49 the business of buying, selling, or exchanging
50 vehicles of a type required to be registered in this

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1 state, upon acquisition of a wrecked or".

2 2. Page 2, line 12, by striking the word
3 "fourteen" and inserting the following: "fourteen
4 fifteen".

5 3. Page 2, by striking lines 20 through 23 and
6 inserting the following: "face of the title in a
7 manner prescribed by the department. A salvage
8 certificate of title may be assigned to any person an
9 educational institution, a motor vehicle dealer
10 licensed under chapter 322, a person engaged in the
11 business of purchasing bodies, parts of bodies, frames
12 or component parts of vehicles for sale as scrap
13 metal, or an authorized vehicle recycler licensed
14 under chapter 321H. An authorized vehicle recycler
15 licensed under chapter 321H or a motor vehicle dealer
16 licensed under chapter 322 may assign a salvage
17 certificate of title to any person. A vehicle on
18 which".

19 4. Page 2, line 29, by striking the word
20 "fourteen" and inserting the following: "fourteen

21 fifteen".

22 5. By striking page 2, line 31 through page 3,
23 line 4 and inserting the following: "However, a
24 vehicle that has major damage to four or more
25 component parts as defined in paragraph "b" shall
26 receive a junking certificate of title and shall not
27 thereafter be granted a regular certificate of title."
28 6. Page 3, by striking lines 10 through 27 and
29 inserting the following: "regular certificate of
30 title which, commencing September 1, 1988, if the
31 wrecked or salvage vehicle is five model years old or
32 less, shall bear the word "REBUILT" a designation
33 stamped or printed on the face of the title and
34 registration receipt indicating that the vehicle was
35 previously titled on a salvage certificate of title in
36 a form approved by the department. The rebuilt This
37 designation shall be included on every Iowa
38 certificate of title and registration receipt issued
39 thereafter for the vehicle. However, if ownership of
40 a stolen vehicle has been transferred to an insurer
41 organized under the laws of this state or admitted to
42 do business in this state, or if the transfer was the
43 result of a settlement with the owner of the vehicle
44 arising from damage to or the unrecovered theft of the
45 vehicle, and if the insurer certifies to the county
46 treasurer on a form approved by the department that
47 the insurance company has received one or more written
48 estimates which states that the retail cost of repairs
49 to including labor, parts, and other materials of all
50 damage to the vehicle is less than three thousand

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1 dollars, the county treasurer shall issue to the
2 insurance company the regular certificate of title and
3 registration receipt without the rebuilt this
4 designation. The".

5 7. Page 7, line 1, by striking the words "damaged
6 vehicle" and inserting the following: "damaged motor
7 vehicle".

8 8. By striking page 7, line 24 through page 8,
9 line 21, and inserting the following: "application
10 for certificate of title. A damage disclosure
11 statement must be provided by the transferor to the
12 transferee in a transfer of ownership of a motor
13 vehicle. The new certificate of title and
14 registration receipt shall state on the face of the
15 title the total cumulative dollar amount of damage
16 reported by owners prior to the owner listed on the
17 front of the title.

18 2. The damage disclosure statement required by
19 this section shall, at a minimum, state the total
20 retail dollar amount of all damage to the vehicle
21 during the period of the transferor's ownership of the
22 vehicle. For the purposes of this section, "damage"
23 refers to damage to the vehicle caused by fire,
24 vandalism, collision, weather, falling objects,
25 submersion in water, or flood, where the cost of
26 repair exceeds two thousand five hundred dollars per
27 incident, but does not include normal wear and tear,
28 glass damage, mechanical repairs or electrical repairs
29 that have not been caused by fire, vandalism,
30 collision, weather, falling objects, submersion in
31 water, or flood. A determination of the amount of
32 damage to a vehicle shall be based on estimates of the
33 retail cost of repairing the vehicle, including labor,
34 parts, and other materials, if the vehicle has not
35 been repaired or on the actual retail cost of repair,
36 including labor, parts, and other materials, if the
37 vehicle has been repaired. Only individual incidents
38 in which the retail cost of repairs is two thousand
39 five hundred dollars or more are required to be
40 disclosed by this section. If the vehicle has
41 incurred damage of two thousand five hundred dollars
42 or more per incident in more than one incident, the
43 damage amounts must be combined and disclosed as the
44 total of all separate incidents.

45 3. The damage disclosure statement shall be
46 provided by the transferor to the transferee at or
47 before the time of sale. If the transferor is not a
48 resident of this state the transferee shall not be
49 required to submit a damage disclosure statement from
50 the transferor with the transferee's application for

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1 title unless the state of the transferor's residence
2 requires a damage disclosure statement. However, the
3 transferee shall submit a damage disclosure statement
4 with the transferee's application for title indicating
5 whether a salvage or rebuilt title had ever existed
6 for the vehicle, whether the vehicle had incurred
7 prior damage of two thousand five hundred dollars or
8 more per incident, and the year, make, and vehicle
9 identification number of the motor vehicle.

10 4. The department shall retain each damage
11 disclosure statement received and copies shall be
12 available to the public and the attorney general upon
13 request.

14 5. Authorized vehicle recyclers licensed under

15 chapter 321H and motor vehicle dealers licensed under
16 chapter 322 shall maintain copies of all damage
17 disclosure statements where the recycler or dealer is
18 either the transferor or the transferee for five years
19 following the date of the statement. The copies shall
20 be made available to the department or the attorney
21 general upon request.

22 6. The damage disclosure statements shall be made
23 on the back of the certificate of title if the title
24 is available to the transferor at the time of sale.
25 If the title is not available at the time of sale or
26 if the face of the transferor's Iowa title contains no
27 indication that the vehicle was previously salvaged or
28 titled as salvaged or rebuilt and the transferor knows
29 or reasonably should know that the vehicle was
30 previously salvaged or titled as salvaged or rebuilt
31 in another state, the transferor shall make the
32 disclosure on a separate disclosure document. The
33 damage disclosure statement forms shall be as approved
34 by the department. The treasurer shall not accept a
35 damage disclosure statement and issue a title unless
36 the back of the title or separate disclosure document
37 has been fully completed and signed and dated by the
38 transferee and the transferor, if applicable.

39 7. A person, authorized vehicle recycler licensed
40 under chapter 321H, or motor vehicle dealer licensed
41 under chapter 322 shall not be liable to the
42 subsequent owner of a vehicle on the basis that a
43 prior owner gave a false or inaccurate damage
44 disclosure statement or failed to disclose that the
45 vehicle had previously been damaged and repaired or
46 had been titled on a salvage or rebuilt certificate of
47 title unless the person, recycler, or dealer knew or
48 reasonably should have known that the prior owner gave
49 a false or inaccurate damage disclosure statement or
50 failed to disclose that the vehicle had been damaged

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1 and repaired or had been titled on a salvage or
2 rebuilt certificate of title.

3 8. This section does not apply to motor trucks and
4 truck tractors with a gross vehicle weight rating of
5 sixteen thousand pounds or more, vehicles more than
6 nine model years old, vehicles with titles stating the
7 vehicle is salvage or rebuilt, motorcycles, motorized
8 bicycles, and special mobile equipment. The section
9 does apply to motor homes.

10 9. A person who knowingly makes a false damage
11 disclosure statement commits a fraudulent practice.

12 Failure of a person, authorized vehicle recycler
 13 licensed under chapter 321H, or motor vehicle dealer
 14 licensed under chapter 322, to comply with any duty
 15 imposed by this section constitutes a violation of
 16 section 714.16, subsection 2, paragraph "a".
 17 10. The department shall adopt rules as necessary
 18 to implement this section.
 19 Sec. ____ . Section 3 of this Act takes effect July
 20 1, 1993. All other sections of this Act take effect
 21 July 1, 1992."
 22 9. Title page, line 2, by striking the words "and
 23 rebuilt designations".
 24 10. Title page, line 4, by inserting after the
 25 word "penalty" the following: "and providing an
 26 effective date".

JOHN W. JENSEN
 EUGENE FRAISE
 LEONARD L. BOSWELL
 EMIL J. HUSAK
 MICHAEL W. CONNOLLY

S-5229

1 Amend Senate File 2167 as follows:
 2 1. Page 2, line 3, by inserting after the word
 3 "children" the following: " , which shall include, but
 4 not be limited to, instruction and materials which
 5 promote self-discipline, responsibility, kindness,
 6 honesty, hard work, gratefulness, respect for
 7 authority, and respect for others."
 8 2. Page 2, line 15, by inserting after the word
 9 "self-esteem" the following: " , self-discipline, re-
 10 sponsibility, kindness, honesty, hard work,
 11 gratefulness, respect for authority, and respect for
 12 each other," .

RAY TAYLOR
 WILLIAM DIELEMAN

S-5230

1 Amend Senate File 2201 as follows:
 2 1. Page 1, line 4, by striking the words "
 3 homosexuality, or bisexuality" and inserting the
 4 following: "or homosexuality".

RICHARD VANDE HOEF

S-5231

- 1 Amend Senate File 2227 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "therefor." the following: "For a county official or
4 employee, the contract restrictions in this section
5 apply only to the county in which the official or
6 employee is elected, appointed, or employed."

JACK W. HESTER
EUGENE FRAISE

S-5232

- 1 Amend Senate File 2233 as follows:
2 1. Page 1, by striking lines 6 through 9 and
3 inserting the following: "election district. A
4 person does not qualify for appointment to the office
5 of clerk of the district court unless the person is at
6 the time of application a resident of the county in
7 which the vacancy exists state. A clerk of the
8 district court may".

AL STURGEON

S-5233

- 1 Amend Senate File 2249 as follows:
2 1. Page 4, by inserting after line 11 the
3 following:
4 "Sec. ____ . Section 99D.19, unnumbered paragraph 2,
5 Code 1991, is amended to read as follows:
6 The licensee shall furnish to the commission
7 reports and information as the commission may require
8 with respect to its activities. The licensee shall
9 report annually to the commission all moneys expended
10 on lobbying activities including, but not limited to,
11 retainers, salaries, expenses, or other expenditures.
12 The commission may designate a representative to
13 attend a licensed race meeting, who shall have full
14 access to all places within the enclosure of the
15 meeting and who shall supervise and check the
16 admissions. The compensation of the representative
17 shall be fixed by the commission but shall be paid by
18 the licensee."
19 2. Page 4, by inserting after line 29 the
20 following:
21 "Sec. ____ . Section 99F.12, unnumbered paragraph 2,
22 Code 1991, is amended to read as follows:
23 The licensee shall furnish to the commission

24 reports and information as the commission may require
 25 with respect to its activities. The licensee shall
 26 report annually to the commission all moneys expended
 27 on lobbying activities including, but not limited to,
 28 retainers, salaries, expenses, or other expenditures.
 29 The gross receipts and adjusted gross receipts from
 30 gambling shall be separately handled and accounted for
 31 from all other moneys received from operation of an
 32 excursion gambling boat. The commission may designate
 33 a representative to board a licensed excursion
 34 gambling boat, who shall have full access to all
 35 places within the enclosure of the boat, who shall
 36 directly supervise the handling and accounting of all
 37 gross receipts and adjusted gross receipts from
 38 gambling, and who shall supervise and check the
 39 admissions. The compensation of a representative
 40 shall be fixed by the commission but shall be paid by
 41 the licensee."

WILLIAM W. DIELEMAN

S-5234

- 1 Amend Senate File 2131 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "process" the following: "with sufficient time and
- 4 financial resources provided for implementation".

ALBERT SORENSEN

S-5235

- 1 Amend Senate File 2291 as follows:
- 2 1. Page 1, line 27, by inserting after the word
- 3 and figure "subsection 3," the following: "airport
- 4 fire fighters included under section 97B.49,
- 5 subsection 16, paragraph "d", subparagraph (4),"
- 6 2. Page 1, line 31, by striking the words "to
- 7 airport fire fighters or".

SHELDON RITTMER

S-5236

- 1 Amend Senate File 2137 as follows:
- 2 1. By striking page 1, line 2 through page 2,
- 3 line 7 and inserting the following: "Supplement,
- 4 1991, is amended by striking the unnumbered paragraph
- 5 and inserting in lieu thereof the following:
- 6 The certificate of title shall contain upon its

7 face the identical information required upon the face
8 of the registration receipt. In addition, the
9 certificate of title shall contain a statement of the
10 owner's title, the amount of tax paid pursuant to
11 section 423.7, the name and address of the previous
12 owner, and a statement of all security interests and
13 encumbrances as shown in the application, upon the
14 vehicle described, including the nature of the
15 security interest, date of notation, and name and
16 address of the secured party.

17 If the prior certificate of title is from another
18 state and indicates that the vehicle was rebuilt the
19 new certificate of title and the registration receipt
20 shall contain the designation of "REBUILT" stamped or
21 printed on its face together with the name of the
22 state issuing the prior title. The designation of
23 "REBUILT" and the name of the other state shall be
24 retained on all subsequent Iowa certificates of title
25 and registration receipts for the vehicle.

26 If the prior certificate of title is from another
27 state and indicates that the vehicle was junked, an
28 Iowa junking certificate shall be issued according to
29 section 321.52, subsections 2 and 3. If the prior
30 certificate of title from another state indicates that
31 the vehicle is salvaged and not rebuilt or is a
32 salvage certificate of title, an Iowa salvage
33 certificate of title shall be issued and a "SALVAGE"
34 designation shall be retained on all subsequent Iowa
35 certificates of title and registration receipts for
36 the vehicle, unless a title indicating the vehicle was
37 previously titled on a salvage certificate of title
38 designation is obtained for the vehicle pursuant to
39 section 321.52, subsection 4, paragraph "b", in which
40 case the designation shall be retained on all
41 subsequent Iowa certificates of title and registration
42 receipts for the vehicle. The department shall adopt
43 rules to determine the manner in which other states'
44 designations are to be indicated on Iowa titles.

45 Sec. ____ . Section 321.52, subsection 4, Code
46 Supplement 1991, is amended to read as follows:
47 4. a. A vehicle rebuilder or a motor vehicle
48 dealer licensed under chapter 322, person engaged in
49 the business of buying, selling, or exchanging
50 vehicles of a type required to be registered in this

Page 2

1 state, upon acquisition of a wrecked or".

2 2. Page 2, line 12, by striking the word

3 "fourteen" and inserting the following: "fourteen

4 fifteen".

5 3. Page 2, by striking lines 20 through 23 and
6 inserting the following: "face of the title in a
7 manner prescribed by the department. A salvage
8 certificate of title may be assigned to any person an
9 educational institution, a new motor vehicle dealer
10 licensed under chapter 322, a person engaged in the
11 business of purchasing bodies, parts of bodies, frames
12 or component parts of vehicles for sale as scrap
13 metal, or an authorized vehicle recycler licensed
14 under chapter 321H. An authorized vehicle recycler
15 licensed under chapter 321H or a new motor vehicle
16 dealer licensed under chapter 322 may assign a salvage
17 certificate of title to any person. A vehicle on
18 which".

19 4. Page 2, line 29, by striking the word
20 "fourteen" and inserting the following: "fourteen
21 fifteen".

22 5. By striking page 2, line 31 through page 3,
23 line 4 and inserting the following: "However, a
24 vehicle that has major damage to four or more
25 component parts as defined in paragraph "b" shall
26 receive a junking certificate of title and shall not
27 thereafter be granted a regular certificate of title."

28 6. Page 3, by striking lines 10 through 27 and
29 inserting the following: "regular certificate of
30 title which, commencing September 1, 1988, if the
31 wrecked or salvage vehicle is five model years old or
32 less, shall bear the word "REBUILT" a designation
33 stamped or printed on the face of the title and
34 registration receipt indicating that the vehicle was
35 previously titled on a salvage certificate of title in
36 a form approved by the department. The rebuilt This
37 designation shall be included on every Iowa
38 certificate of title and registration receipt issued
39 thereafter for the vehicle. However, if ownership of
40 a stolen vehicle has been transferred to an insurer
41 organized under the laws of this state or admitted to
42 do business in this state, or if the transfer was the
43 result of a settlement with the owner of the vehicle
44 arising from damage to or the unrecovered theft of the
45 vehicle, and if the insurer certifies to the county
46 treasurer on a form approved by the department that
47 the insurance company has received one or more written
48 estimates which states that the retail cost of repairs
49 to including labor, parts, and other materials of all
50 damage to the vehicle is less than three thousand

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1 dollars, the county treasurer shall issue to the
2 insurance company the regular certificate of title and
3 registration receipt without the rebuilt this
4 designation. ~~The~~".

5 7. Page 7, line 1, by striking the words "damaged
6 vehicle" and inserting the following: "damaged motor
7 vehicle".

8 8. By striking page 7, line 24 through page 8,
9 line 21, and inserting the following: "application
10 for certificate of title. A damage disclosure
11 statement must be provided by the transferor to the
12 transferee in a transfer of ownership of a motor
13 vehicle. The new certificate of title and
14 registration receipt shall state on the face of the
15 title the total cumulative dollar amount of damage
16 reported by owners prior to the owner listed on the
17 front of the title.

18 2. The damage disclosure statement required by
19 this section shall, at a minimum, state the total
20 retail dollar amount of all damage to the vehicle
21 during the period of the transferor's ownership of the
22 vehicle. For the purposes of this section, "damage"
23 refers to damage to the vehicle caused by fire,
24 vandalism, collision, weather, falling objects,
25 submersion in water, or flood, where the cost of
26 repair exceeds two thousand five hundred dollars per
27 incident, but does not include normal wear and tear,
28 glass damage, mechanical repairs or electrical repairs
29 that have not been caused by fire, vandalism,
30 collision, weather, falling objects, submersion in
31 water, or flood. A determination of the amount of
32 damage to a vehicle shall be based on estimates of the
33 retail cost of repairing the vehicle, including labor,
34 parts, and other materials, if the vehicle has not
35 been repaired or on the actual retail cost of repair,
36 including labor, parts, and other materials, if the
37 vehicle has been repaired. Only individual incidents
38 in which the retail cost of repairs is two thousand
39 five hundred dollars or more are required to be
40 disclosed by this section. If the vehicle has
41 incurred damage of two thousand five hundred dollars
42 or more per incident in more than one incident, the
43 damage amounts must be combined and disclosed as the
44 total of all separate incidents.

45 3. The damage disclosure statement shall be
46 provided by the transferor to the transferee at or
47 before the time of sale. If the transferor is not a
48 resident of this state the transferee shall not be

49 required to submit a damage disclosure statement from
50 the transferor with the transferee's application for

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1 title unless the state of the transferor's residence
2 requires a damage disclosure statement. However, the
3 transferee shall submit a damage disclosure statement
4 with the transferee's application for title indicating
5 whether a salvage or rebuilt title had ever existed
6 for the vehicle, whether the vehicle had incurred
7 prior damage of two thousand five hundred dollars or
8 more per incident, and the year, make, and vehicle
9 identification number of the motor vehicle.

10 4. The department shall retain each damage
11 disclosure statement received and copies shall be
12 available to the public and the attorney general upon
13 request.

14 5. Authorized vehicle recyclers licensed under
15 chapter 321H and motor vehicle dealers licensed under
16 chapter 322 shall maintain copies of all damage
17 disclosure statements where the recycler or dealer is
18 either the transferor or the transferee for five years
19 following the date of the statement. The copies shall
20 be made available to the department or the attorney
21 general upon request.

22 6. The damage disclosure statements shall be made
23 on the back of the certificate of title if the title
24 is available to the transferor at the time of sale.
25 If the title is not available at the time of sale or
26 if the face of the transferor's Iowa title contains no
27 indication that the vehicle was previously salvaged or
28 titled as salvaged or rebuilt and the transferor knows
29 or reasonably should know that the vehicle was
30 previously salvaged or titled as salvaged or rebuilt
31 in another state, the transferor shall make the
32 disclosure on a separate disclosure document. The
33 damage disclosure statement forms shall be as approved
34 by the department. The treasurer shall not accept a
35 damage disclosure statement and issue a title unless
36 the back of the title or separate disclosure document
37 has been fully completed and signed and dated by the
38 transferee and the transferor, if applicable.

39 7. A person, authorized vehicle recycler licensed
40 under chapter 321H, or motor vehicle dealer licensed
41 under chapter 322 shall not be liable to a subsequent
42 owner of a vehicle because a prior owner gave a false
43 or inaccurate damage disclosure statement or failed to
44 disclose that the vehicle had previously been damaged
45 and repaired or had been titled on a salvage or

46 rebuilt certificate of title unless the person,
47 recycler, or dealer knew or reasonably should have
48 known that the prior owner gave a false or inaccurate
49 damage disclosure statement or failed to disclose that
50 the vehicle had been damaged and repaired or had been

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1 titled on a salvage or rebuilt certificate of title.

2 8. This section does not apply to motor trucks and
3 truck tractors with a gross vehicle weight rating of
4 sixteen thousand pounds or more, vehicles more than
5 nine model years old, vehicles with titles stating the
6 vehicle is salvage or rebuilt, motorcycles, motorized
7 bicycles, and special mobile equipment. The section
8 does apply to motor homes.

9 9. A person who knowingly makes a false damage
10 disclosure statement commits a fraudulent practice.
11 Failure of a person, authorized vehicle recycler
12 licensed under chapter 321H, or motor vehicle dealer
13 licensed under chapter 322, to comply with any duty
14 imposed by this section constitutes a violation of
15 section 714.16, subsection 2, paragraph "a".

16 10. The department shall adopt rules as necessary
17 to implement this section.

18 Sec. ____ . Section 3 of this Act takes effect July
19 1, 1993. All other sections of this Act take effect
20 July 1, 1992."

21 9. Title page, line 2, by striking the words "and
22 rebuilt designations".

23 10. Title page, line 4, by inserting after the
24 word "penalty" the following: "and providing an
25 effective date".

JOHN W. JENSEN
EUGENE FRAISE
LEONARD L. BOSWELL
EMIL J. HUSAK
MICHAEL W. CONNOLLY

S-5237

1 Amend Senate File 2249 as follows:

2 1. Page 4, by inserting after line 29 the
3 following:

4 "Sec. ____ . Section 99F.17, subsection 3, Code
5 1991, is amended to read as follows:

6 3. A licensee person licensed to conduct gambling
7 games or to operate an excursion gambling boat shall
8 not be a manufacturer or distributor of gambling games

9 or implements of gambling and shall have no interest
 10 in the business of a manufacturer or a distributor of
 11 gambling games. A manufacturer or distributor of
 12 gambling games licensed under this chapter shall have
 13 no interest in the ownership or conduct of a gambling
 14 game operation or the ownership or operation of an
 15 excursion gambling boat licensed under this chapter."

WILLIAM W. DIELEMAN

S-5238

1 Amend Senate File 2249 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Section 99D.7, subsection 9, Code
 5 Supplement 1991, is amended to read as follows:

6 9. To authorize stewards, starters, and other
 7 racing officials to impose fines or other sanctions
 8 upon a person violating a provision of this chapter or
 9 the commission rules, orders, or final orders,
 10 including authorization to expel a tout, bookmaker, or
 11 other person deemed to be undesirable from the
 12 racetrack facilities. The racetrack licensee shall
 13 pay the total cost of employing all racetrack stewards
 14 required by the commission."

WILLIAM W. DIELEMAN

S-5239

1 Amend Senate File 2249 as follows:

2 1. Page 1, line 27, by striking the word "ninety"
 3 and inserting the following: "sixty-five".

4 2. Page 2, line 29, by inserting after the word
 5 "plan." the following: "The commission shall set the
 6 average daily purse for the 1993 horse racing season
 7 at twenty-five percent more than the average daily
 8 purse for the 1991 horse racing season."

9 3. Page 3, by striking lines 7 through 21 and
 10 inserting the following:

11 "Sec. ____ . Section 99D.15, subsection 1, Code
 12 Supplement 1991, is amended by striking the subsection
 13 and inserting in lieu thereof the following:

14 1. A tax of six percent is imposed on the gross
 15 sum wagered by the pari-mutuel method at each horse
 16 race meeting. The tax imposed by this subsection
 17 shall be retained by the licensee and used to amortize
 18 the indebtedness or pay the operating expenses of the
 19 horse racetrack or for both purposes.

20 Sec. ____ . Section 99D.15, subsection 2, Code
21 Supplement 1991, is amended by striking the
22 subsection."

23 4. Page 4, by inserting after line 16 the
24 following:

25 "Sec. ____ . NEW SECTION. 99F.4A GAMBLING GAMES AT
26 PARI-MUTUEL HORSE OR DOG RACETRACK.

27 1. The commission may license the licensee of a
28 pari-mutuel horse or dog racetrack to conduct gambling
29 games at the pari-mutuel horse or dog racetrack
30 enclosure subject to the requirements of this chapter
31 except as otherwise provided in this section.

32 a. A person licensed pursuant to chapter 99D is
33 exempt from further investigation and examination for
34 licensing purposes under this chapter.

35 b. The annual license fee based on passenger or
36 guest capacity as provided in section 99F.5 does not
37 apply to a pari-mutuel horse or dog racetrack which is
38 licensed to conduct gambling games.

39 c. The restrictions under section 99F.7,
40 subsection 5, related to the amount of space used for
41 gambling activity and the requirement for gift,
42 novelty, or souvenir sales do not apply to the
43 licensing of gambling games at a pari-mutuel horse or
44 dog racetrack.

45 d. The admission fees required under section
46 99D.14 supersede the admission fees required under
47 section 99F.10 for a pari-mutuel horse or dog
48 racetrack which is also licensed to conduct gambling
49 games.

50 e. For the purpose of allocating the tax collected

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1 in the adjusted gross receipts as provided in section
2 99F.11, the racetrack enclosure means the dock where
3 the gambling excursion originates.

4 2. The commission shall adopt rules, pursuant to
5 chapter 17A, as necessary to administer this section.

6 3. A license to conduct gambling games at a
7 licensed pari-mutuel horse or dog racetrack enclosure
8 in a county shall be issued only if the county
9 electorate approves the conduct of the gambling games
10 as provided in this subsection. The board of
11 supervisors shall direct the commissioner of elections
12 to submit to the qualified voters of the county a
13 proposition to approve or disapprove the conduct of
14 gambling games at a horse or dog racetrack enclosure
15 in the county. The proposition shall be submitted at
16 the general election held in November 1992. If a

17 majority of the county voters voting on the
18 proposition favor the conduct of gambling games at the
19 racetrack enclosure, the board may issue a license as
20 provided in this chapter. If a majority of the county
21 voters voting on the proposition do not favor the
22 conduct of gambling games, a license to conduct
23 gambling games in the county shall not be issued."

GEORGE R. KINLEY

S-5240

1 Amend Senate File 2249, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting before line 12 the
4 following:
5 "Sec. ____ . If a racetrack licensed to run pari-
6 mutuel horse racing as of January 1, 1992, is sold or
7 leased after May 1, 1992, 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 Supplement 1991, is amended by striking the
11 paragraph.
12 2. Section 99D.15, subsections 1 and 2, Code
13 Supplement 1991, are amended by striking the
14 subsections."

WILLIAM W. DIELEMAN

S-5241

1 Amend Senate File 2249 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 99D.9, Code 1991, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 6A. A licensee shall reimburse
7 the division of criminal investigation of the
8 department of public safety for the salary, benefits,
9 and miscellaneous expenses of each special state agent
10 assigned by the department of public safety pursuant
11 to section 80.25A to a pari-mutuel racetrack of the
12 licensee. The commissioner of public safety shall
13 submit a bill quarterly to each licensee. The bill is
14 due and payable within thirty days of its receipt."
15 2. Page 4, by inserting after line 29 the
16 following:
17 "Sec. ____ . Section 99F.7, Code 1991, is amended by
18 adding the following new subsection:
19 NEW SUBSECTION. 14A. A person licensed to conduct

20 gambling games on an excursion gambling boat shall
 21 reimburse the division of criminal investigation of
 22 the department of public safety for the salary,
 23 benefits, and miscellaneous expenses of each special
 24 state agent assigned by the department of public
 25 safety pursuant to section 80.25A to an excursion
 26 gambling boat upon which the person is licensed to
 27 conduct gambling games. The commissioner of public
 28 safety shall submit a bill quarterly to each licensee
 29 conducting the gambling games. The bill is due and
 30 payable within thirty days of its receipt."
 31 3. By renumbering sections as required.

WILLIAM W. DIELEMAN

S-5242

1 Amend Senate File 2249 as follows:
 2 1. Page 4, by inserting before line 12 the
 3 following:
 4 "Sec. ____ . Section 99D.15, subsection 3, paragraph
 5 c, Code Supplement 1991, is amended to read as
 6 follows:
 7 c. If the rate of tax imposed under paragraph "a"
 8 is ~~six percent~~; five percent; or four percent, a
 9 licensee shall set aside for retiring any debt of the
 10 licensee, for capital improvement to the facilities of
 11 the licensee, for funding of possible future operating
 12 losses, or for charitable giving, the following
 13 amount:
 14 (1) ~~If the rate of tax paid by the track is six~~
 15 ~~percent, one-sixth of the tax liability by the track~~
 16 ~~during the racing season shall be set aside.~~
 17 (2) If the rate of tax paid by the licensee is
 18 five percent, one percent of the gross sum wagered in
 19 the racing season, shall be set aside.
 20 (3) If the rate of tax paid by the licensee is
 21 four percent, two percent of the gross sum wagered in
 22 the racing season shall be set aside."

WILLIAM DIELEMAN

S-5243

1 Amend the amendment, S-5224, to Senate File 2249,
 2 as follows:
 3 1. Page 1, by inserting after line 23, the
 4 following:
 5 "____ . Page 5, line 12, by inserting after the
 6 figure "1991." the following: "Those sections of this

7 Act amending section 99F.7, subsection 2, Code 1991,
 8 shall not apply to current contracts which are in
 9 effect on the effective date of this Act, but shall
 10 have full force and effect upon the completion date of
 11 those contracts.”.

MICHAEL W. CONNOLLY

S-5244

1 Amend the amendment, S-5214, to Senate File 2271,
 2 as follows:
 3 1. Page 1, line 6, by striking the word “July”
 4 and inserting the following: “March”.

WILLIAM PALMER

S-5245

1 Amend the amendment, S-5149, to Senate File 2046 as
 2 follows:
 3 1. By striking page 1, line 22 through page 3,
 4 line 24.
 5 2. Page 3, by striking lines 32 through 37.
 6 3. Page 3, by striking lines 41 through 43.
 7 4. By renumbering as necessary.

EUGENE FRAISE

S-5246

1 Amend Senate File 2346 as follows:
 2 1. Page 3, by inserting after line 22 the
 3 following:
 4 “(6) For multipurpose vehicles with handicapped
 5 equipment necessary for entering or exiting or for
 6 operation of the vehicle, seventy-five dollars for
 7 registration each year through five model years and
 8 fifty-five dollars for each succeeding registration.
 9 The department shall adopt rules to determine the
 10 extent to which a vehicle with handicapped equipment
 11 shall qualify under this subparagraph.”

EUGENE FRAISE

S-5247

1 Amend the amendment, S-5222, to Senate File 2249 as
 2 follows:
 3 1. Page 1, line 3, by inserting after the figure

4 "6" the following: ", and inserting the following:
 5 "Sec. ____ . ADVISORY COMMITTEE CREATED -
 6 RECOMMENDATIONS. The racing and gaming commission,
 7 representatives of the pari-mutuel dog race tracks,
 8 and dog racing interest groups shall form an advisory
 9 committee to make recommendations regarding the
 10 maximum threshold for Iowa stakes racing. The
 11 advisory committee shall report its recommendations to
 12 the general assembly not later than January 1, 1993."

LARRY MURPHY
 BERL E. PRIEBE

S-5248

1 Amend Senate File 2336 as follows:
 2 1. Page 1, by inserting before line 1 the fol-
 3 lowing:
 4 "Section 1. NEW SECTION. 203B.3A DETERMINATION
 5 OF HARDSHIP - TEMPORARY RESTRICTED LICENSE.
 6 If a person enters a plea of guilty to, or forfeits
 7 bail or collateral deposited to secure the person's
 8 appearance in court, and such forfeiture is not
 9 vacated, or is found guilty upon an indictment or
 10 information alleging a violation of section 203B.3,
 11 the judge shall make a determination if a hardship
 12 would exist if the person's motor vehicle license were
 13 revoked for one hundred eighty days as provided in
 14 section 321.212, subsection 1, paragraph "d". If,
 15 based on the individual circumstances pertaining to
 16 the person, the judge finds that a hardship would
 17 exist, the judge shall order the state department of
 18 transportation to issue to the person a temporary
 19 restricted license which shall be issued by the state
 20 department of transportation restricted to travel in
 21 accordance with the judge's directive, notwithstanding
 22 section 321.215. However, section 321.215,
 23 subsections 3 and 4, apply to temporary restricted
 24 licenses issued under this section."
 25 2. Page 1, by inserting after line 23 the
 26 following:
 27 "Sec. ____ . NEW SECTION. 204.412A DETERMINATION
 28 OF HARDSHIP - TEMPORARY RESTRICTED LICENSE.
 29 If a person enters a plea of guilty to, or forfeits
 30 bail or collateral deposited to secure the person's
 31 appearance in court, and such forfeiture is not
 32 vacated, or is found guilty upon an indictment or
 33 information alleging a violation of this chapter, the
 34 judge shall make a determination if a hardship would
 35 exist if the person's motor vehicle license were

36 revoked for one hundred eighty days as provided in
37 section 321.212, subsection 1, paragraph "d". If,
38 based on the individual circumstances pertaining to
39 the person, the judge finds that a hardship would
40 exist, the judge shall order the state department of
41 transportation to issue to the person a temporary
42 restricted license which shall be issued by the state
43 department of transportation restricted to travel in
44 accordance with the judge's directive, notwithstanding
45 section 321.215. However, section 321.215,
46 subsections 3 and 4, apply to temporary restricted
47 licenses issued under this section."
48 3. Page 4, line 32, by inserting after the word
49 "law," the following:
50 "If a person enters a plea of guilty to, or

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1 forfeits bail or collateral deposited to secure the
2 person's appearance in court, and such forfeiture is
3 not vacated, or is found guilty of a violation of
4 federal drug or controlled substance law, the judge
5 may make a determination if a hardship would exist if
6 the person's motor vehicle license were revoked for
7 one hundred eighty days as provided in section
8 321.212, subsection 1, paragraph "d". If, based on
9 the individual circumstances pertaining to the person,
10 the judge finds that a hardship would exist, the judge
11 shall order the state department of transportation to
12 issue to the person a temporary restricted license
13 which shall be issued by the state department of
14 transportation restricted to travel in accordance with
15 the judge's directive, notwithstanding section
16 321.215. However, section 321.215, subsections 3 and
17 4, apply to temporary restricted licenses issued under
18 this subsection."

19 4. Page 5, by inserting after line 5 the
20 following:

21 "Sec. ____ . **NEW SECTION. 421A.16 DETERMINATION OF**
22 **HARDSHIP -- TEMPORARY RESTRICTED LICENSE.**

23 If a person enters a plea of guilty to, or forfeits
24 bail or collateral deposited to secure the person's
25 appearance in court, and such forfeiture is not
26 vacated, or is found guilty upon an indictment or
27 information alleging a violation of this chapter, the
28 judge shall make a determination if a hardship would
29 exist if the person's motor vehicle license were
30 revoked for one hundred eighty days as provided in
31 section 321.212, subsection 1, paragraph "d". If,
32 based on the individual circumstances pertaining to

33 the person, the judge finds that a hardship would
 34 exist, the judge shall order the state department of
 35 transportation to issue to the person a temporary
 36 restricted license which shall be issued by the state
 37 department of transportation restricted to travel in
 38 accordance with the judge's directive, notwithstanding
 39 section 321.215. However, section 321.215,
 40 subsections 3 and 4, apply to temporary restricted
 41 licenses issued under this section."

WILLIAM W. DIELEMAN
 RICHARD F. DRAKE
 EUGENE FRAISE

S-5249

- 1 Amend Senate File 2236 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "However," the following: "the full range of
- 4 competencies or units for".
- 5 2. Page 1, line 34, by striking the words "this
- 6 subsection does" and inserting the following: "the
- 7 requirements relating to the minimum number of units
- 8 and the minimum set of competencies contained in this
- 9 subsection does paragraph do".

BEVERLY HANNON
 ELAINE SZYMONIAK
 JEAN LLOYD-JONES

S-5250

- 1 Amend Senate File 2345 as follows:
- 2 1. Page 4, by inserting after line 17 the
- 3 following:
- 4 "___ . For salaries, support, maintenance, and
- 5 miscellaneous purposes of the pari-mutuel law
- 6 enforcement agents, including the state's contribution
- 7 to the peace officers' retirement, accident, and
- 8 disability system provided in chapter 97A in the
- 9 amount of 18 percent of the salaries for which the
- 10 funds are appropriated, and for not more than the
- 11 following full-time equivalent positions:

12	.....	\$	277,662
13	.....	FTEs	5.00"

- 14 2. Page 5, by striking lines 7 through 10.

- 15 3. Page 6, by striking lines 27 through 35.
16 4. By renumbering and relettering as necessary.

JOHN W. JENSEN
JAMES B. KERSTEN

S-5251

- 1 Amend Senate File 2345 as follows:
2 1. Page 9, by inserting after line 8 the
3 following:
4 "It is the intent of the general assembly that
5 should a lawsuit result from the redesignation of
6 interstate 80 or if the attorney general deems such a
7 suit necessary, that moneys appropriated under
8 paragraph "b" of this subsection may be used by the
9 attorney general to protect the state's interests in
10 the matter and that such action by the attorney
11 general shall be in cooperation with the I-80 defense
12 task force in Davenport. However, this paragraph does
13 not limit other uses for moneys appropriated under
14 paragraph "b" of this subsection."

MAGGIE TINSMAN
RICHARD VARN

S-5252

- 1 Amend Senate File 2004 as follows:
2 1. Page 1, by inserting after line 11, the
3 following: "A citation issued under this section
4 shall include a written notice of replacement or
5 repair which shall indicate the date of replacement or
6 repair and the manner in which the replacement or
7 repair occurred and which shall be returned to the
8 issuing authority within the seventy-two hour time
9 period."

PAUL D. PATE

S-5253

- 1 Amend House File 2165, as passed by the House, as
2 follows:
3 1. Page 1, lines 5 and 6, by striking the
4 following: "employee or the employee's dependent or
5 legal representative if entitled to benefits."
6 2. Page 1, by striking lines 23 and 24 and
7 inserting the following: "the health service

8 provider, employer, or insurance carrier shall not
9 seek payment from the injured employee."

'JOHN A. PETERSON

S-5254

1 Amend Senate File 2346 as follows:

2 1. Page 3, by inserting after line 22 the
3 following:

4 "Sec. ____ . 1992 Iowa Acts, Senate File 2116,
5 section 403, is amended to read as follows:

6 SEC. 403. Section 422.42, Code 1991, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 17. "Nonresidential commercial
9 operations" means industrial, commercial, mining, and
10 agricultural operations, whether for profit or not,
11 but does not include apartment complexes; and mobile
12 home parks; or other rental operations where the
13 primary purpose is for human habitation.

14 Sec. ____ . 1992 Iowa Acts, Senate File 2116,
15 section 404, is amended to read as follows:

16 SEC. 404. Section 422.43, Code Supplement 1991, is
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 13. a. A tax of four percent is
19 imposed upon the gross receipts from the sales,
20 furnishing, or service of solid waste collection and
21 disposal service.

22 For purposes of this subsection, "solid waste"
23 means garbage, refuse, sludge from a water supply
24 treatment plant or air contaminant treatment facility,
25 and other discarded waste materials and sludges, in
26 solid, semisolid, liquid, or contained gaseous form,
27 resulting from ~~industrial~~, nonresidential commercial,
28 ~~mining, and agricultural operations, and from~~
29 ~~community activities~~, but does not include hazardous
30 waste; animal waste used as fertilizer; earthen fill,
31 boulders, rock; foundry sand used for daily cover at a
32 sanitary landfill; sewage sludge; solid or dissolved
33 material in domestic sewage or other common pollutants
34 in water resources, such as silt, dissolved or
35 suspended solids in industrial waste water effluents
36 or discharges which are point sources subject to
37 permits under section 402 of the federal Water
38 Pollution Control Act, dissolved materials in
39 irrigation return flows; or source, special nuclear,
40 or by-product material defined by the federal Atomic
41 Energy Act of 1954.

42 A recycling facility that separates or processes
43 recyclable materials and that reduces the volume of

44 the waste by at least eighty-five percent is exempt
45 from the tax imposed by this subsection if the waste
46 exempted is collected and disposed of separately from
47 other solid waste.
48 b. A person who transports mixed municipal solid
49 waste generated by that person or another person
50 without compensation shall pay the tax imposed by this

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1 subsection at the collection or disposal facility
2 based on the disposal charge or tipping fee. However,
3 the costs of a service or the portion of a service to
4 collect and manage recyclable materials separated from
5 mixed municipal solid waste by the waste generator is
6 exempt from the tax imposed by this subsection. For
7 purposes of this paragraph, "mixed municipal solid
8 waste" means garbage, refuse, and other solid waste
9 from nonresidential commercial, industrial, and
10 community activities operations which is generated and
11 collected in aggregate, but does not include auto
12 hulks, street sweepings, ash, construction debris,
13 mining waste, sludges, tree and agricultural wastes,
14 tires, lead acid batteries, used oil, and other
15 materials collected, processed, and disposed of as
16 separate waste streams.

17 Sec. ____ . Section 422.45, subsection 5, unnumbered
18 paragraph 1, Code Supplement 1991, as amended by 1992
19 Iowa Acts, Senate File 2116, section 408, is amended
20 to read as follows:

21 The gross receipts from services rendered,
22 furnished, or performed and of all sales of goods,
23 wares, or merchandise used for public purposes to a
24 tax-certifying or tax-levying body of the state or a
25 governmental subdivision of the state, including
26 regional transit systems, as defined in section
27 601J.1, the state board of regents, department of
28 human services, state department of transportation,
29 any municipally owned solid waste facility which sells
30 all or part of its processed waste as fuel to a
31 municipally owned public utility, and all divisions,
32 boards, commissions, agencies, or instrumentalities of
33 state, federal, county, or municipal government which
34 have no earnings going to the benefit of an equity
35 investor or stockholder, except sales of goods, wares,
36 or merchandise or from services rendered, furnished,
37 or performed and used by or in connection with the
38 operation of any municipally owned public utility
39 engaged in selling gas, electricity, heat, or pay
40 television service to the general public; except the

41 sales, furnishing or providing of sewage services to a
42 county or municipality on behalf of nonresidential
43 commercial operations; and except the sales,
44 furnishing, or service of solid waste collection and
45 disposal service to a county or municipality on behalf
46 of ~~industrial~~, nonresidential commercial, ~~mining~~, and
47 ~~agricultural~~ operations located within the county or
48 municipality.

49 Sec. ____ . Section 422.45, subsection 20, Code
50 Supplement 1991, as amended by 1992 Iowa Acts, Senate

Page 3

1 File 2116, section 409, is amended to read as follows:
2 20. The gross receipts from sales or services
3 rendered, furnished, or performed by a county or city.
4 This exemption does not apply to the tax specifically
5 imposed under section 422.43 on the gross receipts
6 from the sales, furnishing, or service of gas,
7 electricity, water, heat, pay television service, and
8 communication service to the public by a municipal
9 corporation in its proprietary capacity, does not
10 apply to the sales, furnishing, or service of solid
11 waste collection and disposal service to ~~industrial~~,
12 nonresidential commercial, ~~mining~~, and ~~agricultural~~
13 operations; does not apply to the sales, furnishing,
14 or service of sewage service for nonresidential
15 commercial operations; does not apply to fees paid to
16 cities and counties for the privilege of participating
17 in any athletic sports.

18 Sec. ____ . Section 422.45, Code Supplement 1991, is
19 amended by adding the following new subsection:
20 NEW SUBSECTION. The gross receipts from the
21 rendering, furnishing, or performing of additional
22 services taxed by 1992 Iowa Acts, Senate File 2116,
23 pursuant to a written service contract in effect on
24 March 1, 1992. This exemption is repealed August 31,
25 1992." Ⓞ

26 2. Title page, line 2, by inserting after the
27 word "vehicles" the following: ", and the sales,
28 services, and use taxes on certain services,".

WILLIAM W. DIELEMAN

S-5255

1 Amend Senate File 2271 as follows:
2 1. Page 1, line 10, by inserting after the word
3 "duties" the following: "or which would contribute to

4 or cause an employee to suffer from a medical
5 condition or illness which would be aggravated by the
6 employee's employment in a particular position".

BEVERLY HANNON
ELAINE SYZMONIAK

S-5256

1 Amend Senate File 2336 as follows:
2 1. Page 5, by inserting after line 5 the
3 following:
4 "Sec. ____ . Section 321J.2, subsection 1,
5 unnumbered paragraph 1, Code 1991, is amended to read
6 as follows:
7 A person commits the offense of operating while
8 intoxicated if the person operates a motor vehicle in
9 this state in either any of the following conditions:
10 Sec. ____ . Section 321J.2, subsection 1, Code 1991,
11 is amended by adding the following new paragraph:
12 NEW PARAGRAPH. c. While under the influence of
13 any substance which impairs the mental or physical
14 faculties of the person to a degree which renders the
15 person incapable of safely operating a motor vehicle."

JIM LIND

S-5257

1 Amend Senate File 2267 as follows:
2 1. Page 1, by striking lines 22 through 31.

RICHARD RUNNING

S-5258

1 Amend amendment, S-5221, to Senate File 2244 as
2 follows:
3 1. By striking page 1, line 4 through page 6,
4 line 29 and inserting the following:
5 "Section 1. Section 172C.2, unnumbered paragraph
6 1, Code 1991, is amended to read as follows:
7 In order to preserve free and private enterprise,
8 prevent monopoly, and protect consumers, it is
9 unlawful for any processor of beef or pork or limited
10 partnership in which a processor holds partnership
11 shares as a general partner or partnership shares as a
12 limited partner, to own, control or operate a feedlot
13 in Iowa in which hogs or cattle are fed for slaughter.
14 In addition, a processor shall not directly or

15 indirectly control the manufacturing, processing, or
 16 preparation for sale of pork products derived from
 17 swine if the processor contracted for the care and
 18 feeding of the swine in this state. However, this
 19 section does not apply to a cooperative association
 20 organized under chapter 497, 498, or 499, if the
 21 cooperative association contracts for the care and
 22 feeding of swine with a member of the cooperative
 23 association who is actively engaged in farming. This
 24 section does not apply to an association organized as
 25 a cooperative in which another cooperative association
 26 organized under chapter 497, 498, or 499 is a member,
 27 if the association contracts with a member which is a
 28 cooperative association organized under chapter 497,
 29 498, or 499, which contracts for the care and feeding
 30 of swine with a member of the cooperative who is
 31 actively engaged in farming. In the latter case, the
 32 cooperative association organized under chapter 497,
 33 498, or 499 shall give notice to its members in the
 34 manner provided under section 499.27 and shall provide
 35 for member hearings to be held at least ninety days
 36 before entering into a contract for the care and
 37 feeding of swine with a cooperative association of
 38 which the cooperative association organized under
 39 chapter 497, 498, or 499 is a member.
 40 **PARAGRAPH DIVIDED.** This section shall not preclude
 41 a processor or limited partnership from contracting
 42 for the purchase of hogs or cattle, provided that
 43 where the contract sets a date for delivery which is
 44 more than twenty days after the making of the contract
 45 it shall:""

JOHN KIBBIE

S-5259

- 1 Amend Senate File 2154 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "medical" the following: "or dental".
- 4 2. Page 2, line 2, by inserting after the word
- 5 "medical" the following: "or dental".
- 6 3. Page 2, line 8, by striking the figure "1994"
- 7 and inserting the following: "1995".
- 8 4. Page 2, line 10, by striking the figure "1994"
- 9 and inserting the following: "1995".
- 10 5. Page 2, line 24, by striking the figure "1994"
- 11 and inserting the following: "1995".

ELAINE SZYMONIAK

S-5260

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 10, line 3, by striking the figure
- 3 "234.4" and inserting the following: "232.4".

ELAINE SZYMONIAK

S-5261

- 1 Amend Senate File 2267 as follows:
- 2 1. Page 1, by striking lines 13 through 21.

LINN FUHRMAN

S-5262

- 1 Amend Senate File 2236 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "However," the following: "if the instruction is
- 4 provided, the full range of competencies or units
- 5 for".
- 6 2. Page 1, line 34, by striking the words
- 7 "However, this subsection does" and inserting the
- 8 following: "However, if vocational education
- 9 instruction is provided, the requirements relating to
- 10 the minimum number of units and the minimum set of
- 11 competencies contained in this subsection does
- 12 paragraph do".

BEVERLY HANNON
ELAINE SZYMONIAK

S-5263

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 21, by striking lines 27 through 34.

RICHARD V. RUNNING

S-5264

- 1 Amend House File 2085, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 30, by striking the words "at the
- 4 same time" and inserting the following: "at the same
- 5 time".
- 6 2. Page 1, line 31, by striking the word "and".
- 7 3. Page 1, by striking lines 32 through 34 and
- 8 inserting the following: "but in any event within in

9 ten annual equal payments. The final payment must be
 10 made not later than”.

11 4. Page 1, line 35, by inserting after the word
 12 “consolidation.” the following: “The value of the
 13 deferred patronage dividends and preferred stock shall
 14 be considered a liability of the new association as
 15 reflected in the accounts of the new association until
 16 the value of the patronage dividends or preferred
 17 stock is paid in full to the dissenting member.”

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chairperson

S-5265

1 Amend Senate File 2297 as follows:

2 1. Page 4, by inserting after line 33, the
 3 following:

4 “Sec. ____ . Section 509A.14, Code 1991, is amended
 5 to read as follows:

6 509A.14 APPROVAL OF SELF-INSURANCE PLANS.

7 The commissioner of insurance shall adopt rules for
 8 self-insurance plans for life insurance and accident
 9 and health insurance for ~~the state~~, a political
 10 subdivision of the state, or a school corporation; or
 11 ~~any other public body in the state~~. The rules adopted
 12 shall include, but are not limited to, the following:

13 1. A requirement that the plan shall include all
 14 coverages and provisions that are required by law in
 15 insurance policies for the type of risk that the self-
 16 insurance plan is intended to cover.

17 2. A requirement that at least once each twelve
 18 months, the governing body of the public body shall
 19 obtain from an outside consulting actuary a
 20 certification that the plan is able to cover all
 21 reasonably anticipated expenses.

22 3. A requirement that if the resources of the plan
 23 are inadequate to fully cover a claim under the plan,
 24 then the public body is liable for any portion of the
 25 claim that is left unpaid.”

26 2. Page 5, by striking lines 1 and 2, and
 27 inserting the following:

28 “Within ~~thirty~~ ninety days following the end of a
 29 ~~self-insurance plan's~~ fiscal year, the governing body
 30 of a self-insurance plan of a political subdivision or
 31 a school corporation shall file”.

32 3. Page 13, by striking lines 17 and 18, and
 33 inserting the following:

34 “Sec. ____ . Section 514C.4, subsection 1, paragraph
 35 d, Code 1991, is amended to read as follows:

- 36 d. An individual or group Medicare supplemental
 37 policy, unless coverage pursuant to such policy is
 38 preempted by federal law."
 39 4. By renumbering as necessary.

RICHARD VARN

S-5266

- 1 Amend Senate File 2348 as follows:
 2 1. Page 19, by inserting after line 35 the
 3 following:
 4 "Sec. ____ . Section 602.8105, subsection 1,
 5 paragraph a, Code Supplement 1991, is amended to read
 6 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 fifty dollars. The fee shall be deposited in the
 13 court revenue distribution account established under
 14 section 602.8108, and shall be paid into the state
 15 treasury. Of the amount paid to the state treasury,
 16 one dollar shall be deposited in the judicial
 17 retirement fund established in section 602.9104 to be
 18 used to pay retirement benefits of the judicial
 19 retirement system, and the remainder shall be
 20 deposited in the general fund of the state. In
 21 counties having a population of ~~one hundred~~ ninety-
 22 eight thousand or over, an additional five dollars
 23 shall be charged and collected, to be known as the
 24 journal publication fee and used for the purposes
 25 provided for in section 618.13."
 26 2. By renumbering, relettering, redesignating,
 27 and correcting internal references as necessary.

DONALD V. DOYLE

S-5267

- 1 Amend Senate File 2222 as follows:
 2 1. Page 1, line 1, by striking the figure "99E.2"
 3 and inserting the following: "99D.2".
 4 2. Page 1, line 3, by striking the figure "10"
 5 and inserting the following: "9".
 6 3. Page 1, line 3, by inserting after the word
 7 "lottery" the following: "machine".
 8 4. Page 1, by inserting after line 6 the
 9 following:

10 NEW SUBSECTION. 10. "Video lottery machine
11 distributor" means a person that distributes or sells
12 video lottery machines or associated equipment in this
13 state.

14 NEW SUBSECTION. 11. "Video lottery machine
15 establishment" means a business owned or managed by a
16 person licensed to sell alcoholic beverages for
17 consumption on the premises as defined in section
18 123.3.

19 NEW SUBSECTION. 12. "Video lottery machine
20 manufacturer" means a person that assembles or
21 produces video lottery machines or associated
22 equipment for sale or use in this state.

23 NEW SUBSECTION. 13. "Video lottery machine
24 operator" means a person that places video lottery
25 machines or associated equipment for public use in
26 this state.

27 Sec. ____ NEW SECTION. 99D.30 REGULATION OF
28 VIDEO LOTTERY MACHINES, OPERATORS, MANUFACTURERS, AND
29 DISTRIBUTORS.

30 1. A person shall not operate or conduct business
31 as a video lottery machine manufacturer, distributor,
32 operator, or establishment in this state without
33 obtaining a license from the commission after a vote
34 of the county electorate favoring the licensing as
35 provided in this section. Before being granted a
36 license as provided in this section, an applicant is
37 subject to a background investigation by the division
38 of criminal investigation of the department of public
39 safety. A license issued under this chapter may be
40 suspended or revoked by the commission for a violation
41 of section 99D.30 or 99D.31 or a rule of the
42 commission adopted pursuant to sections 99D.30 and
43 99D.31. The commission shall adopt rules as
44 necessary, pursuant to chapter 17A, to provide for the
45 licensing, operation, and regulation of video lottery
46 machines.

47 2. The commission shall adopt, by rule, an annual
48 fee for each license not to exceed the following:

49 a. Video lottery machine manufacturer -- five
50 thousand dollars.

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1 b. Video lottery machine distributor -- five
2 thousand dollars.

3 c. Video lottery machine operator -- the greater
4 of one thousand five hundred dollars or one hundred
5 dollars per machine licensed.

6 d. Video lottery establishment -- one hundred

7 dollars.

8 3. In addition to the annual license fees, the
9 commission may charge a one-time license application
10 fee not to exceed fifty dollars. All fees collected
11 pursuant to this section shall be deposited directly
12 to the general fund of the state. All licenses issued
13 by the commission under this section are renewable
14 annually unless sooner canceled or terminated. A
15 license issued under this section is not transferable
16 or assignable.

17 4. If the commission is satisfied that this
18 chapter and the rules adopted under this chapter
19 applicable to licensees have been or will be complied
20 with, the commission shall issue a license for a
21 period of not more than three years to an applicant.

22 5. The commission shall not issue a license to
23 operate a video lottery machine in a county unless the
24 county electorate approves the issuance of video
25 lottery machine licenses at a referendum as provided
26 in this subsection. The board of supervisors, upon
27 receipt of a valid petition meeting the requirements
28 of section 331.306, shall direct the commissioner of
29 elections to submit to the qualified voters of the
30 county a proposition to approve or disapprove the
31 licensing of video lottery machines in the county.
32 The proposition shall be submitted at a general
33 election or at a special election called for that
34 purpose. To be submitted at a general election, the
35 petition must be received by the board of supervisors
36 at least seventy days before the election. If a
37 majority of the county voters voting on the
38 proposition favor the licensing of video lottery
39 machines, the board may issue one or more licenses as
40 provided in this chapter. If a majority of the county
41 voters voting on the proposition do not favor the
42 licensing of video lottery machines, a license to
43 operate video lottery machines in the county shall not
44 be issued. After a referendum has been held, another
45 referendum requested by petition shall not be held for
46 at least two years.

47 Sec. ____ . NEW SECTION. 99D.31 MULTIPLE TYPES OF
48 LICENSES PROHIBITED.

49 1. A video lottery machine manufacturer shall not
50 be licensed as a video lottery machine distributor or

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1 operator, or own, manage, or control a licensed
2 establishment.

3 2. A video lottery machine distributor shall not

4 be licensed as a video lottery machine manufacturer or
5 operator, or own, manage, or control a licensed
6 establishment.

7 3. A video lottery machine operator shall not be
8 licensed as a video lottery machine manufacturer or
9 distributor, or own, manage, or control a licensed
10 establishment.

11 4. An owner or manager of a licensed establishment
12 shall not be licensed as a video lottery machine
13 manufacturer, distributor, or operator."

14 5. Page 1, by striking lines 26 through 28 and
15 inserting the following: "shall not license the
16 operation of a video lottery machine as defined in
17 section 99D.2. In a game".

18 6. Page 2, by striking lines 3 through 25 and
19 inserting the following:

20 "Sec. ____ . Section 99E.9, subsection 6, Code 1991,
21 is amended to read as follows:

22 6. If reasonably practical when the lottery
23 division awards a contract under subsection 2, for the
24 lease or purchase of a machine to be used in the
25 conducting of a lottery game including, but not
26 limited to, a ~~video lottery machine~~ or machine used in
27 lotto, the lottery division shall give preference to
28 awarding the contract to a responsible vendor who
29 manufactures the machines in the state, provided the
30 costs and benefits to the lottery division are equal
31 to those available from competing vendors.

32 If reasonably practical when the lottery division
33 awards a contract under subsection 2, for the
34 servicing of a machine to be used in the conducting of
35 a lottery game including, but not limited to, a ~~video~~
36 ~~lottery machine~~ or a machine used in lotto, the
37 lottery division shall give preference to a
38 responsible vendor whose principal place of business
39 is in Iowa, provided the costs and benefits to the
40 lottery division are equal to those available from
41 competing vendors."

DONALD V. DOYLE

S-5268

1 Amend Senate File 2345 as follows:

2 1. Page 3, by striking lines 24 and 25 and
3 inserting the following: "included within the peace
4 officers' retirement, accident and disability system
5 created in chapter 97A."

DON E. GETTINGS

S-5269

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 21, line 34, by inserting after the word
- 3 "obligations." the following: "For the purposes of
- 4 enforcing child, spousal, or medical support
- 5 obligations, the garnishment or attachment of or the
- 6 execution against compensation due an employee or
- 7 dependent under chapter 85 shall be limited to a
- 8 maximum of fifty percent of the monthly compensation."

ELAINE SZYMONIAK
AL STURGEON

S-5270

- 1 Amend the amendment, S-5143, to Senate File 2072,
- 2 as follows:
- 3 1. Page 1, line 20, by inserting after the word
- 4 "school," the following: "in or on, or within one
- 5 thousand feet of the real property comprising an
- 6 institution governed by the state board of regents
- 7 listed in section 262.7 or a community college as
- 8 defined in section 280A.2,".
- 9 2. Page 1, line 25, by striking the words "this
- 10 chapter" and inserting the following: "section 724.3,
- 11 724.4, or 724.22".
- 12 3. By striking page 1, line 42 through page 2,
- 13 line 17, and inserting the following:
- 14 "a. A person who goes armed with a dangerous
- 15 weapon in the person's own dwelling or place of
- 16 business, or on land owned or possessed by the person.
- 17 b. A peace officer, when the officer's duties
- 18 require the person to carry such weapons.
- 19 c. A member of the armed forces of the United
- 20 States or of the national guard or person in the
- 21 service of the United States, when the weapons are
- 22 carried in connection with the person's duties as
- 23 such.
- 24 d. A correctional officer, when the officer's
- 25 duties require, serving under the authority of the
- 26 Iowa department of corrections.
- 27 e. A person who for any lawful purpose carries an
- 28 unloaded pistol, revolver, or other dangerous weapon
- 29 inside a closed and fastened container or securely
- 30 wrapped package which is too large to be concealed on
- 31 the person.
- 32 f. A person who for any lawful purpose carries or
- 33 transports an unloaded pistol or revolver in a vehicle
- 34 inside a closed and fastened container or securely

35 wrapped package which is too large to be concealed on
36 the person or inside a cargo or luggage compartment
37 where the pistol or revolver will not be readily
38 accessible to any person riding in the vehicle or
39 common carrier.

40 g. A person while the person is lawfully engaged
41 in target practice on a range designed for that
42 purpose or while actually engaged in lawful hunting.

43 h. A person who carries a knife used in hunting or
44 fishing, while actually engaged in lawful hunting or
45 fishing.

46 i. A person who has in the person's possession and
47 who displays to a peace officer on demand a valid
48 permit to carry weapons which has been issued to the
49 person, and whose conduct is within the limits of that
50 permit. A person shall not be convicted of a

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1 violation of this section if the person produces at
2 the person's trial a permit to carry weapons which was
3 valid at the time of the alleged offense and which
4 would have brought the person's conduct within this
5 exception if the permit had been produced at the time
6 of the alleged offense.

7 j. A law enforcement officer from another state
8 when the officer's duties require the officer to carry
9 the weapon and the officer is in this state for any of
10 the following reasons:

11 (1) The extradition or other lawful removal of a
12 prisoner from this state.

13 (2) Pursuit of a suspect in compliance with
14 chapter 806.

15 (3) Activities in the capacity of a law
16 enforcement officer with the knowledge and consent of
17 the chief of police of the city or the sheriff of the
18 county in which the activities occur or of the
19 commissioner of public safety.

20 k. A federal law enforcement officer, as defined
21 in section 804.7A, when the officer's duties require
22 the person to carry such weapons.

23 l. A person participating in an approved hunter
24 safety and ethics education course as provided in
25 section 110.27.

26 m. A person using a starter's gun in a sporting
27 event authorized by school or park officials.

28 n. A person participating in a reserve officer
29 training corps or junior reserve officer training
30 corps shooting program or other program authorized by
31 school officials."

32 4. By renumbering, relettering, redesignating,
33 and correcting internal references as necessary.

RICHARD VARN
LINN FUHRMAN

S-5271

1 Amend Senate File 2234 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Sec. ____ . Section 598.35, Code 1991, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. Nothing in this section
7 shall authorize access to any record sealed or
8 otherwise prohibited from public inspection under
9 section 600.16, subsection 2, by any person, provided
10 that the court may examine such records if a party
11 asserts that a person seeking visitation is not a
12 grandparent of the child."

JOHN W. JENSEN

S-5272

1 Amend Senate File 2316 as follows:
2 1. Page 9, by inserting after line 25, the
3 following:
4 "7A. Notwithstanding section 598.21, subsection 8,
5 paragraph "k", the presumption of paternity of a child
6 when paternity is established in the absence of blood
7 or genetic testing is overcome if, at any time
8 subsequent to such establishment, the court finds that
9 the conclusion of the expert as disclosed by the
10 evidence based upon the tests shows that the
11 established father is not the father of the child. If
12 the presumption is overcome, the established father is
13 relieved of all future support obligations owed the
14 child."
15 2. By renumbering as necessary.

LINN FUHRMAN

S-5273

1 Amend Senate File 2345 as follows:
2 1. Page 15, by striking line 34 through page 16,
3 line 6.

EUGENE S. FRAISE

S-5274

- 1 Amend Senate File 2309 as follows:
- 2 1. Page 1, by striking lines 12 through 15 and
- 3 inserting the following: "throughout the state."
- 4 2. Page 2, line 25, by striking the word "shall"
- 5 and inserting the following: "may".
- 6 3. Page 2, line 26, by striking the words
- 7 "assessment and".
- 8 4. Page 3, line 15, by striking the word "shall"
- 9 and inserting the following: "may".
- 10 5. Page 3, line 16, by striking the word "shall"
- 11 and inserting the following: "may".
- 12 6. Page 3, by striking lines 17 through 22.
- 13 7. Page 4, line 14, by striking the word "The".
- 14 8. Page 4, by striking lines 15 through 18.
- 15 9. By renumbering and relettering as necessary.

RALPH ROSENBERG

S-5275

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 2, lines 12 through 14, by striking the
- 3 words "or less than one hundred ten percent of the
- 4 applicant's final offer, whichever is greater".

SHELDON RITTMER

S-5276

- 1 Amend Senate File 2295 as follows:
- 2 1. Page 3, by striking lines 6 through 19 and
- 3 inserting the following: "establish a project.
- 4 However, before a community college and a small
- 5 business enter into an agreement to establish a
- 6 project, the community college shall consult with the
- 7 local office of the division of job service of the
- 8 department of employment services to determine if
- 9 there already exists in the community, a skilled or,
- 10 experienced group of unemployed workers, as a result
- 11 of a plant closing or reduction in force, sufficiently
- 12 large to supply the needs of the new or expanding
- 13 small business. If such a supply of workers exists,
- 14 the community college shall enter into the agreement
- 15 only if the small business agrees to give preference
- 16 in training to those workers over any other workers
- 17 who do not have greater qualifications. If an

18 agreement is entered into, the community college and
19 the employer business shall notify the”.

RICHARD RUNNING
JAMES R. RIORDAN
ALLEN BORLAUG

S-5277

- 1 Amend Senate File 2348 as follows:
2 1. Page 19, by inserting after line 35 the
3 following:
4 “Sec. ____ . Section 602.8105, subsection 1,
5 paragraph a, Code Supplement 1991, is amended to read
6 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 fifty dollars. The fee shall be deposited in the
13 court revenue distribution account established under
14 section 602.8108, and shall be paid into the state
15 treasury. Of the amount paid to the state treasury,
16 one dollar shall be deposited in the judicial
17 retirement fund established in section 602.9104 to be
18 used to pay retirement benefits of the judicial
19 retirement system, and the remainder shall be
20 deposited in the general fund of the state. In
21 counties having a population of one hundred ninety-
22 eight thousand or over, an additional five three
23 dollars shall be charged and collected, to be known as
24 the journal publication fee and used for the purposes
25 provided for in section 618.13.”
26 2. By renumbering, relettering, redesignating,
27 and correcting internal references as necessary.

DONALD V. DOYLE

S-5278

- 1 Amend Senate File 2316 as follows:
2 1. Page 7, line 34, by inserting after the word
3 “state” the following: “and payments owed to the
4 child support obligor through the Iowa public
5 employees’ retirement system”.
6 2. Page 15, by inserting after line 19, the
7 following:
8 “Sec. ____ . Section 97B.39, Code 1991, is amended
9 to read as follows:

10 97B.39 RIGHTS NOT TRANSFERABLE – NOT SUBJECT TO
11 LEGAL PROCESS.

12 The right of any person to any future payment under
13 this chapter is not transferable or assignable, at law
14 or in equity, and the moneys paid or payable or rights
15 existing under this chapter are not subject to
16 execution, levy, attachment, garnishment, or other
17 legal process, or to the operation of any bankruptcy
18 or insolvency law except for the purposes of enforcing
19 child, spousal, or medical support obligations. For
20 the purposes of enforcing child, spousal, or medical
21 support obligations, the garnishment or attachment of
22 or the execution against compensation due a person
23 under chapter 97B shall not exceed the amount
24 specified in 15 U.S.C. § 1673(b)."

RALPH ROSENBERG

S-5279

1 Amend Senate File 2250 as follows:
2 1. Page 1, line 5, by striking the words "or
3 dentists" and inserting the following: "or dentists,
4 physician assistants, advanced registered nurse
5 practitioners, certified clerical nurse specialists".
6 2. Page 1, line 7, by inserting after the figure
7 "148," the following: "148C".
8 3. Page 1, line 7, by inserting after the figure
9 "150A," the following: "152".
10 4. Page 1, line 10, by inserting after the word
11 "medical" the following: "or nursing".
12 5. Page 1, line 11, by inserting after the word
13 "medical" the following: "or nursing".
14 6. Title page, line 3, by inserting after the
15 word "psychology" the following: ", physician
16 assistants, advanced registered nurse practitioners,
17 and certified clinical nurse specialists,".

JIM RIORDAN

S-5280

1 Amend Senate File 2329 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 96.4, subsection 4, unnumbered
5 paragraph 1, Code Supplement 1991, is amended to read
6 as follows:
7 The individual has been paid wages for insured work
8 during the individual's base period in an amount at

9 least one and one-quarter times the wages paid to the
10 individual during that quarter of the individual's
11 base period in which the individual's wages were
12 highest; provided that the individual has been paid
13 wages for insured work in two calendar quarters of the
14 individual's base period in amounts totaling at least
15 three and five-tenths one-half percent and one and
16 three-fourths percent, rounded to the nearest multiple
17 of ten dollars, respectively, of the statewide average
18 annual weekly wage for insured work, multiplied by
19 fifty-two, using the statewide average weekly wage
20 computed for the preceding calendar year preceding the
21 individual's benefit year if the individual's benefit
22 year begins on or after the first full week in July
23 and computed for the second preceding calendar year if
24 the individual's benefit year begins before the first
25 full week in July; in that calendar quarter in the
26 individual's base period in which the individual's
27 wages were highest; and, However, the individual
28 shall be eligible to receive benefits if the
29 individual has been paid wages for insured work
30 totaling at least one-half of the amount of wages
31 required under this subsection in the calendar quarter
32 of the base period in which the individual's wages
33 were highest, in a calendar quarter in the
34 individual's base period other than the calendar
35 quarter in which the individual's wages were highest
36 during the individual's base period in an amount equal
37 to or greater than the amount of taxable wages, as
38 defined in section 96.19, subsection 20, for the
39 calendar year in which the individual files the claim
40 for benefits. The calendar quarter wage requirements
41 shall be rounded to the nearest multiple of ten
42 dollars.

43 Sec. 2. Section 96.5, subsection 5, paragraph a,
44 Code Supplement 1991, is amended by striking the
45 paragraph.

46 Sec. 3. Section 96.5, subsection 5, paragraph c,
47 unnumbered paragraph 1, Code Supplement 1991, is
48 amended to read as follows:

49 A governmental or other pension, retirement or
50 retired pay, annuity, or any other similar periodic

Page 2

1 payment made under a plan maintained or contributed to
2 by a base period or chargeable employer where, except
3 for benefits under the federal Social Security Act or
4 the federal Railroad Retirement Act of 1974 or the
5 corresponding provisions of prior law, the plan's

6 eligibility requirements or benefit payments are
7 affected by the base period employment or the
8 remuneration for the base period employment. However,
9 if an individual's benefits are weekly benefit amount
10 shall not be reduced due to the receipt of a payment
11 under referred to in this paragraph, the reduction
12 shall be decreased by the same percentage as the
13 percentage contribution of if the individual made any
14 contribution to the pension or retirement plan under
15 which the payment is made.

16 Sec. 4. Section 96.5, subsection 7, Code
17 Supplement 1991, is amended by striking the subsection
18 and inserting in lieu thereof the following:

19 7. VACATION PAY. For any week with respect to
20 which the individual is receiving or has received
21 vacation pay for a period in which the employer
22 annually ceases to operate a plant or location for an
23 annual vacation period.

24 Sec. 5. Section 96.29, Code 1991, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 7. An individual who is
27 ineligible under subsection 1, paragraph "c", to
28 receive emergency unemployment compensation pursuant
29 to the federal Emergency Unemployment Compensation Act
30 of 1991, Pub. L. No. 102-164, as amended by Pub. L.
31 No. 102-182 and Pub. L. No. 102-244, shall be eligible
32 for benefits pursuant to this subsection under the
33 same terms and conditions as the federal Emergency
34 Unemployment Compensation Act of 1991, as amended, and
35 any future amendments to that federal Act for any week
36 of benefits beginning on or after the effective date
37 of this Act. Notwithstanding section 96.7, subsection
38 2, paragraph "a", subparagraph (2), an employer's
39 account shall not be charged with benefits paid under
40 this subsection.

41 Sec. 6. **TEMPORARY EMPLOYER CONTRIBUTION RATE.**

42 Notwithstanding section 96.7, subsection 2, paragraph
43 "d", the contribution rate table to be in effect for
44 the rate year following the July 1, 1992, computation
45 date shall be the contribution rate table which is
46 numerically one greater than the contribution rate
47 table determined by the division in accordance with
48 section 96.7, subsection 2, paragraph "d", to be in
49 effect for the rate year following the July 1, 1992,
50 computation date.

Page 3

1 Sec. 7. **REPEAL.** Section 1 of this Act is repealed
2 June 30, 1994, and the Code editor shall restore

3 section 96.4, subsection 4, unnumbered paragraph 1, to
 4 the language existing in the Code Supplement 1991,
 5 which shall be effective July 1, 1994.

6 Sec. 8. EFFECTIVE DATE. Section 5 of this Act,
 7 being deemed of immediate importance, takes effect
 8 upon enactment.

9 Sec. 9. APPLICABILITY. Sections 1 through 4 of
 10 this Act apply to unemployment compensation claims
 11 effectively filed on or after July 5, 1992."

RICHARD VARN

S-5281

1 Amend amendment, S-5221, to Senate File 2244 as
 2 follows:

3 1. By striking page 1, line 4 through page 6,
 4 line 29 and inserting the following:

5 ""Section 1. Section 172C.2, unnumbered paragraph
 6 1, Code 1991, is amended to read as follows:

7 In order to preserve free and private enterprise,
 8 prevent monopoly, and protect consumers, it is
 9 unlawful for any processor of beef or pork or limited
 10 partnership in which a processor holds partnership
 11 shares as a general partner or partnership shares as a
 12 limited partner, to own, control or operate a feedlot
 13 in Iowa in which hogs or cattle are fed for slaughter.
 14 In addition, a processor shall not directly or
 15 indirectly control the manufacturing, processing, or
 16 preparation for sale of pork products derived from
 17 swine if the processor contracted for the care and
 18 feeding of the swine in this state. However, this
 19 section does not apply to a cooperative association
 20 organized under chapter 497, 498, or 499, if the
 21 cooperative association contracts for the care and
 22 feeding of swine with a member of the cooperative
 23 association who is actively engaged in farming as
 24 provided in section 172C.1, subsection 1, paragraphs
 25 "a" through "c". This section does not apply to an
 26 association organized as a cooperative in which
 27 another cooperative association organized under
 28 chapter 497, 498, or 499 is a member, if the
 29 association contracts with a member which is a
 30 cooperative association organized under chapter 497,
 31 498, or 499, which contracts for the care and feeding
 32 of swine with a member of the cooperative who is
 33 actively engaged in farming as provided in section
 34 172C.1, subsection 1, paragraphs "a" through "c". In
 35 the latter case, the cooperative association organized
 36 under chapter 497, 498, or 499 shall give notice to

37 its members in the manner provided under section
 38 499.27 and shall provide for a member hearing to be
 39 held at least ninety days before entering into a
 40 contract for the care and feeding of swine with a
 41 cooperative association of which the cooperative
 42 association organized under chapter 497, 498, or 499
 43 is a member. The board of directors of the member
 44 cooperative shall poll the association's voting
 45 members present at the hearing to provide an
 46 indication of the membership's support for the
 47 contract. The poll shall be conducted by vote which
 48 shall be used to guide the board. The cooperative
 49 association shall keep minutes of the hearing which
 50 shall reflect the vote of the members present.

Page 2

1 PARAGRAPH DIVIDED. This section shall not preclude
 2 a processor or limited partnership from contracting
 3 for the purchase of hogs or cattle, provided that
 4 where the contract sets a date for delivery which is
 5 more than twenty days after the making of the contract
 6 it shall:""

JOHN KIBBIE
 WILMER RENSINK
 RICHARD VANDE HOEF
 LEONARD L. BOSWELL

S-5282

1 Amend Senate File 2316 as follows:
 2 1. Page 21, line 34, by inserting after the word
 3 "obligations." the following: "For the purposes of
 4 enforcing child, spousal, or medical support
 5 obligations, the garnishment or attachment of or the
 6 execution against compensation due an employee or
 7 dependent under chapter 85 shall be limited as
 8 specified in 15 U.S.C. § 1673(b)."

ELAINE SZYMONIAK
 AL STURGEON

S-5283

1 Amend Senate File 2250 as follows:
 2 1. Page 1, by striking lines 24 through 30 and
 3 inserting the following: "services at the hospital.
 4 Nothing in this section shall be construed to require
 5 a hospital to establish rules which are inconsistent

6 with the scope of practice established for licensure
7 of practitioners to whom this paragraph applies."

LARRY MURPHY

S-5284

- 1 Amend Senate File 2294 as follows:
- 2 1. Page 4, by inserting after line 2 the
- 3 following:
- 4 "Sec. ____ . HOUSING PROGRAMS STUDY REQUESTED. The
- 5 legislative council is requested to establish a
- 6 committee for the 1992 interim to study federal,
- 7 state, and local housing programs. The interim study
- 8 shall include existing housing programs and consider
- 9 funding streams, including expanded federal funding
- 10 available through the federal Cranston-Gonzalez National
- 11 Affordable Housing Act of 1990, Pub. L. No. 101-625.
- 12 The committee shall give attention to existing housing
- 13 and housing planning, in developing its
- 14 recommendations to the legislative council and the
- 15 general assembly."
- 16 2. By renumbering as necessary.

JIM RIORDAN
MAGGIE TINSMAN

S-5285

- 1 Amend the amendment, S-5149, to Senate File 2046 as
- 2 follows:
- 3 1. By striking page 1, line 2, through page 3,
- 4 line 24, and inserting the following:
- 5 "____. Page 3, by inserting after line 11 the
- 6 following:"
- 7 2. Page 3, by striking lines 32 through 43.
- 8 3. By renumbering as necessary.

EUGENE FRAISE

S-5286

- 1 Amend Senate File 2307 as follows:
- 2 1. Page 5, by inserting after line 33, the
- 3 following:
- 4 "Sec. ____ . APPLICABILITY AND IMPLEMENTATION.
- 5 1. This Act shall apply as follows:
- 6 a. Participation by state employees represented by
- 7 an employee organization shall commence on the
- 8 effective date of any contract negotiated on or after

- 9 July 1, 1992, pursuant to the terms of such contract.
10 b. Participation by all other public employees
11 represented by an employee organization and required
12 to participate in the plan shall commence on the
13 effective date of any contract negotiated on or after
14 July 1, 1993, pursuant to the terms of such contract.
15 c. Participation by all other public employees
16 shall commence on July 1, 1993.
17 d. Participation by all other individuals shall be
18 allowed beginning July 1, 1993.
19 2. The advisory board established under this Act
20 shall immediately begin an assessment of health care
21 coverage options and the collection of other data
22 necessary to implement the provisions of this Act.”
23 2. Title page, line 2, by inserting after the
24 word “plan” the following: “and providing for the
25 applicability of the Act”.
26 3. Renumber as necessary.

RICHARD VARN

S-5287

- 1 Amend House File 2292, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 80A.2, Code 1991, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8. A person engaged in the
8 process of verifying the credentials of physicians and
9 allied health professionals applying for hospital
10 staff privileges.”
11 2. Page 4, by inserting after line 21 the fol-
12 lowing:
13 “4A. The board shall give priority to the
14 processing of applications for licensure submitted by
15 physicians and surgeons, osteopaths, and osteopathic
16 physicians and surgeons whose practice will primarily
17 involve provision of service to underserved
18 populations, including but not limited to persons who
19 are minorities or low-income, or who live in rural
20 areas.”
21 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
JOHN KIBBIE, Chairperson

S-5288

1 Amend Senate File 2302 as follows:
2 1. Page 3, by inserting after line 23 the fol-
3 lowing:
4 "Sec. ____ . Section 236.11, Code Supplement 1991,
5 is amended by adding the following new unnumbered
6 paragraph after unnumbered paragraph 2:
7 NEW UNNUMBERED PARAGRAPH. However, a peace officer
8 shall not take a person into custody for violation of
9 an order as required in this section without actual
10 knowledge that a return of service has been filed with
11 respect to service of the order on the person, or
12 actual knowledge that the person is aware of the
13 order."
14 2. By renumbering and correcting internal
15 references as necessary.

RALPH ROSENBERG

S-5289

1 Amend Senate File 2302 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 232.2, Code Supplement 1991,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 1A. "Act of domestic abuse" means
7 an action by a child which, if committed by a person
8 eighteen years of age or older upon another person
9 eighteen years of age or older, and would fall within
10 the definition of domestic abuse contained in section
11 236.2.
12 Sec. 2. Section 232.29, Code 1991, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 3. If the child admits to the
15 commission of a delinquent act which involves the
16 child's commission of an act of domestic abuse, in
17 determining the appropriate terms of the informal
18 adjustment agreement, the intake officer shall take
19 into account the interests of the victim and the
20 remedies which would be afforded to the victim if the
21 child were an adult.
22 Sec. 3. Section 232.46, Code 1991, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 6. The court shall consider
25 whether the delinquent act alleged in the petition
26 involves the child's commission of an act of domestic
27 abuse, and shall take into account the interests of
28 the victim and the remedies which would be afforded to

29 the victim if the child were an adult, in entering a
 30 consent decree under this section.

31 Sec. 4. Section 232.52, Code Supplement 1991, is
 32 amended by adding the following new subsection:
 33 **NEW SUBSECTION. 10.** The court shall consider
 34 whether the delinquent act committed by the child
 35 involves the child's commission of an act of domestic
 36 abuse, and shall take into account the interests of
 37 the victim and the remedies which would be afforded to
 38 the victim if the child were an adult, in entering a
 39 dispositional order pursuant to this section."

40 2. Page 1, line 10, by inserting after the word
 41 "persons" the following: "who are both eighteen years
 42 of age or older and".

43 3. Page 1, line 13, by striking the word
 44 "fourteen" and inserting the following: "eighteen".

45 4. By striking page 1, line 32, through page 3,
 46 line 29.

47 5. Page 4, by striking lines 8 through 25.

48 6. Title page, lines 4 and 5, by striking the
 49 words "including certain assaults involving minors"
 50 and inserting the following: "providing for the

Page 2

1 adjudication of acts of domestic abuse as delinquent
 2 acts by minors".

3 7. By renumbering and correcting internal
 4 references as necessary.

RALPH ROSENBERG

S-5290

1 Amend Senate File 2348 as follows:

2 1. Page 5, line 8, by inserting after the word
 3 "chaplain" the following: "to provide religious
 4 counseling to inmates".

5 2. Page 18, by inserting after line 25, the
 6 following:
 7 "Sec. ____ . Section 261.2, Code 1991, is amended by
 8 adding the following new subsection:
 9 **NEW SUBSECTION. 15.** Develop and implement, in
 10 cooperation with the judicial district departments of
 11 correctional services, the department of corrections,
 12 and the judicial department, a program to assist
 13 criminal offenders in applying for federal and state
 14 aid available for higher education."

15 3. By renumbering, relettering, redesignating,
16 and correcting internal references as necessary.

RALPH ROSENBERG
RICHARD VARN

S-5291

1 Amend Senate File 2250 as follows:
2 1. Page 1, line 30, by inserting after the word
3 "etiology" the following: "with the exception of
4 the treatment of the psychological and behavioral
5 aspects of those mental illnesses or nervous
6 disorders".

LARRY MURPHY

S-5292

1 Amend Senate File 2331 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 702.12, Code 1991, is amended
5 to read as follows:
6 702.12 OCCUPIED STRUCTURE.
7 An "occupied structure" is any building, structure,
8 appurtenances to buildings and structures, land, water
9 or air vehicle, or similar place adapted for overnight
10 accommodation of persons, or occupied by persons for
11 the purpose of carrying on business or other activity
12 therein, or for the storage or safekeeping of anything
13 of value. Such a structure is an "occupied structure"
14 whether or not a person is actually present. However,
15 for purposes of chapter 713, a land, water, or air
16 vehicle not adapted for overnight accommodations, a
17 box, chest, safe, changer, or other object or device
18 which is adapted or used for the deposit or storage of
19 anything of value but which is too small or not
20 designed to allow a person to physically enter or
21 occupy it is not an "occupied structure".
22 Sec. 2. Section 713.3, Code 1991, is amended to
23 read as follows:
24 713.3 BURGLARY IN THE FIRST DEGREE.
25 A person commits burglary in the first degree if,
26 while perpetrating a burglary upon a dwelling, the
27 person has in the person's possession an explosive or
28 incendiary device or material, or a dangerous weapon,
29 or intentionally or recklessly inflicts bodily injury
30 on any person. Burglary in the first degree is a
31 class "B" felony.

32 Sec. 3. Section 713.4, Code 1991, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 **713.4 BURGLARY IN THE SECOND DEGREE.**

36 A person commits burglary in the second degree if
37 either of the following occur:

38 1. While perpetrating a burglary upon an occupied
39 structure, the person has in the person's possession
40 an explosive or incendiary device or material, or a
41 dangerous weapon, or intentionally or recklessly
42 inflicts bodily injury on any person.

43 2. The burglary is committed upon a dwelling and
44 the person committing the burglary does not have in
45 the person's possession an explosive or incendiary
46 device or material or a dangerous weapon and no bodily
47 injury is intentionally or recklessly inflicted on any
48 person by the person committing the burglary.

49 Burglary in the second degree is a class "C"
50 felony.

Page 2

1 Sec. 4. Section 713.5, Code 1991, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 **713.5 BURGLARY IN THE THIRD DEGREE.**

5 All burglary which is not first or second degree
6 burglary and burglary committed upon an occupied
7 structure where the person committing the burglary
8 does not have in the person's possession an explosive
9 or incendiary device or material or a dangerous weapon
10 and no bodily injury is intentionally or recklessly
11 inflicted on any person by the person committing the
12 burglary is burglary in the third degree.

13 Burglary in the third degree is a class "D" felony.

14 Sec. 5. Section 713.6, Code 1991, is amended by
15 striking the section and inserting in lieu thereof the
16 following:

17 **713.6 ATTEMPTED BURGLARY IN THE FIRST DEGREE.**

18 A person commits attempted burglary in the first
19 degree if, while perpetrating an attempted burglary
20 upon a dwelling, the person has possession of an
21 explosive or incendiary device or material, or a
22 dangerous weapon, or intentionally or recklessly
23 inflicts physical injury on any person.

24 Attempted burglary in the first degree is a class
25 "C" felony.

26 Sec. 6. Section 713.7, Code 1991, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 713.7 ATTEMPTED BURGLARY IN THE SECOND DEGREE.

30 A person commits attempted burglary in the second
31 degree if either of the following occur:

32 1. While perpetrating an attempted burglary upon
33 an occupied structure, the person has possession of an
34 explosive or incendiary device or material, or a
35 dangerous weapon, or intentionally or recklessly
36 inflicts physical injury on any person.

37 2. The person attempts to commit a burglary upon a
38 dwelling and the person committing the burglary does
39 not have in the person's possession an explosive or
40 incendiary device or material or a dangerous weapon
41 and no bodily injury is intentionally or recklessly
42 inflicted on any person by the person committing the
43 attempted burglary.

44 Attempted burglary in the second degree is a class
45 "D" felony.

46 Sec. 7. NEW SECTION. 713.8 ATTEMPTED BURGLARY IN
47 THE THIRD DEGREE.

48 All attempted burglary which is not attempted
49 burglary in the first or second degree and burglary of
50 an occupied structure where the person committing the

Page 3

1 burglary does not have in the person's possession an
2 explosive or incendiary device or material or a
3 dangerous weapon and no bodily injury is intentionally
4 or recklessly inflicted on any person by the person
5 committing the attempted burglary is attempted
6 burglary in the third degree.

7 Attempted burglary in the third degree is an
8 aggravated misdemeanor.

9 Sec. 8. NEW SECTION. 713.9 POSSESSION OF
10 BURGLAR'S TOOLS.

11 Any person who possesses any key, tool, instrument,
12 device or any explosive, with the intent to use it in
13 the perpetration of a burglary, shall be guilty of
14 possessing burglar's tools.

15 Possessing burglar's tools is a class "C" felony."

AL STURGEON
LINN FUHRMAN

S-5293

1 Amend Senate File 2347 to read as follows:

- 2 1. Page 1, line 25, by striking the figure
- 3 "47,207" and inserting the following: "70,000".
- 4 2. Page 1, by inserting after line 25 the

5 following:
 6 "Of the funds appropriated in this paragraph "b"
 7 not more than \$47,207 shall be used to support the
 8 operations of the dairy trade practices bureau for the
 9 fiscal year beginning July 1, 1992, and ending June
 10 30, 1993. Notwithstanding section 8.39, moneys
 11 appropriated under this paragraph shall not be
 12 transferred by the department to support a purpose
 13 other than the operations of the bureau.
 14 Notwithstanding section 8.33, unobligated or
 15 unencumbered moneys remaining on June 30, 1993, shall
 16 not revert, but shall be available for expenditure for
 17 the bureau for the next fiscal year and any of these
 18 moneys remaining on June 30, 1994, shall revert to the
 19 general fund of the state."

BERL E. PRIEBE

S-5294

1 Amend Senate File 2334 as follows:
 2 1. Page 1, by inserting before line 1 the fol-
 3 lowing:
 4 "Section 1. Section 15.103, subsection 1,
 5 paragraph a, Code Supplement 1991, is amended by
 6 adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. The department shall set
 8 aside ten percent of all community development block
 9 grant funds for distribution in the form of forgivable,
 10 loans to small businesses, as defined in section
 11 15.102, subsection 4, to assist in small business com-
 12 pliance with section 601A.6A. Each forgivable loan
 13 shall not exceed five thousand dollars. Forgivable
 14 loans shall only be made to small businesses with net
 15 profits of fifty thousand dollars or less."
 16 2. By renumbering as necessary.

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 JIM RIORDAN, Chairperson

S-5295

1 Amend Senate File 2350 as follows:
 2 1. Page 1, line 17, by striking the word "any"
 3 and inserting the following: "the".
 4 2. Page 1, line 18, by inserting after the word
 5 "hospital" the following: "for treatment of indigent
 6 patients as provided in chapter 255".
 7 3. Page 1, line 25, by inserting after the word

8 "hospital" the following: "for treatment of indigent
9 patients as provided in chapter 255".

WILLIAM DIELEMAN

S-5296

1 Amend Senate File 2294 as follows:
2 1. Page 4, by inserting after line 2 the
3 following:
4 "9. The division shall work with each affected
5 public housing agency created under chapter 403A to
6 prevent duplication between the division's efforts
7 under this section to provide housing pursuant to this
8 section and the efforts of a public housing agency to
9 provide housing to eligible persons within the housing
10 agency's service area. In working to prevent
11 duplication, the department may provide technical
12 assistance and refer persons with mental illness,
13 mental retardation, or a developmental disability who
14 are eligible for housing assistance to a housing
15 agency."

MARK R. HAGERLA

S-5297

1 Amend amendment, S-5292, to Senate File 2331, as
2 follows:
3 1. Page 1, line 39, by inserting after the word
4 "structure," the following: "other than a dwelling."
5 2. Page 2, line 7, by inserting after the word
6 "structure" the following: ", other than a
7 dwelling."
8 3. Page 2, line 33, by inserting after the word
9 "structure," the following: "other than a dwelling."
10 4. Page 2, line 50, by inserting after the word
11 "structure" the following: ", other than a
12 dwelling,".

LINN FUHRMAN

S-5298

1 Amend Senate File 2351 as follows:
2 1. Page 6, by striking lines 2 through 7 and
3 inserting the following: "the following: an
4 appropriation for homestead tax".
5 2. By striking page 6, line 32 through page 10,
6 line 32.

- 7 3. Page 11, by striking lines 26 through 28.
 8 4. Page 11, lines 29 through 32, by striking the
 9 words and figures "Sections 5 through 10 and section
 10 18 of this Act take effect July 1, 1992, for purposes
 11 of computing state aid to school corporations for
 12 school budget years beginning on or after July 1,
 13 1993."
 14 5. By renumbering as necessary.

MIKE CONNOLLY
 WALLY E. HORN
 JAMES B. KERSTEN
 DALE L. TIEDEN
 JOHN P. KIBBIE
 RICHARD F. DRAKE

S-5299

- 1 Amend Senate File 2256 as follows:
 2 1. Page 2, by striking lines 24 through 28.

JIM LIND

S-5300

- 1 Amend Senate File 2342 as follows:
 2 1. Page 1, by striking lines 14 and 15 and
 3 inserting the following: "a different cluster on its
 4 own motion if it joins the new cluster at the
 5 beginning of a fiscal year."

EMIL J. HUSAK

S-5301

- 1 Amend Senate File 2302 as follows:
 2 1. Page 3, line 35, by striking the word "days."
 3 and inserting the following: "days, unless the
 4 sentence is partially suspended as permitted in this
 5 section."
 6 2. Page 4, by striking lines 2 through 4 and
 7 inserting the following: "consecutive days, unless
 8 the sentence is being served after the defendant has
 9 been released due to a suspension of part of the
 10 sentence. The court may suspend all but three days of
 11 a sentence imposed under this section, including the
 12 seven-day minimum sentence. The court shall not enter
 13 a deferred judgment or sentence for".
 14 3. Page 4, by striking lines 20 through 22 and
 15 inserting the following: "minimum of seven

16 consecutive days, except that all but three days of
17 the sentence may be suspended. If a portion of the
18 sentence is suspended and the juvenile is detained
19 after receiving a partially suspended sentence, the
20 sentence need not be served on consecutive days. The
21 court shall not enter a deferred judgment or sentence
22 for violation of a no-contact”.

RALPH ROSENBERG

S-5302

1 Amend Senate File 2302 as follows:

2 1. Page 3, line 34, by striking the words “and
3 must”.

4 2. Page 4, line 19, by striking the words “and
5 must”.

6 3. Page 5, lines 15 and 16, by striking the words
7 “and must”.

RALPH ROSENBERG

S-5303

1 Amend Senate File 2201 as follows:

2 1. Page 3, by inserting after line 28, the
3 following:

4 “Sec. ____ . Section 601A.7, subsection 2, paragraph
5 a, Code 1991, is amended to read as follows:

6 a. Any bona fide religious institution with
7 respect to any qualifications the institution may
8 impose based on religion or sexual orientation when
9 such qualifications are related to a bona fide
10 religious purpose.”

11 2. Page 4, line 25, by inserting after the figure
12 “2,” the following: “subsection 4, paragraph a, and
13 subsection 5,”.

14 3. Page 5, by inserting after line 2, the
15 following:

16 “a. A person whose business includes engaging in
17 residential real estate related transactions shall not
18 discriminate against a person in making a residential
19 real estate related transaction available or in terms
20 or conditions of a residential real estate related
21 transaction because of race, color, creed, sex, sexual
22 orientation, religion, national origin, disability, or
23 familial status.

24 5. A person shall not deny another person access
25 to, or membership or participation in, a multiple-
26 listing service, real estate brokers' organization or

27 other service, organization, or facility relating to
 28 the business of selling or renting dwellings, or
 29 discriminate against a person in terms or conditions
 30 of access, membership, or participation in such
 31 organization because of race, color, creed, sex,
 32 sexual orientation, religion, national origin,
 33 disability, or familial status."

34 4. By striking page 6, line 15, through page 7,
 35 line 1.

36 5. Page 8, by inserting after line 5, the
 37 following:

38 "NEW UNNUMBERED PARAGRAPH. This chapter shall not
 39 be construed to authorize the promotion of a
 40 particular sexual orientation in educational
 41 institutions."

42 6. By renumbering as necessary.

LARRY MURPHY

S-5304

1 Amend Senate File 2290 as follows:

2 1. Page 1, by striking lines 1 through 10.

3 2. Title page, by striking lines 1 through 3, and
 4 inserting the following: "An Act relating to the
 5 provision of solid waste collection".

6 3. By renumbering as necessary.

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES

RALPH ROSENBERG, Chairperson

S-5305

1 Amend Senate File 2351 as follows:

2 1. Page 6, line 3, by inserting after the word

3 "aid" the following: "attributable to the increase in
 4 allowable growth".

5 2. Page 7, line 28, by inserting after the word
 6 "FOR" the following: "ALLOWABLE GROWTH".

7 3. Page 7, line 30, by inserting after the word
 8 "aid" the following: "attributable to the increase in
 9 allowable growth".

10 4. Page 7, line 33, by inserting before the word
 11 "foundation" the following: "total".

12 5. Page 8, by striking lines 4 through 6 and
 13 inserting the following: "increase in the school
 14 districts' sum of the regular program district cost
 15 per pupil multiplied by the weighted enrollment and
 16 the special education support services district cost

17 allowed".

18 6. Page 8, line 8, by inserting after the word
19 "aid" the following: "attributable to the increase in
20 allowable growth".

21 7. Page 8, by striking lines 12 and 13 and
22 inserting the following: "eight-tenths percent of the
23 amount computed in".

24 8. Page 8, line 14, by striking the figure "2"
25 and inserting the following: "3".

26 9. Page 8, by striking lines 18 and 19 and
27 inserting the following: "percent of the amount
28 computed in subsection 3, divided by".

29 10. Page 9, by striking lines 22 and 23 and
30 inserting the following: "of management shall adjust
31 the twenty-five hundredths multiplier in the formula
32 for computing the amount of state aid under the
33 preceding paragraph so that the total amount of
34 instructional support state aid does not exceed".

RICHARD VARN

S-5306

1 Amend House File 2033, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 9, by inserting after the word
4 "condition" the following: "of the breast".

ELAINE SZYMONIAK

S-5307

1 Amend Senate File 2351 as follows:

2 1. Page 9, by inserting after line 24 the
3 following:

4 "Sec. ____ Section 262A.4, Code 1991, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. The total amount of
7 bonds which may be outstanding under this chapter
8 shall not exceed the total amount of bonds which are
9 outstanding as of March 19, 1992."

10 2. By renumbering as necessary.

MIKE CONNOLLY

S-5308

1 Amend Senate File 2316 as follows:

2 1. Page 1, line 14, by inserting after the word
3 "dollars" the following: "which shall only be col-

4 lected following recovery of support money by the
5 department".
6 2. Page 1, line 28, by inserting after the word
7 "services" the following: "following recovery of
8 support money by the department".

FLORENCE BUHR

S-5309

1 Amend Senate File 2251 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 69.13, subsection 1, Code
5 Supplement 1991, is amended to read as follows:
6 1. SENATOR IN CONGRESS AND ELECTIVE STATE
7 OFFICERS.
8 a. If a vacancy occurs in the office of senator in
9 the Congress of the United States, lieutenant
10 governor, secretary of state, auditor of state,
11 treasurer of state, secretary of agriculture, or
12 attorney general eighty-nine or more days before a
13 general election, and the unexpired term in which the
14 vacancy exists has more than seventy days to run after
15 the date of that general election, the vacancy shall
16 be filled for the balance of the unexpired term at
17 that general election and the person elected to fill
18 the vacancy shall assume office as soon as a
19 certificate of election has been issued and the person
20 has qualified.
21 b. If a vacancy occurs in the office of secretary
22 of state, auditor of state, treasurer of state,
23 secretary of agriculture, or attorney general, other
24 than as described in paragraph "a", the governor shall
25 appoint the lieutenant governor to fill the vacancy
26 and serve until the vacancy is filled at the next
27 general election. The person elected at the next
28 general election to fill the vacancy shall assume
29 office as soon as a certificate of election has been
30 issued and the person has qualified. However, the
31 governor shall appoint a person other than the
32 lieutenant governor to fill a vacancy if the
33 lieutenant governor is already filling another vacancy
34 pursuant to this paragraph or if the lieutenant
35 governor does not meet the qualifications for the
36 position as provided by the Code.
37 Sec. 2. Section 43.6, subsection 1, Code 1991, is
38 amended to read as follows:
39 1. When a vacancy occurs in the office of senator
40 in the congress of the United States, lieutenant

41 governor, secretary of state, auditor of state,
42 treasurer of state, secretary of agriculture, or
43 attorney general and section 69.13, subsection 1,
44 paragraph "a", requires that the vacancy be filled for
45 the balance of the unexpired term at a general
46 election, candidates for the office shall be nominated
47 in the preceding primary election if the vacancy
48 occurs eighty-nine or more days before the date of
49 that primary election. If the vacancy occurs less
50 than one hundred four days before the date of that

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1 primary election, the state commissioner shall accept
2 nomination papers for that office only until five
3 o'clock p.m. on the seventy-fourth day before the
4 primary election, the provisions of section 43.11
5 notwithstanding. If the vacancy occurs later than
6 eighty-nine days before the date of that primary
7 election, but not less than eighty-nine days before
8 the date of the general election, the nominations
9 shall be made in the manner prescribed by this chapter
10 for filling vacancies in nominations for offices to be
11 voted for at the general election.

12 Sec. 3. Section 43.77, subsection 4, Code 1991, is
13 amended to read as follows:

14 4. A vacancy has occurred in the office of senator
15 in the Congress of the United States, lieutenant
16 governor, secretary of state, auditor of state,
17 treasurer of state, secretary of agriculture, or
18 attorney general, under the circumstances described in
19 section 69.13, subsection 1, paragraph "a", less than
20 eighty-nine days before the primary election and not
21 less than eighty-nine days before the general
22 election, or in the office of county supervisor or any
23 of the offices listed in section 39.17, under the
24 circumstances described in section 69.13, subsection
25 2, less than seventy-four days before the primary
26 election and not less than seventy-four days before
27 the general election."

JOHN PETERSON
LARRY MURPHY

S-5310

1 Amend Senate File 2154 as follows:

2 1. Page 2, by inserting after line 26 the
3 following:

4 "For the purposes of this section, a person who

5 transferred employment from a county to the state
6 pursuant to section 602.11101 shall be permitted to
7 credit as membership service county employment in the
8 positions described in section 602.11101 which
9 preceded the person becoming a state employee."

WALLY HORN

S-5311

1 Amend House File 2207, as passed by the House, as
2 follows:
3 1. Page 3, by striking lines 17 through 27 and
4 inserting the following:
5 "A declaration executed prior to the effective date
6 of this Act shall remain valid and shall be given
7 effect in accordance with the then-applicable
8 provisions of this chapter. If a declaration executed
9 prior to the effective date of this Act includes a
10 provision which would not have been given effect under
11 this chapter prior to the effective date of this Act
12 but which would be given effect under this Act, then
13 the provision shall be given effect in accordance with
14 this Act."

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5312

1 Amend Senate File 2351 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 8.22A, Code 1991, is amended
5 to read as follows:
6 8.22A REVENUE ESTIMATING CONFERENCE.
7 1. The state revenue estimating conference is
8 created consisting of the governor or the governor's
9 designee, the director of the legislative fiscal
10 bureau, and a third member agreed to by the other two.
11 2. The conference shall meet as often as deemed
12 necessary, but shall meet at least quarterly. The
13 conference may use sources of information deemed
14 appropriate.
15 3. By December 15, 1986 and of each succeeding
16 fiscal year the conference shall agree to a revenue
17 estimate for the fiscal year beginning the following
18 July 1. That estimate shall be used by the governor
19 in the preparation of the budget message under section
20 8.22 and by the legislature general assembly in the

21 budget process. If the conference agrees to a
22 different estimate at a later meeting which projects a
23 greater amount of revenue than the initial estimate
24 amount agreed to by December 15, the governor and the
25 general assembly shall continue to use the initial
26 estimate amount in the budget process for that fiscal
27 year. However, if the conference agrees to a
28 different estimate at a later meeting which projects a
29 lesser amount of revenue than the initial estimate
30 amount, the governor and the general assembly shall
31 use the lesser amount in the budget process for that
32 fiscal year."

33 2. Page 1, by inserting before line 1, the
34 following:

35 "Sec. ____ . NEW SECTION. 8.53 IOWA ECONOMIC
36 EMERGENCY FUND.

37 1. The Iowa economic emergency fund is created.
38 The fund shall be separate from the general fund of
39 the state and the balance in the fund shall not be
40 considered part of the balance of the general fund of
41 the state, except for purposes of determining the
42 annual inflation factor under section 422.4,
43 subsection 17, the balance in the fund shall be
44 considered part of the general fund of the state. The
45 moneys in the fund shall not revert to the general
46 fund, notwithstanding section 8.33, unless and to the
47 extent the fund exceeds the maximum balance.

48 2. The maximum balance of the Iowa economic
49 emergency fund is the amount equal to ten percent of
50 the funds appropriated from the general fund of the

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1 state during the preceding fiscal year. There is
2 appropriated from any surplus existing in the general
3 fund of the state at the conclusion of the fiscal year
4 to the Iowa economic emergency fund an amount equal to
5 the smaller of the amount of the surplus or the amount
6 necessary to achieve the maximum balance.

7 3. The moneys in the Iowa economic emergency fund
8 may be appropriated by the general assembly only in
9 the fiscal year for which the appropriation is made
10 and only for a purpose for which the general assembly
11 previously appropriated funds for that fiscal year.
12 However, the balance in the Iowa economic emergency
13 fund may be used in determining the cash position of
14 the general fund of the state for the payment of state
15 obligations."

16 3. Page 1, lines 20 and 21, by striking the words
17 "determining the adjusted revenue estimate as provided

18 in section 8.56 or”.

19 4. Page 2, lines 27 and 28, by striking the words
20 “sixty percent” and inserting the following: “two-
21 thirds”.

22 5. Page 5, by striking lines 1 and 2 and
23 inserting the following: “reserve fund on July 1 of
24 that fiscal year from the cash reserve basis amount.
25 If”.

26 6. Page 6, line 19, by striking the words “the
27 sum of”.

28 7. Page 11, by striking lines 11 through 20 and
29 inserting the following:

30 “Sec. 15. Section 421.31, subsection 5, Code 1991,
31 is amended to read as follows:

32 5. ACCOUNTS. To keep the central budget and
33 proprietary control accounts of the state government
34 in accordance with generally accepted accounting
35 principles. Budget accounts are those accounts
36 maintained to control the receipt and disposition of
37 all funds, appropriations, and allotments.
38 Proprietary accounts are those accounts relating to
39 assets, liabilities, income, and expense. For each
40 fiscal year, the financial position and results of
41 operations of the state shall be reported in a
42 comprehensive annual financial report prepared in
43 accordance with generally accepted accounting
44 principles, as established by the governmental
45 accounting standards board.”

46 8. By renumbering, relettering, or redesignating
47 and correcting internal references as necessary.

RICHARD J. VARN
JIM LIND
LEONARD L. BOSWELL
DALE L. TIEDEN

S-5313

1 Amend Senate File 2320 as follows:

2 1. Page 2, by inserting after line 15 the
3 following:

4 “Sec. ____ . Notwithstanding the standing
5 appropriation for state foundation aid in section
6 257.16, the amount of state foundation aid
7 appropriated to each school district for the budget
8 year beginning July 1, 1992, pursuant to that section
9 shall be reduced by an amount equal to sixty-one and
10 sixty-seven hundredths dollars per pupil multiplied by
11 the weighted enrollment of the district. A school
12 district shall not reduce the amount that it is

13 required to pay the area education agency for costs of
14 special education support services."

COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chairperson

S-5314

- 1 Amend Senate File 2351 as follows:
- 2 1. Page 1, line 13, by inserting after the figure
- 3 "1995." the following: "However, for fiscal years
- 4 beginning on or after July 1, 1997, general fund
- 5 expenditures and revenues shall be accounted in such a
- 6 manner so that they accrue for the fiscal year in
- 7 which they occur."
- 8 2. By renumbering as necessary.

DERRYL MCLAREN
MAGGIE TINSMAN

S-5315

- 1 Amend House File 2232, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "twenty-
- 4 five" and inserting the following: "~~twenty-five~~
- 5 forty".

COMMITTEE ON LOCAL GOVERNMENT
ALVIN MILLER, Chairperson

S-5316

- 1 Amend the amendment, S-5132, to Senate File 2225 as
- 2 follows:
- 3 1. Page 1, by inserting after line 5, the
- 4 following:
- 5 "____. Title page, by striking lines 1 through 3
- 6 and inserting the following:
- 7 "An Act relating to smoking in a public place by
- 8 imposing court costs for violation of state law, and
- 9 by allowing a city to enact an ordinance concerning
- 10 smoking in airport facilities, skywalks, or both and
- 11 to impose a civil penalty."

COMMITTEE ON LOCAL GOVERNMENT
ALVIN MILLER, Chairperson

S-5317

1 Amend Senate File 2201 as follows:

2 1. By striking page 2, line 29 through page 3,
3 line 4, and inserting the following:

4 "Sec. ____ . Section 601A.6, subsection 6, Code
5 1991, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. e. Any bona fide religious
8 institution or its educational facility, association,
9 corporation, or society with respect to any
10 qualifications based on sexual orientation."

11 2. Page 3, by inserting after line 28, the
12 following:

13 "Sec. ____ . Section 601A.7, subsection 2, paragraph
14 a, Code 1991, is amended to read as follows:

15 a. Any bona fide religious institution with
16 respect to any qualifications the institution may
17 impose based on religion or sexual orientation when
18 such qualifications are related to a bona fide
19 religious purpose."

20 3. Page 4, line 25, by inserting after the figure
21 "2," the following: "subsection 4, paragraph a, and
22 subsection 5,".

23 4. Page 5, by inserting after line 2, the
24 following:

25 "a. A person whose business includes engaging in
26 residential real estate related transactions shall not
27 discriminate against a person in making a residential
28 real estate related transaction available or in terms
29 or conditions of a residential real estate related
30 transaction because of race, color, creed, sex, sexual
31 orientation, religion, national origin, disability, or
32 familial status.

33 5. A person shall not deny another person access
34 to, or membership or participation in, a multiple-
35 listing service, real estate brokers' organization or
36 other service, organization, or facility relating to
37 the business of selling or renting dwellings, or
38 discriminate against a person in terms or conditions
39 of access, membership, or participation in such
40 organization because of race, color, creed, sex,
41 sexual orientation, religion, national origin,
42 disability, or familial status."

43 5. Page 5, line 24, by inserting after the word
44 "sex." the following: "For the purposes of
45 employment, this section shall not be construed as
46 prohibiting a bona fide religious institution from
47 imposing qualifications based on sexual orientation."

48 6. By striking page 6, line 15, through page 7,

49 line 1.

50 7. Page 8, by inserting after line 5, the

Page 2

1 following:

2 "NEW UNNUMBERED PARAGRAPH. This chapter shall not
3 be construed to authorize the promotion of a
4 particular sexual orientation in educational
5 institutions."

6 8. By renumbering as necessary.

LARRY MURPHY

S-5318

1 Amend Senate File 2302 as follows:

2 1. Page 1, by striking line 15 and inserting the
3 following: "have been, involved together in a dating,
4 engagement, or marriage".

5 2. Page 1, by inserting after line 17 the
6 following:

7 "Sec. ____ . Section 236.2, Code Supplement 1991, is
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 7. "Dating relationship" means a
10 social relationship of a romantic nature. In
11 determining whether a dating relationship exists,
12 factors that the court may consider shall include, but
13 are not limited to, the length of time the
14 relationship has existed, the nature of the
15 relationship, and the frequency of interaction between
16 the parties."

17 3. Title page, by striking line 4 and inserting
18 the following: "together in a dating, engagement, or
19 marriage relationship, including".

20 4. By renumbering, relettering, redesignating,
21 and correcting internal references as necessary.

RICHARD VARN

S-5319

1 Amend Senate File 2302 as follows:

2 1. Page 1, by inserting after line 17 the
3 following:

4 "Sec. ____ . Section 236.3A, subsection 2, Code
5 Supplement 1991, is amended to read as follows:

6 2. The clerk of the district court shall furnish
7 the required forms to persons seeking protective
8 orders through pro se proceedings pursuant to this

9 chapter. The clerk may furnish information to a
10 person to enable the person to complete the forms."
11 2. By renumbering and correcting internal
12 references as necessary.

BEVERLY A. HANNON
RALPH ROSENBERG

S-5320

1 Amend Senate File 2302 as follows:
2 1. Page 1, by inserting after line 17 the fol-
3 lowing:
4 "Sec. ____ . Section 236.3A, Code Supplement 1991,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 3. The judicial department shall
7 provide training for the clerks of the district court
8 in fulfilling their duties pursuant to this section
9 and this chapter."
10 2. By renumbering, relettering, redesignating,
11 and correcting internal references as necessary.

BEVERLY HANNON
RALPH ROSENBERG

S-5321

1 Amend Senate File 2334 as follows:
2 1. Page 3, line 12, by inserting after the word
3 "person" the following: "and for the period of time
4 on or after July 26, 1994, only those employers who
5 have fifteen or more employees for each working day in
6 each of twenty or more calendar weeks in the current
7 or preceding year, or any agents of the person".
8 2. Page 5, by inserting after line 17 the
9 following:
10 "Sec. ____ . Section 601A.6, subsection 6, paragraph
11 a, Code 1991, is amended to read as follows:
12 a. (1) Any employer who regularly employs less
13 than four individuals. For purposes of this
14 subsection, individuals who are members of the
15 employer's family shall not be counted as employees.
16 (2) For purposes of section 601A.6A, any employer
17 who regularly employs less than twenty-five
18 individuals, which number shall be reduced to fifteen
19 effective July 26, 1994."
20 3. Page 13, line 35, by inserting after the word
21 "purposes." the following: "Section 601A.6A shall be
22 construed to complement and be harmonized with the
23 applied laws of the United States which have the same

24 or similar purpose as that section. This construction
 25 shall not be made in a way which constitutes a
 26 delegation of state authority to the federal
 27 government, but shall be made to achieve uniform
 28 application of the state and federal laws."

JIM RIORDAN
 RICHARD VANDE HOEF
 MARY E. KRAMER
 ALBERT SORENSEN
 JOHN P. KIBBIE
 EMIL J. HUSAK
 HARRY G. SLIFE
 LEONARD L. BOSWELL

S-5322

1 Amend the amendment, S-5305, to Senate File 2351 as
 2 follows:
 3 1. Page 1, by inserting after line 28 the
 4 following:
 5 " ____ . Page 8, by inserting after line 25 the
 6 following:
 7 "6. STATE AID FOR WEIGHTED ENROLLMENT GROWTH. The
 8 amount of state aid increases in the budget year
 9 attributable to weighted enrollment increases from the
 10 base year shall be paid from funds appropriated by
 11 section 257.13. If funds available under section
 12 257.13 are insufficient, the state aid paid for the
 13 purposes of this subsection shall be prorated among
 14 all districts with increases in budget enrollments."
 15 ____ . Page 8, line 33, by inserting after the
 16 figure "8.57" the following: "and the payment
 17 required in section 257.8, subsection 6,""

JIM LIND

S-5323

1 Amend the amendment, S-5307, to Senate File 2351 as
 2 follows:
 3 1. Page 1, line 9, by striking the word and
 4 figure "March 19" and inserting the following: "June
 5 1".

JOE J. WELSH

S-5324

1 Amend Senate File 2055 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 79A.1 DEFINITIONS.

5 As used in this chapter:

6 1. "Commissioner" means the labor commissioner
7 appointed pursuant to section 91.2.

8 2. "Employee" means any individual employed by the
9 state of Iowa.

10 3. "Employer" means the state of Iowa.

11 Sec. 2. NEW SECTION. 79A.2 AVAILABILITY OF
12 PARENTAL LEAVE REQUIRED.

13 An employee is entitled to unpaid parental leave
14 for use beginning immediately after the birth of a
15 biological child of the employee for a period of not
16 less than six weeks.

17 Sec. 3. NEW SECTION. 79A.3 AVAILABILITY OF
18 FAMILY LEAVE REQUIRED.

19 An employee is entitled to unpaid family leave upon
20 the hospitalization of or upon the necessity of
21 provision of medical care following the
22 hospitalization of or the serious illness of the
23 employee's parent, spouse, or child for a period not
24 to exceed two weeks.

25 Sec. 4. NEW SECTION. 79A.4 USE OF OTHER LEAVE.

26 In addition to leave without pay, an employee may
27 use accrued vacation, sick, compensatory, or holiday
28 leave during a period of parental or family leave.

29 Sec. 5. NEW SECTION. 79A.5 SENIORITY AND
30 BENEFITS DURING LEAVE.

31 During any period of parental or family leave,
32 seniority continues to accrue, benefits continue in
33 force, and the employer's share of benefit premiums or
34 payments continue to be paid by the employer.

35 Sec. 6. NEW SECTION. 79A.6 REINSTATEMENT AFTER
36 LEAVE, LAYOFF.

37 Following a period of parental or family leave, an
38 employee is guaranteed employment in the employee's
39 former position or in a position of comparable duties,
40 number of hours, and salary. An employee may return
41 to work part-time during the leave period without
42 forfeiting the right to return to employment at the
43 end of the leave period pursuant to this section.

44 However, an employee is not guaranteed employment
45 in the employee's former position or in a comparable
46 position if, during the period of parental or family
47 leave, the employee would have lost the position had
48 the employee not been on leave, pursuant to the good

49 faith operation of a bona fide layoff and recall
50 system, including a system under a collective

Page 2

1 bargaining agreement. In such circumstances, the
2 employee retains all rights under the layoff and
3 recall system, including a system under a collective
4 bargaining agreement, as if the employee had not taken
5 the leave.
6 Sec. 7. NEW SECTION. 79A.7 REPRISALS PROHIBITED.
7 A request to be absent or an actual absence by an
8 employee due to a parental or family leave shall not
9 be considered by the employer in actions for
10 promotion, discharge, demotion, or suspension of the
11 employee.
12 Sec. 8. NEW SECTION. 79A.8 ENFORCEMENT.
13 The commissioner shall adopt rules to implement and
14 enforce this chapter.
15 Sec. 9. Section 79.1, unnumbered paragraph 5, Code
16 1991, is amended to read as follows:
17 Commencing July 1, 1979, permanent full-time and
18 permanent part-time employees of state departments,
19 boards, agencies, and commissions, excluding employees
20 covered under a collective bargaining agreement which
21 provides otherwise, shall accrue sick leave at the
22 rate of one and one-half days for each complete month
23 of full-time employment. The accrual rate for part-
24 time employees shall be prorated to the accrual rate
25 for full-time employees. Sick leave shall not accrue
26 during any period of absence without pay, except
27 during periods of parental or family leave taken
28 pursuant to chapter 79A. Employees may use accrued
29 sick leave during periods of parental or family leave
30 pursuant to chapter 79A, or for physical or mental
31 personal illness, bodily injury, medically related
32 disabilities, including disabilities resulting from
33 pregnancy and childbirth, or contagious disease:"
34 2. Title page, by striking lines 1 and 2, and
35 inserting the following: "An Act requiring
36 availability of parental and family leave for use by
37 state employees."

LARRY MURPHY
FLORENCE BUHR

S-5325

1 Amend Senate File 2249 as follows:
2 1. By striking everything after the enacting

3 clause and inserting in lieu thereof the following:
4 "Section 1. EXCEPTION FOR SIMULCAST RACING WITHOUT
5 LIVE RACING. Notwithstanding section 99D.11,
6 subsection 6, paragraph "b", the commission may
7 authorize the simultaneous telecast or televising of
8 horse or dog races for the purpose of conducting pari-
9 mutuel wagering at the racetrack of a licensee where
10 no live racing is scheduled during the period
11 beginning May 1, 1992, and ending June 30, 1993.
12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
13 immediate importance, takes effect upon enactment."
14 2. Title page, by striking lines 1 and 2 and
15 inserting the following: "An Act relating to pari-
16 mutuel wagering on certain simultaneous telecast races
17 and providing an effective date."

COMMITTEE ON WAYS AND MEANS
WILLIAM DIELEMAN, Chairperson

S-5326

1 Amend Senate File 2329 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 96.4, subsection 3, Code
5 Supplement 1991, is amended to read as follows:
6 3. The individual is able to work, is available
7 for work, and is earnestly and actively seeking work.
8 This subsection is waived if the individual is deemed
9 partially unemployed, while employed at the
10 individual's regular job, as defined in section 96.19,
11 subsection 9, paragraph "b", unnumbered paragraph 1,
12 or temporarily unemployed as defined in section 96.19,
13 subsection 9, paragraph "c". The work search
14 requirements of this subsection and the
15 disqualification requirement for failure to apply for,
16 or to accept suitable work of section 96.5, subsection
17 3 are waived if the individual is not disqualified for
18 benefits under section 96.5, subsection 1, paragraph
19 "i", or if the individual demonstrates to the division
20 that the individual has been offered and has accepted
21 suitable work which will begin within four weeks of
22 that demonstration."
23 2. By renumbering as necessary.

AL STURGEON

S-5327

- 1 Amend Senate File 2329 as follows:
- 2 1. Page 2, by inserting before line 35 the
- 3 following:
- 4 "Sec. ____ . TEMPORARY EMPLOYER CONTRIBUTION RATE.
- 5 Notwithstanding section 96.7, subsection 2, paragraph
- 6 "d", the contribution rate table to be in effect for
- 7 the rate year following the July 1, 1992, computation
- 8 date shall be the contribution rate table which is
- 9 numerically one greater than the contribution rate
- 10 table determined by the division in accordance with
- 11 section 96.7, subsection 2, paragraph "d", to be in
- 12 effect for the rate year following the July 1, 1992,
- 13 computation date.
- 14 Sec. ____ . REPEAL. Section 1 of this Act is
- 15 repealed June 30, 1994, and the Code editor shall
- 16 restore section 96.4, subsection 4, unnumbered
- 17 paragraph 1, to the language existing in the Code
- 18 Supplement 1991, which shall be effective July 1,
- 19 1994."
- 20 2. By renumbering as necessary.

RICHARD VARN

S-5328

- 1 Amend Senate File 2329 as follows:
- 2 1. Page 1, by inserting before line 35 the
- 3 following:
- 4 "Sec. 100. Section 96.5, subsection 5, paragraph
- 5 a, Code Supplement 1991, is amended by striking the
- 6 paragraph.",
- 7 2. Page 2, by striking lines 18 through 34 and
- 8 inserting the following:
- 9 "Sec. 101. Section 96.5, subsection 7, Code
- 10 Supplement 1991, is amended by striking the subsection
- 11 and inserting in lieu thereof the following:
- 12 7. VACATION PAY. For any week with respect to
- 13 which the individual is receiving or has received
- 14 vacation pay for a period in which the employer
- 15 annually ceases to operate a plant or location for an
- 16 annual vacation period.
- 17 Sec. 102. Section 96.29, Code 1991, is amended by
- 18 adding the following new subsection:
- 19 **NEW SUBSECTION. 7.** An individual who is
- 20 ineligible under subsection 1, paragraph "c", to
- 21 receive emergency unemployment compensation pursuant
- 22 to the federal Emergency Unemployment Compensation Act
- 23 of 1991, Pub. L. No. 102-164, as amended by Pub. L.

24 No. 102-182 and Pub. L. No. 102-244, shall be eligible
 25 for benefits pursuant to this subsection under the
 26 same terms and conditions as the federal Emergency
 27 Unemployment Compensation Act of 1991, as amended, and
 28 any future amendments to that federal Act for any week
 29 of benefits beginning on or after the effective date
 30 of this Act. Notwithstanding section 96.7, subsection
 31 2, paragraph "a", subparagraph (2), an employer's
 32 account shall not be charged with benefits paid under
 33 this subsection.

34 Sec. 103. EFFECTIVE DATE. Section 102 of this
 35 Act, being deemed of immediate importance, takes
 36 effect upon enactment.

37 Sec. 104. APPLICABILITY. Sections 1, 100, 2, and
 38 101 of this Act apply to unemployment compensation
 39 claims effectively filed on or after July 5, 1992."

40 3. By renumbering as necessary.

AL STURGEON
 RICHARD RUNNING

S-5329

- 1 Amend amendment, S-5279, to Senate File 2250 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the words
- 4 "certified clerical" and inserting the following:
- 5 "clinical".

JIM RIORDAN

S-5330

- 1 Amend Senate File 2354 as follows:
- 2 1. Page 16, by striking lines 27 through 33.
- 3 2. By renumbering as necessary.

RICHARD VARN
 HARRY G. SLIFE
 JAMES B. KERSTEN
 DONALD V. DOYLE

S-5331

- 1 Amend Senate File 2354 as follows:
- 2 1. Page 4, by inserting after line 33, the
- 3 following:
- 4 "Sec. ____ . Section 509A.14, Code 1991, is amended
- 5 to read as follows:
- 6 509A.14 APPROVAL OF SELF-INSURANCE PLANS.

7 The commissioner of insurance shall adopt rules for
 8 self-insurance plans for life insurance and accident
 9 and health insurance for ~~the state, a political~~
 10 subdivision of the state, or a school corporation; or
 11 ~~any other public body in the state.~~ The rules adopted
 12 shall include, but are not limited to, the following:

13 1. A requirement that the plan shall include all
 14 coverages and provisions that are required by law in
 15 insurance policies for the type of risk that the self-
 16 insurance plan is intended to cover.

17 2. ~~A requirement that at least once each twelve~~
 18 ~~months, the governing body of the public body shall~~
 19 ~~obtain from an outside consulting actuary a~~
 20 ~~certification that the plan is able to cover all~~
 21 ~~reasonably anticipated expenses.~~

22 ~~3. A requirement that if the resources of the plan~~
 23 ~~are inadequate to fully cover a claim under the plan,~~
 24 ~~then the public body is liable for any portion of the~~
 25 ~~claim that is left unpaid."~~

26 2. Page 5, by striking lines 1 and 2, and
 27 inserting the following:

28 "Within ~~thirty~~ ninety days following the end of a
 29 ~~self-insurance plan's~~ fiscal year, the governing body
 30 of a self-insurance plan of a political subdivision or
 31 a school corporation shall file".

32 3. Page 13, by striking lines 17 and 18, and
 33 inserting the following:

34 "Sec. ____ . Section 514C.4, subsection 1, paragraph
 35 d, Code 1991, is amended to read as follows:

36 d. An individual or group Medicare supplemental
 37 policy, unless coverage pursuant to such policy is
 38 preempted by federal law."

39 4. By renumbering as necessary.

RICHARD VARN

S-5332

1 Amend Senate File 2154 as follows:

2 1. Page 2, line 6, by inserting after the word
 3 "assembly." the following: "'Member" does not include
 4 an employee of the state board of regents who
 5 currently has access to an early retirement incentive
 6 plan, regardless of the retirement system which covers
 7 the employee."

WALLY HORN

S-5333

1 Amend Senate File 2311 as follows:

2 1. Page 1, line 3, by striking the words "An
3 institution" and inserting the following: "A
4 residential program".

5 2. Page 1, line 19, by striking the words "An
6 institution" and inserting the following: "The
7 following residential programs to which the department
8 of human services applies accreditation,
9 certification, or standards of review shall not be
10 required to be licensed as a health care facility
11 under this chapter:

12 a. A residential program".

13 3. Page 1, by striking lines 24 through 27 and
14 inserting the following: "chapter 249A.

15 b. A residential program which serves not more
16 than four individuals and is operating under
17 provisions of a federally approved home and community-
18 based waiver for persons with mental retardation, if
19 all individuals residing in the program receive on-
20 site staff supervision during the entire time period
21 the individuals are present in the program's living
22 unit. The need for the on-site supervision shall be
23 reflected in each individual's program plan developed
24 pursuant to the department of human services' rules
25 relating to case management for persons with mental
26 retardation. In approving a residential program under
27 this paragraph, the department of human services shall
28 consider the geographic location of the program so as
29 to avoid an overconcentration of such programs in an
30 area."

31 4. Page 2, by inserting after line 10 the
32 following:

33 "Sec. 100. HOME AND COMMUNITY-BASED WAIVER REPORT.

34 The department of human services shall monitor the
35 implementation of the federally approved home and
36 community-based waiver program for persons with mental
37 retardation under the medical assistance program. The
38 department shall submit a report concerning the waiver
39 program to the governor and the general assembly on or
40 before February 15, 1993, which shall include but is
41 not limited to all of the following information
42 relating to the waiver program:

43 1. The number of persons served under the waiver
44 program, services received by the persons prior to
45 receiving the waiver program services, and the
46 persons' living environments prior to receiving the
47 waiver program services.

48 2. The number of four-bed residential program

49 applications received by the department, the number
50 approved, the number denied, and the reasons for

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1 granting or denying the applications.

2 3. The number of persons who meet the criteria for
3 service in a four-bed residential program who were
4 actually served in a three or fewer bed residential
5 program.

6 4. The number of requests received by the
7 department for waiver of the seventy dollars per day
8 reimbursement cap, the number of requests granted, the
9 number of requests denied, and the reasons for
10 granting or denying the requests. The staffing needs
11 of the individuals living in the residential programs
12 making the waiver requests and the number of the
13 requests submitted from programs with three or fewer
14 beds.

15 5. Recommendations to the governor and the general
16 assembly concerning the reallocation of funding under
17 the waiver program based upon the actual utilization
18 of the waiver program and the advisability of
19 increasing the waiver program's seventy dollars per
20 day reimbursement cap on community living
21 arrangements.

22 Sec. 200. EMERGENCY RULES. The department of
23 human services shall adopt administrative rules under
24 section 17A.4, subsection 2, and section 17A.5,
25 subsection 2, paragraph "b", to implement the
26 provisions of section 3 of this Act and the rules
27 shall become effective upon filing unless a later date
28 is specified in the rules. Any rules adopted pursuant
29 to this section shall also be published as a notice of
30 intended action as provided in section 17A.4.

31 Sec. ____ . IMPLEMENTATION LIMITATION - LEGISLATIVE
32 INTENT. During the initial implementation period
33 beginning March 1, 1992, and ending February 28, 1993,
34 of the residential programs which serve not more than
35 four individuals under section 135C.6, subsection 8,
36 paragraph "b", the number of beds in residential
37 programs approved by the department of human services
38 under that provision shall be limited to a total of
39 forty beds. It is the intent of the general assembly
40 to review the report submitted by the department of
41 human services pursuant to section 100 of this Act in
42 order to determine whether any further limitation is
43 appropriate.

44 Sec. ____ . EFFECTIVE DATE. Sections 1, 3, and 200
45 of this Act, being deemed of immediate importance,

46 take effect upon enactment.”
 47 5. Title page, line 3, by inserting after the
 48 word “beneficiaries” the following: “, and providing
 49 an effective date”.
 50 6. By renumbering as necessary.

AL STURGEON

S-5334

1 Amend Senate File 2315 as follows:
 2 1. Page 1, by inserting after line 13 the
 3 following:
 4 ““Public accommodation” does not include the
 5 business of insurance. Under Title XX, the business
 6 of insurance is subject to the exclusive jurisdiction
 7 of the commissioner of insurance.”

RALPH ROSENBERG

S-5335

1 Amend Senate File 2211 as follows:
 2 1. Page 2, line 15, by striking the words “An
 3 aggravated” and inserting the following: “A serious”.
 4 2. Page 6, line 25, by striking the words “An
 5 aggravated” and inserting the following: “A serious”.

JAMES R. RIORDAN

S-5336

1 Amend Senate File 2345 as follows:
 2 1. Page 17, by inserting after line 2 the
 3 following:
 4 “Sec. ____ 1990 Iowa Acts, chapter 1267, section
 5 9, subsection 2, is amended to read as follows:
 6 2. To be used to implement section 306D.3:
 7 \$ 500,000
 8 Notwithstanding section 8.33, the funds
 9 appropriated in this subsection shall remain available
 10 for obligation until June 30, ~~1992~~ 1993, and once
 11 obligated shall remain available until expended.
 12 Public or private entities willing to donate land for
 13 scenic highway projects shall be given preference in
 14 project selection if the land is accepted by the
 15 department.”

MIKE CONNOLLY

S-5337

1 Amend Senate File 2302 as follows:

2 1. Page 1, by inserting after line 17 the fol-
3 lowing:

4 "Sec. ____ . Section 236.5, Code Supplement 1991, is
5 amended by adding the following new unnumbered
6 paragraph:

7 **NEW UNNUMBERED PARAGRAPH.** Upon a finding that the
8 defendant has not engaged in domestic abuse, the court
9 shall also make a determination as to whether the
10 petition was filed in good faith or whether the
11 petition was filed with malice and for some purpose
12 other than those permitted in this chapter. Upon a
13 finding that the plaintiff filed the petition with
14 malice and for an unlawful purpose, the court shall
15 award to the defendant and assess to the plaintiff
16 costs resulting from the defense of the action,
17 including court costs and a reasonable attorney fee.
18 The remedy provided in this paragraph is in addition
19 to, and not in lieu of, any other remedy provided."

20 2. Page 2, by inserting after line 15 the
21 following:

22 "Upon a finding that a defendant is not in contempt
23 of court, the court shall also make a determination as
24 to whether the person who is protected by the order
25 sought to have the defendant held in contempt of court
26 in good faith or whether the person sought a rule to
27 show cause or reported an alleged violation of the
28 order to a law enforcement agency with malice and for
29 some purpose other than those permitted in this chap-
30 ter. Upon a finding that a person who is protected by
31 the order initiated the contempt proceedings with
32 malice and for an unlawful purpose, the court shall
33 award to the defendant and assess against the person
34 protected by the order costs resulting from the
35 defense of the contempt proceedings, including court
36 costs and a reasonable attorney fee. The remedy
37 provided in this paragraph is in addition to, and not
38 in lieu of, any other remedy provided."

JIM LIND

S-5338

1 Amend the Committee amendment, S-5313, to Senate
2 File 2320, as follows:

3 1. Page 1, by inserting after line 1, the
4 following:

5 "____ . Page 1, by inserting after line 9, the

6 following:

7 "Sec. ____ . Section 257.9, subsections 3 and 4,

8 Code 1991, are amended to read as follows:

9 3. Special education support services state cost
10 per pupil for ~~1991-1992~~ 1992-1993. For the budget
11 year beginning July 1, ~~1991~~ 1992, for the special
12 education support services state cost per pupil, the
13 department of management shall divide the total of the
14 approved budgets of the area education agencies for
15 special education support services for that year
16 approved by the state board of education under section
17 273.3, subsection 12, by the total of the weighted
18 enrollment for special education support services in
19 the state for the budget year. The special education
20 support services state cost per pupil for the budget
21 year is the amount calculated by the department of
22 management under this subsection.

23 4. Special education support services state cost
24 per pupil for ~~1992-1993~~ 1993-1994 and succeeding
25 years. For the budget year beginning July 1, ~~1992~~
26 1993, and succeeding budget years, the special
27 education support services state cost per pupil for
28 the budget year is the special education support
29 services state cost per pupil for the base year plus
30 the special education support services allowable
31 growth for the budget year.

32 Sec. ____ . Section 257.10, subsections 3 and 4,
33 Code 1991, are amended to read as follows:

34 3. Special education support services district
35 cost per pupil for ~~1991-1992~~ 1992-1993. For the
36 budget year beginning July 1, ~~1991~~ 1992, for the
37 special education support services district cost per
38 pupil, the department of management shall divide the
39 approved budget of each area education agency for
40 special education support services for that year
41 approved by the state board of education, under
42 section 273.3, subsection 12, by the total of the
43 weighted enrollment for special education support
44 services in the area for that budget year.

45 The special education support services district
46 cost per pupil for each school district in an area for
47 the budget year is the amount calculated by the
48 department of management under this subsection.

49 4. Special education support services district
50 cost per pupil for ~~1992-1993~~ 1993-1994 and succeeding

Page 2

1 years. For the budget year beginning July 1, ~~1992~~
2 1993, and succeeding budget years, the special

3 education support services district cost per pupil for
 4 the budget year is the special education support
 5 services district cost per pupil for the base year
 6 plus the special education support services allowable
 7 growth for the budget year.
 8 Notwithstanding the special education support
 9 services district cost per pupil for the budget year
 10 beginning July 1, 1991, calculated under subsection 3,
 11 for area education agencies that have fewer than three
 12 and five-tenths public school pupils per square mile,
 13 the special education support services district cost
 14 per pupil for the budget year beginning July 1, 1991,
 15 is one hundred forty-seven dollars.”
 16 2. Page 1, lines 9 and 10, by striking the words
 17 “sixty-one and sixty-seven” and inserting the
 18 following: “fifty-five and five”.

MIKE CONNOLLY

S-5339

1 Amend the Committee amendment, S-5313, to Senate
 2 File 2320 as follows:
 3 1. Page 1, by striking lines 2 through 14 and
 4 inserting the following:
 5 “ — . By striking everything after the enacting
 6 clause and inserting the following:
 7 “Section 1. Section 256.7, subsection 18, Code
 8 Supplement 1991, is amended to read as follows:
 9 18. a. Adopt, by July 1, 1992, rules and a
 10 procedure for accrediting all community college
 11 programs in Iowa. Rules adopted shall satisfy the
 12 requirements for implementing the educational and
 13 service program contained in section 280A.48.
 14 b. Adopt, by July 1, 1993, rules and a procedure
 15 for review and approval of proposed community college
 16 budgets prior to January 1 of the base year.
 17 Sec. 2. Section 257.6, subsection 1, unnumbered
 18 paragraph 3, Code 1991, is amended to read as follows:
 19 A school district shall certify its actual
 20 enrollment to the department of education by October 1
 21 of each year, and the department shall promptly
 22 forward the information to the department of
 23 management. ~~The department of management shall~~
 24 ~~determine whether a district is entitled to an advance~~
 25 ~~for increasing enrollment on the basis of its actual~~
 26 ~~enrollment.~~
 27 Sec. 3. Section 257.6, subsection 1, Code 1991, is
 28 amended by adding the following new paragraphs:
 29 NEW PARAGRAPH. e. Resident pupils receiving

30 competent private instruction from a licensed
31 practitioner provided through a public school district
32 pursuant to chapter 299A shall be counted as two-
33 tenths of one pupil.

34 NEW PARAGRAPH. f. Resident pupils receiving
35 competent private instruction under dual enrollment
36 pursuant to chapter 299A shall be counted as one-tenth
37 of one pupil.

38 Sec. 4. Section 257.6, subsection 3, Code 1991, is
39 amended by striking the subsection.

40 Sec. 5. Section 257.6, subsection 4, Code 1991, is
41 amended by striking the subsection and inserting in
42 lieu thereof the following:

43 4. BUDGET ENROLLMENT. Budget enrollment for the
44 budget year is the basic enrollment for the budget
45 year.

46 Sec. 6. Section 257.6, subsection 5, unnumbered
47 paragraph 1, Code 1991, is amended to read as follows:

48 Weighted enrollment is the budget enrollment plus
49 the district's additional enrollment because of
50 special education calculated on December 1 of the base

Page 2

1 year weighting for special education instructional
2 purposes as computed in subsection 6 plus additional
3 pupils added due to the application of the
4 supplementary weighting.

5 Sec. 7. Section 257.6, subsection 5, unnumbered
6 paragraph 2, Code 1991, is amended to read as follows:

7 Weighted enrollment for special education support
8 services costs is equal to the weighted enrollment
9 minus the additional pupils added due to the
10 application of the supplementary weighting basic
11 enrollment for the budget year.

12 Sec. 8. Section 257.6, Code 1991, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 6. ADDITIONAL WEIGHTING FOR
15 SPECIAL EDUCATION INSTRUCTIONAL PURPOSES.

16 a. Commencing with the budget year beginning July
17 1, 1993, and each budget year thereafter, the
18 department of management shall determine the
19 additional weighting for special education
20 instructional purposes for each school district in the
21 manner provided in this section.

22 For children requiring special education who are
23 defined in section 281.9, subsection 1, paragraph "d",
24 that weight is the product of the weighting for that
25 category and the number of children in that category
26 counted on December 1 of the base year, minus the

27 number of children in that category. For children
28 requiring special education who are defined in section
29 281.9, subsection 1, paragraphs "b" and "c", that
30 weight is calculated under paragraphs "b" and "c",
31 based upon each district's percent of weightedness.

32 b. The maximum percent of weightedness for a
33 school district for the budget years beginning July 1,
34 1993, and July 1, 1994, is nine and nine hundredths
35 percent and the intermediate percent of weightedness
36 is seven and fifty-two hundredths percent. Prior to
37 January 1, 1995, and each two years thereafter, the
38 school budget review committee shall review the
39 maximum percent of weightedness and the intermediate
40 percent of weightedness as they relate to the costs of
41 special education for children requiring special
42 education who are defined in section 281.9, subsection
43 1, paragraphs "b" and "c", and based upon those costs
44 may adjust the maximum percent of weightedness and the
45 intermediate percent of weightedness for the two
46 succeeding fiscal years.

47 c. For the budget year beginning July 1, 1993, the
48 department of management shall calculate for each
49 school district a base year percent of weightedness by
50 dividing each district's additional enrollment because

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1 of special education for those children calculated on
2 December 1, 1991, under section 281.9, subsection 1,
3 paragraphs "b" and "c", Code 1991, by the district's
4 basic enrollment for the budget year beginning July 1,
5 1992. For the budget year beginning July 1, 1993, and
6 succeeding budget years, if the base year percent of
7 weightedness is greater than the maximum percent of
8 weightedness, the district's percent of weightedness
9 for the budget year is the maximum percent of
10 weightedness and the weighting for those children for
11 the budget year is the maximum percent of weightedness
12 multiplied by the district's basic enrollment for the
13 budget year. However, if the maximum percent of
14 weightedness multiplied by regular program district
15 cost for the budget year is less than the district's
16 additional enrollment because of special education for
17 those children calculated on December 1, 1991, under
18 section 281.9, subsection 1, paragraphs "b" and "c",
19 Code 1991, multiplied by the regular program district
20 cost for the budget year beginning July 1, 1992, the
21 percent of weightedness shall be increased to a
22 percent that provides an amount equal to the
23 district's funding for special education instructional

24 purposes for those children for the base year, and the
 25 weighting for those children shall be recalculated
 26 based upon the revised percent of weightedness. If
 27 the base year percent of weightedness for a district
 28 is between the maximum percent of weightedness and the
 29 intermediate percent of weightedness, the percent of
 30 weightedness for the budget year is the base percent
 31 of weightedness and the district's weighting for those
 32 children for the budget year is the base percent of
 33 weightedness multiplied by the district's basic
 34 enrollment for the budget year. If the base year
 35 percent of weightedness is below the intermediate
 36 percent of weightedness, the district's percent of
 37 weightedness for the budget year is the sum of the
 38 district's base year percent of weightedness and any
 39 adjustment granted by the school budget review
 40 committee, not exceeding the intermediate percent of
 41 weightedness, and the district's weighting for those
 42 children for the budget year is the revised percent of
 43 weightedness multiplied by the district's basic
 44 enrollment for the budget year.

45 Sec. 9. Section 257.8, subsection 1, unnumbered
 46 paragraph 2, Code 1991, is amended to read as follows:
 47 On or before each ~~September~~ December 15 thereafter,
 48 the department of management shall compute a state
 49 percent of growth for the budget year next following
 50 the budget year. The state percents of growth shall

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1 be forwarded to the director of the department of
 2 education.

3 Sec. 10. Section 257.9, subsections 3 and 4, Code
 4 1991, are amended to read as follows:

5 3. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
 6 PER PUPIL FOR ~~1991-1992~~ 1992-1993. For the budget
 7 year beginning July 1, ~~1991~~ 1992, for the special
 8 education support services state cost per pupil, the
 9 department of management shall divide the total of the
 10 approved budgets of the area education agencies for
 11 special education support services for that year
 12 approved by the state board of education under section
 13 273.3, subsection 12, by the total of the ~~weighted~~
 14 basic enrollment for special education support
 15 services in the state for the budget year. The
 16 special education support services state cost per
 17 pupil for the budget year is the amount calculated by
 18 the department of management under this subsection.

19 4. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
 20 PER PUPIL FOR ~~1992-1993~~ 1993-1994 and succeeding

21 years. For the budget year beginning July 1, ~~1992~~
 22 1993, and succeeding budget years, the special
 23 education support services state cost per pupil for
 24 the budget year is the special education support
 25 services state cost per pupil for the base year plus
 26 the special education support services allowable
 27 growth for the budget year.

28 Sec. 11. Section 257.10, subsections 3 and 4, Code
 29 1991, are amended to read as follows:

30 **3. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT**

31 **COST PER PUPIL FOR ~~1991-1992~~ 1992-1993.** For the
 32 budget year beginning July 1, ~~1991~~ 1992, for the
 33 special education support services district cost per
 34 pupil, the department of management shall divide the
 35 approved budget of each area education agency for
 36 special education support services for that year
 37 approved by the state board of education, under
 38 section 273.3, subsection 12, by the total of the
 39 ~~weighted basic enrollment for special education~~
 40 ~~support services~~ in the area for that budget year.

41 The special education support services district
 42 cost per pupil for each school district in an area for
 43 the budget year is the amount calculated by the
 44 department of management under this subsection.

45 **4. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT**
 46 **COST PER PUPIL FOR ~~1992-1993~~ 1993-1994 AND SUCCEEDING**

47 **YEARS.** For the budget year beginning July 1, 1992
 48 1993, and succeeding budget years, the special
 49 education support services district cost per pupil for
 50 the budget year is the special education support

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1 services district cost per pupil for the base year
 2 plus the special education support services allowable
 3 growth for the budget year.

4 Notwithstanding the special education support
 5 services district cost per pupil for the budget year
 6 beginning July 1, 1991, calculated under subsection 3,
 7 for area education agencies that have fewer than three
 8 and five-tenths public school pupils per square mile,
 9 the special education support services district cost
 10 per pupil for the budget year beginning July 1, 1991,
 11 is one hundred forty-seven dollars.

12 Sec. 12. Section 257.10, subsection 7, Code 1991,
 13 is amended to read as follows:

14 **7. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT**

15 **COST.** Special education support services district
 16 cost for a school district for a budget year is equal
 17 to the special education support services district

18 cost per pupil for the budget year multiplied by the
19 special education support services weighted basic
20 enrollment for the district for the budget year. If
21 the special education support services district cost
22 for a school district for a budget year is less than
23 the special education support services district cost
24 for that district for the base year, the department of
25 management shall adjust the special education support
26 services district cost for that district for the
27 budget year to equal the special education support
28 services district cost for the base year.

29 Sec. 13. Section 257.14, unnumbered paragraph 1,
30 Code 1991, is amended to read as follows:

31 For the budget years commencing July 1, 1991, and
32 July 1, 1992, and July 1, 1993, if the department of
33 management determines that the regular program
34 district cost of a school district for a budget year
35 is less than the total of the regular program district
36 cost plus any adjustment added under this section for
37 the base year for that school district, the department
38 of management shall provide a budget adjustment for
39 that district for that budget year that is equal to
40 the difference.

41 Sec. 14. Section 257.16, unnumbered paragraph 2,
42 Code Supplement 1991, is amended to read as follows:

43 All state aids paid under this chapter, unless
44 otherwise stated, shall be paid in monthly
45 installments beginning on September 15 of a budget
46 year and ending on or about June 15 of the budget year
47 and the installments shall be as nearly equal as
48 possible as determined by the department of
49 management, taking into consideration the relative
50 budget and cash position of the state resources.

Page 6

1 However, the state aid paid to school districts under
2 section 257.13 shall be paid in monthly installments
3 beginning on December 15 and ending on June 15 of a
4 budget year.

5 Sec. 15. Section 257.20, unnumbered paragraph 1,
6 Code Supplement 1991, is amended to read as follows:

7 In order to determine the amount of instructional
8 support state aid and the amount of local funding for
9 the instructional support program for a district, the
10 department of management shall divide the total
11 assessed valuation in the state by the total budget
12 enrollment for the budget year in the state to
13 determine a state assessed valuation per pupil and
14 shall divide the assessed valuation in each district

15 by the district's budget enrollment for the budget
16 year to determine the district assessed valuation per
17 pupil. The department of management shall multiply
18 the ratio of the state's valuation per pupil to the
19 district's valuation per pupil by twenty-five
20 hundredths and subtract that result from one to
21 determine the portion of the instructional support
22 program budget that is local funding. The remaining
23 portion of the budget shall be funded by instructional
24 support state aid. However, for the budget year
25 beginning July 1, 1992, only, the amount of state aid
26 is three and one-quarter percent less than the amount
27 computed under this paragraph for that budget year.

28 Sec. 16. Section 257.31, subsection 12, Code
29 Supplement 1991, is amended to read as follows:

30 12. The committee shall review the recommendations
31 of the director of the department of education
32 relating to the special education weighting plan, and
33 shall establish a weighting plan weight for each
34 school year pursuant to section 281.9 for children
35 requiring special education under section 281.9,
36 subsection 1, paragraph "d", and report the plan
37 weight to the director of the department of education.
38 The committee shall also review the maximum and
39 intermediate percents of weightedness and may adjust
40 the percents of weightedness under section 257.6,
41 subsection 6.

42 Sec. 17. Section 257.31, Code Supplement 1991, is
43 amended by adding the following new subsection:

44 **NEW SUBSECTION. 12A.** The committee may adjust the
45 percent of weightedness of a school district, by not
46 more than one-half of one percent in any year, for
47 which the percent of weightedness is below the
48 intermediate percent of weightedness based upon that
49 district's special education needs.

50 Sec. 18. Section 257.31, subsection 14, paragraph

Page 7

1 a, Code Supplement 1991, is amended to read as
2 follows:

3 a. If the amount certified for a school district
4 to the director of the department of management under
5 this subsection for the base year is positive, the
6 director of the department of management shall
7 subtract the amount of the positive balance exceeding
8 five percent of the additional funds generated for
9 special education, not to include any previous
10 carryover, from the amount of state aid remaining to
11 be paid to the district during the budget year. If

12 the positive amount exceeding the five percent amount
13 exceeds the amount of state aid that remains to be
14 paid to the district, not including any previous
15 carryover, the school district shall pay the excess on
16 a quarterly basis prior to June 30 of the budget year
17 to the director of the department of management from
18 other funds received by the district. The director of
19 the department of management shall determine the
20 amount of the positive balance that exceeds the five
21 percent amount that came from local property tax
22 revenues and shall increase the district's total state
23 school aids available under this chapter for the next
24 following budget year by the amount so determined and
25 shall reduce the district's tax levy computed under
26 section 257.4 for the next following budget year by
27 the amount necessary to compensate for the increased
28 state aid.

29 Sec. 19. Section 257.31, subsection 14, paragraph
30 b, Code Supplement 1991, is amended by striking the
31 paragraph.

32 Sec. 20. Section 265.6, Code 1991, is amended to
33 read as follows:

34 265.6 STATE AID APPLICABLE.

35 If the state board of regents has established a
36 laboratory school, it shall receive state aid pursuant
37 to chapters 257 and 281 for each pupil enrolled in the
38 laboratory school in the same amount as the public
39 school district in which the pupil resides would
40 receive aid for that pupil and shall transmit the
41 amount received to the institution of higher education
42 at which the laboratory school has been established.

43 If the board of a school district terminates a
44 contract with the state board of regents for
45 attendance of pupils in a laboratory school, the
46 school district shall inform the department of
47 management of the number of these pupils who are
48 enrolled in the district on the third Friday of the
49 following September. The department of management
50 shall pay to the school district, from funds

Page 8

1 appropriated in section 257.16, an amount equal to the
2 amount of state aid paid for each pupil in that school
3 district for that school year in payments made as
4 provided in section 257.16. ~~However, payments shall~~
5 ~~not be made for pupils for which an advance is~~
6 ~~received by the district under section 257.18.~~

7 Sec. 21. Section 299A.2, Code Supplement 1991, is
8 amended to read as follows:

9 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
10 PRACTITIONER.

11 If a licensed practitioner provides competent
12 instruction to a child of compulsory attendance age,
13 the practitioner shall possess a valid license or
14 certificate which has been issued by the state board
15 of educational examiners under chapter 260 and which
16 is appropriate to the ages and grade levels of the
17 children to be taught. Competent private instruction
18 may include, but is not limited to, instruction or
19 instructional supervision offered through an
20 accredited nonpublic school or public school district
21 by a teacher, who is employed by the accredited
22 nonpublic school or public school district, who
23 assists and supervises a parent, guardian, or legal
24 custodian in providing instruction to a child. If
25 competent private instruction is provided through a
26 public school district, the child shall be enrolled
27 and included in the basic enrollment of the school
28 district as provided in section 257.6. Sections
29 299A.3 through 299A.7 do not apply to competent
30 private instruction provided by a licensed
31 practitioner under this section.

32 Sec. 22. Section 299A.8, Code Supplement 1991, is
33 amended to read as follows:

34 299A.8 DUAL ENROLLMENT.

35 If a parent, guardian, or legal custodian of a
36 child who is receiving competent private instruction
37 under this chapter submits a request, the child shall
38 also be registered in a public school for dual
39 enrollment purposes. If the child is enrolled in a
40 public school district for dual enrollment purposes,
41 the child shall be permitted to participate in any
42 academic activities in the district and shall also be
43 permitted to participate on the same basis as public
44 school children in any extracurricular activities
45 available to children in the child's grade or group,
46 and the parent, guardian, or legal custodian shall not
47 be required to pay the costs of any annual testing
48 under this chapter. If the child is enrolled for dual
49 enrollment purposes, the child shall be included in
50 the public school's basic enrollment under sections

Page 9

1 ~~442.4~~ and as provided in section 257.6 and shall be
2 counted as one pupil.

3 Sec. 23. Section 257.13, Code 1991, is repealed.

4 Sec. 24. The state board of education shall
5 conduct a study to review the community college

6 funding formula in relation to the state's ability to
 7 provide future increases in the community college
 8 funding formula. A report of the findings and
 9 recommendations shall be submitted to the general
 10 assembly by December 1, 1992.

11 Sec. 25. Sections 2, 3, 5, 7, 10, 11, 12, 14, 15,
 12 20, 21, 22, and 23 of this Act, being deemed of
 13 immediate importance, take effect upon enactment for
 14 the purpose of computations required for payment of
 15 state aid to and levying of property taxes by school
 16 districts for the budget year beginning July 1, 1992.

17 Sec. 26. Sections 4, 6, 8, 13, 16, 17, 18, and 19
 18 of this Act take effect July 1, 1992, for the purpose
 19 of computations required for payment of state aid to
 20 and levying of property taxes by school districts for
 21 the budget year beginning July 1, 1993.

22 Sec. 27. Section 9 of this Act takes effect July
 23 1, 1992, for the purpose of computing state percent of
 24 growth for the budget year beginning July 1, 1994.””

MIKE CONNOLLY

S-5340

1 Amend Senate File 2354 as follows:

- 2 1. Page 16, line 32, by striking the word "ten"
- 3 and inserting the following: "fifty".

WILLIAM D. PALMER

S-5341

1 Amend Senate File 2302 as follows:

- 2 1. Page 3, by inserting before line 30 the fol-
- 3 lowing:

4 "Sec. ____ . Section 236.11, Code Supplement 1991,
 5 is amended by adding the following new unnumbered
 6 paragraph after unnumbered paragraph 2:

7 NEW UNNUMBERED PARAGRAPH. However, a peace officer
 8 shall not take a person into custody for violation of
 9 an order as required in this section without actual
 10 knowledge that a return of service has been filed with
 11 respect to service of the order on the person, or
 12 actual knowledge that the person is aware of the
 13 order."

- 14 2. By renumbering and correcting internal
- 15 references as necessary.

RALPH ROSENBERG

S-5342

- 1 Amend Senate File 2201 as follows:
- 2 1. By striking page 3, line 29, through page 5,
- 3 line 2.
- 4 2. By renumbering as necessary.

PAUL D. PATE

S-5343

- 1 Amend House File 2343, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 15 the
- 4 following:
- 5 "Sec. ____ . Section 467A.43, Code 1991, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 **NEW UNNUMBERED PARAGRAPH.** A landowner shall not be
- 8 liable for a claim based upon or arising out of a
- 9 claim of negligent design or specification, negligent
- 10 adoption of design or specification, or negligent
- 11 installation, construction, or reconstruction of a
- 12 soil and water construction practice or an erosion
- 13 control practice that was installed, constructed, or
- 14 reconstructed in accordance with generally recognized
- 15 engineering or safety standards, criteria, or design
- 16 theory in existence at the time of the installation,
- 17 construction, or reconstruction. A soil and water
- 18 conservation practice or an erosion control practice
- 19 installed, constructed, or reconstructed in compliance
- 20 with rules adopted by the division and currently in
- 21 effect shall be deemed to be installed, constructed,
- 22 or reconstructed according to generally recognized
- 23 engineering or safety standards, criteria, or design
- 24 theory in existence at the time of the installation,
- 25 construction, or reconstruction. A claim shall not be
- 26 allowed for failure to upgrade, improve, or alter any
- 27 aspect of an existing soil and water conservation
- 28 practice or erosion control practice to a new,
- 29 changed, or altered design standard. This section
- 30 does not apply to a claim based on a failure of a
- 31 landowner to upgrade, improve, or alter a soil and
- 32 water conservation practice or erosion control
- 33 practice in violation of law. This section does not
- 34 apply to claims based upon gross negligence."
- 35 2. Page 4, by striking lines 2 and 3 and
- 36 inserting the following: "Financial incentive
- 37 programs are established within the division in order
- 38 to protect the long-".
- 39 3. Page 4, lines 28 and 29, by striking the words

40 "FINANCIAL INCENTIVE PROGRAMS" and inserting the
41 following: "VOLUNTARY ESTABLISHMENT OF SOIL AND WATER
42 CONSERVATION PRACTICES".

43 4. Page 8, line 24, by inserting after the figure

44 "467A.64" the following: "and section 467A.66".

DERRYL MCLAREN
DONALD V. DOYLE
BERL E. PRIEBE
DALE L. TIEDEN
JACK W. HESTER
LEONARD L. BOSWELL
MARY E. KRAMER

S-5344

1 Amend Senate File 2347 as follows:

2 1. Page 2, line 25, by inserting after the word

3 "purposes" the following: ", including the

4 administration of the gypsy moth program".

5 2. Page 2, by inserting after line 26 the fol-

6 lowing:

7 "Of the amount appropriated under this paragraph

8 "a", \$50,000 shall be used to administer a program

9 relating to the detection, surveillance, and

10 eradication of the gypsy moth. The department shall

11 not allocate moneys other than appropriated under this

12 paragraph "a" to support the program."

13 3. Page 9, by striking lines 5 through 7 and

14 inserting the following:

15 "For purposes of administration and enforcement of

16 navigation laws and water safety:".

17 4. Page 12, by inserting after line 26 the

18 following:

19 "Sec. ____ . The department of agriculture and land

20 stewardship is not required to reimburse a person not

21 employed by the department, including the auditor of

22 state or the attorney general, for rendering services

23 for or on behalf of the department unless the

24 department receives a bill which itemizes the services

25 and charges rendered by the person for performing

26 these services.

27 This section, being deemed of immediate importance,

28 takes effect upon enactment of this Act."

29 5. Page 20, line 13, by striking the word "and".

30 6. Page 20, line 14, by striking the words "and

31 the office of the director," and inserting the

32 following: "and the office of the director,".

33 7. Page 20, line 25, by striking the words

34 "paragraphs f and j" and inserting the following:

35 "paragraph f".

36 8. Page 20, line 26, by striking the words "are
37 amended by striking the paragraphs" and inserting the
38 following: "is amended by striking the paragraph".

39 9. Page 21, by inserting after line 21 the
40 following:

41 "Sec. ____ . This Act takes effect on July 1, 1992,
42 except as otherwise provided in specific sections of
43 this Act."

44 10. By renumbering as necessary.

EMIL J. HUSAK
DERRYL MCLAREN

S-5345

1 Amend amendment, S-5316, to Senate File 2225 as
2 follows:

3 1. Page 1, line 11, by inserting after the word
4 "penalty" the following: "and court costs".

JIM LIND

S-5346

1 Amend House File 2203, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 109.123, subsection 1, Code
6 1991, is amended to read as follows:

7 1. A person shall not discharge a firearm or shoot
8 or attempt to shoot a game or furbearing animal within
9 two hundred yards of a building inhabited by people or
10 domestic livestock or within two hundred yards of a
11 feedlot unless the owner or tenant has given consent."

JAMES R. RIORDAN

S-5347

1 Amend amendment, S-5094, to Senate File 2006 as
2 follows:

3 1. Page 1, line 5, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 2. Page 1, by inserting after line 15 the
7 following:

8 "NEW SUBSECTION. 16. SILVER OR BRONZE STAR
9 PLATES. The owner of a motor vehicle subject to

10 registration pursuant to section 321.109, subsection
11 1, multipurpose vehicle, light delivery truck, panel
12 delivery truck, or pickup, who was awarded a silver or
13 a bronze star by the United States government, may
14 upon written application to the department and
15 presentation of satisfactory proof of the award of the
16 silver or bronze star, order special registration
17 plates. The design of the plate shall include a
18 representation of a silver or bronze star centered on
19 the left side of the plate. The plates shall be
20 numbered in sequence beginning with 00001. The
21 application is subject to approval by the department
22 in consultation with the adjutant general. The
23 special registration plates shall be issued to the
24 applicant in exchange for the registration plates
25 previously issued to that person. The fee for the
26 silver or bronze star plates shall be twenty-five
27 dollars which shall be in addition to the regular
28 annual registration fee. The department shall
29 validate the special plates in the same manner as
30 regular registration plates are validated under this
31 section.””

JIM LIND

S-5348

- 1 Amend Senate File 2250 as follows:
- 2 1. Page 1, line 5, by striking the words “or
- 3 dentists” and inserting the following: “or dentists,
- 4 or certified licensed optometrists”.
- 5 2. Page 1, line 7, by striking the word and
- 6 figure “or 153” and inserting the following: “or 153,
- 7 or 154”.

BEVERLY HANNON

S-5349

- 1 Amend House File 2085 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 5 through 14.
- 4 2. Title page, lines 1 and 2, by striking the
- 5 words “providing for the release of membership lists
- 6 and”.
- 7 3. By renumbering as necessary.

EUGENE FRAISE
EMIL HUSAK
DERRYL MCLAREN

S-5350

- 1 Amend the amendment, S-5279, to Senate File 2250 as
2 follows:
3 1. Page 1, line 5, by inserting after the word
4 "specialists" inserting the following: "or certified
5 licensed optometrists".
6 2. Page 1, by inserting after line 9 the
7 following:
8 "___ . Page 1, line 7, by striking the word and
9 figure "or 153" and inserting the following: "or 153,
10 or 154".

BEVERLY HANNON

S-5351

- 1 Amend the amendment, S-5279, to Senate File 2250 as
2 follows:
3 1. Page 1, line 5, by inserting after the word
4 "specialists" the following: ", chiropractors,
5 massage therapists".
6 2. Page 1, line 9, by inserting before the figure
7 "152," the following: "151,".

WILLIAM D. PALMER

S-5352

- 1 Amend Senate File 2347 as follows:
2 1. Page 7, by inserting after line 8 the
3 following:
4 "Of the amount appropriated under this section,
5 \$50,000 shall be allocated to establish a wildlife
6 nuisance management program. The program shall
7 provide for controlling wildlife nuisances, including
8 deer and predators, which interfere with agricultural
9 production. A primary purpose of the program shall be
10 to reduce damages or injury to property involved in
11 farming as defined in section 172C.1 The program shall
12 emphasize the prevention of wildlife nuisances through
13 management techniques which preserve the life and
14 habitat of wildlife. An animal or an animal's habitat
15 shall not be destroyed only because the animal belongs
16 to a particular species. The department shall
17 cooperate with the department of agriculture and land
18 stewardship and either department may contract with
19 the United States department of agriculture to operate
20 the program. The program shall be conducted in

21 accordance with federal and state law, notwithstanding
22 laws relating to open seasons."

BERL E. PRIEBE
LEONARD L. BOSWELL
SHELDON RITTNER
DONALD V. DOYLE
EMIL J. HUSAK
JOHN A. PETERSON
JOHN E. SOORHOLTZ

S-5353

1 Amend amendment, S-5290, to Senate File 2348 as
2 follows:
3 1. Page 1, line 11, by striking the word
4 "services," and inserting the following: "services
5 and".
6 2. Page 1, line 12, by striking the words "and,
7 the judicial department,".

RICHARD VARN

S-5354

1 Amend the amendment, S-5324, to Senate File 2055,
2 as follows:
3 1. Page 1, by striking lines 13 through 16 and
4 inserting the following:
5 "An employer shall make available to an employee
6 six consecutive weeks of unpaid parental leave for use
7 beginning immediately after the birth of a biological
8 child of the employee. An employee may use any
9 additional amount of parental leave made available by
10 the employer."
11 2. Page 1, line 28, by inserting after the words
12 "family leave." the following: "Other leave used in
13 combination with parental or family leave or for
14 reasons which would allow the use of parental or
15 family leave pursuant to this chapter may exceed the
16 period allowed by the employer for parental or family
17 leave."
18 3. Page 1, line 41, by inserting after the word
19 "period" the following: ", by arrangement with the
20 employer,".

LARRY MURPHY
LINN FUHRMAN
HARRY SLIFE

MARY E. KRAMER
FLORENCE BUHR

S-5355

1 Amend Senate File 2348 as follows:

2 1. Page 15, by inserting after line 25 the fol-
3 lowing:

4 "Sec. ____ . PLACEMENTS FOR ELDERLY OR INFIRM
5 INMATES. The department of corrections, department of
6 public health, department of human services,
7 department of elder affairs, and department of
8 inspections and appeals shall cooperate in developing
9 community-based placements for elderly or infirm
10 inmates who, by nature of their medical and criminal
11 histories, are deemed to be low-risk for committing
12 future public offenses. Community-based placements
13 may include, but are not limited to, county care
14 facilities, retirement homes, or veterans homes. The
15 departments shall consider the potential for these
16 community-based placement facilities to obtain federal
17 funds for providing services to these inmates. The
18 department of corrections shall develop a parole plan
19 for these inmates once a community-based placement has
20 been developed."

21 2. By renumbering and correcting internal
22 references as necessary.

ELAINE SZYMONIAK
RALPH ROSENBERG

S-5356

1 Amend Senate File 2292 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 136E.1 DEFINITIONS.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Board" means the massage therapy advisory
8 board established in section 136E.2.

9 2. "Department" means the department of public
10 health.

11 3. "Massage therapist" means a person licensed to
12 practice the health care service of massage therapy
13 under this chapter.

14 4. "Massage therapy" means performance for
15 compensation of massage, myotherapy, massotherapy,
16 bodywork, bodywork therapy, or therapeutic massage
17 including hydrotherapy, superficial hot and cold

18 applications, vibration and topical applications, or
19 other therapy which involves manipulation of the
20 muscle and connective tissue of the body, excluding
21 osseous tissue, to treat the muscle tonus system for
22 the purpose of enhancing health, muscle relaxation,
23 increasing range of motion, reducing stress, relieving
24 pain, or improving circulation. "Massage therapy"
25 does not include diagnosis or service which requires a
26 license to practice medicine or surgery, osteopathic
27 medicine and surgery, osteopathy, chiropractic, or
28 podiatry, and does not include service performed by
29 athletic trainers, technicians, nurses, occupational
30 therapists, or physical therapists who act under a
31 professional license, certificate, or registration or
32 under the prescription or supervision of a person
33 licensed to practice medicine or surgery or
34 osteopathic medicine and surgery.

35 **Sec. 2. NEW SECTION. 136E.2 MASSAGE THERAPY**
36 **ADVISORY BOARD CREATED -- DUTIES.**

37 The director of the department shall appoint
38 members of the board, including four massage
39 therapists and three persons who are not massage
40 therapists and who shall represent the general public.
41 The board shall advise the department regarding
42 licensure and continuing education requirements,
43 standards of practice and professional ethics,
44 disciplinary actions, and other issues of concern to
45 the board.

46 **Sec. 3. NEW SECTION. 136E.3 REQUIREMENTS FOR**
47 **LICENSURE.**

48 1. The department shall adopt rules pursuant to
49 chapter 17A establishing a procedure for licensing of
50 massage therapists. License requirements shall

Page 2

- 1 include the following:
- 2 a. Completion of a curriculum of massage education
- 3 at a state licensed or an accredited school approved
- 4 by the department which requires for admission a
- 5 diploma from an accredited high school or the
- 6 equivalent and requires completion of at least five
- 7 hundred hours of supervised academic instruction.
- 8 However, educational requirements under this paragraph
- 9 are subject to reduction by the department if, after
- 10 public notice and hearing, the department determines
- 11 that the welfare of the public may be adequately
- 12 protected with fewer hours of education.
- 13 b. Passage of an examination given or approved by
- 14 the department.

15 c. Payment of a reasonable fee required by the
16 department which shall compensate and be retained by
17 the department for the costs of administering this
18 chapter.

19 2. In addition to provisions for licensure, the
20 rules shall include the following:

21 a. Requirements regarding completion of at least
22 twelve hours of continuing education annually
23 regarding subjects concerning massage and related
24 techniques or the health and safety of the public,
25 subject to reduction by the department if, after
26 public notice and hearing, the department determines
27 that the welfare of the public may be adequately
28 protected with fewer hours.

29 b. Requirements for issuance of a reciprocal
30 license to licensees of states with license
31 requirements equal to or exceeding those of this
32 chapter. The rules shall provide for issuance of a
33 temporary reciprocal license for licensees of states
34 with lower requirements.

35 3. The department shall present all proposed
36 rules, changes to rules, and proposed action for
37 disciplinary reasons to the board for recommendation
38 prior to implementation.

39 4. A massage therapist licensed pursuant to this
40 chapter shall be issued a license number and a license
41 certificate.

42 **Sec. 4. NEW SECTION. 136E.4 EMPLOYMENT OF PERSON**
43 **NOT LICENSED -- CIVIL PENALTY APPLICABLE.**

44 A person as defined in section 4.1, who employs to
45 provide services to other persons a person who is not
46 licensed pursuant to this chapter, shall not use the
47 initials "L.M.T." or the words "licensed massage
48 therapist", "massage therapist", "masseur", or
49 "masseuse", or any other words or titles which imply
50 or represent that the person employed practices

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1 massage therapy. A person who violates this section
2 is subject to imposition, at the discretion of the
3 board, of a civil penalty not to exceed one thousand
4 dollars. Each violation of this section is a separate
5 offense. Each day a violation of this section occurs
6 after citation by the board is a separate offense.
7 The department may inspect any facility which
8 advertises or offers services purporting to be
9 delivered by massage therapists.

10 **Sec. 5. NEW SECTION. 136E.5 USE OF TITLE OR**
11 **SIMILAR TITLE -- CIVIL PENALTY APPLICABLE.**

12 A person who is not licensed pursuant to this
13 chapter shall not use the initials "L.M.T." or the
14 words "licensed massage therapist", "massage
15 therapist", "masseur", or "masseuse", or any other
16 words or titles which imply or represent that the
17 person practices massage therapy. A person who
18 violates this section is subject to imposition, at the
19 discretion of the board, of a civil penalty not to
20 exceed five hundred dollars. Each violation of this
21 section is a separate offense. Each day a violation
22 of this section occurs after citation by the board is
23 a separate offense.

24 Sec. 6. NEW SECTION. 136E.6 ENFORCEMENT.

25 No city, township, or county governmental body,
26 agency, or department shall enact or enforce
27 restrictions or requirements regarding massage
28 therapists which are not equally enacted or enforced
29 regarding all licensed health care practitioners,
30 including but not limited to zoning, building code,
31 health, and sanitation regulations.

32 Sec. 7. Section 147.74, Code Supplement 1991, is
33 amended by adding the following new subsection:

34 NEW SUBSECTION. 16A. A massage therapist licensed
35 under chapter 136E may use the words "licensed massage
36 therapist" or the initials "L.M.T." after the person's
37 name.

38 Sec. 8. TRANSITION PROVISIONS.

39 1. a. A person practicing massage therapy on the
40 effective date of this bill is eligible to receive a
41 temporary license at the discretion of the department
42 which is valid for up to two years. The department
43 shall adopt rules determining criteria for receipt of
44 a temporary license.

45 b. A person who can demonstrate that the person
46 has practiced massage therapy for ten years or more
47 prior to the effective date of this Act is eligible to
48 receive a temporary license at the discretion of the
49 department which is valid for six years. The
50 department shall adopt rules determining criteria for

Page 4

1 receipt of a temporary license which shall include
2 successful passage of a practical examination given by
3 the department, and shall not include passage of a
4 written examination.

5 2. Notwithstanding section 136E.2, of the initial
6 appointees to the board, two members licensed to
7 practice massage therapy and one representative of the
8 public shall be appointed for one-year terms, one

9 member licensed to practice massage therapy and one
 10 representative of the public shall be appointed for
 11 two-year terms, and one member licensed to practice
 12 massage therapy and one representative of the public
 13 shall be appointed for three-year terms. The initial
 14 appointees' successors shall be appointed for terms of
 15 three years each, except that a person chosen to fill
 16 a vacancy shall be appointed only for the unexpired
 17 term of the board member replaced.

18 Notwithstanding section 136E.3, initial appointees
 19 who are required to be massage therapists shall have
 20 completed a curriculum of massage education at a
 21 school which complies with the curriculum requirements
 22 of this chapter but shall not receive a license until
 23 successful passage of the required examination."

LARRY MURPHY

S-5357

1 Amend Senate File 2306 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. **NEW SECTION. 477D.1 DEFINITIONS.**

5 In this chapter, unless the context otherwise
 6 requires:

7 1. "Manager" means a person who supervises the
 8 work of a telephone solicitor.

9 2. "Merchandise" means objects, wares, goods,
 10 commodities, intangibles, real estate, securities, or
 11 services.

12 3. "Person" means a person as defined in chapter
 13 4.

14 4. "Premium" means a gift, bonus, prize, award,
 15 certificate, or other paper or any other means by
 16 which the prospective purchaser is given a right,
 17 chance, or privilege to purchase or receive, whether
 18 for a fee or at no cost, merchandise, with a stated or
 19 represented value of fifty dollars or more or with no
 20 stated or represented value, as an inducement to a
 21 prospective purchaser to purchase other merchandise.

22 5. "Principal" means an owner, an officer of a
 23 corporation, a general partner of a partnership, a
 24 sole proprietor of a sole proprietorship, a trustee of
 25 a trust or any other individual who controls, manages
 26 and supervises a telephone sales operation.

27 6. "Sale" means a sale of merchandise in which all
 28 of the following apply:

29 a. The seller or solicitor makes the offer of sale
 30 over the telephone.

31 b. The prospective purchaser's agreement or offer
32 to purchase is made over the telephone.

33 c. The seller or solicitor offers the prospective
34 purchaser a premium.

35 7. "Seller" means a person who, directly or
36 through a solicitor, seeks orders for the sale of
37 merchandise by means of telephone solicitation.

38 8. "Solicitor" means a person who uses a telephone
39 to seek sales of merchandise on behalf of a seller or
40 uses a telephone to verify sales for a seller.

41 Sec. 2. NEW SECTION. 477D.2 TELEPHONE SELLER --
42 REGISTRATION.

43 1. A seller shall file a verified registration
44 statement with the secretary of state before the
45 seller solicits prospective purchasers from locations
46 in this state. Each principal of the seller shall
47 sign the registration statement and file the statement
48 with the secretary of state along with the annual
49 registration fee. The registration statement expires
50 on June 30 of each year and shall be annually renewed

Page 2

1 by completing a new registration statement within
2 thirty days before expiration.

3 2. If, before the expiration of a seller's annual
4 registration, there is a change in any of the
5 information required by subsection 3, within ten days
6 of the change the seller shall file a supplemental
7 statement with the secretary of state, except that a
8 seller shall only update quarterly any changes in
9 solicitors hired by the seller.

10 3. Each registration statement shall contain all
11 of the following information:

12 a. The name of the seller.

13 b. The name under which the seller is doing
14 business or intends to do business.

15 c. The seller's business form and state of
16 organization.

17 d. If the seller is a corporation, a copy of its
18 articles of incorporation and bylaws and amendments to
19 the bylaws. If the seller is a partnership, a copy of
20 the partnership agreement. If the seller is operating
21 under a fictitious business name, the location where
22 the fictitious name has been registered.

23 e. The complete street address of the physical
24 location of the principal place of business of the
25 seller, the complete street address of all other
26 locations from which the seller will be conducting
27 business and all telephone numbers for telephones at

28 these locations.

29 f. For each principal, manager, and solicitor the
30 name, residence address, telephone number, date of
31 birth, and current driver's license number along with
32 the state of issuance of the driver's license.

33 g. The name and address of the seller's agent in
34 this state who is authorized to receive service of
35 process in this state.

36 h. A copy of the bond filed with the treasurer of
37 state.

38 i. Whether any of the following applies to a
39 principal or manager:

40 (1) The person has been convicted or pleaded no
41 contest to a felony or misdemeanor involving moral
42 turpitude or a violation of this chapter.

43 (2) The person has been held liable in a civil
44 action, either by final judgment or by entry of a
45 stipulated judgment, if the civil action alleged
46 fraud, embezzlement, racketeering, fraudulent
47 conversion or misappropriation of property, or a
48 violation of this chapter or the use of untrue or
49 misleading representations in an attempt to sell or
50 dispose of real or personal property or the use of

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1 unfair, unlawful, or deceptive business practices.

2 (3) The person is subject to a currently effective
3 injunction or restrictive order relating to a business
4 activity as a result of an action brought by a public
5 agency or department, including an action affecting a
6 vocational license.

7 The statement shall include the name of the court,
8 the date of the conviction, the judgment, order, or
9 injunction and, if applicable, the name of the
10 governmental agency that filed the action resulting in
11 the conviction, judgment, order, or injunction.

12 **Sec. 3. NEW SECTION. 477D.3 EXEMPTIONS.**

13 The following persons are not required to register
14 and are exempt from this chapter:

15 1. A person making calls for religious,
16 charitable, political, educational, or other
17 noncommercial purposes or a person soliciting for a
18 nonprofit corporation if that corporation is properly
19 registered as such with the secretary of state and is
20 included within the exemptions of section 501(c)(3) or
21 section 501(c)(6) of the Internal Revenue Code as
22 defined in section 422.3.

23 2. A person making telephone solicitations for a
24 newspaper of general circulation, magazine, or a

25 licensed or franchised cable television system.

26 3. A person making telephone solicitations for the
27 sale or purchase of books, recordings, videocassettes,
28 and similar goods through a membership group or club
29 regulated by the federal trade commission or through a
30 contractual plan or arrangement including, but not
31 limited to, continuity plan, subscription arrangement,
32 series arrangement, or single purchase under which the
33 seller ships goods to a consumer who has consented in
34 advance to receive the goods and the recipient is
35 given the opportunity to review goods for at least
36 seven days and to receive a full refund for return of
37 undamaged goods.

38 4. A person making telephone solicitations from
39 prospective purchasers who have previously made a
40 purchase from the business enterprise for which the
41 person is making the solicitation.

42 5. A person making telephone solicitations without
43 the intent to complete and who does not complete the
44 sales presentation during the telephone solicitation
45 but completes the sales presentation at a later face-
46 to-face meeting between the solicitor and the
47 prospective purchaser provided that the later face-to-
48 face meeting is not for the purpose of collecting the
49 payment or delivering any item purchased.

50 6. A person making telephone solicitations

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1 exclusively for the purpose of the sale of telephone
2 answering services to be provided by that person or
3 that person's employer.

4 7. An issuer or a subsidiary of an issuer that has
5 a class of securities which is subject to the federal
6 Securities Exchange Act of 1934 and which is either
7 registered as required by 15 U.S.C. § 78 l or exempt
8 from registration under paragraphs (A), (B), (C), (E),
9 (F), (G), or (H) of subsection (g)(2) of that section.

10 8. A telephone company or its subsidiary or
11 agents, or a business which is regulated by the
12 department of commerce, or a cellular telephone
13 company or other bona fide radio telecommunication
14 services provider licensed by the federal
15 communications commission.

16 9. A person who has been operating, for at least
17 two years, a retail business establishment under the
18 same name as that used in connection with
19 telemarketing, and both of the following occur on a
20 continuing basis:

21 a. Either products are displayed and offered for

22 sale or services are offered for sale and provided at
23 the business establishment.

24 b. A majority of the seller's business involves
25 the buyer obtaining such products or services at the
26 seller's location.

27 10. A person who solicits sales by periodically
28 publishing and delivering a catalog of the seller's
29 merchandise to prospective purchasers, if the catalog
30 includes all of the following:

31 a. A written description or illustration of each
32 item offered for sale.

33 b. The business address or home office address of
34 the seller.

35 c. At least twenty-four pages of written material
36 and illustrations distributed in more than one state.

37 d. An annual circulation by mailing of not less
38 than two hundred fifty thousand.

39 11. A person soliciting the sale of food or
40 produce if the solicitation neither intends to result
41 in, nor actually results in, a single sale which costs
42 the purchaser in excess of one hundred dollars.

43 12. A person engaging in commercial telephone
44 solicitation where the solicitation is an isolated
45 transaction and not done in the course of a pattern of
46 repeated transactions of like nature.

47 13. Any licensed insurance broker, agent, customer
48 representative, or solicitor when soliciting within
49 the scope of the person's license. As used in this
50 subsection, "licensed insurance broker, agent,

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1 customer representative, or solicitor" means any
2 insurance broker, agent, customer representative, or
3 solicitor licensed by an official or agency of this
4 state or of any state of the United States.

5 14. Any supervised financial institution or
6 parent, subsidiary, or affiliate thereof. As used in
7 this subsection, "supervised financial institution"
8 means any commercial bank, trust company, savings and
9 loan association, mutual savings bank, credit union,
10 industrial loan company, consumer finance lender,
11 commercial finance lender, or insurer, provided that
12 the institution is subject to supervision by an
13 official or agency of this state, of any state, or of
14 the United States.

15 15. Any licensed associated person of a
16 securities, commodities, or investments broker,
17 dealer, or investment advisor, when soliciting within
18 the scope of the person's license. As used in this

19 subsection, "licensed associated person of a
20 securities, commodities, or investment broker, dealer,
21 or investment advisor" means any associated person
22 registered or licensed by the national association of
23 securities dealers or other self-regulatory
24 organization, as defined by the federal Securities
25 Exchange Act of 1934, or by an official or agency of
26 this state or of any state of the United States.

27 16. A person soliciting a transaction regulated by
28 the commodity futures trading commission if the person
29 is registered or temporarily licensed for this
30 activity with the commodity futures trading commission
31 under the federal Commodity Exchange Act, 7 U.S.C. § 1
32 et seq. and the registration or license has not
33 expired or been suspended or revoked.

34 17. Any licensed securities, commodities, or
35 investments broker, dealer, or investment advisor,
36 when soliciting within the scope of his license. As
37 used in this subsection, "licensed securities,
38 commodities, or investments broker, dealer, or
39 investment advisor" means a person subject to license,
40 or registration as such by the securities and exchange
41 commission, by the national association of securities
42 dealers or other self-regulatory organization, as
43 defined by the federal Securities Exchange Act of
44 1934, or by an official or agency of this state or of
45 any state of the United States.

46 18. A business-to-business sale where the
47 purchaser business intends to resell the property or
48 goods purchased or the purchaser business intends to
49 use the property or goods purchased in a recycling,
50 reuse, remanufacturing, or manufacturing process.

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1 19. Any telephone marketing service company which
2 provides telemarketing sales services under contract
3 to sellers and has been operating continuously for at
4 least three years under the same business name and
5 seventy-five percent of its contracts are performed on
6 behalf of persons exempted from this chapter by this
7 section.

8 20. A person who solicits contracts for the
9 maintenance or repair of goods previously purchased
10 from the person making the solicitation or on whose
11 behalf the solicitation is made.

12 Sec. 4. **NEW SECTION. 477D.4 BOND -- AMOUNT --**
13 **FILING -- BENEFICIARIES -- CANCELLATION.**

14 1. A seller shall maintain a bond of twenty-five
15 thousand dollars issued by a surety company duly

16 authorized to do business in this state. The bond
17 shall be filed with the treasurer of state and shall
18 be continuous in nature. No control or beneficiary
19 interest may be held by the seller in the surety or by
20 the surety company in the seller.

21 2. The bond required by subsection 1 shall be in
22 favor of this state to be held in trust by the
23 treasurer of state for the benefit of an employee
24 claiming wages or salary of the seller or of a person
25 who suffers financial damage as a result of a
26 violation of this chapter. Priority for payment of
27 claims shall be for employees of the seller claiming
28 wages or salary. No other claims shall be paid until
29 all claims for wages or salary have been paid.

30 3. A person who makes a claim against the bond may
31 maintain an action against the seller and the surety,
32 except that the surety is liable only for any moneys
33 paid by the purchaser to the seller or solicitor, plus
34 reasonable attorney fees. The surety bond may be sued
35 upon in successive actions until the full amount is
36 exhausted. A person shall not commence suit on the
37 bond more than four years after the act or omission on
38 which the suit is based. Subject to the limitations
39 in this chapter, a surety is liable for damages for an
40 act or omission occurring during the time the bond is
41 in effect.

42 4. The aggregate liability of the surety to all
43 persons for all breaches of the conditions of the bond
44 provided in this section shall not exceed the amount
45 of the bond.

46 5. A surety for any cause may cancel the bond by
47 giving sixty days' written notice by certified mail of
48 the cancellation to the treasurer of state, the
49 attorney general and the seller. On or before the
50 effective date of the cancellation of the bond, the

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1 seller shall either obtain a new bond which meets the
2 requirements of this section and file a copy of the
3 new bond with the treasurer of state or make a cash
4 deposit.

5 6. In lieu of furnishing the surety bond as
6 required by this section, the seller may deposit a
7 cash deposit in the required amount with the treasurer
8 of state, or in an interest-bearing trust account or
9 an escrow account if the trust or escrow agreement is
10 filed with the treasurer of state.

11 7. The treasurer of state shall maintain cash
12 deposited pursuant to this section in an interest-

13 bearing trust account on behalf of the depositor.
 14 Deposits plus accrued interest may be withdrawn, if
 15 there are no outstanding claims against them, four
 16 years after the seller ceases to do business in this
 17 state. Deposits may be withdrawn sixty days after the
 18 filing of a surety bond as a replacement to the cash
 19 deposit.

20 Sec. 5. NEW SECTION. 477D.5 FEES.

21 1. The secretary of state shall set the annual fee
 22 for registration which shall not exceed one hundred
 23 dollars.

24 2. The secretary of state shall set the fee for
 25 each supplemental statement which shall not exceed
 26 twenty-five dollars."

27 2. Title page, by striking lines 1 and 2 and
 28 inserting the following: "An Act regulating telephone
 29 solicitation by requiring registration and filing of a
 30 bond, and imposing fees."

AL STURGEON

S-5358

1 Amend Senate File 2159 as follows:

2 1. Page 3, line 20, by inserting after the word
 3 "five" the following: "but not more than fifteen".

4 2. Page 3, by striking lines 21 through 24.

5 3. Page 3, line 25, by striking the words "An
 6 expanded" and inserting the following: "A".

7 4. Page 3, line 32, by striking the words "a
 8 new".

9 5. Page 3, by striking lines 33 and 34 and
 10 inserting the following: "the production facility.
 11 In".

12 6. By renumbering as necessary.

DERRYL MCLAREN
 LEONARD L. BOSWELL
 BERL E. PRIEBE
 JACK W. HESTER
 JIM KERSTEN
 EUGENE FRAISE

S-5359

1 Amend Senate File 2268 as follows:

2 1. Page 2, by inserting after line 15 the
 3 following:

4 "Sec. ____ . Section 467A.43, Code 1991, is amended
 5 by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. A landowner shall not be
7 liable for a claim based upon or arising out of a
8 claim of negligent design or specification, negligent
9 adoption of design or specification, or negligent
10 installation, construction, or reconstruction of a
11 soil and water construction practice or an erosion
12 control practice that was installed, constructed, or
13 reconstructed in accordance with generally recognized
14 engineering or safety standards, criteria, or design
15 theory in existence at the time of the installation,
16 construction, or reconstruction. A soil and water
17 conservation practice or an erosion control practice
18 installed, constructed, or reconstructed in compliance
19 with rules adopted by the division and currently in
20 effect shall be deemed to be installed, constructed,
21 or reconstructed according to generally recognized
22 engineering or safety standards, criteria, or design
23 theory in existence at the time of the installation,
24 construction, or reconstruction. A claim shall not be
25 allowed for failure to upgrade, improve, or alter any
26 aspect of an existing soil and water conservation
27 practice or erosion control practice to a new,
28 changed, or altered design standard. This section
29 does not apply to a claim based on a failure of a
30 landowner to upgrade, improve, or alter a soil and
31 water conservation practice or erosion control
32 practice in violation of law. This section does not
33 apply to claims based upon gross negligence.”
34 2. Page 4, by striking lines 2 and 3 and
35 inserting the following: “Financial incentive
36 programs are established within the division in order
37 to protect the long-”
38 3. Page 4, lines 28 and 29, by striking the words
39 “FINANCIAL INCENTIVE PROGRAMS” and inserting the
40 following: “VOLUNTARY ESTABLISHMENT OF SOIL AND WATER
41 CONSERVATION PRACTICES”.
42 4. Page 7, line 15, by inserting before the word
43 “designee” the following: “the forester’s”.
44 5. Page 7, line 17, by inserting after the word
45 “reconstruct” the following: “the”.

DERRYL MCLAREN
DONALD DOYLE
BERL PRIEBE
LEONARD L. BOSWELL
JACK W. HESTER
DALE L. TIEDEN
JOHN E. SOORHOLTZ

S-5360

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 2, lines 33 and 34, by striking the words
- 3 "approved by the commission".
- 4 2. Page 2, line 34, by inserting after the word
- 5 "dogs." the following: "The maximum number of stake
- 6 racetracks for each pari-mutuel racetrack shall not exceed
- 7 four per season."
- 8 3. Page 3, line 5, by striking the word "twelve"
- 9 and inserting the following: "twelve eight".

JOE J. WELSH
JIM LIND
BERL E. PRIEBE
MICHAEL E. GRONSTAL
JOHN E. SOORHOLTZ

S-5361

- 1 Amend House File 2287, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 1, line 34, by striking the words "to not
- 4 only" and inserting the following: "not only to".
- 5 2. Page 2, by striking lines 8 and 9 and
- 6 inserting the following: "establish community-based
- 7 workplace learning".
- 8 3. Page 2, by striking lines 16 through 20 and
- 9 inserting the following: "market needs. An approved
- 10 workstart program may consist of two of the required
- 11 sequential units in one of the six occupational
- 12 service areas in grades nine through twelve."
- 13 4. Page 2, lines 28 and 29, by striking the words
- 14 "after completing secondary or postsecondary
- 15 education".
- 16 5. Page 2, line 30, by striking the word "basic".
- 17 6. Page 2, by striking line 31 and inserting the
- 18 following: "job-specific skills needed to enter high
- 19 performance workplace employment".
- 20 7. Page 2, line 33, by striking the words "with
- 21 a" and inserting the following: "with".
- 22 8. Page 2, by striking line 34, and inserting the
- 23 following: "postsecondary advanced programs of
- 24 preparation, United States department of labor-
- 25 approved apprenticeship programs, and other
- 26 appropriate job".
- 27 9. Page 3, by striking lines 5 through 8 and
- 28 inserting the following:
- 29 "2. Each school or school district that desires to
- 30 establish a workstart program shall appoint a local".

- 31 10. Page 3, by striking lines 12 and 13 and
32 inserting the following: "Council members shall".
- 33 11. Page 3, line 14, by inserting before the word
34 "members" the following: "local secondary and post-
35 secondary educators,".
- 36 12. Page 3, line 15, by striking the word "local"
37 and inserting the following: "appropriate".
- 38 13. Page 3, line 20, by striking the words "level
39 job" and inserting the following: "performance
40 workplace employment".
- 41 14. Page 3, line 28, by striking the words "level
42 job" and inserting the following: "performance
43 workplace employment".
- 44 15. Page 4, line 7, by striking the word
45 "compliments" and inserting the following:
46 "complements".
- 47 16. Page 4, lines 20 and 21, by striking the
48 words "who are less than sixteen years of age".
- 49 17. Page 4, line 23, by striking the word "may"
50 and inserting the following: "shall".

Page 2

- 1 18. Page 4, by striking lines 24 through 26 and
2 inserting the following: "include instruction in
3 skills that are necessary to succeed in high
4 performance workplace employment."
- 5 19. Page 4, by striking line 34 and inserting the
6 following: "program shall be coordinated by an
7 education practitioner possessing the appropriate
8 license and endorsements for the vocational service
9 area, and may be directed at the worksite by".
- 10 20. Page 5, line 3, by striking the word "local"
11 and inserting the following: "United States
12 department of labor-approved apprenticeship programs
13 and other".
- 14 21. Page 5, by striking lines 21 through 28 and
15 inserting the following: "agreement with the school
16 or school district. The plan may provide for the
17 utilization of phase III and other".
- 18 22. By striking page 5, line 32 through page 6,
19 line 8.
- 20 23. Page 6, by striking lines 29 and 30 and
21 inserting the following:
22 "Sec. ____ . EFFECTIVE DATE. This Act takes effect
23 July 1, 1993."
- 24 24. By renumbering as necessary.

S-5362

- 1 Amend Senate File 2334 as follows:
- 2 1. Page 1, line 5, by adding after the word
3 "impairment" the following: "that substantially
4 limits one or more of the major life activities of the
5 individual".
- 6 2. Page 1, lines 7 through 9, by striking the
7 words " , any of which cause the individual to
8 substantially limit one or more of the major life
9 activities of the individual".
- 10 3. Page 3, by striking lines 7 through 12 and
11 inserting the following:
12 "b. The previous paragraph notwithstanding, the
13 term "employer" as used in section 601A.6A means prior
14 to July 26, 1994, only those employers who have
15 twenty-five or more employees for each working day in
16 each of twenty or more calendar weeks for each working
17 day in each of twenty or more calendar weeks in the
18 current or preceding year, and any agents of the
19 person."
- 20 4. Page 6, by inserting before line 21 the
21 following:
22 "This chapter does not require an individual with a
23 disability to accept an accommodation, aid, service,
24 opportunity, or benefit which the individual chooses
25 not to accept."
- 26 5. Page 7, line 25, by striking the words "with a
27 disability".
- 28 6. Page 11, by striking lines 30 through 32 and
29 inserting the following:
30 "8. a. For the purposes of this section, the term
31 "qualified individual with a disability" shall not
32 include any employee or applicant who is currently
33 engaging in the illegal use of drugs, when the covered
34 entity acts on the basis of the use.
35 b. Paragraph "a" does not exclude as a qualified
36 individual with a disability an individual who does
37 any of the following:".
- 38 7. By striking page 13, line 30 through page 14,
39 line 8.
- 40 8. By renumbering and relettering as necessary.

FLORENCE BUHR

S-5363

- 1 Amend Senate File 2345 as follows:
2 1. Page 15, by inserting after line 26 the

3 following:

4 "Sec. ____ . Section 312.3, subsection 1, Code
5 Supplement 1991, is amended by striking the subsection
6 and inserting in lieu thereof the following:

7 1. Apportion among the counties in the ratio that
8 the needs of the secondary roads of each county bear
9 to the total needs of the secondary roads of the state
10 for each fiscal year based upon the total needs of
11 secondary roads of the state as shown in the latest
12 quadrennial need study report developed by the state
13 department of transportation, and which is on record
14 at the department, seventy percent of the allocation
15 from road use tax funds which is credited to the
16 secondary road fund of the counties, and apportion
17 among the counties in the ratio that the area of each
18 county bears to the total area of the state, thirty
19 percent of the allocation from road use tax funds
20 which is credited to the secondary road fund of the
21 counties.

22 Sec. ____ . Section 312.5, subsection 5, Code
23 Supplement 1991, is amended by striking the
24 subsection."

25 2. By renumbering, relettering, redesignating,
26 and correcting internal references as necessary.

SHELDON RITTMER
GEORGE R. KINLEY
MIKE CONNOLLY
RICHARD F. DRAKE

S-5364

1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 36, by inserting after line 31, the
4 following:

5 "Sec. ____ . Section 97B.66, unnumbered paragraph 3,
6 Code 1991, is amended by striking the unnumbered
7 paragraph."

8 2. Page 48, line 1, by striking the figure
9 "97B.66,".

10 3. By renumbering and correcting internal
11 references as necessary.

WALLY HORN

S-5365

1 Amend Senate File 2345 as follows:

2 1. Page 1; by striking lines 10 and 11 and

3 inserting the following:
 4 " \$ 778,646
 5 FTEs 22.20".
 6 2. Page 1, by striking lines 34 and 35 and
 7 inserting the following:
 8 " \$ 133,098
 9 FTEs 3.66".
 10 3. Page 2, by striking lines 15 and 16 and
 11 inserting the following:
 12 " \$ 2,220,111
 13 FTEs 44.00".
 14 4. Page 3, by inserting after line 9 the follow-
 15 ing:
 16 "e. It is the intent of the general assembly that
 17 the department shall conduct the accounting functions
 18 of the Iowa law enforcement academy."
 19 5. By striking page 15, line 34 through page 16,
 20 line 6.
 21 6. By renumbering as necessary.

JIM KERSTEN

S-5366

1 Amend Senate File 2345 as follows:
 2 1. Page 6, by striking lines 15 through 17 and
 3 inserting the following:
 4 "Sec. 5. There is appropriated from the general
 5 fund, to the department of public safety for the
 6 fiscal".

RICHARD F. DRAKE

S-5367

1 Amend Senate File 2345 as follows:
 2 1. Page 13, by inserting before line 28 the
 3 following:
 4 "Sec. ____ . Section 70.1, subsection 1, Code 1991,
 5 is amended to read as follows:
 6 1. In every public department and upon all public
 7 works in the state, and of the counties, cities, and
 8 school corporations ~~thereof~~ of the state, honorably
 9 discharged persons from the military or naval forces
 10 of the United States in any war in which the United
 11 States has been engaged, including the Korean Conflict
 12 at any time between June 25, 1950 and January 31,
 13 1955, both dates inclusive, ~~and~~ the Vietnam Conflict
 14 beginning August 5, 1964, and ending on May 7, 1975,
 15 both dates inclusive, and the Persian Gulf Conflict

16 beginning August 2, 1990, and ending on the date
17 specified by the president or the congress of the
18 United States as the date of permanent cessation of
19 hostilities, both dates inclusive, who are citizens
20 and residents of this state are entitled to preference
21 in appointment and employment over other applicants of
22 no greater qualifications. However, if the congress
23 of the United States enacts a date different from
24 August 2, 1990, as the beginning of the Persian Gulf
25 Conflict to determine the eligibility of a veteran for
26 military benefits as a veteran of the Persian Gulf
27 Conflict, the date enacted by the congress of the
28 United States shall be substituted for August 2, 1990.
29 The preference in appointment and employment for
30 employees of cities under a municipal civil service is
31 the same as provided in section 400.10. For the
32 purposes of this section service in World War II means
33 service in the armed forces of the United States
34 between December 7, 1941, and December 31, 1946, both
35 dates inclusive."

36 2. Page 16, by inserting after line 29 the
37 following:

38 "Sec. ____ . Section 400.10, unnumbered paragraph 1,
39 Code 1991, is amended to read as follows:

40 In all examinations and appointments under this
41 chapter, other than promotions and appointments of
42 chief of the police department and chief of the fire
43 department, honorably discharged veterans from the
44 military or naval forces of the United States in any
45 war in which the United States has been engaged,
46 including the Korean Conflict at any time between June
47 25, 1950 and January 31, 1955, both dates inclusive,
48 and the Vietnam Conflict beginning August 5, 1964, and
49 ending May 7, 1975, both dates inclusive, and the
50 Persian Gulf Conflict beginning August 2, 1990, and

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1 ending on the date specified by the president or the
2 congress of the United States as the date of permanent
3 cessation of hostilities, both dates inclusive, and
4 who are citizens and residents of this state, shall
5 have five points added to the veteran's grade or score
6 attained in qualifying examinations for appointment to
7 positions and five additional points added to the
8 grade or score if the veteran has a service-connected
9 disability or is receiving compensation, disability
10 benefits or pension under laws administered by the
11 veterans administration. However, if the congress of
12 the United States enacts a date different from August

13 2, 1990, as the beginning of the Persian Gulf Conflict
14 to determine the eligibility of a veteran for military
15 benefits as a veteran of the Persian Gulf Conflict,
16 the date enacted by the congress of the United States
17 shall be substituted for August 2, 1990. An honorably
18 discharged veteran who has been awarded the Purple
19 Heart for disabilities incurred in action shall be
20 considered to have a service-connected disability.
21 However, the points shall be given only upon passing
22 the exam and shall not be the determining factor in
23 passing."
24 3. By renumbering as necessary.

JIM LIND

S-5368

1 Amend the amendment, S-5132, to Senate File 2225 as
2 follows:
3 1. Page 1, by inserting after line 5, the
4 following:
5 "___ . Title page, by striking lines 1 through 3
6 and inserting the following:
7 "An Act relating to smoking in a public place by
8 imposing court costs for violation of state law, and
9 by allowing a city to enact an ordinance concerning
10 smoking in airport facilities, skywalks, or both and
11 to impose a civil penalty and court costs.""

JIM LIND

S-5369

1 Amend Senate File 2354 as follows:
2 1. Page 4, by inserting after line 33, the
3 following:
4 "Sec. ___ . Section 509A.14, unnumbered paragraph
5 1, Code 1991, is amended to read as follows:
6 509A.14 APPROVAL OF SELF-INSURANCE PLANS.
7 The commissioner of insurance shall adopt rules for
8 self-insurance plans for life insurance and accident
9 and health insurance for ~~the state~~, a political
10 subdivision of the state; ~~or~~ a school corporation; ~~or~~
11 ~~any other public body in the state~~. The rules adopted
12 shall include, but are not limited to, the
13 following:"
14 2. Page 5, by striking lines 1 and 2, and
15 inserting the following:
16 "Within ~~thirty~~ ninety days following the end of a
17 ~~self-insurance plan's~~ fiscal year, the governing body

18 of a self-insurance plan of a political subdivision or
19 a school corporation shall file".

20 3. Page 13, by striking lines 17 and 18, and
21 inserting the following:

22 "Sec. ____ . Section 514C.4, subsection 1, paragraph
23 d, Code 1991, is amended to read as follows:

24 d. An individual or group Medicare supplemental
25 policy, unless coverage pursuant to such policy is
26 preempted by federal law."

27 4. By renumbering as necessary.

RICHARD VARN

S-5370

1 Amend Senate File 2345 as follows:

2 1. Page 13, by inserting after line 27 the fol-
3 lowing:

4 "Sec. ____ . The state department of transportation
5 shall place a moratorium, effective July 1, 1992, on
6 the placement of tourist-oriented directional signs'
7 within the territorial limits of the Amana colonies
8 and the Amana colonies land use district shall not
9 order the removal of any existing tourist-oriented
10 directional sign until such time as a comprehensive
11 signing program has been established within the area.
12 Any sign which was erected prior to July 1, 1992,
13 shall not be affected by this Act."

RICHARD VARN

S-5371

1 Amend House File 2274, as passed by the House, as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "lists" the following: "which shall be adopted by
5 rule of the commission".

BERL E. PRIEBE

S-5372

1 Amend House File 2343, as passed by the House, as
2 follows:

3 1. Page 5, line 27, by striking the word
4 "seventy-five" and inserting the following: "one
5 hundred".

6 2. Page 5, line 29, by striking the word

7 "seventy-five" and inserting the following: "one
8 hundred".

BERL E. PRIEBE

S-5373

- 1 Amend Senate File 2317 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 624A.1 COURT RECORDS
5 OPEN -- EXCEPTION -- PROTECTION OF PARTIES.
6 Upon motion by a party or by the person from whom
7 discovery is sought or by any person who may be
8 affected by the discovery and a finding of good cause,
9 the court in which the action is pending or, on
10 matters relating to a deposition, the court in the
11 district in which the deposition is to be taken, may
12 make any order which justice requires to protect a
13 party or person from annoyance, embarrassment,
14 oppression, or undue burden or expense, including one
15 or more of the following:
16 1. That the discovery not be had.
17 2. That the discovery may be had only on specified
18 terms and conditions, including a designation of the
19 time or place.
20 3. That the discovery may be had only by a method
21 of discovery other than that selected by the party
22 seeking discovery.
23 4. That certain matters not be inquired into, or
24 that the scope of the discovery be limited to certain
25 matters.
26 5. That discovery be conducted with no one present
27 except persons designated by the court.
28 6. That a deposition after being sealed be opened
29 only by order of the court.
30 7. That a trade secret or other confidential
31 research, development, or commercial information not
32 be disclosed or be disclosed only in a designated way.
33 8. That the parties simultaneously file specified
34 documents or information enclosed in sealed envelopes
35 to be opened as directed by the court.
36 If the motion for a protective order is denied in
37 whole or in part, the court, on such terms and
38 conditions as are just, may order that any party or
39 person provide or permit discovery. The supreme court
40 may provide by rule for the award of expenses incurred
41 in relation to the motion authorized by this section
42 and shall provide by rule for the implementation of

43 this section.”

44 2. By renumbering as necessary.

HARRY SLIFE
RICHARD V. RUNNING
LINN FUHRMAN
WALLY E. HORN

S-5374

- 1 Amend Senate File 2268 as follows:
- 2 1. Page 5, lines 7 and 8, by striking the words
- 3 “no-till planting, ridge-till planting, contouring,
- 4 and”.
- 5 2. Page 5, lines 10 and 11, by striking the words
- 6 “may be used for establishing the management
- 7 practices” and inserting the following: “shall be
- 8 authorized for payment to landowners upon
- 9 establishment of the practice”.
- 10 3. Page 5, line 28, by striking the words “one
- 11 hundred” and inserting the following: “seventy-five”.
- 12 4. Page 5, line 30, by striking the words “one
- 13 hundred” and inserting the following: “seventy-five”.
- 14 5. Page 7, line 15, by inserting before the word
- 15 “designee” the following: “the forester’s”.
- 16 6. Page 7, line 17, by inserting after the word
- 17 “reconstruct” the following: “the”.
- 18 7. Page 8, line 1, by striking the words “a
- 19 temporary” and inserting the following: “management
- 20 of”.
- 21 8. Page 8, line 2, by striking the word
- 22 “practice” and inserting the following: “practices”.
- 23 9. Page 8, line 25, by striking the word and
- 24 figure “and 467A.66”.

BERL E. PRIEBE

S-5375

- 1 Amend Senate File 2348 as follows:
- 2 1. By striking page 1, line 33 through page 2,
- 3 line 27, and inserting the following:
- 4 “3. In addition to the funds appropriated under
- 5 subsection 1, there is appropriated from the general
- 6 fund of the state to the department of justice for the
- 7 fiscal year beginning July 1, 1992, and ending June
- 8 30, 1993, an amount not exceeding \$200,000 to be used
- 9 for the enforcement of the Iowa competition law. The
- 10 expenditure of the funds appropriated in this
- 11 subsection is contingent upon receipt by the general

12 fund of the state of an amount at least equal to
13 either the expenditures from damages awarded to the
14 state or a political subdivision of the state by a
15 civil judgment under chapter 553, if the judgment
16 authorizes the use of the award for enforcement
17 purposes or costs or attorneys fees awarded the state
18 in state or federal antitrust actions. However, if
19 the funds received as a result of these judgments are
20 in excess of \$200,000, the excess funds shall not be
21 appropriated to the department of justice pursuant to
22 this subsection.

23 4. In addition to the funds appropriated in
24 subsection 1, there is appropriated from the general
25 fund of the state to the department of justice for the
26 fiscal year beginning July 1, 1992, and ending June
27 30, 1993, an amount not exceeding \$125,000 to be used
28 for public education relating to consumer fraud and
29 for enforcement of section 714.16, and an amount not
30 exceeding \$75,000 for investigation, prosecution, and
31 consumer education relating to consumer and criminal
32 fraud against older Iowans. The expenditure of the
33 funds appropriated in this subsection is contingent
34 upon receipt by the general fund of the state of an
35 amount at least equal to the expenditures from damages
36 awarded to the state or a political subdivision of the
37 state by a civil consumer fraud judgment or
38 settlement, if the judgment or settlement authorizes
39 the use of the award for public education on consumer
40 fraud. However, if the funds received as a result of
41 these judgments and settlements are in excess of
42 \$200,000, the excess funds shall not be appropriated
43 to the department of justice pursuant to this
44 subsection."

45 2. By renumbering, relettering, redesignating,
46 and correcting internal references as necessary.

RICHARD VANDE HOEF
RALPH ROSENBERG

S-5376

- 1 Amend Senate File 2250 as follows:
- 2 1. Page 1, line 5, by striking the words "or
- 3 dentists" and inserting the following: "or dentists,
- 4 or certified licensed optometrists".
- 5 2. Page 1, line 7, by striking the word and

6 figure "or 153" and inserting the following: "or 153,
7 or 154".

EMIL J. HUSAK
EUGENE FRAISE
WALLY E. HORN
RAY TAYLOR
JOHN P. KIBBIE
RICHARD VANDE HOEF
JOHN W. JENSEN
BERL E. PRIEBE
RICHARD V. RUNNING
ALVIN V. MILLER
ALBERT SORENSEN
BEVERLY A. HANNON
ALLEN BORLAUG
JOE J. WELSH
ELAINE SZYMONIAK
LEONARD L. BOSWELL
WILLIAM W. DIELEMAN
DONALD V. DOYLE
DON E. GETTINGS
PAUL D. PATE
JACK W. HESTER

S-5377

- 1 Amend Senate File 2348 as follows:
- 2 1. Page 15, by striking lines 26 through 30.
- 3 2. Page 20, by striking lines 1 through 8.
- 4 3. By renumbering and correcting internal
- 5 references as necessary.

RICHARD VANDE HOEF
RAY TAYLOR

S-5378

- 1 Amend Senate File 2348 as follows:
- 2 1. Page 1, line 8, by striking the words "the
- 3 farm mediation".
- 4 2. Page 1, line 9, by striking the words "service
- 5 program,".
- 6 3. Page 1, line 11, by striking the figure
- 7 "4,565,796" and inserting the following: "4,469,046".
- 8 4. Page 13, line 23, by striking the figure
- 9 "73,203,747" and inserting the following:
- 10 "72,203,747".
- 11 5. Page 15, by inserting after line 25 the
- 12 following:

13 "Sec. ____ . Section 13.15, unnumbered paragraph 2,
14 Code Supplement 1991, is amended to read as follows:
15 The rules shall provide for an hourly mediation fee
16 ~~not to exceed fifty dollars for the borrower and one~~
17 ~~hundred dollars for the creditor~~ which shall generate
18 sufficient revenues to fully fund the farm mediation
19 program. The hourly mediation fee may be waived for
20 any party demonstrating financial hardship upon
21 application to the farm mediation service."
22 6. By renumbering, relettering, redesignating,
23 and correcting internal references as necessary.

RICHARD VANDE HOEF
RAY TAYLOR

S-5379

1 Amend Senate File 2348 as follows:
2 1. Page 14, by striking lines 19 through 22.
3 2. Page 20, line 31, by striking the word
4 "should" and inserting the following: "may".
5 3. Page 20, line 35, by striking the word "shall"
6 and inserting the following: "may".
7 4. Page 21, line 5, by striking the word "shall"
8 and inserting the following: "may".
9 5. Page 21, line 12, by inserting after the
10 figure "1995" the following: ", if the pilot program
11 permitted in this section is implemented".
12 6. Page 21, line 20, by inserting after the word
13 "parties" the following: ", if the pilot program is
14 implemented".
15 7. Page 21, line 27, by inserting after the word
16 "indigent" the following: ", if the pilot program is
17 implemented".
18 8. By renumbering, relettering, redesignating,
19 and correcting internal references as necessary.

RICHARD VANDE HOEF
RAY TAYLOR

S-5380

1 Amend Senate File 2348 as follows:
2 1. Page 9, by striking lines 11 through 13, and
3 inserting the following: "correctional services, the
4 following".
5 2. Page 9, line 15, by striking the figure
6 "4,288,557" and inserting the following: "4,163,557".
7 3. Page 11, by striking lines 8 through 10, and
8 inserting the following: "correctional services, the

- 9 following".
 10 4. Page 11, line 12, by striking the figure
 11 "3,922,795" and inserting the following: "3,797,795".
 12 5. Page 11, by striking lines 28 through 30, and
 13 inserting the following: "correctional services, the
 14 following".
 15 6. Page 11, line 32, by striking the figure
 16 "3,373,835" and inserting the following: "3,248,835".

RICHARD VANDE HOEF
 RAY TAYLOR

S-5381

- 1 Amend the amendment, S-5376, to Senate File 2250 as
 2 follows:
 3 1. Page 1, line 3, by inserting after the word
 4 "or" the following: "physical therapists,
 5 chiropractors."
 6 2. Page 1, line 4, by inserting after the word
 7 "optometrists" the following: ", marital and family
 8 therapists".
 9 3. Page 1, line 6, by inserting after the word
 10 "or" the following: "148A, 151."
 11 4. Page 1, line 7, by striking the word and
 12 figure "or 154" and inserting the following: "154, or
 13 154D".

WILLIAM D. PALMER

S-5382

- 1 Amend Senate File 2229 as follows:
 2 1. Page 1, by striking lines 1 through 15.
 3 2. By renumbering as necessary.

RICHARD J. VARN

S-5383

- 1 Amend Senate File 2315 as follows:
 2 1. Page 1, by striking lines 1 through 13.
 3 2. By renumbering as necessary.

RAY TAYLOR

S-5384

- 1 Amend Senate File 2353 as follows:
 2 1. By striking page 11, line 17 through page 12,

3 line 1.

4 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5385

1 Amend House File 2205, as amended, passed, and

2 reprinted by the House as follows:

3 1. Page 3, by striking lines 7 through 15.

JOHN W. JENSEN

S-5386

1 Amend House File 2385, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 6, the
4 following:

5 "Sec. ____ . Section 455D.1, subsection 6, Code
6 1991, is amended to read as follows:

7 6. "Recycling" means any process by which waste,
8 or materials which would otherwise become waste, are
9 collected, separated, or processed and revised or
10 returned to use in the form of raw materials or
11 products. "Recycling" includes but is not limited to
12 the composting of yard waste which has been previously
13 separated from other waste, and the combustion of
14 waste or materials, which would otherwise become waste
15 resulting in refuse-derived fuel, but does not include
16 any form other forms of energy recovery."

JOHN W. JENSEN

S-5387

1 Amend Senate File 2347 as follows:

2 1. Page 9, by inserting after line 8 the
3 following:

4 "Sec. ____ . WILDLIFE DAMAGE CONTROL. There is
5 appropriated from the livestock disease fund
6 established pursuant to section 267.8, to the
7 department of natural resources for the fiscal year
8 beginning July 1, 1992, and ending June 30, 1993, the
9 following amount to be used for purposes of supporting
10 a wildlife damage management program:

11 \$ 50,000

12 The program shall provide for controlling wildlife,
13 including deer and predators, which interfere with
14 agricultural production. A primary purpose of the

15 program shall be to reduce damages or injury to
 16 property involved in farming as defined in section
 17 172C.1. The program shall emphasize the prevention of
 18 wildlife damage through management techniques which
 19 preserve the life and habitat of wildlife. An animal
 20 or an animal's habitat shall not be destroyed only
 21 because the animal belongs to a particular species.
 22 The department shall cooperate with the department of
 23 agriculture and land stewardship and either department
 24 may contract with the United States department of
 25 agriculture to operate the program. The program shall
 26 be conducted in accordance with federal and state law,
 27 notwithstanding laws relating to open seasons."

BERL E. PRIEBE
 EMIL J. HUSAK
 LEONARD L. BOSWELL
 JOHN A. PETERSON
 SHELDON RITTMER
 H. KAY HEDGE
 JOHN SOORHOLTZ

S-5388

- 1 Amend Senate File 2347 as follows:
- 2 1. Page 12, by inserting after line 13, the
- 3 following:
- 4 " . . . To the department of natural resources for
- 5 purposes of participating and assisting in
- 6 developing the Lewis and Clark rural water system:
- 7 \$ 25,000".
- 8 2. By numbering and renumbering as necessary.

RICHARD VANDE HOEF
 JOHN P. KIBBIE

S-5389

- 1 Amend Senate File 2347 as follows:
- 2 1. Page 15, by striking lines 7 through 13.
- 3 2. By renumbering as necessary.

DERRYL MC LAREN
 DALE L. TIEDEN
 BERL E. PRIEBE

S-5390

- 1 Amend Senate File 2347 as follows:
- 2 1. By striking page 9, line 16 through page 12,

3 line 26.

4 2. By renumbering as necessary.

DERRYL MCLAREN

S-5391

1 Amend Senate File 2347 as follows:

2 1. Page 8, line 6, by inserting after the word

3 "Lake." the following: "The moneys allocated under
4 this paragraph must be matched on a dollar-for-dollar
5 basis by moneys contributed from a source which is not
6 the state. The amount may be expended on a gradual
7 basis as moneys allocated under this paragraph are
8 matched by the nonstate source."

9 2. Page 8, line 6, by inserting after the word
10 "moneys" the following: "appropriated under this
11 paragraph "b".

RICHARD VANDE HOEF

S-5392

1 Amend House File 2025, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 2, by inserting before the word
4 "willfully" the following: ", on more than one
5 occasion,".

6 2. Page 1, line 4, by striking the word "so," and
7 inserting the following: "so and without legitimate
8 purpose,".

9 3. Page 1, line 8, by striking the words
10 "'credible threat'" and inserting the following:
11 "unless the context otherwise requires:

12 (1) "Credible threat".

13 4. Page 1, line 10, by striking the word
14 "serious" and inserting the following: "bodily".

15 5. Page 1, by inserting after line 11 the
16 following:

17 "(2) "Harasses" means repeated, intrusive, or
18 unwanted acts, words, or gestures that are intended to
19 adversely affect the safety, security, or privacy of
20 another person, regardless of the relationship between
21 the offender and the intended victim."

22 6. Page 2, line 13, by striking the words "'a",
23 "b", or "c'" and inserting the following: "'a'".

24 7. Page 2, line 17, by inserting after the word
25 "persons." the following: "While the presumption of
26 ineligibility for bail established in this subsection
27 shall not apply to a violation punishable under

28 section 708.11, subsection 2, paragraph "b" or "c", in
 29 considering bail for a defendant awaiting judgment of
 30 conviction and sentencing following a plea or verdict
 31 of guilty of, or appealing a conviction of, a
 32 violation punishable pursuant to section 708.11,
 33 subsection 2, paragraph "b" or "c", the court shall
 34 consider the likelihood of the defendant reestab-
 35 lishing contact with the victim of the violation."
 36 8. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 AI STURGEON, Chairperson

S-5393

1 Amend House File 2256, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 20 the fol-
 4 lowing:
 5 "Sec. ____ . Section 455B.311, Code 1991, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 6. Grants awarded under this
 8 section shall not be awarded for any of the following:
 9 a. Projects that result in the stockpiling of end
 10 products or residues.
 11 b. Feasibility studies, unless the study is a
 12 component of a project and the study proposed is
 13 accompanied by a plan for project implementation and a
 14 statement of the estimated costs of implementation.
 15 c. Projects which are unduly or clearly
 16 competitive, as deemed by the director, with a
 17 facility which currently provides the same service or
 18 product."
 19 2. Title page, line 1, by inserting after the
 20 word "to" the following: "solid waste including".

COMMITTEE ON ENVIRONMENT AND
 ENERGY UTILITIES
 RALPH ROSENBERG, Chairperson

S-5394

1 Amend House File 2330, as passed by the House, as
 2 follows:
 3 1. Page 1, line 9, by striking the word "rate"
 4 and inserting the following: "rates".
 5 2. Page 1, by striking lines 12 and 13 and
 6 inserting the following: "demand, for the year
 7 beginning January 1, 1990, of all utilities subject to
 8 this section. If a utility".

9 3. Page 1, by striking lines 17 through 22 and
10 inserting the following:
11 "Notwithstanding the one hundred five megawatt
12 maximum, the board may increase the amount of power
13 that a utility is required to purchase at the rates
14 established pursuant to section 476.43 if the board
15 finds that a utility, including a reorganized utility,
16 exceeds its 1990 Iowa retail peak demand by twenty
17 percent and the additional power the utility is
18 required to purchase will encourage the development of
19 alternate energy production facilities and small hydro
20 facilities. The increase shall not exceed the
21 utility's increase in peak demand multiplied by the
22 ratio of the utility's share of the one hundred five
23 megawatt maximum to its 1990 Iowa retail peak demand."

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES BY
RALPH ROSENBERG, Chairperson

S-5395

1 Amend Senate File 2347 as follows:
2 1. Page 20, by inserting after line 26 the
3 following:
4 "Sec. ____ . Section 455A.17, subsection 2, Code
5 Supplement 1991, is amended to read as follows:
6 2. The department shall make available to each
7 county resource enhancement committee information
8 regarding resource enhancement and protection
9 expenditures. Each committee shall identify
10 opportunities for county resource enhancement and
11 review and recommend changes in resource enhancement
12 and protection policies, programs, and funding. Each
13 county resource enhancement committee shall elect a
14 member and an alternate from the committee to serve as
15 a delegate to the congress on resources enhancement
16 and protection in order to represent the views of the
17 committee. Each committee shall provide the name and
18 address of each delegate and alternate to the
19 department not less than ninety days before the next
20 congress. Prior to each congress, the director shall
21 make arrangements to hold an assembly of delegates
22 representing counties in each council of governments
23 area of persons having an interest in resources
24 enhancement and protection. The department shall
25 promote attendance of interested persons at each
26 assembly. The director shall call each assembly and
27 serve as temporary chairperson. The department shall
28 provide those attending with information regarding

29 resource enhancement and protection expenditures. The
 30 assemblies shall identify opportunities for regional
 31 resource enhancement and protection and review and
 32 recommend changes in resource enhancement and
 33 protection policies, programs, and funding. The
 34 persons meeting at each assembly shall elect five
 35 persons as delegates to the congress on resources
 36 enhancement and protection."

BEVERLY A. HANNON

S-5396

1 Amend the amendment, S-5142, to Senate File 2130,
 2 as follows:
 3 1. Page 2, lines 23 and 24, by striking the words
 4 "in conjunction" and inserting the following: "after
 5 consultation".

JAMES R. RIORDAN

S-5397

1 Amend House File 2390, as passed by the House, as
 2 follows:
 3 1. Page 3, line 33, by striking the word "The"
 4 and inserting the following: "Except as provided in
 5 chapter 91A, the".
 6 2. Page 3, line 35, by inserting after the word
 7 "due." the following: "The recovery shall only take
 8 place after final agency action is taken under chapter
 9 17A, or upon judicial review, after final disposition
 10 of the case by the court."
 11 3. Page 4, by inserting after line 7 the
 12 following:
 13 "Sec. ____ . The portion of section 1 of this Act
 14 which amends section 88.14, subsection 1, applies
 15 retroactively to July 1, 1991, for cases still
 16 pending.
 17 Sec. ____ . This Act, being deemed of immediate
 18 importance, takes effect upon enactment."
 19 4. Title page, by striking line 4 and inserting
 20 the following: "amusement park permit and inspection
 21 fees, and providing a retroactive applicability date
 22 and an effective date."
 23 5. By renumbering as necessary.

COMMITTEE ON BUSINESS AND
 LABOR RELATIONS
 RICHARD RUNNING, Chairperson

S-5398

- 1 Amend Senate File 2353 as follows:
- 2 1. By striking page 11, line 17, through page 12,
- 3 line 1.
- 4 2. Page 15, line 15, by striking the word "shall"
- 5 and inserting the following: "may".

LEONARD L. BOSWELL

S-5399

- 1 Amend Senate File 2347 as follows:
- 2 1. Page 19, by striking line 2, and inserting the
- 3 following: "commercial seed other than lawn seed,
- 4 subject to this chapter and the".

BERL E. PRIEBE
DERRYL MC LAREN
EMIL J. HUSAK

S-5400

- 1 Amend House File 242, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 22 the
- 4 following:
- 5 "Sec. ____ . Section 600.8, Code 1991, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 13. The department, in
- 8 cooperation with the supreme court, shall develop a
- 9 standard form for all adoption related reports
- 10 required to be filed with the court. In addition to
- 11 the preplacement investigation, background
- 12 information, and postplacement investigation reports,
- 13 the department, agency, or investigator shall file
- 14 with the court, a factual information report, the form
- 15 of which shall be developed by the department in
- 16 cooperation with the supreme court. The report shall
- 17 include, but not be limited to all the following
- 18 information valid at the time of the placement of the
- 19 person to be adopted:
- 20 a. The names of the natural parents.
- 21 b. The date and place of birth of each of the
- 22 natural parents.
- 23 c. The marital status of each of the natural
- 24 parents.
- 25 d. The addresses of each of the natural parents.
- 26 e. The names and addresses of the parents of each

27 of the natural parents.

28 f. The names and ages of any siblings of the minor
29 person to be adopted.

30 g. Educational level attained and occupation of
31 each of the natural parents, the parents of the
32 natural parents, and any siblings of the person to be
33 adopted.

34 h. The names and addresses of other children of
35 the natural parents, other than the siblings of the
36 person to be adopted.

37 The department or agency representative or the
38 investigator shall sign the report and file the report
39 with the court."

40 2. Page 1, line 34, by inserting after the word
41 "made." the following: "For the purposes of this
42 paragraph "adult" means a person twenty-one years of
43 age or older or a person who attains majority by
44 marriage."

45 3. Page 2, line 3, by inserting after the word
46 "facility" the following: "including but not limited
47 to facilities which provide mental health services or
48 substance abuse treatment services."

49 4. Page 3, line 3, by striking the word
50 "identity" and inserting the following: "name".

Page 2

1 5. Page 3, line 15, by inserting after the word
2 "sibling." the following: "Following denial of an
3 application under this subparagraph, the applicant
4 shall be informed of the grounds for denial."

5 6. Page 3, line 19, by inserting after the word
6 "physical" the following: "or mental".

7 7. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-5401

1 Amend House File 2370 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking line 4 and inserting the
4 following: "plan which is offered pursuant to section
5 513B.7E."

6 2. Page 2, by striking line 6 and inserting the
7 following:

8 "a. Medicaid pursuant to Title XIX of the Social
9 Security Act, medicare pursuant to Title XVIII of the
10 Social Security Act, or coverage pursuant to the".

11 3. Page 2, by striking lines 18 through 24 and
12 inserting the following: "a plan which is offered
13 pursuant to section 513B.7E."

14 4. Page 22, by striking line 24 and inserting the
15 following:

16 "Sec. ____ . NEW SECTION. 513B.7E HEALTH BENEFIT
17 PLAN STANDARDS.

18 1. The commissioner shall adopt by rule the form
19 and level of coverage of the basic health benefit plan
20 and the standard health benefit plan to be made
21 available by a small employer carrier pursuant to
22 section 513B.7A. The commissioner's rules shall
23 include the benefit levels, cost sharing levels,
24 exclusions, and limitations for the basic health
25 benefit plan and the standard health benefit plan, and
26 shall define for purposes of this chapter, a basic
27 health benefit plan and a standard health benefit plan
28 which contain benefit and cost sharing levels that are
29 consistent with the basic method of operation and the
30 benefit plans of health maintenance organizations,
31 including any restrictions imposed by federal law.

32 2. The commissioner's rules may include cost
33 containment features such as the following:

34 a. Utilization review of health care services,
35 including review of medical necessity of hospital and
36 physician services.

37 b. Case management.

38 c. Selective contracting with hospitals,
39 physicians, and other health care providers.

40 d. Reasonable benefit differentials applicable to
41 providers that participate or do not participate in
42 arrangements using restricted network provisions.

43 e. Other managed care provisions.

44 Sec. ____ . NEW SECTION. 513B.7F PERIODIC MARKET".

45 5. Page 23, by inserting after line 2, the
46 following:

47 "Sec. ____ . NEW SECTION. 513B.7G APPLICABILITY OF
48 CERTAIN STATE LAWS.

49 The provisions of chapter 514H shall not apply to
50 basic health benefit plans and standard health benefit

Page 2

1 plans as provided for in this chapter, except for
2 section 514H.8."

3 6. Page 23, by inserting after line 18, the
4 following:

5 "3. The commissioner may adopt, by rule or order,
6 transition provisions to facilitate the orderly and

7 coordinated implementation of this Act."

8 7. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-5402

1 Amend House File 2194 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. FINDING AND PURPOSE.

6 1. The general assembly finds that elder group
7 homes are an important part of the long-term care
8 system in the state. Elder group homes provide a less
9 restrictive alternative for those requiring long-term
10 care and promote independent living for residents.

11 2. The purposes for providing elder group homes
12 are all of the following:

13 a. To encourage the establishment and maintenance
14 of homes that provide a humane, safe, and homelike
15 environment for persons who are ambulatory and require
16 supervised personal care, but who do not require the
17 services of a registered or licensed practical nurse,
18 except on an emergency basis.

19 b. To establish standards for regulating elder
20 group homes that adequately protect residents, but
21 which are not so restrictive as to discourage the
22 development of elder group homes.

23 c. To encourage public participation in the
24 development of elder group homes."

25 2. By striking page 1, line 33, through page 2,
26 line 29, and inserting the following:

27 "b. An elder group home shall be located in an
28 area zoned for single-family or multiple-family
29 housing or in an unincorporated area and shall be
30 constructed in compliance with applicable local
31 housing codes and the rules adopted for the special
32 classification by the state fire marshal. In the
33 absence of local building codes the facility shall
34 comply with the state plumbing code established
35 pursuant to section 135.11 and the Iowa building code
36 established pursuant to chapter 103A.

37 c. Elder group home residents shall have
38 reasonable access to community resources and shall
39 have opportunities for integrated interaction with the
40 community.

41 d. A provider shall not be licensed for more than
42 one elder group home, and shall own and reside in the

43 elder group home.

44 Sec. —. NEW SECTION. 135C.49 REFERRAL TO
45 UNLICENSED ELDER GROUP HOME PROHIBITED.

46 1. A person shall not place, refer, or recommend
47 the placement of another person in an elder group home
48 which is not licensed pursuant to this chapter.

49 2. A person who has knowledge that an elder group
50 home is operating without a license shall report the

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1 name and address of the elder group home to the
2 department. The department shall investigate a report
3 made pursuant to this section.”

4 3. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 2346

S-5403

1 Amend Senate File 2346 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 23 through 29 and
4 inserting the following:

5 “Sec. —. 1992 Iowa Acts, Senate File 2116,
6 section 403, is amended to read as follows:

7 SEC. 403. Section 422.42, Code 1991, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 17. “Nonresidential commercial
10 operations” means industrial, commercial, mining, and
11 agricultural operations, whether for profit or not,
12 but does not include apartment complexes; and mobile
13 home parks; or other rental operations where the
14 primary purpose is for human habitation.

15 Sec. —. 1992 Iowa Acts, Senate File 2116,
16 section 404, is amended to read as follows:

17 SEC. 404. Section 422.43, Code Supplement 1991, is
18 amended by adding the following new subsection:

19 NEW SUBSECTION. 13. a. A tax of four percent is
20 imposed upon the gross receipts from the sales,
21 furnishing, or service of solid waste collection and
22 disposal service.

23 For purposes of this subsection, “solid waste”
24 means garbage, refuse, sludge from a water supply
25 treatment plant or air contaminant treatment facility,
26 and other discarded waste materials and sludges, in

27 solid, semisolid, liquid, or contained gaseous form,
28 resulting from ~~industrial~~; nonresidential commercial;
29 ~~mining; and agricultural operations, and from~~
30 ~~community activities~~; but does not include hazardous
31 waste; animal waste used as fertilizer; earthen fill,
32 boulders, rock; foundry sand used for daily cover at a
33 sanitary landfill; sewage sludge; solid or dissolved
34 material in domestic sewage or other common pollutants
35 in water resources, such as silt, dissolved or
36 suspended solids in industrial waste water effluents
37 or discharges which are point sources subject to
38 permits under section 402 of the federal Water
39 Pollution Control Act, dissolved materials in
40 irrigation return flows; or source, special nuclear,
41 or by-product material defined by the federal Atomic
42 Energy Act of 1954.

43 A recycling facility that separates or processes
44 recyclable materials and that reduces the volume of
45 the waste by at least eighty-five percent is exempt
46 from the tax imposed by this subsection if the waste
47 exempted is collected and disposed of separately from
48 other solid waste.

49 b. A person who transports mixed municipal solid
50 waste generated by that person or another person

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1 without compensation shall pay the tax imposed by this
2 subsection at the collection or disposal facility
3 based on the disposal charge or tipping fee. However,
4 the costs of a service or the portion of a service to
5 collect and manage recyclable materials separated from
6 mixed municipal solid waste by the waste generator is
7 exempt from the tax imposed by this subsection. For
8 purposes of this paragraph, "mixed municipal solid
9 waste" means garbage, refuse, and other solid waste
10 from nonresidential commercial; ~~industrial~~; and
11 ~~community activities~~ operations which is generated and
12 collected in aggregate, but does not include auto
13 hulks, street sweepings, ash, construction debris,
14 mining waste, sludges, tree and agricultural wastes,
15 tires, lead acid batteries, used oil, and other
16 materials collected, processed, and disposed of as
17 separate waste streams.

18 Sec. ____ . Section 422.45, subsection 5, unnumbered
19 paragraph 1, Code Supplement 1991, as amended by 1992
20 Iowa Acts, Senate File 2116, section 408, is amended
21 to read as follows:

22 The gross receipts from services rendered,
23 furnished, or performed and of all sales of goods,

24 wares, or merchandise used for public purposes to a
25 tax-certifying or tax-levying body of the state or a
26 governmental subdivision of the state, including
27 regional transit systems, as defined in section
28 601J.1, the state board of regents, department of
29 human services, state department of transportation,
30 any municipally owned solid waste facility which sells
31 all or part of its processed waste as fuel to a
32 municipally owned public utility, and all divisions,
33 boards, commissions, agencies, or instrumentalities of
34 state, federal, county, or municipal government which
35 have no earnings going to the benefit of an equity
36 investor or stockholder, except sales of goods, wares,
37 or merchandise or from services rendered, furnished,
38 or performed and used by or in connection with the
39 operation of any municipally owned public utility
40 engaged in selling gas, electricity, heat, or pay
41 television service to the general public; except the
42 sales, furnishing or providing of sewage services to a
43 county or municipality on behalf of nonresidential
44 commercial operations; and except the sales,
45 furnishing, or service of solid waste collection and
46 disposal service to a county or municipality on behalf
47 of ~~industrial~~; nonresidential commercial; ~~mining~~; and
48 ~~agricultural~~ operations located within the county or
49 municipality.
50 Sec. ____ . Section 422.45, subsection 20, Code

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1 Supplement 1991, as amended by 1992 Iowa Acts, Senate
2 File 2116, section 409, is amended to read as follows:
3 20. The gross receipts from sales or services
4 rendered, furnished, or performed by a county or city.
5 This exemption does not apply to the tax specifically
6 imposed under section 422.43 on the gross receipts
7 from the sales, furnishing, or service of gas,
8 electricity, water, heat, pay television service, and
9 communication service to the public by a municipal
10 corporation in its proprietary capacity, does not
11 apply to the sales, furnishing, or service of solid
12 waste collection and disposal service to ~~industrial~~;
13 nonresidential commercial; ~~mining~~; and ~~agricultural~~
14 operations; does not apply to the sales, furnishing,
15 or service of sewage service for nonresidential
16 commercial operations; does not apply to fees paid to
17 cities and counties for the privilege of participating
18 in any athletic sports.
19 Sec. ____ . Section 422.45, Code Supplement 1991, is
20 amended by adding the following new subsection:

21 **NEW SUBSECTION.** 47. The gross receipts from the
 22 rendering, furnishing, or performing of additional
 23 services taxed by 1992 Iowa Acts, Senate File 2116,
 24 pursuant to a written service contract in effect on
 25 March 1, 1992. This exemption is repealed August 31,
 26 1992.”
 27 2. Title page, line 2, by inserting after the
 28 word “vehicles” the following: “, and the sales,
 29 services, and use taxes on certain services.”.

S-5404

1 Amend Senate 2131 as follows:
 2 1. Page 1, by inserting after line 32, the
 3 following:
 4 “Sec. ____ . Section 331.486, Code 1991, is amended
 5 to read as follows:
 6 **331.486 ASSESSMENT OF COSTS OF PUBLIC**
 7 **IMPROVEMENTS.**
 8 A county may assess to property within a county
 9 special assessment district the cost of construction
 10 and repair of public improvements benefiting the
 11 district and may assess to ~~county~~ property within a
 12 joint special assessment district the cost of
 13 construction and repair of public improvements
 14 benefiting the district. A county may construct and
 15 assess the cost of public improvements within a
 16 district in the same manner as a city may proceed
 17 under chapter 384, division IV, and chapter 384,
 18 division IV, applies to counties with respect to
 19 public improvements, the assessment of their costs,
 20 and the issuance of bonds for the public improvements.
 21 A county may contract for a public improvement
 22 benefiting a district under this part pursuant to
 23 chapter 331, division III, part 3.”

ALBERT SORENSEN

S-5405

1 Amend the amendment, S-5142, to Senate File 2130 as
 2 follows:
 3 1. Page 2, line 25, by inserting after the word
 4 “submitted” the following: “pursuant to section
 5 73.17”.

JIM RIORDAN

S-5406

1 Amend House File 2334, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3 the
4 following:

5 "Sec. ____ . Section 109.78, Code 1991, is amended
6 to read as follows:

7 109.78 STOCKING PRIVATE WATER.

8 1. No private water may Private waters shall not
9 be stocked by the commission unless the owner agrees
10 that such the waters shall be posted for and open to
11 the public for fishing; except that the commission
12 may, after investigation to determine their
13 suitability as to size, depth, living conditions for
14 fish, and management, provide a breeding stock of fish
15 for privately owned farm ponds on request of the owner
16 and that public access be granted to the waters.

17 2. The commission shall compile an annual
18 directory of commission-stocked private waters and
19 disseminate a copy of the directory with each Iowa
20 fishing license issued. The directory shall list at
21 minimum all of the following information:

22 a. All private waters in the state that are
23 stocked by the commission after 1991.

24 b. Sufficient directional information for locating
25 and accessing each commission-stocked private waters
26 site.

27 c. The species used by the commission at each site
28 to stock the private waters.

29 d. The date each private waters site was stocked
30 by the commission.

31 3. Permanent signs shall be provided by the
32 commission and maintained by the owner. The signs
33 shall be posted within one year of the date the
34 private waters were stocked by the commission and in
35 accordance with the following specifications:

36 a. The size of the sign and the lettering shall be
37 of sufficient size to be easily read from the roadway
38 adjacent to the sign.

39 b. The sign shall be located adjacent to the
40 nearest main access road to the commission-stocked
41 private waters at the minimum allowable distance to
42 the waters in a manner that provides compliance with
43 state sign regulations.

44 c. "PUBLIC FISHING ALLOWED" shall be the
45 predominate verbiage on the sign.

46 d. Directional reference shall be provided between
47 the location of the sign to the applicable private
48 waters.

49 e. A listing of the types of species used to stock
 50 the pond shall be specified on the sign.

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1 f. The date that the waters were stocked by the
 2 commission shall be noted on the sign.
 3 g. Credit shall be provided on the sign to the
 4 commission for stocking the private waters.
 5 4. Stocking by the commission shall not commence
 6 before receipt by the commission of a signed affidavit
 7 from the owner indicating intent to comply with the
 8 maintenance of permanent signs and the provision of
 9 public access, and the ability of the commission to
 10 provide the sign and annual directory. Annually, the
 11 commission shall verify compliance by the owner. The
 12 commission shall establish rules governing this
 13 section, noting the penalty for noncompliance."
 14 2. Title page, line 1, by inserting after the
 15 word "aquaculture" the following: "and stocking
 16 private waters".

JIM RIORDAN

S-5407

1 Amend House File 2126, as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by striking the words "one
 4 thousand" and inserting the following: "five
 5 hundred".

LINN FUHRMAN

S-5408

1 Amend House File 497, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 20, by striking the word
 4 "routinely".
 5 2. Page 1, lines 32 and 33, by striking the words
 6 "only upon a finding of exigent circumstances
 7 warranting an investigation".

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5409

- 1 Amend House File 2010, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 11 through 18.
- 4 2. Title page, line 2, by striking the words "and
- 5 equipment".

COMMITTEE ON NATURAL RESOURCES
WILLIAM D. PALMER, Chairperson

S-5410

- 1 Amend House File 2452, 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 PREVENTION AND INTERVENTION
- 7 Section 1. FAMILY PRESERVATION PROGRAMS. 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, 1992, and ending June 30, 1993, in
- 11 addition to other appropriations made for the
- 12 following purpose for that fiscal year, the following
- 13 amount, or so much thereof as is necessary, to be used
- 14 for the purpose designated:
- 15 For creation of pilot programs utilizing mentors in
- 16 family preservation and reunification projects in Polk
- 17 and Black Hawk counties:
- 18 \$ 235,000
- 19 Sec. 2. ENHANCED RESIDENTIAL TREATMENT. There is
- 20 appropriated from the general fund of the state to the
- 21 department of human services for the fiscal year
- 22 beginning July 1, 1992, and ending June 30, 1993, in
- 23 addition to other appropriations made for the
- 24 following purpose for that fiscal year, the following
- 25 amount, or so much thereof as is necessary, to be used
- 26 for the purpose designated:
- 27 For payment of per diem reimbursement for 30 new
- 28 enhanced residential treatment beds for juveniles:
- 29 \$ 235,000
- 30 The moneys appropriated in this section shall only
- 31 be used for payment of per diem reimbursement for at
- 32 least 30 enhanced residential treatment beds which
- 33 were not in existence before July 1, 1992, and shall
- 34 not be used for any other purpose.
- 35 Sec. 3. HOMELESS, ABUSED, AND RUNAWAY JUVENILES.
- 36 Of the moneys appropriated under the federal National
- 37 Affordable Housing Act of 1990 and received in the

38 fiscal year beginning July 1, 1991, \$200,000 shall be
 39 used in order to provide at least 10 new shelter care
 40 beds for juveniles who are homeless, abandoned,
 41 abused, have run away from home, or are otherwise
 42 unable to safely remain in their home and who are not
 43 provided services by the department of human services
 44 or the court at the time the shelter care begins. The
 45 grants shall be awarded in accordance with federal
 46 requirements in order to provide the beds in the areas
 47 of the state with the greatest proportion of juveniles
 48 who are at-risk of being homeless, abandoned, abused,
 49 or otherwise unable to remain safely in their home.

50 Sec. 4. JUVENILE AFTERCARE AND TREATMENT

Page 2

1 DEMONSTRATION GRANT PROGRAM. There is appropriated
 2 from the general fund of the state to the juvenile
 3 support demonstration grant fund created in this
 4 section, for the fiscal year beginning July 1, 1992,
 5 and ending June 30, 1993, the following amount, or so
 6 much thereof as is necessary, to be used for the
 7 purpose designated:

8 For grants to juvenile aftercare and treatment
 9 demonstration projects in accordance with this
 10 section:
 11 \$ 200,000

12 1. A juvenile aftercare and treatment
 13 demonstration grant fund is created in the office of
 14 the treasurer of state under the authority of the
 15 judicial department and the department of human
 16 services. Notwithstanding section 8.33, moneys in the
 17 fund which remain unobligated or unexpended at the end
 18 of the fiscal year shall not revert to the general
 19 fund of the state but shall remain available to
 20 provide grahts in accordance with this section.

21 2. The judicial department and the department of
 22 human services shall jointly establish criteria and
 23 requirements for awarding grants from the grant fund.
 24 The grants shall be for the provision of aftercare and
 25 treatment services to juveniles who have been
 26 adjudicated as delinquent or as a child in need of
 27 assistance or have received substance abuse treatment
 28 and have completed the requirements of the
 29 adjudication or treatment. The aftercare and
 30 treatment services shall be designed to eliminate the
 31 need for further adjudication or treatment. In
 32 awarding grants, every effort shall be made to make
 33 use of existing funding available for aftercare and
 34 treatment services.

35 3. The grants shall be awarded to programs which
36 are based upon successful programs utilizing mentors
37 and other innovative approaches to working with
38 similar juveniles. Programs shall be required to
39 provide evaluation information.

40 Sec. 5. DRUG ABUSE RESISTANCE EDUCATION. There is
41 appropriated from the general fund of the state to the
42 department of public safety for the fiscal year
43 beginning July 1, 1992, and ending June 30, 1993, in
44 addition to other appropriations made for the
45 following purpose for that fiscal year, the following
46 amount, or so much thereof as is necessary, to be used
47 for the purpose designated:

48 For use by the department to provide law
49 enforcement officials for project D.A.R.E. (drug abuse
50 resistance education) within local communities

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1 targeted to fifth and sixth grade students:

2 \$ 28,500

3 Sec. 6. Section 232.2, subsection 4, paragraph f,
4 Code Supplement 1991, is amended to read as follows:

5 f. When a child is sixteen years of age or older,
6 a written plan of services which, based upon an
7 assessment of the child's needs, would assist the
8 child in preparing for the transition from foster care
9 to independent living. If the child is interested in
10 pursuing higher education, the plan shall provide for
11 the child's participation in the college student aid
12 commission's program of assistance in applying for
13 federal and state aid under section 261.2.

14 Sec. 7. Section 232.2, Code Supplement 1991, is
15 amended by adding the following new subsection:
16 NEW SUBSECTION. 54. "Child in need of services"
17 means a child who is voluntarily absent without
18 permission from the child's home or placement for a
19 period of time exceeding one week, or who is
20 voluntarily absent without permission from the child's
21 home or placement for a period of time exceeding
22 twelve hours on each of three or more separate
23 occasions in a three-month period, and whose health,
24 safety, and welfare are at risk.

25 Sec. 8. Section 232.52, subsection 6, unnumbered
26 paragraph 2, Code Supplement 1991, is amended to read
27 as follows:

28 When the court orders the transfer of legal custody
29 of a child pursuant to subsection 2, paragraph "d",
30 and the child is sixteen years of age or older, the
31 order shall specify the services needed to assist the

32 child in preparing for the transition from foster care
33 to independent living. If the child is interested in
34 pursuing higher education, the plan shall provide for
35 the child's participation in the college student aid
36 commission's program of assistance in applying for
37 federal and state aid under section 261.2.

38 Sec. 9. **NEW SECTION. 232.107 CHILD IN NEED OF**
39 **SERVICES – ADJUDICATION.**

40 1. This section shall be liberally construed in
41 order to address the problems of the chronic runaway
42 at the earliest stage possible, to provide early
43 intervention through the delivery of services to the
44 chronic runaway, and to exercise court jurisdiction
45 which will best serve the interests of both the
46 chronic runaway and the state.

47 2. The juvenile court has exclusive jurisdiction
48 over proceedings alleging that a child is a child in
49 need of services. Venue for child in need of services
50 proceedings shall be determined in accordance with

Page 4

1 section 232.62.

2 3. A child in need of services proceeding shall be
3 initiated by the filing of a petition alleging that a
4 child is a child in need of services. A petition may
5 be filed by the department of human services, a county
6 attorney, or a juvenile court officer. However, a
7 person having knowledge of the circumstances may file
8 a complaint with the department, county attorney, or
9 juvenile court officer alleging that a child is a
10 child in need of services. The judge, county
11 attorney, or juvenile court officer may authorize the
12 filing of the petition without the payment of a filing
13 fee. The petition shall be submitted in the form
14 specified in section 232.36 and shall allege that the
15 child has been voluntarily absent without permission
16 from the child's home or placement for a period of
17 time exceeding one week, or for a period of time
18 exceeding twelve hours on each of three or more
19 separate occasions in a three-month period, and that
20 the child's health, safety, and welfare are at risk.

21 4. Upon the filing of a petition, the court shall
22 appoint legal counsel for the child, and may appoint
23 legal counsel for the child's parent, guardian, or
24 custodian in accordance with section 232.89. The
25 court may appoint a separate guardian ad litem if the
26 legal counsel cannot properly represent the best
27 interest of the child.

28 5. Upon the filing of a petition, the court shall

29 fix a time and place for an adjudicatory hearing and
30 give notice of the time and place to the child and the
31 child's parent, guardian, or custodian. The hearing
32 and other proceedings conducted pursuant to this
33 section shall be conducted in compliance with all
34 applicable requirements of sections 232.90 through
35 232.94A, and 232.96. The court may adjudicate the
36 child as a child in need of services if the court
37 finds that the child has been voluntarily absent
38 without permission from the child's home or placement
39 for a period of time exceeding one week, or for a
40 period of time exceeding twelve hours on each of three
41 or more separate occasions in a twelve-month period,
42 and that the child's health, safety, and welfare are
43 at risk. The court may order a physical or mental
44 examination of the child, if the court finds that such
45 an examination is necessary to determine the child's
46 physical or mental condition. The examination shall
47 be conducted in accordance with the applicable
48 requirements of section 232.98.
49 6. If the court adjudicates the child as a child
50 in need of services, the court shall, as soon as

Page 5

1 practicable, hold a dispositional hearing unless
2 waived by the parties. Prior to the hearing the court
3 shall require a social investigation to be conducted
4 and a social report to be submitted to the court in
5 accordance with the applicable requirements of section
6 232.97. The social report shall include a review of
7 factors and reasons for the child's absence without
8 permission from the child's home or placement. The
9 social investigation and report requirement may be
10 waived by the parties if a recent social report
11 prepared in connection with a child in need of
12 assistance proceeding is on file with the court.
13 7. The dispositional hearing shall be held in
14 accordance with the applicable requirements of section
15 232.99. The court may impose any disposition set out
16 in sections 232.100 through 232.102, and may
17 terminate, modify, or vacate the dispositional order
18 as provided in section 232.103. However, the court
19 shall not order the child placed in the Iowa juvenile
20 home or any residential treatment facility.
21 8. The juvenile court may concurrently conduct
22 proceedings under this section and proceedings under
23 division III or IV of this chapter.
24 Sec. 10. Section 237.15, subsection 1, paragraph
25 i, Code Supplement 1991, is amended to read as

26 follows:

27 i. When a child is sixteen years of age or older,
 28 a written plan of services which, based upon an
 29 assessment of the child's needs, would assist the
 30 child in preparing for the transition from foster care
 31 to independent living. If the child is interested in
 32 pursuing higher education, the plan shall provide for
 33 the child's participation in the college student aid
 34 commission's program of assistance in applying for
 35 federal and state aid under section 261.2.

36 Sec. 11. Section 261.2, Code 1991, is amended by
 37 adding the following new subsection:

38 NEW SUBSECTION. 15. Develop and implement, in
 39 cooperation with the department of human services and
 40 the judicial department, a program to assist juveniles
 41 who are sixteen years of age or older and who have a
 42 case permanency plan under chapter 232 or 237 or are
 43 otherwise under the jurisdiction of chapter 232 in
 44 applying for federal and state aid available for
 45 higher education.

46 Sec. 12. Section 282.29, Code 1991, is amended by
 47 adding the following new unnumbered paragraph:

48 NEW UNNUMBERED PARAGRAPH. If a child who is not
 49 identified as requiring special education services is
 50 placed for treatment in a facility located outside of

Page 6

1 this state, the department of revenue and finance
 2 shall pay the child's educational costs for the period
 3 of time the child is placed at that facility. The
 4 payment for the costs shall be based upon the average
 5 per pupil tuition and transportation costs for the
 6 school district in which the facility is located. The
 7 amount paid by the department of revenue and finance
 8 shall be deducted monthly from the state foundation
 9 aid paid under section 257.16 during the remainder of
 10 the fiscal year to all school districts in the state.

11 Sec. 13. Section 321.178, subsection 1, unnumbered
 12 paragraph 1, Code Supplement 1991, is amended to read
 13 as follows:

14 An approved driver education course as programmed
 15 by the department of education shall consist of at
 16 least thirty clock hours of classroom instruction, and
 17 six or more clock hours of laboratory instruction of
 18 which at least three clock hours shall consist of
 19 street or highway driving. An approved course shall
 20 include a minimum of ~~two~~ four hours of classroom
 21 instruction concerning substance abuse as part of its
 22 curriculum. After the student has completed three

23 clock hours of street or highway driving and has
 24 demonstrated to the instructor an ability to properly
 25 operate a motor vehicle and upon written request of a
 26 parent or guardian, the instructor may waive the
 27 remaining required laboratory instruction.

28 Sec. 14. NEW SECTION. 321J.23 LEGISLATIVE
 29 FINDINGS.

30 The general assembly finds and declares as follows:

31 1. Drivers often do not realize the consequences
 32 of drinking alcohol or using other drugs, and driving
 33 a motor vehicle.

34 2. Prompt intervention is needed to protect
 35 society, including drivers, from death or serious
 36 long-term injury.

37 3. The conviction of a driver for operating while
 38 intoxicated identifies that person as a risk to the
 39 health and safety of others, as well as to the
 40 intoxicated driver.

41 4. Close observation of the effects on others of
 42 alcohol and drug use by an intoxicated driver
 43 convicted of operating while intoxicated may have a
 44 marked effect on recidivism and should therefore be
 45 encouraged by the courts.

46 5. The reality education substance abuse
 47 prevention program provides guidelines for the
 48 operation of an intensive program to discourage
 49 recidivism.

50 Sec. 15. NEW SECTION. 321J.24 COURT-ORDERED

Page 7

1 VISITATION FOR OFFENDERS -- IMMUNITY FROM LIABILITY.

2 1. As used in this section, unless the context
 3 otherwise requires:

4 a. "Appropriate victim" means a victim whose
 5 condition demonstrates the results of a motor vehicle
 6 accident involving intoxicated drivers without being
 7 excessively traumatic to the participant, as
 8 determined by the tour supervisor.

9 b. "Participant" means a person ordered by the
 10 court to participate in the reality education
 11 substance abuse prevention program.

12 c. "Program" means the reality education substance
 13 abuse prevention program.

14 d. "Program coordinator" means a person appointed
 15 by the court to coordinate the person's participation
 16 in the program.

17 e. "Tour supervisor" means a person selected by a
 18 participant's program coordinator to supervise a tour.

19 2. A reality education substance abuse prevention

20 program is established. Upon a conviction or
21 adjudication for a violation of section 321J.2, or the
22 entry of a deferred judgment concerning a violation of
23 section 321J.2, the court or juvenile court, with the
24 consent of the defendant or delinquent child, may
25 order a defendant or delinquent child who is sixteen
26 years of age or older to participate in the reality
27 education substance abuse prevention program as a term
28 and condition of probation or disposition in addition
29 to any other term or condition of probation or
30 disposition required or authorized by law. The court
31 or juvenile court shall require the defendant or
32 delinquent child to abstain from consuming any
33 controlled substance, alcoholic liquor, wine, or beer
34 before reaching age twenty-one while participating in
35 the program.

36 3. The court or juvenile court shall consult with
37 the defendant or delinquent child and the defendant's
38 or delinquent child's attorney, if any, and may
39 consult with any other person, including but not
40 limited to the defendant's or delinquent child's
41 parents or other family members, to determine if the
42 defendant or delinquent child is suitable for the
43 participation in the program, if the program will be
44 educational and meaningful to the defendant or
45 delinquent child, and if any physical, emotional,
46 mental, or other reasons exist which indicate that the
47 program would be inappropriate or would cause any
48 injury to the defendant or delinquent child.

49 4. The court or juvenile court shall appoint a
50 program coordinator, to coordinate all tours and

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1 select appropriate tour supervisors for each tour. In
2 addition, the program coordinator shall ensure
3 compliance by contacting each tour supervisor
4 following the completion of a tour.

5 5. The court or juvenile court may include a
6 requirement for a supervised educational tour by the
7 defendant or delinquent child to any or all of the
8 following:

9 a. A hospital or other emergency medical care
10 facility which regularly receives victims of motor
11 vehicle accidents, to observe treatment of appropriate
12 victims of motor vehicle accidents involving
13 intoxicated drivers, under the supervision of a
14 registered nurse, physician, paramedic, or emergency
15 medical technician.

16 b. A facility for the treatment of chemical

17 substance abuse as defined in section 125.2, under the
18 supervision of appropriately licensed medical
19 personnel.

20 c. If approved by the state or county medical
21 examiner, a morgue or a similar facility to receive
22 appropriate educational material and instruction
23 concerning damage caused by the consumption of alcohol
24 or other drugs, under the supervision of the county
25 medical examiner or deputy medical examiner.

26 However, the court or juvenile court shall not
27 order the defendant or delinquent child to participate
28 in a supervised education tour of a hospital or other
29 facility specified in this subsection, unless the
30 hospital or facility agrees to participate in the
31 program.

32 6. Prior to a tour, the program coordinator shall
33 explain and discuss the experiences which may be
34 encountered during the tour to the participant. If
35 the program coordinator determines at any time before
36 or during a tour that the tour may be traumatic or
37 otherwise inappropriate for the participant, the
38 program coordinator shall terminate the tour without
39 prejudice to the participant.

40 7. The court or juvenile court may order a
41 personal conference after the tours with the
42 participant, the participant's attorney, if any, and
43 any other persons if available and deemed necessary by
44 the court or juvenile court, to discuss the
45 experiences of the participant in the program and how
46 those experiences may impact the participant's
47 conduct. The court or juvenile court may order the
48 participant to write a report or letter concerning the
49 participant's experiences in the program.

50 8. Tour supervisors and facilities toured during

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1 the program are not liable for any civil damages
2 resulting from injury to the participant, or civil
3 damages caused by the participant during or from any
4 activities related to a tour, except for willful or
5 grossly negligent acts intended to, or reasonably
6 expected to result in, such injury or damage.

7 9. The chief judge of the judicial district shall
8 determine fees to be paid by participants in the
9 program. The judicial department shall use the fees
10 to pay all costs associated with the program. The
11 court shall either require the participant to pay the
12 fee in order to participate in the program, or may
13 waive the fee or collect a lesser amount upon a

14 showing of cause.

15 **DIVISION II**
16 **CRIMINAL AND JUVENILE JUSTICE**

17 Sec. 16. Section 232.8, Code Supplement 1991, is
18 amended by adding the following new subsection:

19 NEW SUBSECTION. 6. The juvenile court shall
20 retain jurisdiction over persons who attain their
21 eighteenth birthday, as necessary to effectuate the
22 provisions of sections 232.53 and 232.54, or in
23 entering dispositional orders placing the delinquent
24 in the youthful offender program in accordance with
25 sections 232.52 and 234.53 for a period extending
26 beyond the delinquent's eighteenth birthday.

27 Sec. 17. Section 232.22, subsection 1, Code
28 Supplement 1991, is amended to read as follows:

29 1. ~~No~~ A child shall ~~not~~ be placed in detention
30 unless one of the following conditions is met:

31 a. The child is being held under warrant for
32 another jurisdiction; ~~or,~~

33 b. The child is an escapee from a juvenile
34 correctional or penal institution; ~~or,~~

35 c. There is probable cause to believe that the
36 child has violated conditions of release imposed under
37 section 232.44, subsection 5, paragraph "b", 232.52,
38 or 232.54 and there is a substantial probability that
39 the child will run away or otherwise be unavailable
40 for subsequent court appearance; ~~or,~~

41 d. There is probable cause to believe the child
42 has committed a delinquent act, and one of the
43 following conditions is met:

44 (1) There is a substantial probability that the
45 child will run away or otherwise be unavailable for
46 subsequent court appearance; ~~or,~~

47 (2) There is a serious risk that the child if
48 released may commit an act which would inflict serious
49 bodily harm on the child or on another; ~~or,~~

50 (3) There is a serious risk that the child if

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1 released may commit serious damage to the property of
2 others.

3 Sec. 18. Section 232.22, subsection 1, Code
4 Supplement 1991, is amended by adding the following
5 new paragraph:

6 NEW PARAGRAPH. e. There is probable cause to
7 believe that the child has committed a delinquent act
8 involving the possession with intent to deliver a
9 substance containing cocaine base, also known as crack
10 cocaine, which if committed by an adult would be a

11 violation of one of the following provisions of
12 section 204.401, subsection 1:

13 (1) Paragraph "a", subparagraph (3).

14 (2) Paragraph "b", subparagraph (3).

15 (3) Paragraph "c", subparagraph (3).

16 Sec. 19. Section 232.50, subsection 2, Code 1991,
17 is amended to read as follows:

18 2. The court shall hold a periodic dispositional
19 review hearing for each child in placement pursuant to
20 section 232.52, subsection 2, paragraph "d", or "e",
21 or "g", to determine the future disposition status of
22 the child. The hearings shall not be waived or
23 continued beyond eighteen months after the last
24 dispositional hearing or dispositional review hearing.

25 Sec. 20. Section 232.52, subsection 2, Code
26 Supplement 1991, is amended by adding the following
27 new paragraph:

28 NEW PARAGRAPH g. An order transferring the
29 guardianship of the child, subject to the continuing
30 jurisdiction and custody of the court, to the director
31 of the department of human services for the purposes
32 of placement in the youthful offender program as
33 provided in section 234.53. However, the court shall
34 provide equal access to the youthful offender program
35 within the limitations established pursuant to section
36 234.53, upon a finding that the child is likely to
37 benefit from the youth offender program. The
38 dispositional order may provide that the youthful
39 offender shall remain in a youthful offender program
40 facility beyond the youthful offender's eighteenth
41 birthday.

42 Sec. 21. Section 232.52, subsection 6, unnumbered
43 paragraph 1, Code Supplement 1991, is amended to read
44 as follows:

45 When the court orders the transfer of legal custody
46 of a child pursuant to subsection 2, paragraphs
47 paragraph "d", "e", or "f", or "g", the order shall
48 state that reasonable efforts have been made to
49 prevent or eliminate the need for removal of the child
50 from the child's home.

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1 Sec. 22. Section 232.52, subsection 9, Code
2 Supplement 1991, is amended to read as follows:

3 9. a. Upon receipt of an application from the
4 director of the department of human services, the
5 court shall enter an order to temporarily transfer a
6 child who has been placed in the state training school
7 pursuant to subsection 2, paragraph "e", or a youthful

8 offender program facility pursuant to subsection 2,
9 paragraph "g", to a facility which has been designated
10 to be an alternative placement site for the state
11 training school, provided the court finds that all of
12 the following conditions exist:

13 (1) There is insufficient time to file a motion
14 and hold a hearing for a substitute dispositional
15 order under section 232.54.

16 (2) Immediate removal of the child from the state
17 training school or youthful offender program facility
18 is necessary to safeguard the child's physical or
19 emotional health.

20 (3) That reasonable attempts to notify the
21 parents, guardian ad litem, and attorney for the child
22 have been made.

23 b. If the court finds the conditions in paragraph
24 "a" exist and there is insufficient time to provide
25 notice as required under rule of juvenile procedure
26 4.6, the court may enter an ex parte order temporarily
27 transferring the child to the alternative placement
28 site.

29 c. Within three days of the child's transfer, the
30 director shall file a motion for a substitute
31 dispositional order under section 232.54 and the court
32 shall hold a hearing concerning the motion within
33 fourteen days of the child's transfer.

34 Sec. 23. Section 232.53, Code 1991, is amended to
35 read as follows:

36 **232.53 DURATION OF DISPOSITIONAL ORDERS.**

37 1. Any dispositional order entered by the court
38 pursuant to section 232.52 shall remain in force for
39 an indeterminate period or until the child becomes
40 eighteen years of age unless otherwise specified by
41 the court or unless sooner terminated pursuant to the
42 provisions of section 232.54. ~~No~~ A dispositional
43 order made under section 232.52, subsection 2,
44 paragraph "e" or "g", shall not remain in force longer
45 than the maximum possible duration of the sentence
46 which may be imposed on an adult for the commission of
47 the act which the child has been found by the court to
48 have committed.

49 2. ~~All~~ Except as otherwise specifically provided,
50 all dispositional orders entered prior to the child

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1 attaining the age of seventeen years and six months
2 shall automatically terminate when the child becomes
3 eighteen years of age. Dispositional orders entered
4 subsequent to the child attaining the age of seventeen

5 years and six months and prior to the child's
6 eighteenth birthday shall automatically terminate one
7 year after the date of disposition, except as
8 otherwise provided pursuant to section 232.52,
9 subsection 2, paragraph "g", or section 232.54,
10 subsection 7. In the case of an adult within the
11 jurisdiction of the court under the provisions of
12 section 232.8, subsection 1, the dispositional order
13 shall automatically terminate one year after the last
14 date upon which jurisdiction could attach.

15 3. Notwithstanding section 242.13, a child
16 committed to the training school subsequent to the
17 child attaining the age of seventeen years and six
18 months and prior to the child's eighteenth birthday
19 may be held at the school beyond the child's
20 eighteenth birthday pursuant to subsection 2 provided
21 that the training school makes application to and
22 receives permission from the committing court. This
23 extension shall be for the purpose of completion by
24 the child of a course of instruction established for
25 the child pursuant to section 242.4 and cannot extend
26 for more than one year beyond the date of disposition.

27 4. Any person supervising but not having custody
28 of the child pursuant to such an order shall file a
29 written report with the court at least every six
30 months concerning the status and progress of the
31 child.

32 Any agency, facility, institution or person to whom
33 custody of the child has been transferred pursuant to
34 such order shall file a written report with the court
35 at least every six months concerning the status and
36 progress of the child.

37 5. Notwithstanding any other provision of this
38 section or any other law to the contrary, a delinquent
39 obtaining the age of eighteen may be held in a youth
40 offender program facility for a period of up to three
41 years from the delinquent's eighteenth birthday, in
42 accordance with section 232.52, subsection 2,
43 paragraph "g", or section 232.54, subsection 7, unless
44 the time period would be in excess of the maximum
45 possible duration of the sentence which may be imposed
46 on an adult for the commission of the act as
47 prohibited in subsection 1. In addition, a delinquent
48 may be subject to continued supervision by a juvenile
49 court officer as provided in section 232.54,
50 subsection 7.

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1 Sec. 24. Section 232.54, subsections 2 through 5,
2 Code 1991, are amended to read as follows:
3 2. With respect to a dispositional order made
4 pursuant to section 232.52, subsection 2, paragraphs
5 paragraph "d", and "e", or "g", the court shall grant
6 a motion of the person to whom custody has been
7 transferred for termination of the order and discharge
8 of the child, for modification of the order by
9 imposition of less restrictive conditions, or for
10 vacation of the order and substitution of a less
11 restrictive order unless there is clear and convincing
12 evidence that there has not been a change of
13 circumstance sufficient to grant the motion. Notice
14 shall be afforded all parties, and a hearing shall be
15 held at the request of any party or upon the court's
16 own motion.

17 3. With respect to a dispositional order made
18 pursuant to section 232.52, subsection 2, paragraphs
19 paragraph "d", or "e", or "f", or "g", the court shall
20 grant a motion of a person or agency to whom custody
21 has been transferred for modification of the order by
22 transfer to an equally restrictive placement, unless
23 there is clear and convincing evidence that there has
24 not been a change of circumstance sufficient to grant
25 the motion. Notice shall be afforded all parties, and
26 a hearing shall be held at the request of any party or
27 upon the court's own motion.

28 4. With respect to a dispositional order made
29 pursuant to section 232.52, subsection 2, paragraphs
30 paragraph "d", "e", or "f", or "g", the court may,
31 after notice and hearing, either grant or deny a
32 motion of the child, the child's parent or guardian,
33 or the child's guardian ad litem, to terminate the
34 order and discharge the child, to modify the order
35 either by imposing less restrictive conditions or by
36 transfer to an equally or less restrictive placement,
37 or to vacate the order and substitute a less
38 restrictive order. A motion may be made pursuant to
39 this paragraph no more than once every six months.

40 5. With respect to a dispositional order made
41 pursuant to section 232.52, subsection 2, paragraphs
42 paragraph "d", and "e", or "g", the court may, after
43 notice and a hearing at which there is presented clear
44 and convincing evidence to support such an action,
45 either grant or deny a motion by a county attorney or
46 by a person or agency to whom custody has been
47 transferred, to modify an order by imposing more
48 restrictive conditions or to vacate the order and

49 substitute a more restrictive order.

50 Sec. 25. Section 232.54, Code 1991, is amended by

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1 adding the following new subsection:

2 NEW SUBSECTION. 7. a. At any time prior to a
3 juvenile reaching the age of eighteen, a juvenile
4 court officer may file an application with the
5 juvenile court, asking that the court retain
6 jurisdiction over the delinquent in accordance with
7 the provisions of sections 232.8 and 232.53 and this
8 subsection, for a period of up to three years after
9 the delinquent's eighteenth birthday, so that the
10 delinquent may continue programs under the supervision
11 of the juvenile court officer. In addition, the
12 department may file an application pursuant to this
13 subsection for continued supervision or custody for
14 continued participation in the youthful offender
15 program, if the original dispositional order did not
16 provide for continued participation after the
17 delinquent's eighteenth birthday.

18 b. Notwithstanding any other provision of this
19 section or any other law to the contrary, upon
20 application of the juvenile court officer or the
21 department, the court may enter another dispositional
22 order providing for continuing supervision by a
23 juvenile court officer or continued participation in
24 the youthful offender program for a period of up to
25 three years after the delinquent's eighteenth
26 birthday, as specified by the court. However, the
27 period specified in the substituted dispositional
28 order shall not provide for an extension that would
29 subject the delinquent to a disposition in excess of
30 the maximum possible duration of the sentence which
31 may be imposed on an adult for commission of the act.
32 The substituted dispositional order shall state the
33 consequences for violation of the order, and the court
34 shall provide notice to the delinquent, and to the
35 delinquent's attorney and parent or legal guardian, if
36 applicable, at the time of granting the substituted
37 dispositional order.

38 c. The court shall grant a substituted
39 dispositional order pursuant to this subsection if
40 each of the following occurs:

41 (1) An application is filed in accordance with
42 this subsection.

43 (2) The court finds that continued supervision or
44 participation in the youthful offender program is
45 necessary for the rehabilitation of the delinquent.

46 Sec. 26. Section 232.148, subsection 2, Code 1991,
47 is amended to read as follows:
48 2. Fingerprints and photographs of a child who has
49 been taken into custody and who is fourteen years of
50 age or older may be taken and filed by a criminal

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1 justice agency investigating the commission of a
2 public offense constituting a felony or an aggravated
3 misdemeanor. However, fingerprint and photograph
4 files of a child who enters into an informal
5 adjustment or consent decree shall be retained only if
6 the child is notified at the time of entering into the
7 informal adjustment or consent decree that the files
8 will be permanently retained by the criminal justice
9 agency.

10 Sec. 27. Section 233.2, Code 1991, is amended to
11 read as follows:

12 233.2 PENALTY – NOT A BAR.

13 A violation of section 233.1 is a simple an
14 aggravated misdemeanor. A conviction does not bar a
15 prosecution of the convicted person for an another
16 indictable offense when the acts which caused or
17 contributed to the delinquency or dependency of the
18 child are indictable.

19 Sec. 28. **NEW SECTION. 234.50 YOUTHFUL OFFENDER**
20 **ADVISORY COMMITTEE ESTABLISHED – RULES.**

21 1. The department of human services shall
22 establish a youthful offender advisory committee. The
23 advisory committee shall consist of five members as
24 follows:

25 a. A representative of the department of human
26 services, appointed by the director.

27 b. A representative of the judicial department,
28 appointed by the chief justice of the supreme court.

29 c. A representative of the division of criminal
30 and juvenile justice planning of the department of
31 human rights, appointed by the administrator of the
32 division of criminal and juvenile justice planning.

33 d. A representative of the department of
34 corrections, appointed by the director of the
35 department of corrections.

36 e. A representative of youth service providers,
37 appointed by the director of the department of human
38 services from a list of names provided by youth
39 service providers.

40 2. Except as otherwise provided for the initial
41 appointments, members shall be appointed for four-year
42 terms, commencing in May 1 in the year of appointment.

43 and expiring on April 30 in the year of expiration. A
 44 member shall serve no more than two consecutive terms,
 45 excluding the terms of the initial advisory committee.
 46 3. Vacancies shall be filled in the same manner as
 47 original appointments. A vacancy shall be filled for
 48 the unexpired term.
 49 4. The advisory committee shall elect a
 50 chairperson from among its own members.

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1 5. Members of the advisory committee shall be paid
 2 their actual and necessary expenses incurred in the
 3 performance of their duties as provided in section
 4 7E.6.
 5 6. The advisory committee shall meet at least
 6 every other month and may hold special meetings on the
 7 call of the chairperson or as requested by a quorum of
 8 the advisory committee. A majority of the members
 9 shall constitute a quorum.
 10 7. The department of human services shall adopt
 11 rules as necessary for the operation of the advisory
 12 committee in the performance of its duties.

13 Sec. 29. NEW SECTION. 234.51 ADMINISTRATIVE
 14 ACTIVITIES.

15 The administrative functions and staff services of
 16 the youthful offender advisory committee shall be
 17 performed by the department of human services. The
 18 advisory committee shall be located in the department
 19 of human services offices.

20 Sec. 30. NEW SECTION. 234.52 DUTIES OF ADVISORY
 21 COMMITTEE.

22 The youthful offender advisory committee shall do
 23 all of the following:

- 24 1. Establish a youthful offender program as
- 25 provided in this chapter.
- 26 2. Annually report the results of its activities
- 27 to the governor and the general assembly.

- 28 3. Perform other duties as specified by law.

29 Sec. 31. NEW SECTION. 234.53 YOUTHFUL OFFENDER
 30 PROGRAM.

31 1. As used in this section, unless the context
 32 otherwise requires, "youthful offender" means a person
 33 who is sixteen years of age or older, who is subject
 34 to delinquency proceedings of the juvenile court
 35 pursuant to chapter 232, and who would qualify for
 36 placement at the state training school pursuant to
 37 section 232.52, subsection 2, paragraph "e".

38 2. The youthful offender advisory committee shall
 39 establish a youthful offender program. The youthful

40 offender program shall be designed to meet the needs
41 of eighty youthful offenders, with a limit of ten
42 youthful offenders from each judicial district, on or
43 before October 1, 1993.

44 3. The youthful offender program shall be designed
45 to meet the needs of youthful offenders with intensive
46 programming needs, including but not limited to
47 youthful offenders having a dual diagnosis. However,
48 the youthful offender program shall not include
49 youthful offenders with a chemical dependency as
50 defined in section 125.2.

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1 4. The advisory committee may establish the
2 youthful offender program in more than one location,
3 and the program may be located in private and public
4 facilities. The department of human services shall
5 assist the advisory committee by issuing requests for
6 proposals and entering into contracts to establish the
7 program. The department of human services may enter
8 contracts with other state agencies or political
9 subdivisions in facilitating the establishment of the
10 youthful offender program, including but not limited
11 to the department of corrections. In addition, if the
12 advisory committee determines that the department of
13 human services should operate a youthful offender
14 program at a facility which the department operates,
15 and the facility is available to meet the needs of the
16 youthful offender program as designed by the advisory
17 committee, the department of human services shall
18 operate a youthful offender program as designed by the
19 advisory committee and shall include the youthful
20 offender program in the department's budget proposals.

21 5. If the court places a youth adjudicated as
22 delinquent in the youthful offender program, the youth
23 shall be transferred originally to the diagnosis and
24 evaluation center at the state training school at
25 Eldora for the identification of appropriate treatment
26 needs. Upon undergoing an initial diagnosis and
27 evaluation screening at the state training school, the
28 department of human services shall place the youthful
29 offender in a youthful offender program facility.

30 Sec. 32. Section 614.1, Code Supplement 1991, is
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 13. RACKETEER INFLUENCED CORRUPT
33 ORGANIZATIONS ACT. A civil action for a violation of
34 the racketeer influenced corrupt organizations Act
35 shall be brought within the period specified in
36 section 733.9.

37 Sec. 33. NEW SECTION. 733.1 SHORT TITLE.

38 This chapter shall be known and may be cited as the
39 "Racketeer Influenced and Corrupt Organizations (RICO)
40 Act".

41 Sec. 34. NEW SECTION. 733.2 DEFINITIONS.

42 As used in this chapter, unless the context
43 otherwise requires:

44 1. "Documentary material" or "material" means any
45 book, paper, document, writing, drawing, graph, chart,
46 photograph, phonograph record, magnetic tape, computer
47 printout, other data compilation from which
48 information can be obtained or from which information
49 can be translated into useable form, or any other
50 tangible item.

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1 2. "Enterprise" means any individual, sole
2 proprietorship, partnership, corporation, business
3 trust, or other profit or nonprofit legal entity, and
4 includes but is not limited to any union, association,
5 or group of individuals associated in fact although
6 not a legal entity, and both illicit and licit
7 enterprises and governmental and nongovernmental
8 entities.

9 3. "Pattern of racketeering activity" means
10 engaging in at least two incidents of racketeering
11 activity that have the same or similar intents,
12 results, accomplices, victims, or methods of
13 commission, or otherwise are interrelated by
14 distinguishing characteristics, including a nexus to
15 the same enterprise, and are not isolated incidents,
16 provided at least one of the incidents occurred on or
17 after July 1, 1992, and that the last of the incidents
18 occurred within five years after a prior incident of
19 racketeering activity.

20 4. "Pecuniary value" means any of the following:
21 a. Anything of value in the form of money, a
22 negotiable instrument, a commercial interest, or
23 anything else the primary significance of which is
24 economic advantage.

25 b. Any other property or service that has a value
26 in excess of one hundred dollars.

27 5. "Person" means any individual or entity capable
28 of holding a legal or beneficial interest in real or
29 personal property.

30 6. "Racketeering activity" means to commit, to
31 attempt to commit, to conspire to commit, or to
32 solicit, coerce, or intimidate another person to
33 commit conduct which constitutes a public offense in

- 34 violation of any of the following provisions:
 35 a. Chapter 204, relating to controlled substances.
 36 b. Chapter 707, homicide and related offenses.
 37 c. Section 708.3, assault while participating in a
 38 felony.
 39 d. Section 708.4, willful injury.
 40 e. Section 708.5, administering harmful
 41 substances.
 42 f. Section 708.6, terrorism.
 43 g. Section 708.8, going armed with intent.
 44 h. Chapter 709, sexual abuse and related offenses.
 45 i. Sections 710.2 through 710.5, kidnapping and
 46 child stealing.
 47 j. Section 710.7, false imprisonment.
 48 k. Chapter 711, robbery and extortion.
 49 l. Chapter 712, arson and related offenses.
 50 m. Sections 713.3 and 713.4, burglary in the first

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- 1 degree and attempted burglary in the first degree.
 2 n. Section 723A.2, criminal gang participation.
 3 o. Section 724.3, unauthorized possession of
 4 offensive weapons.
 5 p. Chapter 725, vice provisions.
 6 7. "Unlawful debt" means any money or other thing
 7 of value constituting principal or interest of a debt
 8 that is legally unenforceable in the state in whole or
 9 in part because the debt was incurred or contracted in
 10 gambling activity or in the business of lending money
 11 at a usurious rate, in violation of state or federal
 12 law.
 13 Sec. 35. NEW SECTION. 733.3 RACKETEERING
 14 PROHIBITED.
 15 1. It is unlawful for any person who has knowingly
 16 received any proceeds derived, directly or indirectly,
 17 from a pattern of racketeering activity or through the
 18 collection of an unlawful debt to use or invest,
 19 whether directly or indirectly, any part of such
 20 proceeds, or the proceeds derived from the investment
 21 or use thereof, in the acquisition of any title to, or
 22 any right, interest, or equity in, real property or in
 23 the establishment or operation of any enterprise.
 24 2. It is unlawful for any person, through a
 25 pattern of racketeering activity or through the
 26 collection of an unlawful debt, to acquire or
 27 maintain, directly or indirectly, any interest in or
 28 control of any real property or enterprise.
 29 3. It is unlawful for any person employed by, or
 30 associated with, any enterprise to conduct or

31 participate, directly or indirectly, in the enterprise
32 through a pattern of racketeering activity or the
33 collection of an unlawful debt.

34 4. It is unlawful for any person to conspire or
35 endeavor to violate any of the provisions of
36 subsections 1 through 3.

37 Sec. 36. NEW SECTION. 733.4 CRIMINAL PENALTIES.

38 A person who violates section 733.3 commits a class
39 "D" felony. Notwithstanding section 902.9, in lieu of
40 the fine authorized by section 902.9, if a person
41 violates this section and derives a pecuniary value or
42 causes personal injury, property damage, or other
43 loss, the court may sentence the person to pay a fine
44 that does not exceed three times the gross value
45 gained or three times the gross loss caused, whichever
46 is greater, plus court costs and the costs of
47 investigation and prosecution, reasonably incurred.
48 Prior to imposing a fine in excess of the amount
49 authorized in section 902.9, the court shall hold a
50 hearing to determine the amount of the fine.

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1 Sec. 37. NEW SECTION. 733.5 INJUNCTIVE RELIEF.

2 1. The attorney general, a county attorney, or any
3 person aggrieved by a violation of section 733.3 may
4 seek injunctive relief, and the court may grant
5 injunctive relief in either a civil or criminal action
6 alleging a violation of section 733.3. However, an
7 injunction by the court entered pursuant to this
8 section shall make due provision for the rights of
9 persons who have not acted in violation of section
10 733.3.

11 2. Orders and judgments entered pursuant to this
12 section relating to a violation of section 733.3 may
13 include, but are not limited to, the following:

14 a. Divestiture by the defendant of any interest in
15 any enterprise, including but not limited to real
16 property.

17 b. The imposition of reasonable restrictions upon
18 the future activities or investments of any defendant,
19 including, but not limited to, prohibiting any
20 defendant from engaging in the same type of endeavor
21 as the enterprise in which the defendant was engaged
22 in violation of section 733.3.

23 c. The dissolution or reorganization of any
24 enterprise.

25 d. The suspension or revocation of a license,
26 permit, or prior approval granted to any enterprise by
27 any agency of the state.

28 e. The revocation and surrender of the articles of
 29 incorporation of a corporation organized under the
 30 laws of the state, or the revocation and surrender of
 31 a certificate of authority to transact business in the
 32 state by a foreign corporation, upon finding that the
 33 board of directors or a managerial agent acting on
 34 behalf of the corporation, in conducting the affairs
 35 of the corporation, has authorized or engaged in
 36 conduct in violation of section 733.3, and that, for
 37 the prevention of future criminal activity, the public
 38 interest requires the articles of incorporation
 39 revoked and the corporation dissolved or the
 40 certificate revoked.

41 3. In a proceeding seeking relief pursuant to this
 42 section, such relief shall be granted in conformity
 43 with the principles that govern injunctive relief from
 44 threatened loss or damage in other cases, except that
 45 no showing of special or irreparable injury shall be
 46 required, notwithstanding Iowa rule of civil procedure
 47 321 or any other provision of law to the contrary.
 48 Upon the execution of a bond against damages for an
 49 injunction improvidently granted and a showing of
 50 immediate danger of significant loss or damage, a

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1 temporary restraining order and a preliminary
 2 injunction may be issued before a final determination
 3 on the merits. In an action by the attorney general
 4 or a county attorney, pending final determination on
 5 the merits, the court may at any time enter
 6 injunctions, prohibitions, or restraining orders, or
 7 take such actions, including the acceptance of
 8 satisfactory performance bonds, as the court deems
 9 appropriate.

10 Sec. 38. NEW SECTION. 733.6 SEIZURE AND
 11 FORFEITURE LAW APPLICABLE.

12 1. In addition to any other remedy provided in
 13 this chapter, the seizure and forfeiture provisions of
 14 chapter 809 shall apply, and forfeited property shall
 15 be disposed of in accordance with section 809.13.

16 2. An injured person shall have a right or claim
 17 to forfeited property or to the proceeds of forfeited
 18 property superior to any right or claim the state has
 19 in the same property or proceeds.

20 Sec. 39. NEW SECTION. 733.7 CIVIL ACTIONS.

21 1. The attorney general, a county attorney, or any
 22 aggrieved person may bring a civil action for
 23 injunctive relief as specified in section 733.5,
 24 concerning a violation of section 733.3.

25 2. A person who is injured by reason of a
26 violation of section 733.3 shall have a cause of
27 action for three times the actual damages sustained
28 and, when appropriate, punitive damages, as well as
29 recovery of attorney fees, court costs, and other
30 costs of investigation and litigation, if such costs
31 and fees are reasonably incurred.

32 3. The attorney general or a county attorney may
33 bring an action for civil penalties for any violation
34 of section 733.3. Upon proof of a violation, the
35 court shall impose a civil penalty of not more than
36 two hundred fifty thousand dollars.

37 4. In a civil action instituted by the attorney
38 general or a county attorney, regardless of the relief
39 sought, upon entry of a final judgment or decree in
40 favor of the state, the attorney general or the county
41 attorney shall be entitled to recover attorney fees,
42 court costs, and costs of investigation and
43 litigation, reasonably incurred. The amounts
44 recovered may include costs and expenses of state and
45 local governmental departments and agencies incurred
46 in connection with the investigation or litigation.

47 5. A party in any civil action brought pursuant to
48 this chapter may demand a trial by jury.

49 6. Upon application, the attorney general may
50 intervene in any civil action brought by a person

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1 other than a county attorney pursuant to this chapter,
2 if the attorney general certifies that in the opinion
3 of the attorney general, the action or proceeding is
4 of general public importance. In an action in which
5 the attorney general intervenes, the state shall be
6 entitled to the same relief as if the attorney general
7 instituted the action or proceeding.

8 7. A final judgment or decree rendered in favor of
9 the state in a criminal proceeding under section 733.4,
10 shall estop the defendant in any subsequent civil
11 action or proceeding brought by the attorney general
12 or any other person as to all matters as to which the
13 judgment or decree would be an estoppel as between the
14 state and the defendant.

15 8. The application of one civil remedy under any
16 provision of this chapter shall not preclude the
17 application of any other remedy, civil or criminal,
18 under this chapter or any other provision of law.
19 Civil remedies pursuant to this chapter are
20 supplemental and are not mutually exclusive.

21 Sec. 40. NEW SECTION. 733.8 INVESTIGATIVE AU-

22 THORITY – SUBPOENA POWER.

23 1. In a civil action in which the attorney general
24 or county attorney is the plaintiff or the attorney
25 general has intervened, due to the belief that a
26 person or other enterprise has engaged in, or is
27 engaging in, a violation of this chapter, the attorney
28 general or county attorney may administer oaths or
29 affirmations, subpoena witnesses or documentary
30 material, and collect evidence pursuant to the Iowa
31 rules of civil procedure.

32 2. If documentary material that the attorney
33 general or county attorney seeks to obtain by subpoena
34 is located outside the state, the person or enterprise
35 subpoenaed may make the documentary material available
36 at the place where it is located. The attorney
37 general or county attorney may designate
38 representatives, including officials of the
39 jurisdiction in which the documentary material is
40 located, to inspect the material on behalf of the
41 attorney general or county attorney, and may respond
42 to similar requests from officials of other
43 jurisdictions.

44 3. Upon failure of a person or enterprise, without
45 lawful excuse, to obey a subpoena, and after
46 reasonable notice to the person or enterprise, the
47 attorney general or county attorney may apply to the
48 district court where the person or enterprise resides,
49 is found, or transacts business, for an order
50 compelling compliance.

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1 **Sec. 41. NEW SECTION. 733.9 STATUTE OF**
2 **LIMITATIONS.**

3 Notwithstanding any other provision of law to the
4 contrary, a criminal or civil proceeding pursuant to
5 this chapter may be brought at any time within five
6 years after the conduct in violation of section 733.3
7 terminates or the cause of action accrues. If a
8 criminal prosecution or civil action or proceeding is
9 brought, or intervened in, to punish, prevent, or
10 restrain a violation of this chapter, the running of
11 the period of limitations prescribed by this section
12 with respect to any civil cause of action by a person
13 other than the attorney general or a county attorney
14 which is based in whole or in part upon the matter
15 complained of in the prosecution, action, or
16 proceeding shall be suspended during the pendency of
17 the prosecution, action, or proceeding and for two
18 years following the termination of the prosecution,

19 action, or proceeding.

20 Sec. 42. Section 802.3, Code 1991, is amended to
21 read as follows:

22 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR
23 -- RICO VIOLATIONS.

24 1. In all cases, except those enumerated in
25 subsection 2 and in sections 802.1 and 802.2, an
26 indictment or information for a felony or aggravated
27 or serious misdemeanor shall be found within three
28 years after its commission.

29 2. An action for a criminal violation of the
30 racketeer influenced corrupt organizations Act
31 pursuant to section 733.4 shall be brought within the
32 period specified in section 733.9.

33 Sec. 43. BOOT CAMP PILOT PROJECT.

34 1. The youthful offender advisory committee
35 created in section 234.50 shall establish a boot camp
36 pilot project within the youthful offender program.
37 While youthful offenders placed in the boot camp pilot
38 project shall be subject to the other qualifications
39 and restrictions provided in section 234.53,
40 notwithstanding section 234.53, the advisory committee
41 shall establish the boot camp pilot project to meet
42 the needs of an additional 25 youthful offenders above
43 the number specified in section 234.53, subsection 2.
44 The boot camp pilot project shall not be restricted to
45 youthful offenders from any particular judicial
46 district.

47 2. The pilot program shall be established for a
48 period commencing October 1, 1993, and ending April 1,
49 1995.

50 3. The boot camp pilot project shall emphasize job

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1 training and education. The advisory committee shall
2 submit a report to the general assembly on or before
3 January 15, 1995, pertaining to the boot camp pilot
4 project and containing recommendations concerning
5 future use of boot camp facilities.

6 4. After an initial diagnosis and evaluation at
7 the state training school, the department shall place
8 offenders in the boot camp pilot project upon a
9 determination that the youthful offender is
10 appropriately suited for the boot camp and may
11 reasonably be expected to be rehabilitated through
12 participation in the pilot project.

13 Sec. 44. INITIAL YOUTHFUL OFFENDER ADVISORY
14 COMMITTEE -- IMPLEMENTATION -- EFFECTIVE DATE.

15 1. In order to effectuate the purposes of this Act

16 and to implement the provisions of this Act pertaining
 17 to the youthful offender advisory committee by July 1,
 18 1992, the department of human services shall
 19 coordinate the establishment of the initial youthful
 20 offender advisory committee. The initial youthful
 21 offender advisory committee shall be appointed in the
 22 manner specified in the section of this Act
 23 establishing a new section 234.50, subsection 1, and
 24 the appointing entities shall cooperate with the
 25 department of human services to establish the initial
 26 youthful offender advisory committee by July 1, 1992.
 27 2. The terms of the initial members of the
 28 advisory committee shall commence on July 1, 1992, and
 29 expire as follows:

30 a. For the representative of the department of
 31 human services, on April 30, 1993.

32 b. For the representative of the judicial
 33 department, on April 30, 1994.

34 c. For the representative of the division of
 35 criminal and juvenile justice planning, on April 30,
 36 1995.

37 d. For the representative of the department of
 38 corrections and the representative of youth service
 39 providers, on April 30, 1996.

40 3. The department of human services shall provide
 41 administrative services as are necessary to implement
 42 this section. The department shall coordinate the
 43 first meetings of the initial advisory committee.

44 4. This section, being deemed of immediate
 45 importance, shall take effect upon enactment.

46 DIVISION III

47 EVALUATION

48 Sec. 45. Section 601K.135, Code 1991, is amended
 49 by adding the following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. Beginning in 1992, the

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1 division shall include in the plans, updates, and
 2 reports required by this section an identification and
 3 evaluation of existing juvenile treatment programs
 4 based upon quantifiable goals established by the
 5 division, utilizing its existing computer capacity and
 6 access.

7 Sec. 46. NEW SECTION. 601K.138 MULTIAGENCY DATA
 8 BASE CONCERNING JUVENILES.

9 1. The division shall coordinate the development
 10 of a multiagency data base to track the progress of
 11 juveniles through various state and local agencies and
 12 programs. The division shall develop a plan which

13 utilizes existing data bases, including the Iowa court
14 information system, the federally mandated national
15 adoption and foster care information system, and the
16 other state and local data bases pertaining to
17 juveniles, to the extent possible.

18 2. The department of human services, department of
19 corrections, judicial department, department of public
20 safety, department of education, local school
21 districts, and other state agencies and political
22 subdivisions shall cooperate with the division in the
23 development of the plan.

24 3. The data base shall be designed to track the
25 progress of juveniles in various programs, evaluate
26 the experiences of juveniles, and evaluate the success
27 of the services provided.

28 4. The division shall develop the plan within the
29 context of existing federal privacy and
30 confidentiality requirements. The plan shall build
31 upon existing resources and facilities to the extent
32 possible.

33 5. The plan shall provide for the sharing of
34 information by case management teams, consisting of
35 designated representatives of various state and local
36 agencies and political subdivisions, to coordinate the
37 delivery of services to juveniles. The division shall
38 coordinate this process, and state and local agencies
39 and political subdivisions shall inform the division
40 of their designated representatives to case management
41 teams. Notwithstanding the confidentiality
42 requirements of section 22.7, subsection 1, and
43 sections 232.147, 235A.15, 246.602, and 692.2, members
44 of case management teams shall have authorized access
45 to records otherwise specified as confidential and
46 unaccessible pursuant to those sections, pursuant to
47 procedures adopted by the division and subject to
48 prohibitions under federal law. However,
49 redissemination of the information to persons who are
50 not authorized by law and who are not members of the

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1 case management team shall be subject to any penalty
2 or restrictions to those contained in sections 22.8,
3 22.10, 232.151, 235A.17, 235A.20, 235A.21, 692.3,
4 692.6, and 692.7, or any other provision of law.

5 6. Prior to the development and implementation of
6 the plan, the division shall facilitate the exchange
7 of information by members of a case management team as
8 authorized under subsection 5, whether through
9 documentary or computer records.

10 7. The division shall submit a report on the plan
 11 required by this section to the general assembly on or
 12 before January 15, 1994."

13 2. Title page, by striking lines 1 through 10 and
 14 inserting the following: "An Act relating to criminal
 15 and juvenile justice and public programs involving
 16 juveniles, making appropriations, granting the
 17 juvenile court jurisdiction over chronic runaways,
 18 establishing a youthful offender program and a boot
 19 camp pilot project, establishing racketeer influenced
 20 corrupt organizations provisions including criminal
 21 and civil penalties, increasing certain criminal
 22 penalties, and providing implementation and effective
 23 date provisions."

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5411

1 Amend House File 2382, as passed by the House, as
 2 follows:

3 1. Page 1, line 17, by adding after the word
 4 "misdemeanor" the following: "which is punishable by
 5 imprisonment for not more than one year or a fine of
 6 not more than five thousand dollars, or both the
 7 imprisonment and fine".

COMMITTEE ON NATURAL RESOURCES
 WILLIAM D. PALMER, Chairperson

S-5412

1 Amend House File 681, as amended, passed and
 2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
 4 clause and inserting the following:

5 "Section 1. NEW SECTION. 455B.484A

6 CONFIDENTIALITY FOR ASSISTANCE PROGRAMS.

7 1. As used in this section:

8 a. "Applicant" means a person seeking the services
 9 of an assistance program.

10 b. "Assistance information" means all information
 11 voluntarily supplied to or obtained by an assistance
 12 program for the sole purpose of providing assistance
 13 to an applicant and which constitutes information not
 14 otherwise available to an assistance program.

15 c. "Assistance program" means the waste reduction
 16 assistance program of the department or of the Iowa
 17 waste reduction center for safe and economic

18 management of solid waste and hazardous substances
19 conducted pursuant to section 268.4.

20 2. Assistance information, provided by an
21 applicant in good faith, which is in the possession of
22 an assistance program or an employee or agent of an
23 assistance program is privileged and confidential, is
24 not subject to discovery, subpoena, or other means of
25 legal compulsion and is not admissible evidence in an
26 administrative or judicial proceeding. However,
27 assistance information discoverable from sources other
28 than an assistance program does not become privileged
29 or confidential merely because it has been made
30 available to or is in the custody of an assistance
31 program or an employee or agent of an assistance
32 program.

33 3. Assistance information shall not be used by an
34 employee or agent of the state in determining whether
35 to initiate an enforcement action or investigation by
36 the state."

37 2. Title page, line 2, by striking the words
38 "under the public records law".

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5413

1 Amend House File 2205, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 7, the
4 following:

5 "Sec. ____ . NEW SECTION. 455B.306A LOCAL APPROVAL
6 -- RECYCLING PROGRAM.

7 The city council of a city or the county board of
8 supervisors of a county which provides for the final
9 disposal of solid waste by its residents pursuant to
10 section 455B.302 shall call a referendum to be
11 conducted regarding the question of the implementation
12 of a local recycling program for its residents. The
13 city council or county board of supervisors shall give
14 notice of the referendum for a period of not less than
15 five days in the official newspaper of the county, as
16 selected by the county board of supervisors pursuant
17 to section 349.1, or the official newspaper of the
18 county in which the city is located, and for a similar
19 period in other newspapers as the city council or
20 county board of supervisors prescribes. A referendum
21 shall not be commenced prior to five days after the
22 last day of the period of publication. The notice of
23 referendum shall set forth the period and places for

24 voting regarding the referendum.
 25 At the close of the referendum period, the city
 26 council or county board of supervisors shall count and
 27 tabulate the ballots cast during the period. If the
 28 majority of voters favor denial of approval, the
 29 program shall not be established. If the majority of
 30 voters favor approval, the program shall be
 31 established."
 32 2. By renumbering as necessary.

MIKE CONNOLLY

S-5414

1 Amend House File 2384 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 280.13A, Code 1991, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. If the public school
 8 district initiates an agreement for whole grade
 9 sharing which provides for instruction in grades ten
 10 through twelve to be conducted at a school in another
 11 district, a pupil attending a grade in grades ten
 12 through twelve in the district initiating the
 13 agreement shall be permitted to participate
 14 immediately in interscholastic athletic contests and
 15 athletic competitions if the student transfers to an
 16 accredited nonpublic high school after the whole grade
 17 sharing agreement is initiated."
 18 2. Page 6, by inserting after line 23 the
 19 following:
 20 "Sec. ____ . 1991 Iowa Acts, chapter 201, section 2,
 21 is amended to read as follows:
 22 SEC. 2. RULEMAKING. The department of education
 23 shall recommend, and the state board of education
 24 shall adopt under chapter 17A, rules which shall be
 25 effective by January 1, ~~1992~~ 1993, which require local
 26 school districts to immediately notify the parent,
 27 guardian, or legal custodian of a child in
 28 prekindergarten through sixth grade, who is the
 29 alleged victim of sexual abuse or who is a potential
 30 or actual witness in the investigation of an
 31 allegation of sexual abuse pursuant to a report
 32 initiated under section 280.17, that the child is
 33 being questioned as provided under section 280.17 and
 34 permit to be interviewed. The notice shall include
 35 the right of the child's parent, guardian, or legal
 36 custodian to be present during the questioning observe

37 and hear the interview."

38 3. Title page, line 4, by striking the word

39 "education" and inserting the following:

40 "education;".

41 4. Title page, line 6, by inserting after the
42 word "enrollment;" the following: "making changes in
43 other athletic participation requirements;".

44 5. Title page, line 14, by inserting after the
45 word "program;" the following: "modifying rules
46 relating to parental notice and presence during
47 questioning in sexual abuse investigations;".

48 6. By renumbering as necessary.

COMMITTEE ON EDUCATION
MICHAEL CONNOLLY, Chairperson

S-5415

1 Amend Senate File 2280 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 97.51, Code 1991, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 10. Effective July 1, 1992, a
7 person receiving benefits, on or after July 1, 1992,
8 under this chapter, shall receive a monthly increase
9 in benefits of ten dollars per month. A person who
10 becomes eligible for benefits under chapter 97, Code
11 1950, on or after July 1, 1992, shall receive the ten
12 dollar increase.

13 There is appropriated annually from the general
14 fund of the state to the Iowa old-age and survivors'
15 insurance liquidation fund from funds not otherwise
16 appropriated an amount sufficient to pay the benefit
17 increases provided in this subsection.

18 Sec. 2. Section 97A.6, subsections 3 through 5,
19 Code Supplement 1991, are amended to read as follows:

20 3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon
21 the application of a member in service or of the
22 commissioner of public safety, any member shall be
23 retired by the board of trustees, not less than thirty
24 and not more than ninety days next following the date
25 of filing such application, on an ordinary disability
26 retirement allowance, provided, that the medical board
27 after a medical examination of such member shall
28 certify that said member is mentally or physically
29 incapacitated for further performance of duty, that
30 such incapacity is likely to be permanent and that
31 such member should be retired. However, if a person's
32 membership in the system first commenced on or after

33 July 1, 1992, the member shall not be eligible for
34 benefits with respect to a disability which would not
35 exist, but for a medical condition that was known to
36 exist on the date that membership commenced.

37 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.

38 Upon retirement for ordinary disability a member shall
39 receive an ordinary disability retirement allowance
40 which shall consist of a pension which shall equal
41 fifty percent of the member's average final
42 compensation except if unless either of the following
43 conditions exist:

44 a. If the member has not had five or more years of
45 membership service, the member shall receive a
46 disability pension equal to one-fourth of the member's
47 average final compensation.

48 b. If the member has had twenty-two or more years
49 of membership service, the member shall receive a
50 disability retirement allowance that is equal to the

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1 greater of the benefit that the member would receive
2 under subsection 2 if the member were fifty-five years
3 of age or the disability pension otherwise calculated
4 under this subsection.

5 5. ACCIDENTAL DISABILITY BENEFIT.

6 a. Upon application of a member in service or of
7 the commissioner of public safety, any member who has
8 become totally and permanently incapacitated for duty
9 as the natural and proximate result of an injury,
10 disease or exposure occurring or aggravated while in
11 the actual performance of duty at some definite time
12 and place shall be retired by the board of trustees,
13 provided, that the medical board shall certify that
14 such member is mentally or physically incapacitated
15 for further performance of duty, that such incapacity
16 is likely to be permanent and that such member should
17 be retired. However, if a person's membership in the
18 system first commenced on or after July 1, 1992, the
19 member shall not be eligible for benefits with respect
20 to a disability which would not exist, but for a
21 medical condition that was known to exist on the date
22 that membership commenced.

23 b. Should a member in service become incapacitated
24 for duty as a natural and proximate result of an
25 injury, disease, or exposure incurred or aggravated
26 while in the actual performance of duty at some
27 definite time or place, the member shall, upon being
28 found to be temporarily incapacitated following an
29 examination by the board of trustees, be entitled to

30 receive the member's fixed pay and allowances until
31 re-examined by the board and found to be fully
32 recovered or permanently disabled.

33 c. Disease under this section shall mean heart
34 disease or any disease of the lungs or respiratory
35 tract and shall be presumed to have been contracted
36 while on active duty as a result of strain, exposure,
37 or the inhalation of noxious fumes, poison, or gases.
38 However, if a person's membership in the system first
39 commenced on or after July 1, 1992, and the heart
40 disease or disease of the lungs or respiratory tract
41 would not exist, but for a medical condition that was
42 known to exist on the date that membership commenced,
43 the presumption established in this paragraph shall
44 not apply.

45 Sec. 3. Section 97A.6, subsection 6, paragraph b,
46 Code Supplement 1991, is amended to read as follows:
47 b. Upon retirement for accidental disability on or
48 after July 1, 1990, a member shall receive an
49 accidental disability retirement allowance which shall
50 consist of a pension equal to sixty percent of the

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1 member's average final compensation. However, if the
2 member has had twenty-two or more years of membership
3 service, the member shall receive a disability
4 retirement allowance that is equal to the greater of
5 the retirement allowance that the member would receive
6 under subsection 2 if the member were fifty-five years
7 of age or the disability retirement allowance
8 calculated under this paragraph.

9 Sec. 4. Section 97A.6, subsection 7, paragraphs a
10 and b, Code Supplement 1991, are amended to read as
11 follows:

12 a. Should any beneficiary for either ordinary or
13 accidental disability, except a beneficiary who is
14 fifty-five years of age or over and would have
15 completed twenty-two years of service if the
16 beneficiary had remained in active service, be engaged
17 in a gainful occupation paying more than the
18 difference between the member's retirement allowance
19 and one and one-half times the current earnable
20 compensation of an active member at the same position
21 on the salary scale within the member's rank as the
22 member held at retirement, then the amount of the
23 retirement allowance shall be reduced to an amount
24 which together with the amount earned by the member
25 shall equal one and one-half times the amount of the
26 current earnable compensation of an active member at

27 the same position on the salary scale within the
28 member's rank as the member held at retirement.
29 Should the member's earning capacity be later changed,
30 the amount of the retirement allowance may be further
31 modified, provided, that the new retirement allowance
32 shall not exceed the amount of the retirement
33 allowance originally granted adjusted by annual
34 readjustments of pensions pursuant to subsection ~~15 14~~
35 of this section nor an amount which, when added to the
36 amount earned by the beneficiary, equals one and one-
37 half times the amount of the current earnable
38 compensation of an active member at the same position
39 on the salary scale within the member's rank as the
40 member held at retirement. A beneficiary restored to
41 active service at a salary less than the average final
42 compensation upon the basis of which the member was
43 retired at age fifty-five or greater, shall not again
44 become a member of the retirement system and shall
45 have the member's retirement allowance suspended while
46 in active service. If the rank or position held by
47 the retired member is subsequently abolished,
48 adjustments to the allowable limit on the amount of
49 income which can be earned in a gainful occupation
50 shall be computed in the same manner as provided in

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1 subsection ~~15 14~~, paragraph "d," "c", of this section
2 for readjustment of pensions when a rank or position
3 has been abolished. If the salary scale associated
4 with a member's rank at retirement is changed after
5 the member retires, earnable compensation for purposes
6 of this section shall be based upon the salary an
7 active member currently would receive at the same rank
8 and with seniority equal to that of the retired member
9 at the time of retirement.

10 A beneficiary retired under the provisions of this
11 paragraph in order to be eligible for continued
12 receipt of retirement benefits shall no later than May
13 15 of each year submit to the board of trustees a copy
14 of the beneficiary's state income tax return for the
15 preceding year.

16 Retroactive to July 1, 1976, the limitations on pay
17 of a member engaged in a gainful occupation who is
18 retired under accidental disability prescribed in this
19 paragraph shall not apply to a member who retired
20 before July 1, 1976.

21 b. Should a disability beneficiary under age
22 fifty-five be restored to active service at a
23 compensation not less than the disability

24 beneficiary's average final compensation, the
25 disability beneficiary's retirement allowance shall
26 cease, the disability beneficiary shall again become a
27 member and shall contribute thereafter at the same
28 rate paid prior to disability payable by other members
29 of comparable rank, seniority, and age, and former
30 service on the basis of which the disability
31 beneficiary's service was computed at the time of
32 retirement shall be restored to full force and effect
33 and upon, Upon subsequent retirement the disability
34 beneficiary shall be credited with all service as a
35 member, and also with the period of disability
36 retirement.

37 Sec. 5. Section 97A.6, subsection 9, unnumbered
38 paragraph 1, Code Supplement 1991, is amended to read
39 as follows:

40 If, upon the receipt of evidence and proof that the
41 death of a member in service was the natural and
42 proximate result of an accident, disease, or exposure
43 occurring or aggravated at some definite time and
44 place while the member was in the actual performance
45 of duty, the board of trustees shall decide that death
46 was so caused in the performance of duty there shall
47 be paid, in lieu of the ordinary death benefit
48 provided in subsection 8 of this section, to the
49 member's estate or to such person having an insurable
50 interest in the member's life as the member shall have

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1 nominated by written designation duly executed and
2 filed with the board of trustees:

3 Sec. 6. Section 97B.1, subsection 2, paragraph a,
4 Code 1991, is amended by striking the paragraph.

5 Sec. 7. Section 97B.4, unnumbered paragraph 1,
6 Code 1991, is amended to read as follows:

7 The department, through the administrator chief
8 investment officer and chief benefits officer, shall
9 administer this chapter. The department may adopt,
10 amend, or rescind rules, employ persons, execute
11 contracts with outside parties, make expenditures,
12 require reports, make investigations, and take other
13 action it deems necessary for the administration of
14 the system. The rules shall be effective upon
15 compliance with chapter 17A. Not later than the
16 fifteenth day of December of each year, the department
17 shall submit to the governor a report covering the
18 administration and operation of this chapter during
19 the preceding fiscal year and shall make
20 recommendations for amendments to this chapter. The

21 report shall include a balance sheet of the moneys in
22 the Iowa public employees' retirement fund.
23 Sec. 8. Section 97B.5, Code 1991, is amended to
24 read as follows:
25 97B.5 STAFF.
26 Subject to other provisions of this chapter, the
27 department may employ personnel as necessary for the
28 administration of the system, including but not
29 limited to a chief investment officer and a chief
30 benefits officer. The maximum number of full-time
31 equivalent employees specified by the general assembly
32 for the department for administration of the system
33 for a fiscal year shall not be reduced by any
34 authority other than the general assembly. The staff
35 shall be appointed pursuant to chapter 19A. The
36 department shall not appoint or employ a person who is
37 an officer or committee member of a political party
38 organization or who holds or is a candidate for an
39 elective public office. The department may employ
40 attorneys and contract with attorneys and legal firms
41 for the provision of legal counsel and advice in the
42 administration of this chapter, chapter 97C, and
43 chapter 12A. The department may execute contracts
44 with investment advisors, consultants, and managers
45 outside state government in the administration of this
46 chapter and chapter 12A. The department may delegate
47 to any person such authority as it deems reasonable
48 and proper for the effective administration of this
49 chapter, and may bond any person handling moneys or
50 signing checks under this chapter.

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1 Sec. 9. Section 97B.6, Code 1991, is amended to
2 read as follows:
3 97B.6 OLD RECORDS.
4 The department may destroy or dispose of such
5 original reports or records as have been properly
6 recorded or summarized in the permanent records of the
7 department and are deemed by the director ~~and state~~
8 ~~records commission~~ to be no longer necessary to the
9 proper administration of this chapter. ~~Such~~ The
10 destruction or disposition shall be made only by order
11 of the director. Records of deceased members of the
12 system may be destroyed ten years after the later of
13 the final payment made to a third party on behalf of
14 the member or the death of the member. Any moneys
15 received from the disposition of such ~~these~~ records
16 shall be deposited to the credit of the public
17 employees' retirement fund subject to rules

18 ~~promulgated adopted~~ by the department.

19 Sec. 10. Section 97B.7, subsection 3, Code 1991,
20 is amended to read as follows:

21 3. All moneys which are paid or deposited into
22 this fund are hereby appropriated and made available
23 to the department to be used only for the purposes
24 herein for the exclusive benefit of the members and
25 their beneficiaries or contingent annuitants as
26 provided in this chapter:

27 a. To be used by the department for the payment of
28 retirement claims for benefits under this chapter; or
29 such other purposes as may be authorized by the
30 general assembly.

31 b. To be used by the department to pay refunds
32 provided for in this chapter.

33 c. To be used for the costs of administering the
34 retirement system. If as a result of action under
35 section 8.31, the governor has reduced the moneys
36 appropriated from the Iowa public employees'
37 retirement system fund to the department of personnel
38 for salaries, support, maintenance, and other
39 operational purposes to pay the costs of the Iowa
40 public employees' retirement system for a fiscal year,
41 it is the intent of the general assembly that the
42 amount by which the appropriation has been reduced
43 should be transferred from that fund to the department
44 of personnel for salaries, support, maintenance, and
45 other operational purposes to pay the costs of the
46 Iowa public employees' retirement system for that
47 fiscal year.

48 Sec. 11. Section 97B.8, unnumbered paragraph 1,
49 Code Supplement 1991, is amended to read as follows:

50 A board is established to be known as the

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1 "Investment Board of the Iowa Public Employees'
2 Retirement System", referred to in this chapter as the
3 "board", whose duties are to establish policy for the
4 department in matters relating to the investment of
5 the trust funds of the Iowa public employees'
6 retirement system. At least annually the board shall
7 review the investment policies and procedures used by
8 the department under section 97B.7, subsection 2,
9 paragraph "b", and shall hold a public meeting on the
10 investment policies and investment performance of the
11 fund. Following its review and the public meeting,
12 the board shall establish an investment policy and
13 goal statement which shall direct the investment
14 activities of the department. The development of the

15 investment policy and goal statement and its
 16 subsequent execution shall be performed cooperatively
 17 between the board and the department. In accordance
 18 with section 97B.3, the board shall recommend to the
 19 director a set of candidates for selection as the
 20 administrator.

21 Sec. 12. Section 97B.8, unnumbered paragraph 2,
 22 Code Supplement 1991, is amended to read as follows:

23 The board consists of nine members. Six of the
 24 members shall be appointed by the governor. One
 25 member shall be an executive of a domestic life
 26 insurance company, one an executive of a state or
 27 national bank operating within the state of Iowa, one
 28 an executive of a major an industrial corporation
 29 located within the state of Iowa, and three shall be
 30 members of the system, one of whom ~~shall be~~ is an
 31 active member who is an employee of a school district,
 32 area education agency, or merged area, one of whom
 33 ~~shall be~~ is an active member who is not an employee of
 34 a school district, area education agency, or merged
 35 area, and one of whom is a retired member of the
 36 system. The president of the senate, after
 37 consultation with the majority leader and the minority
 38 leader of the senate, shall appoint one member from
 39 the membership of the senate and the speaker of the
 40 house of representatives shall appoint one member from
 41 the membership of the house. The two members
 42 appointed by the president of the senate, after
 43 consultation with the majority leader and the minority
 44 leader of the senate, and the speaker of the house of
 45 representatives and the two active members of the
 46 system appointed by the governor are ex officio
 47 members of the board. The director of the department
 48 of personnel is an ex officio, nonvoting member of the
 49 board.

50 Sec. 13. Section 97B.10, Code 1991, is amended to

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1 read as follows:
 2 97B.10 REFUNDS.
 3 In any case in which If the department finds the
 4 employee or employer has, or both, have erroneously
 5 paid contributions thereon which have been erroneously
 6 paid, and has filed application for an adjustment
 7 thereof, the department shall make such an adjustment,
 8 compromise, or settlement and make such a refund of
 9 such payments to the employee or employer, or both, as
 10 it finds just and equitable in the premises. Refunds
 11 so made shall be charged to the fund to which the

12 erroneous collections have been credited and shall be
13 paid to the claimant employee or employer, or both,
14 without interest. Any A claim of an employee or
15 employer for such a refund shall be made within three
16 years of date of payment and not thereafter. However,
17 the department may make refund payments to employees
18 or employers after the expiration of the three-year
19 deadline if the department finds that the payment of
20 the refund is just and equitable.

21 Sec. 14. Section 97B.11, Code 1991, is amended to
22 read as follows:

23 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

24 Each employer shall deduct from the wages of each
25 member of the system a contribution in the amount of
26 three and six-tenths percent of the covered wages paid
27 by the employer through June 30, 1979, and commencing
28 July 1, 1979 in the amount of three and seven-tenths
29 percent of the covered wages paid by the employer,
30 until the member's termination or retirement from
31 employment, whichever is earlier. The contributions
32 of the employer shall be in the amount of three and
33 one-half percent of the covered wages of the member
34 for service through December 31, 1975, and in the
35 amount of five and twenty-five hundredths percent of
36 the covered wages of the member for service commencing
37 July 1, 1977, through June 30, 1979, and in the amount
38 of five and seventy-five hundredths percent of the
39 covered wages of the member for service commencing
40 July 1, 1979.

41 Sec. 15. Section 97B.17, unnumbered paragraph 1,
42 Code 1991, is amended to read as follows:

43 The department shall establish and maintain records
44 of each member, including but not limited to, the
45 amount of wages of each member, the contribution of
46 each member with interest, and interest dividends
47 credited; and these. These records are the basis for
48 the compilation of the retirement benefits provided
49 under this chapter. The following records maintained
50 under this chapter containing personal identifiable

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1 information are not public records for the purposes of
2 chapter 22:

3 Sec. 16. Section 97B.18, Code 1991, is amended to
4 read as follows:

5 97B.18 STATEMENT OF ACCUMULATED CREDIT.

6 After the expiration of each calendar year and
7 prior to July 1 of the succeeding year, the department
8 shall furnish each member with a statement of the

9 member's accumulated contributions and benefit credits
 10 accrued under this chapter up to the end of such that
 11 calendar year and additional information the
 12 department deems useful to a member. The department
 13 may furnish an estimate of such the credits as of the
 14 projected normal retirement date of the member under
 15 section 97B.45. The department shall mail such the
 16 statement to each employer not later than June 30 of
 17 the succeeding calendar year. The employer shall
 18 distribute such the statements to its employees, and
 19 the records of the department as shown by said the
 20 statement as to the wages of such each individual
 21 member for such a year and the periods of payment
 22 shall be conclusive for the purpose of this chapter,
 23 except as hereinafter otherwise provided in this
 24 chapter.

25 Effective for the calendar year beginning January
 26 1, 1994, the department may transmit the statements
 27 directly to the members in lieu of mailing them to the
 28 employers.

29 **Sec. 17. NEW SECTION. 97B.20A APPEAL PROCEDURE.**

30 Members and third-party payees may appeal any
 31 decision made by the department that affects their
 32 rights under this chapter. The appeal shall be filed
 33 with the department within thirty days after the
 34 notification of the decision was mailed to the party's
 35 last known mailing address, or the decision of the
 36 department is final. If the party appeals the
 37 decision of the department, the department shall
 38 conduct an internal review of the decision and the
 39 chief benefits officer shall notify the individual who
 40 has filed the appeal in writing of the department's
 41 decision. The individual who has filed the appeal may
 42 file an appeal of the department's final decision with
 43 the department under chapter 17A by notifying the
 44 department of the appeal in writing within thirty days
 45 after the notification of its final decision was
 46 mailed to the party's last known mailing address.
 47 Once notified, the department shall forward the appeal
 48 to the department of inspections and appeals.

49 **Sec. 18. NEW SECTION. 97B.20B HEARING BY**
 50 **ADMINISTRATIVE LAW JUDGE.**

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1 If an appeal is filed and is not withdrawn, an
 2 administrative law judge in the department of
 3 inspections and appeals, after affording the parties
 4 reasonable opportunity for fair hearing, shall affirm,
 5 modify, or reverse the decision of the department.

6 The hearing shall be recorded by mechanical means and
7 a transcript of the hearing shall be made. The
8 transcript shall then be made available for use by the
9 employment appeal board and by the courts at
10 subsequent judicial review proceedings under the Iowa
11 administrative procedure Act, if any. The parties
12 shall be duly notified of the administrative law
13 judge's decision, together with the administrative law
14 judge's reasons. The decision is final unless, within
15 thirty days after the date of notification or mailing
16 of the decision, review by the employment appeal board
17 is initiated pursuant to section 97B.27.

18 Sec. 19. Section 97B.22, Code 1991, is amended to
19 read as follows:

20 97B.22 WITNESSES AND EVIDENCE.

21 For the purpose of any hearing, investigation, or
22 other proceeding authorized or directed under this
23 chapter, or relative to any other matter within its
24 jurisdiction ~~hereunder~~ under this chapter, the
25 department or ~~appeal referee~~ shall have the power to
26 administrative law judge may issue subpoenas requiring
27 the attendance and testimony of witnesses and the
28 production of any evidence that relates to any matter
29 under investigation or in question before the
30 ~~commission department~~. Such attendance Attendance of
31 witnesses and production of evidence at the designated
32 place of ~~such the~~ hearing, investigation, or other
33 proceedings may be required from any political
34 subdivision in the state. Subpoenas of the department
35 shall be served by anyone authorized by it ~~(1)~~ by
36 delivering a copy ~~thereof of the subpoena~~ to the
37 individual named ~~therein in it~~, or ~~(2)~~ by certified
38 mail addressed to ~~such the~~ individual at the
39 individual's last known dwelling place or principal
40 place of business. A verified return by the
41 individual ~~so~~ serving the subpoena setting forth the
42 manner of service, or, in the case of service by
43 certified mail, the return post-office receipt
44 ~~therefor~~ signed by the individual ~~so~~ served, shall be
45 proof of service. Witnesses ~~so~~ subpoenaed shall be
46 paid the same fees and mileage as are paid witnesses
47 in the district courts of the state of Iowa. In the
48 discharge of the duties imposed by this chapter, the
49 ~~chairperson or an appeal referee~~ department or an
50 administrative law judge and any duly authorized

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1 representative or member of the department ~~shall have~~
2 power to may administer oaths and affirmations, take

3 depositions, certify to official acts, and issue
4 subpoenas to compel the attendance of witnesses and
5 the production of books, papers, correspondence,
6 memoranda, and other records deemed necessary as
7 evidence in connection with the administration of this
8 chapter.

9 Sec. 20. Section 97B.23, Code 1991, is amended to
10 read as follows:

11 97B.23 PENALTY FOR CONTUMACY NONCOMPLIANCE.

12 In case of ~~contumacy by, or~~ refusal to obey a
13 subpoena duly served upon any person, any district
14 court of the state of Iowa for the district in which
15 ~~said~~ the person charged with ~~contumacy or~~ refusal to
16 obey is found or resides or transacts business, upon
17 application by the department, ~~shall have jurisdiction~~
18 ~~to~~ may issue an order requiring ~~such~~ that person to
19 appear and give testimony, or to appear and produce
20 evidence, or both. Any failure to obey ~~such~~ the order
21 of the court may be punished by ~~said~~ the court as
22 contempt thereof.

23 Sec. 21. Section 97B.25, Code 1991, is amended to
24 read as follows:

25 97B.25 APPLICATIONS FOR BENEFITS.

26 A representative designated by the administrator
27 and referred to in this chapter as a retirement
28 ~~benefits deputy specialist~~, shall promptly examine
29 applications for retirement benefits and on the basis
30 of facts found shall determine whether or not the
31 claim is valid and if valid, the month with respect to
32 which benefits shall commence, the monthly benefit
33 amount payable, and the maximum duration. ~~The deputy~~
34 retirement benefits specialist shall promptly notify
35 the applicant and any other interested party of the
36 decision and the reasons. Unless the applicant or
37 other interested party, within thirty calendar days
38 after the notification was mailed to the applicant's
39 or party's last known address, files an appeal ~~to an~~
40 administrative law judge in the department of
41 inspections and appeals as provided in section
42 97B.20A, the decision is final and benefits shall be
43 paid or denied in accord with the decision.

44 Sec. 22. Section 97B.34, Code 1991, is amended to
45 read as follows:

46 97B.34 PAYMENT TO INCOMPETENTS REPRESENTATIVES.

47 When it appears to the department that the interest
48 of an applicant entitled to a payment would be served
49 ~~thereby~~, certification of payment may be made,
50 regardless of the legal competency or incompetency of

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1 the individual entitled thereto to the payment, either
2 for direct payment to such the applicant, or for the
3 applicant's use and benefit to a relative or some
4 other person representative of an applicant. The
5 department may adopt rules under chapter 17A for
6 making payments to a representative of an applicant if
7 the department determines that it can sufficiently
8 safeguard the member's rights under this chapter.

9 Sec. 23. NEW SECTION. 97B.34A PAYMENT TO MINORS.

10 The department may make payments to a minor, as
11 defined in section 599.1, as follows:

12 1. If the total sum to be paid to the minor is
13 less than ten thousand dollars, the funds may be paid
14 to an adult as custodian for the minor. The custodian
15 must complete the proper forms as determined by the
16 department.

17 2. If the total sum to be paid to the minor is
18 equal to or more than ten thousand dollars, the funds
19 must be paid to a court-established conservator. The
20 department shall not make payment until the
21 conservatorship has been established and the
22 department has received the appropriate documentation.

23 3. Interest shall be paid on the funds, at a rate
24 determined by the department, until disbursement of
25 the funds.

26 If the department makes payments to a minor
27 pursuant to this section, the department may make
28 payments directly to the person when the person
29 attains the age of eighteen or is declared to be
30 emancipated by a court of competent jurisdiction.

31 Sec. 24. Section 97B.41, subsection 1, paragraph
32 a, unnumbered paragraph 1, Code 1991, is amended to
33 read as follows:

34 "Wages" means all remuneration for employment,
35 including the cash value of remuneration paid in a
36 medium other than cash, but not including the cash
37 value of remuneration paid in a medium other than cash
38 as necessitated by the convenience of the employer.

39 The amount agreed upon by the employer and employee
40 for remuneration paid in a medium other than cash
41 shall be reported to the department by the employer
42 and is conclusive of the value of the remuneration.

43 ~~However, remuneration which does not equal or exceed~~
44 ~~the sum of three hundred dollars in a calendar quarter~~
45 ~~shall be excluded.~~ "Wages" does not include special
46 lump sum payments made as payment for accrued sick
47 leave or accrued vacation or payments made as an
48 incentive for early retirement or as payments made

49 upon dismissal, severance, or a special bonus payment.
50 Wages for an elected official means the salary

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1 received by an elected official, exclusive of expense
2 and travel allowances.

3 Sec. 25. Section 97B.41, subsection 1, paragraph
4 b, subparagraph (12), Code 1991, is amended to read as
5 follows:

6 (12) Effective July 1, ~~1988~~ 1992, covered wages
7 does not include wages to a member on or after the
8 effective date of the member's retirement unless the
9 member is reemployed, as provided under section
10 ~~97B.48, subsection 3~~ 97B.48A.

11 Sec. 26. Section 97B.41, subsection 2, Code 1991,
12 is amended to read as follows:

13 2. "Employment for any calendar quarter" means any
14 service performed under an employer-employee
15 relationship under the provisions of this chapter if
16 the remuneration equals or exceeds three hundred
17 dollars for which wages are reported in the calendar
18 quarter. For the purposes of this chapter, elected
19 officials are deemed to be in employment for all
20 quarters of the elected officials' respective terms of
21 office, even if the elected officials have selected a
22 method of payment of wages which results in the
23 elected officials not being credited with wages every
24 quarter of a year.

25 Sec. 27. Section 97B.41, subsection 3, paragraph
26 a, unnumbered paragraph 1, Code 1991, is amended to
27 read as follows:

28 "Employer" means the state of Iowa, the counties,
29 municipalities, ~~and agencies~~, public school districts,
30 ~~and all of the political subdivisions, and all of~~
31 their departments and instrumentalities, including
32 joint planning commissions created under the
33 provisions of chapter 281.

34 Sec. 28. Section 97B.41, subsection 3, paragraph
35 b, unnumbered paragraph 1, and subparagraphs (1), (2),
36 (3), (4), (5); and (7), Code 1991, are amended to read
37 as follows:

38 "Employee" means ~~any an~~ individual who is in
39 employment employed as defined in this chapter,
40 except:

41 (1) Elective officials in positions for which the
42 compensation is on a fee basis, elective officials of
43 school districts, elective officials of townships, and
44 elective officials of other political subdivisions who
45 are in part-time positions, unless the elective

46 official makes an application to the department to be
47 covered under this chapter. An elective official who
48 made an application to the department to be covered
49 under this chapter may terminate membership under this
50 chapter by informing the department in writing of the

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1 expiration of the member's termination term of office.

2 A county attorney is an employee for purposes of this
3 chapter whether that county attorney is employed on a
4 full-time or part-time basis.

5 (1A) Individuals who are enrolled as students and
6 whose primary occupations are as students who are
7 incidentally employed by employers.

8 (1B) Graduate medical students while serving as
9 interns or resident doctors in training at any
10 hospital, or county medical examiners and deputy
11 county medical examiners under chapter 331, division
12 V, part 8.

13 (2) Members of the general assembly of Iowa and
14 temporary employees of the general assembly of Iowa,
15 unless such members or employees shall make an
16 application to the department to be covered under the
17 provisions of this chapter. A member of the general
18 assembly or temporary employee of the general assembly
19 who made an application to the department to be
20 covered under this chapter may terminate membership
21 under this chapter by informing the department in
22 writing of the member's or temporary employee's
23 termination intent to terminate.

24 Temporary employees of the general assembly who
25 have elected coverage under this chapter may terminate
26 membership by sending written notification to the
27 department of their separation from service.

28 (3) Employees Nonvested employees of drainage and
29 levee districts not vested, unless such drainage and
30 levee districts shall those employees make an
31 application to the department to be covered under the
32 provisions of this chapter. However, any drainage or
33 levee district which has made contributions against
34 which no application for benefits has been made shall
35 be entitled to withdraw all such contributions by
36 making application to the department prior to December
37 31, 1969. Each drainage or levee district which
38 withdraws its contributions shall refund to its
39 employees contributions deducted from their wages.

40 (4) Employees hired for temporary employment of
41 six months months' or less duration. An employee who
42 works for an employer for six or more months in a

43 calendar year or who works for an employer for more
 44 than one thousand forty hours in a calendar year is
 45 not a temporary employee under this subparagraph.
 46 (5) Employees of a community action programs
 47 program, determined to be an instrumentality of the
 48 state or a political subdivision, unless such the
 49 employees elect by filing an application with the
 50 department to be covered under the provisions of this

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1 chapter and the department has approved the election.
 2 Coverage will begin when the election has been
 3 approved by the department.

4 (7) Persons employed under the federal Job
 5 Training Partnership Act of 1982, Pub. L. No. 97-300,
 6 unless these employees make an application to the
 7 department to be covered under this chapter and the
 8 department has approved the election. Coverage will
 9 begin when the election has been approved by the
 10 department.

11 Sec. 29. Section 97B.41, subsection 3, paragraph
 12 b, Code 1991, is amended by adding the following new
 13 subparagraph:

14 **NEW SUBPARAGRAPH.** (16) Persons employed by the
 15 board of trustees for the statewide fire and police
 16 retirement system established in section 411.36,
 17 unless these employees make an application to the
 18 department to be covered under this chapter and the
 19 department has approved the election. Coverage will
 20 begin when the election has been approved by the
 21 department.

22 Sec. 30. Section 97B.41, subsection 7, Code 1991,
 23 is amended to read as follows:

24 7. "Member" means an employee or a former employee
 25 required to become a member of the system by sections
 26 97B.42 and 97B.43 who maintains the employee's or
 27 former employee's accumulated contributions in the
 28 system. The former employee is not a member if the
 29 former employee has received a refund of the former
 30 employee's accumulated contributions.

31 Sec. 31. Section 97B.41, subsection 10, paragraph
 32 a, unnumbered paragraph 1, Code 1991, is amended to
 33 read as follows:

34 "Vested member" means a member who meets who has
 35 attained through age or sufficient years of service
 36 eligibility to receive monthly retirement benefits
 37 upon the member's retirement. A vested member must
 38 meet one of the following requirements:

39 Sec. 32. Section 97B.41, subsection 11, Code 1991,

40 is amended to read as follows:

41 11. "Retired member" means a member who has
42 applied for and commenced receiving the member's
43 retirement allowance. A member has not established a
44 bona fide retirement if the member accepts other
45 employment as defined in this section before
46 qualifying for at least one calendar month's
47 retirement benefits under this chapter.

48 Sec. 33. Section 97B.41, Code 1991, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 11A. "Bona fide retirement" means

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1 a retirement by a vested member which meets the
2 requirements of section 97B.52A, subsection 1, and in
3 which the member is eligible to receive benefits under
4 this chapter.

5 Sec. 34. Section 97B.41, subsections 16 and 17,
6 Code 1991, are amended to read as follows:

7 16. "Beneficiary" means the person or persons who
8 are entitled to receive any benefits payable under
9 this chapter at the death of a member payable under
10 this chapter who has or, if the person or persons have
11 been designated in writing by the member on a form
12 provided by the department and filed with the
13 department, or if, if no such designation is in
14 effect at the time of death of the member or if no
15 person so designated is living at that time, then the
16 beneficiary shall be is the estate of the member.

17 17. "Membership service" means service rendered by
18 a member after July 4, 1953. Years of membership
19 service shall be counted to the complete quarter
20 calendar year. However, membership service for a
21 calendar year shall not include more than four
22 quarters.

23 Sec. 35. Section 97B.41, subsection 19, Code 1991,
24 is amended to read as follows:

25 19. "Three-year average covered wage" means a
26 member's covered wages averaged for the highest three
27 years of the member's service, except as otherwise
28 provided in this subsection. The highest three years
29 of a member's covered wages shall be determined using
30 calendar years. However, if a member's final quarter
31 of a year of employment does not occur at the end of a
32 calendar year, the department may determine the wages
33 for the third year by combining the wages from the
34 highest quarter or quarters not being used in the
35 selection of the two highest years with the final
36 quarter or quarters of the member's service to create

37 a full year. However, the department shall not use
38 the member's final quarter of wages if using that
39 quarter would reduce the member's three-year average
40 covered wage. If the three-year average covered wage
41 of a member exceeds the highest maximum covered wages
42 in effect for a calendar year during the member's
43 period of service, the three-year average covered wage
44 of the member shall be reduced to the highest maximum
45 covered wages in effect during the member's period of
46 service.

47 Sec. 36. Section 97B.42, unnumbered paragraph 1,
48 Code 1991, is amended to read as follows:

49 Each employee whose employment commences after July
50 4, 1953, or who has not qualified for credit for prior

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1 service rendered prior to July 4, 1953, or any
2 publicly elected official of the state or any of its
3 political subdivisions; ~~other than individuals who are~~
4 ~~students and who devote their time and efforts chiefly~~
5 ~~to their studies; rather than to incidental~~
6 employment; shall become a member upon the first day
7 in which such employee is employed. The employee
8 shall continue to be a member so long as the employee
9 continues in public employment ~~except that the.~~ The
10 employee shall cease to be a member if ~~after making~~
11 ~~said election~~ the employee joins another retirement
12 system in the state which is maintained in whole or in
13 part by public contributions or payments ~~which has~~
14 ~~been in operation prior to July 4, 1953; and was~~
15 ~~subsequently liquidated and may have thereafter been~~
16 ~~re-established. However, the participation in such~~
17 ~~other retirement system shall be voluntary and shall~~
18 ~~not be a condition for continuance of employment.~~

19 Sec. 37. Section 97B.42, unnumbered paragraph 5,
20 Code 1991, is amended to read as follows:

21 Notwithstanding any other provision of this
22 section, commencing July 1, 1994, a member who is
23 employed by a community college may elect coverage
24 under an alternative retirement benefits system, which
25 is issued by or through a nonprofit corporation
26 issuing retirement annuities exclusively to
27 educational institutions and their employees, in lieu
28 of continuing or commencing contributions to the Iowa
29 public employees' retirement system, if the board of
30 directors of the community college has approved the
31 alternative system pursuant to section 280A.23.
32 ~~However, a vested member who elects to participate in~~
33 ~~the alternative benefits system does not have a right~~

34 to withdraw funds from the member's Iowa public
35 employees' retirement system account prior to
36 retirement or termination of covered employment A
37 member employed by a community college who elects
38 coverage under an alternative retirement benefits
39 system may withdraw the member's accumulated
40 contributions effective when coverage under the
41 alternative benefits system commences. The department
42 shall cooperate with the boards of directors of the
43 community colleges to facilitate the implementation of
44 this unnumbered paragraph provision.

45 Sec. 38. Section 97B.43, unnumbered paragraph 1,
46 Code 1991, is amended to read as follows:

47 Each member in service on July 4, 1953, who made
48 contributions under the abolished system, and who has
49 not applied for and qualified for benefit payments
50 under the abolished system, shall receive credit for

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1 years of prior service in the determination of
2 retirement allowance payments under any of the
3 provisions of this chapter, provided (1) such if the
4 member elects to become a member on or before October
5 1, 1953, (2) such the member has not made application
6 for a refund of such the part of the member's
7 contributions under the abolished system as is which
8 are payable under the provisions of sections 97.50 to
9 97.53, and (3) such the member gives written
10 authorization prior to October 1, 1953, to the
11 commission to credit to the retirement fund the amount
12 of the member's contribution which would be subject to
13 a claim for refund. The amount so credited shall,
14 after such transfer, be considered as a contribution
15 to the system made as of July 4, 1953, by the member
16 and shall be included as such in the determination of
17 the amount of any accumulated contributions payable
18 under this chapter in the event of the death prior to
19 retirement or termination of employment of the member,
20 but shall not be included in the accumulated
21 contributions of the member in the determination of
22 the amount of any retirement allowance payable under
23 this chapter moneys payable under this chapter.
24 Provided, however However, an employee who was under a
25 contract of employment as a teacher in the public
26 schools of the state of Iowa at the end of the school
27 year 1952-1953, or any person covered by the
28 provisions of paragraph "c" or "d", of subsection 13,
29 of section 97B.41, shall be considered as in service
30 as of July 4, 1953, if they were members of the

31 abolished system.

32 Sec. 39. Section 97B.44, Code 1991, is amended to
33 read as follows:

34 97B.44 BENEFICIARY.

35 Each member shall designate on a form to be
36 furnished by the department a beneficiary for any
37 death benefits payable ~~hereunder~~ under this chapter on
38 the death of such ~~the~~ member. ~~Such~~ The designation
39 may be changed from time to time by the member by
40 filing a new designation with the department. The
41 designation of a beneficiary is not applicable if the
42 member receives a refund of all contributions of the
43 member. If a member who has received a refund of
44 contributions returns to employment, the member shall
45 file a new designation with the department.

46 If a member has not designated a beneficiary on a
47 form furnished by the department, or if there are no
48 surviving designated beneficiaries of a member, death
49 benefits payable under this chapter shall be paid to
50 the member's estate.

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1 Sec. 40. Section 97B.48, subsection 2, Code 1991,
2 is amended to read as follows:

3 2. The first monthly payment of a normal
4 retirement allowance shall be paid as of the normal
5 retirement effective date, which date shall be the
6 later of the normal retirement date or the first day
7 of the sixth calendar month preceding the month in
8 which written notice of normal retirement is submitted
9 to the department. Written notice under this section
10 may consist of submission of a completed estimate
11 request form, a completed application for retirement
12 form, or a letter from the member requesting
13 information on retirement benefits, whichever is
14 received first by the department. However, a letter
15 requesting information on benefits or submission of a
16 completed estimate request form is only valid for six
17 months following the date of its receipt by the
18 department, unless during that six-month period the
19 department receives a completed application for
20 retirement form from the member. A retirement
21 allowance may only be provided retroactively for a
22 single six-month period. Payment of an early
23 retirement allowance or an allowance for retirement
24 after the normal retirement date shall be paid as of
25 the effective date of retirement subject to the
26 provisions of section 97B.45, 97B.46, or 97B.47. The
27 payments shall be continued thereafter for the

28 lifetime of the retired member except as provided in
29 ~~subsection 3~~ section 97B.48A.

30 Sec. 41. Section 97B.48, subsection 3, Code 1991,
31 is amended by striking the subsection and inserting in
32 lieu thereof the following:

33 3. As of the first of the month in which a member
34 attains the age of seventy years, the member may
35 commence receiving a retirement allowance regardless
36 of the member's employment status.

37 Sec. 42. NEW SECTION. 97B.48A REEMPLOYMENT.

38 1. If, after the first day of the month in which
39 the member attains the age of fifty-five years and
40 until the member's sixty-fifth birthday, a member who
41 has a bona fide retirement under this chapter is in
42 regular full-time employment during a calendar year,
43 the member's retirement allowance shall be suspended
44 for as long as the member remains in employment for
45 the remainder of that calendar year. However,
46 effective January 1, 1992, employment is not full-time
47 employment until the member receives remuneration in
48 an amount in excess of seven thousand four hundred
49 forty dollars for a calendar year. Effective the
50 first of the month in which a member attains the age

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1 of sixty-five years, a retired member may receive a
2 retirement allowance after return to covered
3 employment regardless of the amount of remuneration
4 received.

5 2. Effective January 1, 1991, a retired member of
6 any age may receive a retirement allowance after
7 return to covered employment, regardless of the amount
8 of remuneration received, if the covered employment
9 consists of holding an elective office.

10 3. Upon a retirement after reemployment, a retired
11 member may have the retired member's retirement
12 allowance redetermined under this section or section
13 97B.49 or 97B.50, whichever is applicable, based upon
14 the addition of credit for the years of membership
15 service of the employee after reemployment, the
16 covered wage during reemployment, and the age of the
17 employee after reemployment. The member shall receive
18 a single retirement allowance calculated from both
19 periods of membership service, one based on the
20 initial retirement and one based on the second
21 retirement following reemployment. If the total years
22 of membership service and prior service of a member
23 who has been reemployed equals or exceeds thirty, the
24 years of membership service on which the original

25 retirement allowance was based may be reduced by a
 26 fraction of the years of service equal to the number
 27 of years by which the total years of membership
 28 service and prior service exceeds thirty divided by
 29 thirty, if this reduction in years of service will
 30 increase the total retirement allowance of the member.
 31 The additional retirement allowance calculated for the
 32 period of reemployment shall be added to the
 33 retirement allowance calculated for the initial period
 34 of membership service and prior service, adjusted as
 35 provided in this subsection. The retirement allowance
 36 calculated for the initial period of membership
 37 service and prior service shall not be adjusted for
 38 any other factor than years of service. The retired
 39 member shall not receive a retirement allowance based
 40 upon more than a total of thirty years of service.
 41 4. The department shall pay to the member the
 42 accumulated contributions of the member and to the
 43 employer the employer contributions, plus two percent
 44 interest plus interest dividends for all completed
 45 calendar years, compounded annually, on the covered
 46 wages earned by a retired member that are not used in
 47 the recalculation of the retirement allowance of a
 48 member.
 49 Sec. 43. Section 97B.49, subsection 5, unnumbered
 50 paragraph 1, Code 1991, is amended to read as follows:

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1 Commencing July 1, 1991, the department shall
 2 increase the percentage multiplier of the three-year
 3 average covered wage by an additional two percent each
 4 July 1 until reaching sixty percent of the three-year
 5 average covered wage if the annual actuarial valuation
 6 of the retirement system indicates for that year that
 7 the cost of this increase in the percentage of the
 8 three-year average covered wage used in computing
 9 retirement benefits can be absorbed within the
 10 employer and employee contribution rates in effect
 11 under section 97B.11. The two percent increase in the
 12 percentage multiplier for a year applies only to the
 13 members retiring on or after July 1 of the respective
 14 year.
 15 Sec. 44. Section 97B.49, subsection 5, Code 1991,
 16 is amended by adding the following new unnumbered
 17 paragraph after unnumbered paragraph 2:
 18 NEW UNNUMBERED PARAGRAPH. In accordance with
 19 sections 97D.1 and 97D.4, it is the intent of the
 20 general assembly that once the goal of sixty percent
 21 of the three-year average covered wage is attained for

22 a percentage multiplier, the department shall submit
23 to the public retirement systems committee a plan for
24 future benefit enhancements. This plan shall include,
25 but is not limited to, continuation in the increase in
26 the covered wage ceiling until reaching fifty-five
27 thousand dollars for a calendar year, providing for
28 annual adjustments in the annual dividends paid to
29 retired members as provided in section 97B.49,
30 subsection 13, and providing for the indexing of
31 terminated vested members' earned benefits at a rate
32 of three percent per year calculated from the date of
33 termination from covered employment until the date of
34 retirement.

35 Sec. 45. Section 97B.49, subsection 13, Code 1991,
36 is amended to read as follows:

37 13. a. A member who retired from the system
38 between January 1, 1976, and June 30, 1982, or a
39 contingent annuitant or beneficiary of such a member,
40 shall receive with the November ~~1990~~ 1992 and the
41 November ~~1991~~ 1993 monthly benefit payments a
42 retirement dividend equal to one hundred forty percent
43 of the monthly benefit payment the member received for
44 the preceding June, or the most recently received
45 benefit payment, whichever is greater. The retirement
46 dividend does not affect the amount of a monthly
47 benefit payment.

48 b. Each member who retired from the system between
49 July 4, 1953, and December 31, 1975, or a contingent
50 annuitant or beneficiary of such a member, shall

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1 receive with the November ~~1990~~ 1992 and the November
2 ~~1991~~ 1993 monthly benefit payments a retirement
3 dividend equal to one hundred eighty percent of the
4 monthly benefit payment the member received for the
5 preceding June, or the most recently received benefit
6 payment, whichever is greater. The retirement
7 dividend does not affect the amount of a monthly
8 benefit payment.

9 c. Notwithstanding the determination of the amount
10 of a retirement dividend under paragraph "a", "b", or
11 "d", a retirement dividend shall not be less than
12 twenty-five dollars.

13 d. A member who retired from the system between
14 July 1, 1982, and June 30, 1986, or a contingent
15 annuitant or beneficiary of such a member, shall
16 receive with the November ~~1990~~ 1992 and the November
17 ~~1991~~ 1993 monthly benefit payments a retirement
18 dividend equal to twenty-four percent of the monthly

19 benefit payment the member received for the preceding
20 June, or the most recently received benefit payment,
21 whichever is greater. The retirement dividend does
22 not affect the amount of a monthly benefit payment.

23 e. If the member dies on or after July 1 of the
24 dividend year but before the payment date, the full
25 amount of the retirement dividend for that year shall
26 be paid to the designated beneficiary. If there is no
27 beneficiary designated by the member, the department
28 shall pay the dividend to the member's estate. The
29 beneficiary, or the representative of the member's
30 estate, must apply for the dividend within two years
31 after the dividend is payable or the dividend is
32 forfeited.

33 Sec. 46. Section 97B.49, subsection 16, paragraph
34 a, Code 1991, is amended by adding the following new
35 subparagraph:

36 **NEW SUBPARAGRAPH.** (4) The years of membership
37 service required under this paragraph include
38 membership service as a sheriff or deputy sheriff and
39 membership service as an employee in a protection
40 occupation under paragraph "d", subparagraph (2).

41 Sec. 47. Section 97B.50, subsection 1, unnumbered
42 paragraph 1, Code Supplement 1991, is amended to read
43 as follows:

44 Except as otherwise provided in this section, a
45 vested member, upon retirement prior to the normal
46 retirement date, is entitled to receive a monthly
47 retirement allowance determined in the same manner as
48 provided for normal retirement in subsections 1, 4,
49 and 5 of section 97B.49 reduced as follows:

50 Sec. 48. Section 97B.50, subsections 2 and 4, Code

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1 Supplement 1991, are amended to read as follows:
2 2. a. A vested member who retires from the system
3 due to disability and commences receiving disability
4 benefits pursuant to the United States Social Security
5 Act (42 U.S.C.), as amended to July 1, 1978, and who
6 has not reached the normal retirement date, shall
7 receive ~~full~~ benefits under section 97B.49 and shall
8 not have benefits reduced upon retirement as required
9 under subsection 1 regardless of whether the member
10 has completed thirty or more years of membership
11 service. However, the benefits shall be suspended
12 during any period in which the member returns to
13 covered employment. This section takes effect July 1,
14 1990, for a member meeting the requirements of this
15 paragraph who retired from the system at any time

16 after July 4, 1953. Eligible members are entitled to
17 the receipt of retroactive adjustment payments back to
18 July 1, 1990.

19 b. A vested member who retires from the system due
20 to disability and commences receiving disability
21 benefits pursuant to the United States Railroad
22 Retirement Act (45 U.S.C. § 231 et seq.), and who is
23 eligible for early retirement but has not reached the
24 normal retirement date, shall receive full benefits
25 under section 97B.49 and shall not have benefits
26 reduced upon retirement as required under subsection 1
27 regardless of whether the member has completed thirty
28 or more years of membership service. However, the
29 benefits shall be suspended during any period in which
30 the member returns to covered employment. This
31 section takes effect July 1, 1990, for a member
32 meeting the requirements of this paragraph who retired
33 from the system at any time since July 4, 1953.

34 However, eligible Eligible members are entitled to the
35 receipt of retroactive adjustment payments for no more
36 than six months immediately preceding the month after
37 back to July 1, 1990; in which written notice was
38 submitted to the department.

39 Effective July 1, 1990; for members terminating on
40 or after July 4, 1953; a member who terminates covered
41 employment due to disability and commences receiving
42 disability benefits pursuant to the United States
43 Railroad Retirement Act (45 U.S.C. § 231 et seq.); who
44 has not attained the age of fifty-five years; is
45 eligible to receive benefits under section 97B.49;
46 reduced by twenty-five hundredths of one percent for
47 each month that the retirement date precedes the first
48 day of the month in which the member attains the age
49 of fifty-five. However, the benefits shall be
50 suspended during any period in which the member

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1 returns to covered employment. Eligible members are
2 entitled to receipt of retroactive adjustment payments
3 for no more than six months immediately preceding the
4 month after July 1, 1990; in which written notice was
5 submitted to the department.

6 4. A vested member eligible for a retirement
7 allowance adjusted under this section is entitled to
8 receipt of retroactive adjustment payments for no more
9 than six months immediately preceding the month in
10 which written notice of retirement was submitted to
11 the department.

12 Sec. 49. Section 97B.51, subsections 2, 5, and 6,

13 Code 1991, are amended to read as follows:

14 2. The election by a member or the contingent
15 annuitant of the option stated under subsection 1 of
16 this section shall be null and void if the member dies
17 prior to retirement the department issuing payment of
18 the member's first retirement allowance.

19 5. At retirement, a member may designate that upon
20 the member's death, a specified amount of money shall
21 be paid to a named beneficiary, and the member's
22 monthly retirement allowance will shall be reduced by
23 an actuarially determined amount to provide for the
24 lump sum payment. The amount designated by the member
25 must be in thousand dollar increments, and the amount
26 designated shall not lower the monthly retirement
27 allowance of the member by more than one-half the
28 amount payable under section 97B.49, subsection 1 or
29 5. A member may designate a different beneficiary if
30 the original named beneficiary predeceases the member.

31 6. A member may elect to receive a decreased
32 retirement allowance during the member's lifetime with
33 provision that in event of the member's death during
34 the first one hundred twenty months of retirement,
35 monthly payments of the member's decreased retirement
36 allowance shall be made to the member's beneficiary
37 until a combined total of one hundred twenty monthly
38 payments have been made to the member and the member's
39 beneficiary. A member may designate a different
40 beneficiary if the original named beneficiary
41 predeceases the member.

42 Sec. 50. Section 97B.52, subsections 1 and 2, Code
43 1991, are amended to read as follows:

44 1. If a member dies prior to the date the member's
45 first retirement allowance is payable under issued by
46 the system, the accumulated contributions of the
47 member at the date of death plus the product of an
48 amount equal to the highest year of covered wages of
49 the deceased member and the number of years of
50 membership service divided by thirty shall be paid to

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1 the member's beneficiary in a lump sum payment.
2 However, a lump sum payment made to a beneficiary
3 under this subsection due to the death of a member
4 shall not be less than the amount that would have been
5 payable on the death of the member on June 30, 1984,
6 under this subsection as it appeared in the 1983 Code.
7 Effective July 1, 1978, a method of payment under
8 this subsection filed with the department by a member
9 does not apply.

10 2. If a member dies after the date the member's
11 first retirement allowance is payable under issued by
12 the retirement system, the excess, if any, of the
13 accumulated contributions by the member as of said
14 date, over the total monthly retirement allowances
15 received by the member under the retirement system
16 will be paid to the member's beneficiary unless the
17 retirement allowance is then being paid in accordance
18 with subsection 1, 4, 5, or 6 of section 97B.51.

19 Sec. 51. Section 97B.52, subsection 3, paragraph
20 b, Code 1991, is amended to read as follows:

21 b. If a death benefit is due and payable, interest
22 shall continue to accumulate through the month
23 preceding the month in which payment is made to the
24 designated beneficiary, heirs at law, or to the estate
25 unless the payment of the death benefit is delayed
26 because of a dispute between alleged heirs, in which
27 case the benefit due and payable shall be placed in a
28 noninterest bearing escrow account until the
29 beneficiary is determined in accordance with this
30 section. In order to receive the death benefit, the
31 beneficiary, heirs at law, or the estate, or any other
32 third-party payee, must apply to the department within
33 two years of the member's death.

34 Sec. 52. Section 97B.52, subsection 4, Code 1991,
35 is amended to read as follows:

36 4. If the department cannot locate the beneficiary
37 within eighteen months following the member's death
38 and receipt of verification that a certified letter
39 with return receipt requested, addressee only, has
40 been delivered mailed to the beneficiary, the
41 department shall pay to the estate of the deceased
42 member the amount otherwise designated to be received
43 by the beneficiary. If a beneficiary is known to
44 exist but cannot be notified, the department shall not
45 pay the death benefits to the estate.

46 Sec. 53. Section 97B.52, Code 1991, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 6. If a member has not filed a
49 designation of beneficiary with the department, the
50 death benefit is payable to the member's estate. If

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1 no designation has been filed and an estate is not
2 probated, the death benefit shall be paid to the
3 surviving spouse, if any. If no designation has been
4 filed, no estate has been probated, and there is no
5 surviving spouse, the death benefit shall be paid to
6 the heirs. Otherwise, the death benefit shall remain

7 in the fund.

8 Sec. 54. NEW SECTION. 97B.52A ELIGIBILITY FOR
9 BENEFITS --BONA FIDE RETIREMENT.

10 1. A member has a bona fide retirement when the
11 member terminates employment and remains out of
12 employment for at least one hundred twenty consecutive
13 days, files an application for benefits form with the
14 department, and does not return to employment as
15 defined in this chapter until the member has qualified
16 for no fewer than four calendar month's retirement
17 benefits.

18 2. A member may commence receiving retirement
19 benefits under this chapter upon satisfying
20 eligibility requirements and remaining out of covered
21 employment for one calendar month. However, a retired
22 member who commences receiving a retirement allowance
23 but returns to employment before the expiration of the
24 one hundred twenty consecutive day period, does not
25 have a bona fide retirement and any retirement
26 allowance received by such a member must be returned
27 to the system together with interest earned on the
28 retirement allowance calculated at a rate determined
29 by the department. Until the member has repaid the
30 retirement allowance and interest, the department may
31 withhold any future retirement allowance for which the
32 member may qualify.

33 Sec. 55. Section 97B.53, Code 1991, is amended to
34 read as follows:

35 97B.53 TERMINATION OF EMPLOYMENT -- REFUND
36 OPTIONS.

37 All rights to all benefits under Membership in the
38 retirement system, and all rights to the benefits
39 under the system, will cease upon a member's
40 termination of employment with the employer prior to
41 the member's retirement, other than by death, except
42 as provided hereafter: and upon receipt by the member
43 of the member's accumulated contributions.

44 1. Upon the termination of employment with the
45 employer prior to retirement other than by death of a
46 member, the accumulated contributions by the member at
47 the date of ~~such the~~ termination ~~will~~ may be paid to
48 ~~such the~~ member upon application, except as ~~may be~~
49 provided in subsection subsections 2, subsection 5,
50 and subsection 6 of this section.

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1 2. If a vested member's employment is terminated
2 prior to the member's retirement, other than by death,
3 the member ~~shall~~ may receive a monthly retirement

4 allowance commencing on the first day of the month in
5 which the member attains the age of sixty-five years,
6 if the member is then alive, or, if the member so
7 elects in accordance with section 97B.47, commencing
8 on the first day of the month in which the member
9 attains the age of fifty-five or any month thereafter
10 prior to the date the member attains the age of sixty-
11 five years, and continuing on the first day of each
12 month thereafter during the member's lifetime,
13 provided the member does not receive prior to the date
14 the member's retirement allowance is to commence a
15 refund of accumulated contributions under any of the
16 provisions of this chapter. The amount of each such
17 monthly retirement allowance shall be determined as
18 provided in either section 97B.49 or in section
19 97B.50, whichever is applicable.

20 3. The accumulated contributions of a terminated,
21 vested member ~~who is entitled to the benefits of~~
22 ~~subsection 2 of this section~~ shall be credited with
23 interest, including interest dividends.

24 4. A terminated, vested member ~~who is entitled to~~
25 ~~the benefits of subsection 2 of this section~~ shall
26 ~~have~~ has the right, prior to the commencement of the
27 member's retirement allowance, to receive a refund of
28 the member's accumulated contributions, and in the
29 event of the death of the member prior to the
30 commencement of the member's retirement allowance and
31 prior to the receipt of any such refund the benefits
32 of subsection 1 of section 97B.52 shall be paid. ~~No~~
33 ~~member shall be entitled to any refund based upon any~~
34 ~~credit for prior service as determined under the~~
35 ~~provisions of section 97B.48 or for any portion of any~~
36 ~~contribution made by an employer unless otherwise~~
37 ~~provided by this chapter.~~

38 5. A member has not terminated employment if the
39 member accepts other covered employment in the state
40 of Iowa under which the member is eligible to
41 membership in the Iowa public employees' retirement
42 system, within thirty days after the member has left
43 public employment.

44 5A. Within sixty days after a member has been
45 issued payment for a refund of the member's
46 accumulated contributions, the member may repay the
47 accumulated contributions plus interest that would
48 have accrued, as determined by the department, and
49 receive credit for membership service for the period
50 covered by the refund payment.

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1 5B. Any A member who does not withdraw the
2 member's accumulated contributions upon termination of
3 employment may at any time request the return of the
4 member's accumulated contributions, but if the member
5 receives such a return of contributions the member
6 shall be deemed to have has waived all claims for any
7 other benefits and membership rights from the fund.
8 6. Any A member who terminates employment before
9 the member is entitled to the benefits of subsection 2
10 of this section vested and who does not claim and
11 receive a refund of the member's accumulated
12 contributions within five years of the date of
13 termination shall, in event if the member makes claim
14 for such a refund more than five years after the date
15 of termination, be required to submit proof
16 satisfactory to the department of the member's
17 entitlement to such the refund, but in no case shall
18 interest be allowed upon the accumulated contributions
19 for any period in which the member is not an employee.
20 The department shall be is under no obligation to
21 maintain the accumulated contribution accounts of such
22 former members for more than five years after their
23 dates of termination.
24 Any A person who made contributions to the
25 abolished system, who is entitled to a refund in
26 accordance with the provisions of this chapter, and
27 who has not claimed and received such a refund prior
28 to January 1, 1964, shall, in event if the person
29 makes a claim for such refund after January 1, 1964,
30 be required to submit proof satisfactory to the
31 department of the person's entitlement to such the
32 refund. The department shall be is under no
33 obligation to maintain the contribution accounts of
34 such persons after January 1, 1964.
35 7. Any member whose employment is terminated after
36 one year of employment but before the member has
37 accumulated four or more years of employment, either
38 under the provisions of this chapter or as a result of
39 prior service credits, may elect to leave the member's
40 accumulated contributions in the retirement fund. In
41 the event the member returns to public employment at
42 any time within four years after this termination of
43 employment, the member shall be entitled to resume
44 membership in the system with the same credits for
45 prior service and accumulated contributions that the
46 member had earned when the member's original
47 employment was terminated. No interest shall be
48 credited on the member's accumulated contributions nor

49 on the member's employer's accumulated contributions
50 during the period from the time of the member's

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1 termination of employment to the member's resumption
2 of employment.

3 Any member who has resumed employment under the
4 provisions of this subsection shall not be eligible
5 for any second period of absence from membership as a
6 result of termination of service.

7 8. If an employee hired to fill a permanent
8 position terminates the employee's employment within
9 six months from the date of employment, the employer
10 may file a claim with the department for a refund of
11 the funds contributed to the department by the
12 employer for the employee.

13 9. The department shall refund employee and
14 employer contributions on the covered wages earned by
15 a retired member that are not used in the
16 recomputation of monthly benefits of that member.

17 Sec. 56. Section 97B.58, Code 1991, is amended to
18 read as follows:

19 97B.58 INFORMATION FURNISHED BY EMPLOYER.

20 To enable the department to perform its functions,
21 the employer shall, upon the request of and in the
22 manner provided by the department, supply full and
23 timely information to the department of all matters
24 relating to the pay of all members, date of birth,
25 their retirement, death, or other cause for
26 termination of employment, and ~~such~~ other pertinent
27 facts as the department may require in the manner
28 provided by the department.

29 Sec. 57. Section 97B.73, Code 1991, is amended to
30 read as follows:

31 97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS.

32 A vested or retired member who was in public
33 employment comparable to employment covered under this
34 chapter in another state or in the federal government,
35 or who was a member of another public retirement
36 system in this state, including but not limited to the
37 teachers insurance annuity association-college
38 retirement equities fund, but who was not retired
39 under that system, upon submitting verification of
40 membership and service in the other public retirement
41 system to the department, including proof that the
42 member has no further claim upon a retirement benefit
43 from that other public system, may make employer and
44 employee contributions to the system for the period of
45 service in the other public retirement system and

46 receive credit for membership service in this system
47 equivalent to the number of years of service in
48 transferred from the other public retirement system.
49 The contribution payable shall be based upon the
50 member's covered wages for the most recent full

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1 calendar year at the applicable rates in effect for
2 that calendar year under sections 97B.11 and 97B.49
3 and multiplied by the member's years of service in
4 other public employment. If the member's most recent
5 covered wages were earned prior to the most recent
6 calendar year, the member's covered wages shall be
7 adjusted by the department by an inflation factor to
8 reflect changes in the economy since the covered wages
9 were earned.

10 This section is applicable to a vested or retired
11 member who was a member of a public retirement system
12 established in sections 294.8, 294.9, and 294.10 but
13 was not retired under that system.

14 A member ~~vested under~~ entitled to a benefit from
15 another public system must waive, on a form provided
16 by the Iowa public employees' retirement system, all
17 rights to a retirement benefit under ~~that the~~ other
18 public system before receiving credit in this system
19 for ~~those the~~ years of service in the other public
20 system. The waiver must be accepted by the other
21 public system.

22 Effective July 1, 1988, a member eligible for an
23 increased retirement allowance because of the payment
24 of contributions under this section is entitled to
25 receipt of retroactive adjustment payments for no more
26 than six months immediately preceding the month in
27 which written notice was submitted to the department.

28 Sec. 58. Section 97B.80, Code 1991, is amended to
29 read as follows:

30 97B.80 VETERAN'S CREDIT.

31 Effective July 1, ~~1990~~ 1992, a vested or retired
32 member ~~with reportable wages in the most recent~~
33 ~~calendar year~~, who at any time served on active duty
34 in the armed forces of the United States, upon
35 submitting verification of the dates of the active
36 duty service, may make employer and employee
37 contributions to the system based upon the member's
38 covered wages for the most recent full calendar year
39 in which the member had reportable wages at the
40 applicable rates in effect for that year under
41 sections 97B.11 and 97B.49, for the period of time of
42 the active duty service, in ~~one-year~~ increments but

43 not to exceed four years of no greater than one year
44 and not less than one calendar quarter, and receive
45 credit for membership service and prior service for
46 the period of time for which the contributions are
47 made. However, the member may not make contributions
48 in an increment of less than one year more than once.
49 The member may also make one lump sum contribution to
50 the system which represents the period of time of the

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1 active duty service, even if the period of time
2 exceeds one year. If the member's most recent covered
3 wages were earned prior to the most recent calendar
4 year, the member's covered wages shall be adjusted by
5 the department by an inflation factor to reflect
6 changes in the economy. The department shall adjust
7 benefits for a six-month period prior to the date the
8 member pays contributions under this section if the
9 member is receiving a retirement allowance at the time
10 the contribution payment is made. Verification of
11 active duty service and payment of contributions shall
12 be made to the department. However, a member is not
13 eligible to make contributions under this section if
14 the member is receiving, or is eligible to receive, or
15 may in the future be eligible to receive retirement
16 pay from the United States government for active duty
17 in the armed forces, except for retirement pay granted
18 by the United States government under retired pay for
19 nonregular service (10 U.S.C. § 1331, et seq.). A
20 member receiving retired pay for nonregular service
21 who makes contributions under this section shall
22 provide information required by the department
23 documenting time periods covered under retired pay for
24 nonregular service.

25 Sec. 59. Section 294.15, unnumbered paragraphs 1
26 and 2, Code 1991, are amended to read as follows:
27 A person attaining the age of sixty-five who was an
28 employee, holding a valid teaching certificate, in the
29 public schools of this state with a record of service
30 of twenty-five years or more, including a maximum of
31 five years' out-of-state service followed by at least
32 ten years' service in this state prior to retirement
33 and who retired prior to July 4, 1953, may receive,
34 effective July 1, ~~1984~~ 1992, retirement allowance
35 payments from the state of Iowa equal to two hundred
36 ~~twenty~~ thirty dollars per month. An amount necessary
37 to meet this requirement shall be added to the
38 retirement allowance payments, if any, now being
39 received from the state of Iowa by individuals covered

40 under this section. No such person shall receive
41 retirement benefits from the state of more than two
42 hundred ~~twenty~~ thirty dollars per month. The word
43 "employee" as used in this section includes persons
44 who were state superintendents, county
45 superintendents, or deputy county superintendents.
46 However, a person receiving retirement allowance
47 payments under this section may elect in writing to
48 the department of personnel to continue to receive two
49 hundred dollars or two hundred twenty dollars per
50 month.

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1 Sec. 60. Section 411.1, subsection 11, Code
2 Supplement 1991, is amended by striking the subsection
3 and inserting in lieu thereof the following:

4 11. "Earnable compensation" or "compensation
5 earnable" shall mean the annual compensation which a
6 member receives for services rendered as a police
7 officer or fire fighter in the course of employment
8 with a participating city. However, the term
9 "earnable compensation" or "compensation earnable"
10 shall not include amounts received for overtime
11 compensation, meal or travel expenses, uniform
12 allowances, fringe benefits, severance pay, or any
13 amount received upon termination or retirement in
14 payment for accumulated sick leave or vacation.
15 Contributions made by a member from the member's
16 earnable compensation to a plan of deferred
17 compensation shall be included in earnable
18 compensation. Other contributions made to a plan of
19 deferred compensation shall not be included except to
20 the extent provided in rules adopted by the board of
21 trustees pursuant to section 411.5, subsection 3.

22 Sec. 61. Section 411.5, subsection 6, Code
23 Supplement 1991, is amended to read as follows:
24 6. RECORDS - REPORTS. The board of trustees
25 shall keep a record of all its proceedings, which
26 record shall be open to public inspection. It shall
27 submit an annual report to the governor, the general
28 assembly, and the city council of each participating
29 city concerning the financial condition of the
30 retirement system, its current and future liabilities,
31 and the actuarial valuation of the system. The board
32 of trustees shall submit a certified audit report
33 prepared by a certified public accountant to the
34 auditor of state annually. The system shall comply
35 with the filing fee requirement of section 11.6,
36 subsection 10.

37 Sec. 62. Section 411.6, subsection 2, paragraphs a
38 through c, Code Supplement 1991, are amended to read
39 as follows:

40 a. Upon retirement from service, prior to July 1,
41 1990, a member shall receive a The service retirement
42 allowance which for a member who terminates service,
43 other than by death or disability, prior to July 1,
44 1990, shall consist of a pension given by the city
45 which equals fifty percent of the member's average
46 final compensation.

47 b. Upon retirement from service on or after July
48 1, 1990, but before July 1, 1992, a member shall
49 receive a The service retirement allowance which for a
50 member who terminates service, other than by death or

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1 disability, on or after July 1, 1990, but before July
2 1, 1992, shall consist of a pension which equals
3 fifty-four percent of the member's average final
4 compensation.

5 c. Commencing July 1, 1992, for members who
6 terminate service, other than by death or disability,
7 on or after that date, the system shall increase the
8 percentage multiplier of the member's average final
9 compensation by an additional two percent each July 1
10 until reaching sixty percent of the member's average
11 final compensation. The applicable percentage
12 multiplier shall be the rate in effect on the date of
13 the member's termination from service.

14 Sec. 63. Section 411.6, subsection 3, Code
15 Supplement 1991, is amended to read as follows:
16 3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon
17 application to the system, of a member in service or
18 of the chief of the police or fire departments,
19 respectively, any member shall be retired by the
20 system, not less than thirty and not more than ninety
21 days next following the date of filing the
22 application, on an ordinary disability retirement
23 allowance, if the medical board after a medical
24 examination of the member certifies that the member is
25 mentally or physically incapacitated for further
26 performance of duty, that the incapacity is likely to
27 be permanent, and that the member should be retired.
28 However, if a person's membership in the system first
29 commenced on or after July 1, 1992, the member shall
30 not be eligible for benefits with respect to a
31 disability which would not exist, but for a medical
32 condition that was known to exist on the date that
33 membership commenced.

34 Sec. 64. Section 411.6, subsection 4, Code
 35 Supplement 1991, is amended to read as follows;
 36 4. Allowance on ordinary disability retirement.
 37 Upon retirement for ordinary disability a member shall
 38 receive an ordinary disability retirement allowance
 39 which shall consist of a pension which shall equal
 40 fifty percent of the member's average final
 41 compensation except if unless either of the following
 42 conditions exist:
 43 a. If the member has not had five or more years of
 44 membership service the member shall receive a pension
 45 equal to one-fourth of the member's average final
 46 compensation.
 47 b. If the member has had twenty-two or more years
 48 of membership service, the member shall receive a
 49 disability retirement allowance that is equal to the
 50 greater of the benefit that the member would receive

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1 under subsection 2 if the member were fifty-five years
 2 of age or the disability pension otherwise calculated
 3 under this subsection.
 4 Sec. 65. Section 411.6, subsection 5, Code
 5 Supplement 1991, is amended to read as follows:
 6 5. ACCIDENTAL DISABILITY BENEFIT..
 7 a. Upon application to the system, of a member in
 8 service or of the chief of the police or fire
 9 departments, respectively, any member who has become
 10 totally and permanently incapacitated for duty as the
 11 natural and proximate result of an injury or disease
 12 incurred in or aggravated by the actual performance of
 13 duty at some definite time and place, or while acting
 14 pursuant to order, outside of the city by which the
 15 member is regularly employed, shall be retired by the
 16 system, if the medical board certifies that the member
 17 is mentally or physically incapacitated for further
 18 performance of duty, that the incapacity is likely to
 19 be permanent, and that the member should be retired.
 20 However, if a person's membership in the system first
 21 commenced on or after July 1, 1992, the member shall
 22 not be eligible for benefits with respect to a
 23 disability which would not exist, but for a medical
 24 condition that was known to exist on the date that
 25 membership commenced.
 26 b. If a member in service or the chief of the
 27 police or fire departments becomes incapacitated for
 28 duty as a natural or proximate result of an injury or
 29 disease incurred in or aggravated by the actual
 30 performance of duty at some definite time or place or

31 while acting, pursuant to order, outside the city by
32 which the member is regularly employed, the member,
33 upon being found to be temporarily incapacitated
34 following a medical examination as directed by the
35 system city, is entitled to receive the member's full
36 pay and allowances from the city's general fund until
37 re-examined as directed by the system city and found
38 to be fully recovered or until the city determines
39 that the member is likely to be permanently disabled.
40 The board of trustees of the statewide system has no
41 jurisdiction over these matters until the city
42 determines that the disability is likely to be
43 permanent.
44 c. Disease under this section shall mean heart
45 disease or any disease of the lungs or respiratory
46 tract and shall be presumed to have been contracted
47 while on active duty as a result of strain or the
48 inhalation of noxious fumes, poison or gases.
49 However, if a person's membership in the system first
50 commenced on or after July 1, 1992, and the heart

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1 disease or disease of the lungs or respiratory tract
2 would not exist, but for a medical condition that was
3 known to exist on the date that membership commenced,
4 the presumption established in this paragraph shall
5 not apply.
6 Sec. 66. Section 411.6, subsection 6, paragraph b,
7 Code Supplement 1991, is amended to read as follows:
8 b. Upon retirement for accidental disability on or
9 after July 1, 1990, a member shall receive an
10 accidental disability retirement allowance which shall
11 consist of a pension equal to sixty percent of the
12 member's average final compensation. However, if the
13 member has had twenty-two or more years of membership
14 service, the member shall receive a disability
15 retirement allowance that is equal to the greater of
16 the retirement allowance that the member would receive
17 under subsection 2 if the members were fifty-five
18 years of age or the disability retirement allowance
19 calculated under this paragraph.
20 Sec. 67. Section 411.6A, Code 1991, is amended by
21 striking the section and inserting in lieu thereof the
22 following:
23 411.6A OPTIONAL RETIREMENT BENEFITS.
24 1. In lieu of the payment of a service retirement
25 allowance under section 411.6, subsection 2, and the
26 payment of a pension to the spouse of a deceased
27 pensioned member under section 411.6, subsection 11, a

28 member may select an option provided under this
29 section. The board of trustees shall adopt rules
30 under section 411.5, subsection 3, providing the
31 optional forms of payment that may be selected by the
32 member. The optional forms of payment may provide
33 adjustments to the amount of the retirement allowance
34 paid to the member, may alter the pension amount and
35 period of payment to the member's spouse after the
36 death of the member, and may provide for payments to a
37 designated recipient other than the member's spouse
38 for a designated period of time or an unlimited period
39 of time.

40 2. Prior to the member's retirement and as a part
41 of the application for a service retirement allowance,
42 the member shall elect, in writing, either the
43 benefits provided under section 411.6, subsections 2
44 and 11, or one of the optional forms adopted by the
45 board of trustees. If the member is married at the
46 time of application and the member elects an optional
47 form, the member's spouse must consent in writing to
48 the optional form selected and to the receipt of
49 payments to a designated recipient, if applicable.
50 Upon acceptance by a member of an initial retirement

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1 benefit paid in accordance with the election under
2 this section, the election of the member is
3 irrevocable.

4 3. The optional forms of payment determined by the
5 board of trustees under this section, shall be the
6 actuarial equivalent of the amount of retirement
7 benefits payable to the member and the member's spouse
8 pursuant to section 411.6, subsections 2 and 11. The
9 actuarial equivalent shall be based upon the actuarial
10 assumptions adopted for this purpose pursuant to
11 section 411.5. Election of an optional form adopted
12 by the board of trustees shall not affect the
13 benefits, if any, payable to the member's child or
14 children pursuant to section 411.6, subsection 11.

15 Sec. 68. Section 411.8, subsection 1, paragraph f,
16 subparagraph (8), and unnumbered paragraphs 2 and 3,
17 Code Supplement 1991, are amended to read as follows:

18 (8) Beginning July 1, 1996, and each fiscal year
19 thereafter, an amount equal to the member's
20 contribution rate times each member's compensation
21 shall be paid to the fund from the earnable
22 compensation of the member. For the purposes of this
23 subparagraph, the member's contribution rate shall be
24 the rate percent of the earnable compensation of all

25 members obtained by deducting from the total
26 liabilities of the fund the amount of the funds in
27 hand to the credit of the fund and dividing the
28 remainder by one percent of the present value of the
29 prospective future compensation of all members as
30 computed on the basis of the rate of interest and of
31 mortality and service tables adopted, multiplied by
32 four-tenths, or nine and one-tenth percent, whichever
33 is greater. However, the system shall increase this
34 percentage for its members the member's contribution
35 rate as necessary to cover any increase in cost to the
36 system resulting from statutory changes which are
37 enacted by any session of the general assembly meeting
38 after January 1, 1991, if the increase cannot be
39 absorbed within the contribution rates otherwise
40 established pursuant to this paragraph, but subject to
41 a maximum employee contribution rate of eleven and
42 three-tenths percent. After the employee contribution
43 reaches the maximum rate specified in this
44 subparagraph eleven and three-tenths percent, sixty
45 percent of the additional cost of such statutory
46 changes shall be paid by employers under paragraph "c"
47 and forty percent of the additional cost shall be paid
48 by employees under this paragraph.
49 Beginning July 1, 1996, and each fiscal year
50 thereafter, an amount equal to the member's

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1 contribution rate times each member's compensation
2 shall be paid to the fund from the earnable
3 compensation of the member.

4 The total amount to be contributed by the member
5 shall be determined by the actuary after each
6 valuation.

7 Sec. 69. Section 602.9204, Code 1991, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. Effective with the
10 fiscal year commencing July 1, 1993, and for each
11 subsequent fiscal year, there is appropriated annually
12 from the general fund of the state to the judicial
13 retirement fund from funds not otherwise appropriated
14 an amount sufficient to pay the annual costs of this
15 part 2 of chapter 602, article 9, the Iowa senior
16 judge Act, which shall include the costs of all
17 additional benefits paid as a result of the Iowa
18 senior judge Act.

19 Sec. 70. MEMBERSHIP IN FIRE AND POLICE RETIREMENT
20 SYSTEMS.

21 1. As used in this section, unless the context

22 otherwise requires, "qualified member" means a person
23 who meets each of the following conditions:

24 a. Was a member of the retirement system
25 established in chapter 411 with four or more but fewer
26 than fifteen years of membership service as of July 1,
27 1989.

28 b. Terminated employment with the city which
29 employed the member as of July 1, 1989, before the
30 member attained the age of fifty-five and twenty-two
31 years of service.

32 c. Was subsequently employed as a police officer
33 or fire fighter as of July 1, 1990, by a city which
34 attained a population of eight thousand or more as a
35 result of the federal census conducted in 1990 and
36 which was not a participating city subject to this
37 chapter on July 1, 1990, and has not subsequently
38 joined the statewide system established in chapter
39 411.

40 2. Notwithstanding any other provision of law to
41 the contrary, a qualified member shall receive
42 benefits under chapter 411 pursuant to this section.
43 Unless in conflict with this section, the provisions
44 of chapter 411 pertaining to members shall also
45 pertain to qualified members. Upon attaining
46 retirement age, a qualified member shall receive a
47 service retirement allowance of one twenty-second of
48 the retirement allowance the qualified member would
49 have received if the qualified member had qualified
50 for full benefits pursuant to section 411.6,

Page 38

1 subsection 1, paragraph "a", 1989 Code of Iowa, for
2 each year of service the qualified member had served.

3 3. A qualified member must submit an application
4 for coverage pursuant to this section to the board of
5 trustees for membership in the system no later than
6 September 1, 1992. The board of trustees shall notify
7 the city which employed the member as of July 1, 1989,
8 that it must transfer to the board of trustees an
9 amount sufficient to cover the accrued liability of
10 the member, including interest on the accrued
11 liability from December 31, 1991, through the date of
12 payment. The participating city shall transfer that
13 amount to the statewide system.

14 Sec. 71. SENIOR JUDGES -- IMPLEMENTATION.
15 Notwithstanding the amendments to section 602.9204
16 contained in this Act, all judges whose names are
17 entered on the roster of senior judges pursuant to
18 section 602.9203, subsection 3, as of June 30, 1992,

19 and all persons who are retired senior judges as of
 20 June 30, 1992, shall continue to receive an annuity
 21 calculated pursuant to section 602.9204, 1991 Code of
 22 Iowa, and shall not be subject to the amendments to
 23 that section contained in this Act. This Act shall
 24 not be construed in a manner which reduces benefits to
 25 persons who participated as senior judges prior to
 26 July 1, 1992.

27 Sec. 72. Sections 97B.3, 97B.26, 97B.66, and
 28 97B.71, Code 1991, are repealed.

29 Sec. 73. EFFECTIVE AND RETROACTIVE APPLICABILITY
 30 DATES.

31 1. The portion of this Act which amends section
 32 97B.41, subsection 3, paragraph "b", by adding a new
 33 subparagraph (16), being deemed of immediate
 34 importance, takes effect upon enactment and applies
 35 retroactively to January 1, 1992.

36 2. The portion of this Act which amends section
 37 97B.50, subsection 2, being deemed of immediate
 38 importance, takes effect upon enactment and applies
 39 retroactively to July 1, 1990.

40 3. The section of this Act which amends section
 41 411.6, subsection 2, being deemed of immediate
 42 importance, takes effect upon enactment and applies
 43 retroactively to January 1, 1992."

44 2. Title page, line 3, by inserting after the
 45 word "penalties," the following: "making an
 46 appropriation,".

JOHN KIBBIE

S-5416

1 Amend House File 2403, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 33, by striking the words "first
 4 class" and inserting the following: "certified".

COMMITTEE ON STATE GOVERNMENT
 JOHN P. KIBBIE, Chairperson

S-5417

1 Amend House File 2394, as passed by the House, as
 2 follows:

3 1. Page 1, by inserting before line 1 the
 4 following:

5 "Section 1. Section 601G.1, Code 1991, is amended
 6 by adding the following new subsection:

7 NEW SUBSECTION. 6. "Record or document" includes

8 all writings, drawings, graphs, charts, photographs,
9 phonorecords, audiotapes, videotapes, and any other
10 data compilations stored or preserved in any medium
11 from which information can be obtained."

12 2. Page 1, lines 10 and 11, by striking the words
13 "unless the disclosure or access is specifically
14 prohibited by law" and inserting the following:
15 "except for information in the records and files which
16 is confidential as provided by law".

17 3. Page 1, line 25, by inserting after the word
18 "document" the following: "as defined in this
19 chapter".

20 4. Page 1, by striking lines 26 through 34 and
21 inserting the following: "confidential, unless its
22 the custodian demonstrates that the one of the
23 following:

24 (1) The examination would violate federal law.

25 (2) The examination would or result in the denial
26 of federal funds to the agency.

27 (3) The information is privileged under law and
28 the privilege has not been waived by a person entitled
29 to assert the claim of privilege.

30 (4) The information would disclose the privileged
31 mental impressions, conclusions, opinions, or legal
32 theories of an attorney.

33 PARAGRAPH DIVIDED. Confidential documents provided
34 to the citizens' aide by other agencies shall continue
35 to maintain their confidential status. In order to
36 assure a free flow of information for accomplishing
37 the purposes of this section, any information in the
38 possession of the citizens' aide which is privileged
39 and confidential by law shall not be subject to
40 discovery, subpoena, or other means legally compelling
41 the release of the information to any person and shall
42 not be admissible evidence in any judicial or
43 administrative proceeding. The citizens' aide is and
44 any current or former staff member are subject to the
45 same policies and penalties".

46 5. Page 2, line 7, by striking the words "an
47 interested" and inserting the following: "the
48 interested".

HOUSE AMENDMENT TO
SENATE FILE 2257

S-5418

1 Amend Senate File 2257, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 17 and 18, by striking the words
4 "that is a member of a species that is native to North
5 America".

6 2. Page 2, lines 20 and 21, by striking the words
7 "one thousand two hundred eighty" and inserting the
8 following: "two thousand five hundred sixty".

9 3. Page 3, by striking lines 14 through 16 and
10 inserting the following:

11 "1. A licensed hunting preserve may take up to
12 eighty percent of the total number of pheasant and
13 quail released. One hundred percent of all other game
14 birds released may be taken."

15 4. Page 3, by inserting after line 22 the
16 following:

17 "4. If hen ring-necked pheasants are shot on the
18 licensed hunting preserve, no less than thirty-five
19 percent of all ring-necked pheasants released shall be
20 hens."

21 5. Page 5, by striking lines 20 through 30 and
22 inserting the following: "hunting preserve shall
23 secure a hunting license to do so in accordance with
24 the game laws of Iowa, with the exception that an
25 unlicensed person may secure an annual hunting
26 preserve license restricted to hunting preserves only
27 for a license fee of five dollars. A wildlife habitat
28 stamp shall be required of all".

S-5419

1 Amend House File 2377, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 2, by striking lines 3 and 4 and
4 inserting the following: "charges and a deposit not
5 exceeding the usual cost of ninety days of water
6 service is paid to the utility or enterprise."

7 2. Page 2, line 6, by striking the words "and
8 deposit" and inserting the following: "and deposit".

9 3. Page 2, line 9, by striking the words "and
10 deposit. When" and inserting the following: "and
11 deposit. When".

12 4. Page 2, by striking lines 10 through 13 and
13 inserting the following: "the tenant moves from the
14 rental property, the utility or enterprise shall

15 return the deposit if the water service charges are
16 paid in full and the lien exemption shall be lifted
17 from the rental property. The lien exemption for".
18 5. Page 2, by striking lines 18 through 20 and
19 inserting the following: "notice to the landlord who
20 has filed a request containing the name and address of
21 the person to be notified when the tenant is notified
22 of the delinquency. A lien imposed pursuant to".

WILLIAM D. PALMER

S-5420

1 Amend House File 2428, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 20 through 23 and
4 inserting the following:
5 "Every liquor control licensee and class "B" beer
6 permittee, except a class "E" liquor control licensee.
7 shall furnish proof of financial responsibility by the
8 existence of a liability insurance policy in an amount
9 determined by the division."
10 2. Title page, line 2, by inserting after the
11 word "in" the following: ", and exempting class "E"
12 liquor control licensees from,".

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chairperson

S-5421

1 Amend Senate File 2355 as follows:
2 1. Page 11, by inserting after line 28 the
3 following:
4 "___ The department shall consider the
5 feasibility of establishing a school-age child care
6 pilot program involving regular contact between
7 children and elder Iowans who are nursing home
8 residents. The areas of consideration may include but
9 are not limited to identifying potential nursing home
10 sites, school-age child day care providers, and
11 transportation, safety, program, staff, and facility
12 requirements. The department shall report to the
13 governor and the general assembly on or before January
14 15, 1993, concerning the feasibility of establishing a

- 15 pilot program during the 1993-1994 fiscal year."
 16 2. By renumbering as necessary.

RICHARD VANDE HOEF
 ELAINE SZYMONIAK
 MARK R. HAGERLA

S-5422

- 1 Amend House File 2308, as passed by the House, as
 2 follows:
 3 1. By striking page 1, line 11 through page 2,
 4 line 16.
 5 2. By striking page 5, line 15 through page 6,
 6 line 26.
 7 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5423

- 1 Amend House File 2435, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking line 10 and inserting the
 4 following:
 5 "(1) The governor's science advisor."
 6 2. Page 1, by inserting after line 12 the
 7 following:
 8 "(___) The secretary of agriculture or the
 9 secretary's designee."
 10 3. Page 1, by striking lines 24 and 25 and
 11 inserting the following:
 12 "(2) One person appointed by the secretary of
 13 agriculture who is directly involved in agriculture-
 14 related enterprises."
 15 4. By numbering and renumbering as necessary.

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 JIM RIORDAN, Chairperson

S-5424

- 1 Amend Senate File 2299 as follows:
 2 1. Page 1, line 29, by inserting after the word
 3 "due." the following: "A city utility or enterprise
 4 shall not discontinue water service to a property
 5 occupied by a tenant if the water charges become
 6 delinquent and are not payable directly by the

7 tenant."

8 2. Page 1, line 30, by inserting after the word
9 "metered" the following: "or billed".

AL STURGEON

S-5425

1 Amend Senate File 2355 as follows:

2 1. Page 1, by striking line 8 and inserting the
3 following:

4 " \$ 46,613,850".

5 2. Page 2, line 16, by striking the figure "1."

6 3. Page 2, by striking lines 31 through 35.

7 4. Page 11, line 32, by striking the figure
8 "1992" and inserting the following: "1993".

9 5. Page 13, by striking lines 18 and 19 and
10 inserting the following:

11 " \$ 3,378,850

12 FTEs 255.49".

13 6. Page 18, by striking lines 15 through 17 and
14 inserting the following:

15 "k. A director of a rehabilitation or residential
16 facility appointed by the Iowa association of
17 rehabilitation and residential facilities."

18 7. Page 26, by striking lines 3 and 4 and
19 inserting the following:

20 "For community-based programs, including salaries,
21 support, maintenance, miscellaneous purposes, and for
22 not more than the following full-time equivalent
23 position:

24 \$ 1,628,106

25 FTEs 1.0".

26 8. Page 36, line 12 by striking the words
27 "MH/MR/DD STATE CASES" and inserting the following:
28 "STATE PURCHASE OF LOCAL SERVICES".

29 9. Page 36, by striking lines 17 and 18 and
30 inserting the following:

31 "For state purchase of local services where the
32 client has".

33 10. Page 39, by inserting after line 6 the
34 following:

35 "The mental health, mental retardation, and
36 developmental disabilities commission shall adopt
37 rules pursuant to chapter 17A describing the services
38 listed in subparagraphs (1) through (5) of this
39 subsection."

40 11. Page 39, by striking lines 7 through 11 and
41 inserting the following:

42 " ____ . Of the funds appropriated in this section

43 \$30,000 shall be used to support the Iowa compass
44 program providing computerized information and
45 referral services for Iowans with disabilities and
46 their families.”
47 12. Page 39, line 12, by striking the words
48 “quarterly reports” and inserting the following: “an
49 annual report”.
50 13. Page 39, by striking lines 31 and 32 and

Page 2

1 inserting the following: “is continued, as
2 established under section 249A.25, for the fiscal year
3 which”.
4 14. Page 40, line 15, by inserting after the word
5 “illness.” the following: “The state shall have
6 responsibility for the remaining 50 percent of the
7 nonfederal share of the costs incurred under this
8 subsection up to a limit of \$2,082,086. When the
9 state limit has been reached, any amount of the
10 nonfederal share remaining unpaid shall be billed to
11 the county of legal settlement.”
12 15. By striking page 40, line 29 through page 41,
13 line 3 and inserting the following:
14 “___ . The state shall pay the entire nonfederal
15 share of the costs for case management services
16 provided to persons 18 years of age or younger who are
17 served in a medical assistance home and community-
18 based waiver program for persons with mental
19 retardation.”
20 16. Page 42, line 11, by inserting after the word
21 “for” the following: “candidate services in”.
22 17. Page 42, line 20, by inserting after the word
23 “subsection.” the following: “It is the intent of the
24 general assembly that reimbursement to counties in
25 accordance with the provisions of this subsection
26 shall be discontinued for succeeding fiscal years.”
27 18. Page 43, by inserting after line 33 the
28 following:
29 “___ . The department shall explore the feasibility
30 of obtaining federal approval of additional medical
31 assistance home and community-based waivers for
32 services to persons with a developmental disability.
33 The department shall also explore the feasibility of
34 implementing an option under the medical assistance
35 program for rehabilitative services to persons with
36 chronic mental illness. If either item is determined
37 to be feasible, implementation of any new provision
38 shall be deferred until fiscal year 1993-1994.”
39 19. Page 46, line 30, by striking the figure

40 "357.01" and inserting the following: "353.01".
 41 20. Page 48, by striking lines 19 and 20 and
 42 inserting the following: "assistance benefit
 43 eligibility determination, including salaries,
 44 support, maintenance, miscellaneous purposes, and for
 45 not more than the following full-time equivalent
 46 positions:
 47 \$ 453,204
 48 FTEs 17.0".
 49 21. By numbering, lettering, renumbering,
 50 relettering and correcting internal references as

Page 3

1 necessary.

ELAINE SZYMONIAK
JAMES R. RIORDAN

S-5426

1 Amend Senate File 2355 as follows:
 2 1. Page 52, by inserting after line 26 the
 3 following:
 4 "Sec. ____ . Section 234.40, Code 1991, is amended
 5 to read as follows:
 6 234.40 CORPORAL PUNISHMENT.
 7 The department of human services shall not adopt or
 8 enforce any rule or policy rules prohibiting limited
 9 corporal punishment of foster children by foster
 10 parents licensed by the department. ~~This paragraph~~
 11 ~~shall not prevent promulgation of rules prohibiting~~
 12 ~~malicious, willful and wanton conduct by a foster~~
 13 ~~parent which causes injury or damage to a foster~~
 14 ~~child, or exposes the foster child to danger of such~~
 15 ~~injury or damage. The rules shall allow foster~~
 16 parents to use reasonable physical force to restrain a
 17 foster child in order to prevent injury to the foster
 18 child, injury to others, the destruction of property,
 19 or extremely disruptive behavior. For the purposes of
 20 this section, "corporal punishment" means the
 21 intentional physical punishment of a foster child. A
 22 foster parent's physical contact with the body of a
 23 foster child shall not be considered corporal
 24 punishment if the contact is reasonable and necessary
 25 under the circumstances and is not designed or
 26 intended to cause pain or if the foster parent uses

27 reasonable force, as defined under section 704.1."

28 2. By renumbering as necessary.

BEVERLY A. HANNON
ELAINE SZYMONIAK

S-5427

1 Amend Senate File 2355 as follows:

- 2 1. Page 9, line 1, by striking the word "INDIANS"
- 3 and inserting the following: "NATIVE AMERICANS".
- 4 2. Page 9, line 6, by striking the word "Indians"
- 5 and inserting the following: "Native Americans".
- 6 3. Page 9, line 12, by striking the word
- 7 "Indians" and inserting the following: "Native
- 8 Americans".

MICHAEL CONNOLLY

S-5428

1 Amend Senate File 2355 as follows:

- 2 1. Page 7, by inserting after line 29 the
- 3 following:
- 4 "— The department shall review health care
- 5 studies to determine the cost-effectiveness of
- 6 treatment of lower back pain by the various types of
- 7 licensed physicians, as defined in section 135.1. The
- 8 studies to be reviewed shall include but are not
- 9 limited to all of the following: P. Shekelle, "The
- 10 Appropriateness of Spinal Manipulation for Low-Back
- 11 Pain," Rand Corp., 99, 1991; Wolk, S., "An Analysis of
- 12 Florida Workers' Compensation Medical Claims for Back-
- 13 Related Injuries," Foundation for Chiropractic
- 14 Education and Research, 1988; Meade, T.W., Dyer, S. et
- 15 al., "Low Back Pain of Mechanical Origin: Randomised
- 16 Comparison of Chiropractic and Hospital Outpatient
- 17 Treatment", British Medical Journal, 300, 1431-1437,
- 18 1990. If the studies reviewed by the department
- 19 indicate a potential cost savings of 20 percent or
- 20 more in the cost of treatment of low back pain by a
- 21 particular type of licensed physician, the department
- 22 shall develop a method to utilize this type of
- 23 physician in the treatment of medical assistance
- 24 recipients for low back pain in situations where the
- 25 treatment is within the scope of practice of the

26 physician type.”

27 2. By renumbering as necessary.

RICHARD RUNNING
BEVERLY A. HANNON
WALLY E. HORN

HOUSE AMENDMENT TO
SENATE FILE 2179

S-5429

1 Amend Senate File 2179 as follows:

2 1. Page 7, line 16, by inserting after the word

3 “requirement” the following: “with respect to bronze

4 merchandise”.

HOUSE AMENDMENT TO
SENATE FILE 2011

S-5430

1 Amend Senate File 2011, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 27, by striking the words

4 “Appoint and prescribe” and inserting the following:

5 “Prescribe”.

6 2. Page 5, by striking lines 23 through 26 and

7 inserting the following:

8 “1. The governor shall appoint an executive

9 director who shall serve at the pleasure of the

10 governor. The executive director is responsible for

11 administering the duties of the commission other than

12 those related to the Iowa veterans home.”

13 3. Page 15, line 17, by inserting after the word

14 “of” the following: “the commission’s own”.

15 4. Page 15, line 19, by inserting after the word

16 “affairs” the following: “as provided in section

17 35A.2, subsection 3.”

18 5. By renumbering as necessary.

S-5431

1 Amend House File 2399, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 34, by striking the words

4 “paragraphs c and f” and inserting the following:

5 “paragraph f”.

6 2. Page 2, line 35, by striking the word “are”

7 and inserting the following: “is”.

- 8 3. Page 3, by striking lines 1 through 21.
 9 4. Page 3, by inserting after line 26, the
 10 following:
 11 "Sec. ____ . Section 145.3, subsection 4, Code
 12 Supplement 1991, is amended by adding the following
 13 new paragraph:
 14 NEW PARAGRAPH. g. The director of public health
 15 requires institutional health facilities, health
 16 maintenance organizations, and health care providers
 17 or groups of health care providers to submit annually
 18 to the Iowa department of public health, an inventory
 19 of major medical equipment and inventory updates as
 20 major medical equipment is acquired or changed. For
 21 the purpose of this paragraph, "institutional health
 22 facility", "health maintenance organization", and
 23 "health care provider" mean the same as defined in
 24 section 135.61, and "major medical equipment" means
 25 equipment with a value in excess of three hundred
 26 thousand dollars."
 27 5. Page 4, line 14, by inserting after the word
 28 "implement" the following: ", subject to the approval
 29 of the commissioner of insurance."
 30 6. By renumbering as necessary.

AL STURGEON

S-5432

- 1 Amend House File 2385, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 6, by inserting after the word
 4 "years" the following: "; however, this requirement
 5 is not intended to prevent or restrict regionalization
 6 efforts".

ALBERT SORENSEN

S-5433

- 1 Amend House File 2434, 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 15.108, Code Supplement 1991,
 6 is amended by adding the following new subsections:
 7 NEW SUBSECTION. 10. ECONOMIC DEVELOPMENT PLANNING
 8 AND RESEARCH ACTIVITIES. To provide leadership and
 9 support for economic and community development
 10 activities statewide. To carry out this
 11 responsibility, the department may establish a

12 research center for economic development programs and
13 services whose duties may include but are not limited
14 to the following:

15 a. Implementation of a comprehensive statewide
16 economic development planning process and provision of
17 leadership, coordination, and support to regional and
18 local economic and community planning efforts.

19 b. Coordination of the delivery of economic and
20 community development programs with other local,
21 regional, state, federal, and private sector programs
22 and activities.

23 c. Collection and analysis of data and
24 information, development of databases and performing
25 research to keep abreast of Iowa's present economic
26 base, changing market demands, and emerging trends,
27 including identification of targeted markets and
28 development of marketing strategies.

29 d. Provision of access to databases to facilitate
30 sales and exports by Iowa businesses.

31 e. Establishment of a database of community and
32 economic information to aid local regional and
33 statewide economic development and service delivery
34 efforts.

35 NEW SUBSECTION. 11. REGIONALLY BASED BUSINESS

36 OUTREACH PROGRAM. To create and stimulate economic
37 opportunity for entrepreneurs and existing businesses
38 in the state by providing outreach, assistance, and
39 support and to coordinate economic development
40 services and programs for individuals, businesses, and
41 communities. To carry out this responsibility the
42 department may establish a regionally based business
43 outreach program to:

44 a. Identify business needs that can be served by
45 programs of the department.

46 b. Assure that there is equal access statewide to
47 a basic set of programs and services to assist
48 business.

49 c. Develop partnerships and better coordination
50 between statewide and regional service providers.

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1 d. Offer a regionally based outreach opportunity
2 for existing business.

3 e. Utilize a statewide network for business
4 assistance to provide a mechanism for regular
5 coordination statewide among service providers.

6 f. Promote cooperative efforts among business
7 assistance service providers.

8 Sec. 2. Section 15.303, Code 1991, is amended by

9 striking the section and inserting in lieu thereof the
10 following:

11 15.303 REGIONALLY BASED BUSINESS OUTREACH PROGRAM

12 -- AUTHORITY OF THE DIRECTOR.

13 The director has the authority in regard to the
14 regionally based business outreach program to do any
15 of the following:

16 1. Contract with each community college for the
17 employment of a business outreach specialist to be
18 located within a regional business and industry
19 services center who is to be part of a statewide
20 network for business assistance coordinated by the
21 department.

22 2. Establish regional coordinating councils to
23 coordinate the regional delivery of economic
24 development programs and services to businesses and to
25 establish and adopt the policy and work plan for the
26 business outreach specialist.

27 3. Cooperate with the councils of governments,
28 community colleges, small business development
29 centers, the center for industrial research and
30 service, the Iowa quality coalition, and other public
31 and private service providers in the state to
32 coordinate the delivery of economic development and
33 community development programs and services to avoid
34 duplication in the delivery of such programs and
35 services.

36 4. Adopt policies for the monitoring and
37 enforcement of contracts awarded to community colleges
38 to carry out the purposes of this program. The
39 department may withhold the disbursement of funds for
40 failure to achieve milestones established in the
41 contracts.

42 5. Provide leadership and support in the
43 development and implementation of statewide, regional,
44 and local economic and community development planning
45 efforts.

46 6. Provide information and data to Iowa
47 businesses, communities, and individuals through a
48 central registry.

49 7. Provide coordination, assistance, and support
50 for the operation of regional coordinating councils

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1 and for the regionally based business outreach
2 program.

3 Sec. 3. Section 15.305, Code 1991, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 15.305 REGIONAL COORDINATING COUNCILS -- DUTIES.

7 1. For purposes of establishing regional business
8 and industry services centers, the state is divided
9 into fifteen regions identical to the boundaries for
10 the community colleges under chapter 280A. However,
11 for purposes of the regional business and industry
12 services centers, one or more community colleges may
13 enter into an agreement that all businesses within a
14 county shall be served by the community college that
15 serves the county seat. Each region shall establish a
16 regional coordinating council.

17 2. Membership of the regional coordinating council
18 shall consist of at least twelve members who shall be
19 representative of education, government, business and
20 industry, labor, professional developers, and service
21 organizations in the merged area. Private sector
22 representation shall comprise at least one-half of the
23 membership and shall include at least one member who
24 is a professional developer in the region. Service
25 providers serving a substantial portion of the merged
26 area may have a representative on the regional
27 coordinating council. The appointment and terms of
28 office of the members shall be governed by bylaws
29 adopted by each regional coordinating council.

30 3. A director, officer, employee, member, trustee,
31 or volunteer, of a regional coordinating council is
32 not liable for the debts or obligations of the
33 regional coordinating council and a director, officer,
34 employee, member, trustee, or volunteer is not
35 personally liable for a claim based upon an act or
36 omission of the person performed in the discharge of
37 the person's duties, except for acts or omissions
38 which involve intentional misconduct or known
39 violation of the law, or for a transaction from which
40 the person derives an improper personal benefit.

41 4. The regional coordinating councils shall do all
42 of the following:

43 a. Adopt a multiyear regional business assistance
44 work plan to guide the operation of the business
45 outreach specialist in the delivery of programs and
46 services to businesses in the region and provide
47 annual updates. The work plan may include other
48 activities specifically designed to meet the needs of
49 businesses in the region. The regional coordinating
50 council shall consult with service providers within

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1 the region in the preparation and adoption of the work
2 plan and may contract with one or more service

3 providers in its preparation. The work plan shall be
4 submitted to the department and to the president of
5 the community college or the president's designee for
6 review and comment before the adoption of the work
7 plan by the regional coordinating council. Before the
8 release of any state funds by the department to the
9 community college for operation of a regional business
10 and industry outreach program, the work plan shall be
11 approved by the department.

12 b. Evaluate and monitor the operation of the
13 regional business and industry outreach program to
14 implement the goals and objectives established in the
15 work plan to deliver economic development programs and
16 services to businesses in the region. The regional
17 coordinating council shall report at least quarterly
18 to the president of the community college or the
19 president's designee and to the department of economic
20 development on the operation of the program. The
21 department shall review and consider the report prior
22 to disbursing funds to the community college.

23 c. Cooperate with the department to promote local,
24 regional, and statewide service delivery systems and
25 to coordinate the delivery of economic development
26 programs and services to businesses in the region.
27 The regional coordinating council may recommend to the
28 department of economic development plans to better
29 coordinate the delivery of services in the region and
30 to avoid duplication of services.

31 d. Elect annually a representative to serve on the
32 advisory council established by the department to
33 provide input on the review and update of the state's
34 economic development strategic plan.

35 e. Conduct a biennial inventory of business
36 assistance service providers to businesses within the
37 region and provide information about available
38 technical services to the department.

39 f. Meet at least quarterly with the board of
40 directors or their designees of the community college,
41 any councils of governments serving a substantial
42 portion of the region, and representatives of any
43 small business development center, incubator, area
44 quality council, professional developers in the
45 region, and the center for industrial research and
46 service serving the region to share information,
47 develop plans and programs, and coordinate the
48 delivery of services within the region.

49 Sec. 4. Section 15.307, Code 1991, is amended by
50 striking the section and inserting in lieu thereof the

Page 5

1 following:

2 15.307 REGIONALLY BASED BUSINESS OUTREACH PROGRAM.

3 1. The director of the department of economic
4 development is authorized to contract with each
5 community college for employment of a business
6 outreach specialist within a business services center
7 to work with existing business within the region to
8 determine company needs and provide access or referral
9 to services, or if services are not readily accessible
10 within the region, to coordinate with other service
11 providers to determine how services should be accessed
12 or provided. The contract shall include but is not
13 limited to the following:

14 a. Procedures for development and adoption of a
15 regional work plan by the regional coordinating
16 council to be implemented by the community college to
17 guide the activities of the business outreach
18 specialist.

19 b. Criteria for employment and evaluation of the
20 business outreach specialist to implement the
21 provisions of the contract in the region. The
22 contract shall include responsibilities and duties of
23 the specialist and other personnel, wage and benefit
24 provisions, and performance measures related to
25 carrying out the provisions of the contract.

26 c. An annual budget for operation of the program
27 and activities agreed to in the contract including
28 provisions related to the transfer of funds to the
29 community college or its designee, as agreed upon by
30 the president of the community college and the
31 director. The budget shall reflect the work plan of
32 the regional coordinating council to implement the
33 intent and purposes of the contract.

34 d. Performance measures for quarterly and annual
35 evaluation of the program and activities agreed to in
36 the contract.

37 2. The duties of the business outreach specialist
38 shall include the activities listed in this section
39 and may include other programs and activities agreed
40 to in the contract. The business outreach specialist
41 shall do all of the following:

42 a. Provide outreach and visitation to
43 entrepreneurs and businesses, including data
44 collection for the business database, needs
45 identification, and information delivery.

46 b. Function as a clearinghouse and referral center
47 for information on business assistance programs and
48 services. The business outreach specialist shall

49 serve as a liaison between businesses in the region,
50 the department, and other business assistance service

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1 providers. The specialist shall provide follow-up on
2 referrals.

3 c. Maintain ongoing communication with other
4 business assistance service providers in the region
5 and coordinate the delivery of programs and services
6 between the service providers and businesses. The
7 specialist shall cooperate with other service
8 providers in the region and statewide to be part of a
9 statewide network established by the department to
10 create and promote entrepreneurship, business
11 retention, business development, and business
12 expansion.

13 d. Assist the regional coordinating council in
14 preparing and implementing the annual regional
15 business assistance work plan and inventory of
16 business assistance service providers.

17 e. Provide the regional link for the database and
18 information systems of the department. In providing
19 the regional link, the specialist shall do all of the
20 following:

21 (1) Implement and utilize the department's
22 databases to facilitate trade opportunities for
23 businesses in the region, including updating
24 information, and providing trade lead data.

25 (2) Provide information and referral to
26 individuals and businesses about available programs
27 and services.

28 (3) Provide other information and data concerning
29 businesses in the region to the department or other
30 sources.

31 f. Perform other related duties and
32 responsibilities as agreed upon in the contract.

33 Sec. 5. Section 28.156, Code 1991, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 6. Carry out the duties
36 authorized in section 28.163 regarding the
37 manufacturing technology network and adopt rules
38 pursuant to chapter 17A to implement the program.

39 Sec. 6. Section 28.158, subsection 1, Code 1991,
40 is amended by adding the following new paragraph:

41 NEW PARAGRAPH. g. For the manufacturing
42 technology network.

43 Sec. 7. NEW SECTION. 28.162 PURPOSE -- INTENT.

44 The purposes of the manufacturing technology
45 network are:

- 46 1. To create and stimulate economic opportunity by
47 providing technical assistance to individual industry
48 or to industrial sectors in this state.
49 2. To assist in the identification of
50 opportunities for modernization and increased

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1 competitiveness of individual industry or industrial
2 sectors.

3 3. To assure statewide access to industrial
4 technology programs and services.

5 4. To provide specific programs for individual
6 industry or industrial sectors by:

7 a. Developing partnerships and coordination
8 between statewide and regional providers of services
9 for modernization and increased competitiveness for
10 Iowa industry.

11 b. Establishing an industrial contact outreach
12 program to evaluate the need for technical services
13 and implementing an industrial needs assessment
14 database.

15 c. Collaborating with a network of specialized
16 technology resource sites throughout the state.

17 5. To facilitate the transfer of university
18 research that is available for commercial application
19 to individual industry or industrial sectors.

20 Sec. 8. NEW SECTION. 28.163 REGIONALLY BASED
21 MANUFACTURING TECHNOLOGY NETWORK.

22 1. The executive director of the foundation may
23 contract with one or more community colleges for
24 employment of an industrial technology outreach
25 specialist within a regional business and industry
26 services center to work with individual industry or
27 industrial sectors to determine company needs and
28 provide technical assistance or referral to services,
29 or to coordinate with other service providers to
30 determine how services should be accessed or provided.
31 The contract shall include but is not limited to the
32 following:

33 a. The establishment of an industrial technology
34 outreach program that will identify needs of
35 individual industry or industrial sectors.

36 b. Criteria for assuring access to programs and
37 services to assist individual industry or industrial
38 sectors.

39 c. An annual budget for operation of the program
40 and activities agreed to in the contract including
41 provisions related to the transfer of funds to the
42 community college, as agreed upon by the president of

43 the community college and the executive director.
 44 d. Performance measures for quarterly and annual
 45 evaluation of the program and activities agreed to in
 46 the contract. The foundation may withhold the
 47 disbursement of funds for failure to achieve criteria
 48 established in the contract.
 49 e. The duties of the industrial technology
 50 outreach specialist.

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1 2. The foundation may provide or contract for the
 2 delivery of technical services to individual industry
 3 or industrial sectors.
 4 Sec. 9. Sections 15.301, 15.302, 15.304, and
 5 15.306, Code 1991, are repealed."
 6 2. Title page, by striking lines 1 through 6 and
 7 inserting the following: "An Act replacing the Iowa
 8 economic development network with a regionally based
 9 business outreach program, establishing a
 10 manufacturing technology network under the Wallace
 11 technology transfer foundation, and providing for
 12 economic development planning and research activities
 13 by the department of economic development."

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 JIM RIORDAN, Chairperson

S-5434

1 Amend House File 2455, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 17, by inserting after line 29 the
 4 following:
 5 "Sec. ____ . Section 123.24, Code 1991, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 5. Notwithstanding subsection 4,
 8 the division shall assess a bottle surcharge to be
 9 included in the price of alcoholic liquor of five
 10 cents for each container sold. The amount collected
 11 pursuant to this subsection shall be deposited in the
 12 beer and liquor control fund established under section
 13 123.53.
 14 Sec. ____ . Section 123.53, Code 1991, is amended by
 15 adding the following new subsection:
 16 NEW SUBSECTION. 4. The treasurer of state, after
 17 making the transfer provided in subsection 3, shall
 18 transfer to the division from the beer and liquor
 19 control fund and before any other transfer to the

20 general fund, an amount sufficient to pay the costs of
21 properly disposing of liquor containers returned to
22 the division."

23 2. Page 22, by inserting after line 29 the
24 following:

25 "Sec. ____ . Section 455C.3, subsection 2, Code
26 Supplement 1991, is amended to read as follows:

27 2. A distributor shall accept and pick up from a
28 dealer served by the distributor or a redemption
29 center for a dealer served by the distributor at least
30 weekly, or when the distributor delivers the beverage
31 product if deliveries are less frequent than weekly,
32 any empty beverage container of the kind, size, and
33 brand sold by the distributor, and shall pay to the
34 dealer or person operating a redemption center the
35 refund value of a beverage container and the
36 reimbursement as provided under section 455C.2, except
37 that no refund or reimbursement shall be paid by a
38 distributor for a beverage container used for
39 alcoholic liquor as defined in section 123.3,
40 subsection 8, within one week following pickup of the
41 containers or when the dealer or redemption center
42 normally pays the distributor for the deposit on
43 beverage products purchased from the distributor if
44 less frequent than weekly. A distributor or employee
45 or agent of a distributor is not in violation of this
46 subsection if a redemption center is closed when the
47 distributor attempts to make a regular delivery or a
48 regular pickup of empty beverage containers. This
49 subsection does not apply to a distributor selling
50 alcoholic liquor to the alcoholic beverages division

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1 of the department of commerce.

2 Sec. ____ . Section 455C.4, subsection 4, Code 1991,
3 is amended to read as follows:

4 4. A class "E" liquor control licensee may refuse
5 to accept and to pay the refund value on an empty
6 alcoholic liquor container from a dealer or a
7 redemption center or from a person acting on behalf of
8 or who has received empty alcoholic liquor containers
9 from a dealer or a redemption center. However, a
10 class "E" liquor control licensee shall not refuse to
11 accept an empty alcoholic liquor container from
12 holders of class "A", "B", and "C" liquor control
13 licenses, if returned. The class "E" liquor control
14 licensee shall not pay a refund for such containers,
15 but shall hold such containers for pickup by the
16 distributor. The class "E" liquor control licensee

17 shall inform all liquor control licensees served by
18 the class "E" liquor control licensee that the
19 containers will be accepted.

20 Sec. ____ . 1989 Iowa Acts, chapter 272, sections 35
21 and 36, are repealed."

22 3. Page 22, by striking lines 34 and 35 and in-
23 serting the following:

24 "SEC. 42. Sections Section 34, 35, and 36 of this
25 Act are is effective July 1, 1992."

26 4. Renumber as necessary.

LARRY MURPHY

S-5435

1 Amend Senate File 2046 as follows:

2 1. By striking page 1, line 18, through page 2,
3 line 7.

4 2. Title page, by striking lines 1 and 2, and
5 inserting the following: "An Act increasing the
6 penalty for improper use of a".

MIKE CONNOLLY

S-5436

1 Amend House File 2384, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 16.

4 2. Title page, by striking lines 3 through 5 and
5 inserting the following: "of residence; by making
6 changes in the transportation and athletic".

7 3. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5437

1 Amend House File 2372, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 24 the
4 following:

5 "4. That the debt is not an obligation to pay
6 money to a city, county, entity organized pursuant to
7 chapter 28E, or other political subdivision."

JOHN A. PETERSON

S-5438

1 Amend House File 2205, 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 123.24, Code 1991, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 5. Notwithstanding subsection 4,
8 the division shall assess a bottle surcharge to be
9 included in the price of alcoholic liquor of five
10 cents for each container sold. The amount collected
11 pursuant to this subsection shall be deposited in the
12 beer and liquor control fund established under section
13 123.53.

14 Sec. 2. Section 123.53, Code 1991, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 4. The treasurer of state, after
17 making the transfer provided in subsection 3, shall
18 transfer to the division from the beer and liquor
19 control fund and before any other transfer to the
20 general fund, an amount sufficient to pay the costs of
21 properly disposing of liquor containers returned to
22 the division."

23 2. Page 3, by inserting after line 6, the
24 following:

25 "Sec. ____ . Section 455C.3, subsection 2, Code
26 Supplement 1991, is amended to read as follows:

27 2. A distributor shall accept and pick up from a
28 dealer served by the distributor or a redemption
29 center for a dealer served by the distributor at least
30 weekly, or when the distributor delivers the beverage
31 product if deliveries are less frequent than weekly,
32 any empty beverage container of the kind, size, and
33 brand sold by the distributor, and shall pay to the
34 dealer or person operating a redemption center the
35 refund value of a beverage container and the
36 reimbursement as provided under section 455C.2, except
37 that no refund or reimbursement shall be paid by a
38 distributor for a beverage container used for
39 alcoholic liquor as defined in section 123.3,
40 subsection 8, within one week following pickup of the
41 containers or when the dealer or redemption center
42 normally pays the distributor for the deposit on
43 beverage products purchased from the distributor if
44 less frequent than weekly. A distributor or employee
45 or agent of a distributor is not in violation of this
46 subsection if a redemption center is closed when the
47 distributor attempts to make a regular delivery or a
48 regular pickup of empty beverage containers. This

49 subsection does not apply to a distributor selling
50 alcoholic liquor to the alcoholic beverages division

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1 of the department of commerce.

2 Sec. ____ . Section 455C.4, subsection 4, Code 1991,
3 is amended to read as follows:

4 4. A class "E" liquor control licensee may refuse
5 to accept and to pay the refund value on an empty
6 alcoholic liquor container from a dealer or a
7 redemption center or from a person acting on behalf of
8 or who has received empty alcoholic liquor containers
9 from a dealer or a redemption center. However, a
10 class "E" liquor control licensee shall not refuse to
11 accept an empty alcoholic liquor container from
12 holders of class "A", "B", and "C" liquor control
13 licenses, if returned. The class "E" liquor control
14 licensee shall not pay a refund for such containers,
15 but shall hold such containers for pickup by the
16 distributor. The class "E" liquor control licensee
17 shall inform all liquor control licensees served by
18 the class "E" liquor control licensee that the
19 containers will be accepted."

20 3. Page 3, by inserting after line 24, the
21 following:

22 "Sec. ____ . 1989 Iowa Acts, chapter 272, section
23 42, as amended by 1990 Iowa Acts, chapter 1261,
24 section 43, and 1991 Iowa Acts, chapter 268, section
25 442, is amended to read as follows:

26 SEC. 42. Sections ~~Section 34; 35; and 36~~ of this
27 Act ~~are~~ is effective July 1, 1992."

28 4. Page 3, by inserting after line 26, the
29 following:

30 "Sec. ____ . 1989 Iowa Acts, chapter 272, sections
31 35 and 36, are repealed."

32 5. Title page, line 1, by inserting after the
33 word "waste" the following: "and providing for
34 repeals".

35 6. By numbering and renumbering as necessary.

LARRY MURPHY

S-5439

1 Amend House File 2205, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 27, by inserting after the word
4 "A" the following: "completed".

5 2. Page 1, line 31, by striking the word
6 "proposed" and inserting the following: "completed".

BEVERLY A. HANNON

S-5440

1 Amend House File 2459, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 18, by inserting after line 6 the
4 following:

5 "Sec. ____ . STATE WORKERS' COMPENSATION CLAIMS.

6 There is appropriated from the general fund of the
7 state to the department of personnel for the fiscal
8 year beginning July 1, 1992, and ending June 30, 1993,
9 the following amount, or so much thereof as is
10 necessary, to be used for the purpose designated:

11 For distribution, subject to approval of the
12 department of management, to various state departments
13 to fund the premiums for paying workers' compensation
14 claims which are assessed to and collected from the
15 state department by the department of personnel based
16 upon a rating formula established by the department of
17 personnel:

18 \$ 6,325,000

19 The premiums collected by the department of
20 personnel shall be segregated into a separate workers'
21 compensation fund in the state treasury to be used for
22 payment of state employees' workers' compensation
23 claims. Notwithstanding section 8.33, unencumbered or
24 unobligated moneys remaining in this workers'
25 compensation fund shall not revert."

JOHN A. PETERSON

S-5441

1 Amend House File 2384, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by striking line 12, and inserting the
4 following: "covered; and lesson plans; and time spent
5 on the areas of study."

WILLIAM W. DIELEMAN

S-5442

1 Amend the amendment, S-5402, to House File 2194, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 1, by inserting after line 24, the
5 following:
6 " ____ . Page 1, line 28, by inserting after the
7 word "is" the following: "not"."

WILLIAM W. DIELEMAN

S-5443

- 1 Amend House File 2203, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 16 the fol-
4 lowing:
5 "Sec. ____ . Section 455B.313, subsection 1, Code
6 1991, is amended to read as follows:
7 1. A distributor as defined in section 455C.1,
8 subsection 5, shall not sell or offer to sell any
9 beverage container if the beverage container is
10 connected to another beverage container by a device
11 constructed of a material which is not biodegradable,
12 or photodegradable, or recyclable."
13 2. By renumbering as necessary.
14 3. Title page, line 1, by inserting after the
15 word "of" the following: "certain material and".

JIM RIORDAN
SHELDON RITTMER

S-5444

- 1 Amend House File 2459, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 14, line 17, by striking the figure
4 "7,267,285" and inserting the following: "7,217,285".

WILLIAM DIELEMAN

S-5445

- 1 Amend House File 2412, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by striking lines 8 through 21.

JOHN A. PETERSON

S-5446

- 1 Amend House File 2408, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 17, the

4 following:

5 "Sec. ____ . Section 321L.2, subsection 1, paragraph
6 b, Code 1991, is amended to read as follows:

7 b. The department may issue permanent handicapped
8 identification hanging devices to the following in
9 accordance with rules adopted by the department:

10 (1) An organization which has a program for
11 transporting the handicapped or elderly.

12 (2) A person in the business of transporting the
13 handicapped or elderly.

14 One handicapped identification hanging device may
15 be issued for each vehicle used by the organization or
16 person for transporting the handicapped or elderly. A
17 handicapped identification hanging device issued under
18 this paragraph shall be surrendered to the department
19 if the organization or person is no longer providing
20 the service for which the device was issued.

21 Notwithstanding section 321L.4, a person transporting
22 the handicapped or elderly in a motor vehicle for
23 which a handicapped identification hanging device has
24 been issued under this paragraph may display the
25 device in the motor vehicle and may use a handicapped
26 parking space while the motor vehicle is displaying
27 the device. A handicapped identification hanging
28 device issued under this paragraph shall be of a
29 distinctively different color from the handicapped
30 identification hanging devices issued under paragraph
31 "a".

32 2. Page 2, by inserting after line 21 the
33 following:

34 "Sec. ____ . Any handicapped identification hanging
35 device issued under section 321L.2, prior to the
36 effective date of this Act, to an organization or
37 person for transporting the elderly, shall continue to
38 be a valid handicapped identification device if the
39 organization or person complies with the provisions
40 which were in existence when it was issued."

41 3. Title page, line 1, by inserting after the
42 word "Act" the following: "relating to the issuance
43 of handicapped identification devices and".

44 4. By renumbering as necessary.

MIKE CONNOLLY

S-5447

1 Amend House File 2205, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 2, by striking the word
4 "subsection" and inserting the following:

- 5 "subsections".
6 2. Page 1, by inserting after line 6 the follow-
7 ing:
8 "NEW SUBSECTION. 17. The commission shall adopt
9 rules which prohibit the land application of petroleum
10 contaminated soils on flood plains."

MICHAEL E. GRONSTAL

S-5448

- 1 Amend the amendment, S-5412, to House File 681 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 8, by striking the word "seeking"
5 and inserting the following: ", acting in good faith,
6 who seeks".
7 2. Page 1, by striking lines 20 and 21 and
8 inserting the following:
9 "2. Assistance information in the possession of".

RICHARD VARN

S-5449

- 1 Amend the amendment, S-5361, to House File 2287, as
2 amended and passed by the House, as follows:
3 1. Page 1, line 18, by inserting before the word
4 "job-specific" the following: "competency-based".

MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 2059

S-5450

- 1 Amend Senate File 2059, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, by striking lines 4 and 5 and
4 inserting the following: "a person retaining a
5 container used for the handling of dairy products
6 intended for sale as provided in this section, which
7 bears a mark".
8 2. Page 1, line 8, by striking the word and
9 figures "May 1, 1992" and inserting the following:
10 "the effective date of this Act".

HOUSE AMENDMENT TO
SENATE FILE 84

S-5451

- 1 Amend Senate File 84, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 23, by inserting after the word
4 "Code" the following: "Supplement".
5 2. Page 1, line 26, by striking the words
6 "recovered paper" and inserting the following:
7 "secondary".

S-5452

- 1 Amend Senate File 2353 as follows:
2 1. Page 2, by inserting after line 22 the
3 following:
4 "10A. "Manicuring" means the practice of
5 cleansing, shaping, or polishing the fingernails and
6 massaging the hands and lower arms of a person.
7 "Manicuring" does not include the application of
8 sculptured nails or nail extensions to the fingernails
9 or toenails of a person, and does not include the
10 practice of pedicuring.
11 10B. "Manicurist" means a person who performs the
12 practice of manicuring."
13 2. Page 2, by striking line 29 and inserting the
14 following:
15 "b. Massaging the hands, arms, ankles, and feet of
16 a person."
17 3. Page 2, by inserting after line 31 the follow-
18 ing:
19 "d. Manicuring the nails of a person."
20 4. Page 4, by striking lines 13 through 16 and
21 inserting the following:
22 "a. Presents to the department the certificate of
23 a licensed physician and surgeon, osteopath, or
24 osteopathic physician and surgeon that the applicant
25 is free from any infectious or contagious disease."
26 5. Page 15, line 15, by striking the word "shall"
27 and inserting the following: "may".
28 6. By renumbering and relettering and correcting
29 internal references as necessary.

RICHARD RUNNING

S-5453

1 Amend House File 2417, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Sec. 100. Section 258A.1, subsection 6, paragraph
6 x, Code 1991, is amended to read as follows:

7 x. The director of the department of natural
8 resources in certifying water treatment operators as
9 provided in sections 455B.211 through 455B.224 or
10 registering groundwater professionals as provided in
11 section 455G.18."

12 2. Page 2, by inserting after line 9, the
13 following:

14 "Sec. ____ . Section 100 of this Act, relating to
15 groundwater professionals, being deemed of immediate
16 importance, takes effect upon enactment."

17 3. Title page, line 1, by inserting after the
18 word "Act" the following: "relating to groundwater
19 professionals and".

20 4. Title page, line 4, by inserting after the
21 word "fund" the following: "and providing an
22 effective date".

EMIL HUSAK

S-5454

1 Amend the amendment, S-5406, to House File 2334, as
2 follows:

3 1. Page 1, by striking line 16 through page 2,
4 line 13 and inserting the following: "and that public
5 access be granted to the waters".

JAMES R. RIORDAN

S-5455

1 Amend Senate File 2354 as follows:

2 1. Page 4, by inserting after line 33, the
3 following:

4 "Sec. ____ . NEW SECTION. 509.17A COLLATERAL
5 INSURANCE AND FORCED PLACEMENT.

6 1. The commissioner shall review all collateral
7 insurance forms and rates to assure that the rates are
8 not excessive in comparison to the benefits provided
9 to consumers.

10 2. The commissioner may adopt by rule procedures
11 and restrictions to protect consumers from abusive

12 practices in forced placement or collateral insurance.

13 Rules may include, but are not limited to, the

14 following:

15 a. Notice requirements, to assure that consumers
16 have an opportunity to exercise reasonable choice in
17 the placement, of a collateral insurance policy.

18 b. A prohibition or limitation on the receipt of a
19 sales commission or other fee by the person making a
20 forced placement, or the person's employer.

21 3. For purposes of this section, unless the
22 context otherwise requires:

23 a. "Collateral insurance" means an insurance
24 policy solely or primarily intended to provide
25 security for a loan or to insure collateral for a
26 loan.

27 b. "Forced placement" means the purchase of an
28 insurance policy by a third person when the law or a
29 contract obligates another person to pay the insurance
30 premium."

31 2. Page 20, by inserting after line 25, the
32 following:

33 "Sec. ____ . RULES. The commissioner shall adopt by
34 rule objective standards as necessary to facilitate
35 implementation of section 18 of this Act."

36 3. By renumbering as necessary.

WILLIAM D. PALMER

S-5456

1 Amend House File 2308, as passed by the House, as
2 follows:

3 1. Page 4, by inserting after line 12 the
4 following:

5 "Sec. ____ . Section 229.14, subsection 3, Code
6 Supplement 1991, is amended to read as follows:

7 3. That the respondent is seriously mentally
8 impaired and in need of treatment, but does not
9 require full-time hospitalization. If the report so
10 states it shall include the chief medical officer's
11 recommendation for treatment of the respondent on an
12 outpatient or other appropriate basis, and the court
13 shall enter an order which may direct the respondent
14 to submit to the recommended treatment. The order
15 shall provide that if the respondent fails or refuses
16 to submit to treatment as directed by the court's
17 order, the court may order that the respondent be
18 taken into immediate custody as provided by section
19 229.11 and, following notice and hearing held in
20 accordance with the procedures of section 229.12, may

21 order the respondent treated as a patient requiring
22 full-time custody, care and treatment in a hospital
23 until such time as the chief medical officer reports
24 that the respondent does not require further treatment
25 for serious mental impairment or has indicated the
26 respondent is willing to submit to treatment on
27 another basis as ordered by the court. If a patient
28 is transferred for treatment to another provider under
29 this subsection, the treatment provider who will be
30 providing the outpatient or other appropriate
31 treatment shall be provided with relevant court orders
32 by the former treatment provider."
33 2. By numbering and renumbering as necessary.

RALPH ROSENBERG

S-5457

1 Amend House File 2408, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 321.34, subsection 7, Code
6 Supplement 1991, is amended to read as follows:
7 7. HANDICAPPED PLATES. The owner of a motor
8 vehicle subject to registration pursuant to section
9 321.109, subsection 1, light delivery truck, panel
10 delivery truck, or pickup, who is a handicapped
11 person, or who is the parent or guardian of a child
12 who resides with the parent or guardian owner and who
13 is a handicapped person, as defined in section 321L.1,
14 may, upon written application to the department, order
15 handicapped registration plates designed by the
16 department bearing the international symbol of
17 accessibility. The handicapped registration plates
18 shall only be issued if the application is accompanied
19 with a statement from a physician licensed under
20 chapter 148, 149, 150, or 150A, or a chiropractor
21 licensed under chapter 151, written on the physician's
22 or chiropractor's stationery, stating the nature of
23 the applicant's or the applicant's child's handicap
24 and such additional information as required by rules
25 adopted by the department; ~~including proof of~~
26 ~~residency of a child who is a handicapped person.~~ If
27 the application is approved by the department the
28 handicapped registration plates shall be issued to the
29 applicant in exchange for the previous registration
30 plates issued to the person. The fee for the
31 handicapped plates is five dollars which is in
32 addition to the regular annual registration fee. The

33 department shall validate the handicapped plates in
 34 the same manner as regular registration plates are
 35 validated under this section at the regular annual
 36 registration fee. However, the handicapped plates
 37 shall not be renewed without the applicant furnishing
 38 evidence to the department that the owner of the motor
 39 vehicle or the owner's child is still a handicapped
 40 person as defined in section 321L.1, unless the
 41 applicant has previously provided satisfactory
 42 evidence to the department that the owner of the
 43 vehicle or the owner's child is permanently
 44 handicapped in which case the furnishing of additional
 45 evidence shall not be required for renewal. ~~However,~~
 46 ~~an owner who has a child who is a handicapped person~~
 47 ~~shall provide satisfactory evidence to the department~~
 48 ~~that the handicapped child continues to reside with~~
 49 ~~the owner.~~ The handicapped registration plates shall
 50 be surrendered in exchange for regular registration

Page 2

1 plates when the owner of the motor vehicle or the
 2 owner's child no longer qualifies as a handicapped
 3 person as defined in section 321L.1 ~~or when the~~
 4 ~~owner's child who is a handicapped person no longer~~
 5 ~~resides with the owner.~~ For the purposes of the
 6 issuance of handicapped plates under this subsection,
 7 a handicapped child shall include a child of any age."
 8 2. Title page, line 1, by inserting after the
 9 word, "Act" the following: "relating to issuance of
 10 handicapped registration plates and".
 11 3. By renumbering as necessary.

JIM LIND

S-5458

1 Amend House File 2459, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 16, by inserting after line 25 the
 4 following:
 5 "Sec. 100. Notwithstanding the standing
 6 appropriation in section 307.45, and 1991 Iowa Acts,
 7 chapter 267, section 507, there is appropriated from
 8 the general fund of the state to the city of
 9 Guttenberg to pay the cost of a public improvement
 10 assessment against the state-owned land the following
 11 amount:
 12 \$ 37,911".
 13 2. Page 18, by inserting after line 6 the

14 following:

15 "Sec. ____ . STATE WORKERS' COMPENSATION CLAIMS.

16 There is appropriated from the general fund of the

17 state to the department of personnel for the fiscal

18 year beginning July 1, 1992, and ending June 30, 1993,

19 the following amount, or so much thereof as is

20 necessary, to be used for the purpose designated:

21 For distribution, subject to approval of the

22 department of management, to various state departments

23 to fund the premiums for paying workers' compensation

24 claims which are assessed to and collected from the

25 state department by the department of personnel based

26 upon a rating formula established by the department of

27 personnel:

28 \$ 6,325,000

29 The premiums collected by the department of

30 personnel shall be segregated into a separate workers'

31 compensation fund in the state treasury to be used for

32 payment of state employees' workers' compensation

33 claims. Notwithstanding section 8.33, unencumbered or

34 unobligated moneys remaining in this workers'

35 compensation fund shall not revert."

36 3. Page 20, line 31, by striking the word and

37 figure "and 26" and inserting the following: "26, and

38 100."

39 4. Title page, line 5, by striking the word

40 "and".

41 5. Title page, line 6, by inserting after the

42 word "changes" the following: ", and providing

43 effective dates".

COMMITTEE ON APPROPRIATIONS
LEONARD BOSWELL, Chairperson

S-5459

1 Amend House File 2385, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 6, the

4 following:

5 "Sec. ____ . Section 455B.313, subsection 1, Code

6 1991, is amended to read as follows:

7 1. A distributor as defined in section 455C.1,

8 subsection 5, shall not sell or offer to sell any

9 beverage container if the beverage container is

10 connected to another beverage container by a device

11 constructed of a material which is not biodegradable,

12 or photodegradable, or recyclable.

13 Recyclable connectors which are not biodegradable

14 or photodegradable, shall not have openings greater

- 15 than one and three-quarter inches in diameter.
 16 Recyclable connectors shall be composed of at least
 17 twenty-five percent recycled resins by July 1, 1995.
 18 Prior to July 1, 1995, distributors of recyclable
 19 connectors shall attempt, as a goal, to achieve a ten
 20 percent recycled resin content for connectors."
 21 2. By renumbering as necessary.

JIM RIORDAN
 DALE L. TIEDEN
 EUGENE S. FRAISE
 MARY E. KRAMER
 SHELDON RITTMER
 JOE J. WELSH
 BERL E. PRIEBE
 RICHARD F. DRAKE
 ALLEN BORLAUG
 JAMES B. KERSTEN
 EMIL J. HUSAK
 DON GETTINGS
 RAY TAYLOR
 WILMER RENSINK
 ALVIN V. MILLER
 ALBERT SORENSEN
 JACK RIFE
 WALLY E. HORN
 LEONARD L. BOSWELL
 JIM LIND
 RICHARD VANDE HOEF
 HARRY SLIFE
 JACK W. HESTER
 DONALD V. DOYLE
 WILLIAM W. DIELEMAN
 MARK R. HAGERLA
 ELAINE SZYMONIAK
 RICHARD V. RUNNING
 JEAN LLOYD-JONES
 MAGGIE TINSMAN
 BEVERLY A. HANNON

S-5460

- 1 Amend House File 2195, as amended and passed by the
 2 House, as follows:
 3 1. Page 1, line 6, by inserting after the word
 4 ""a."" the following: "after consulting with and
 5 obtaining the approval of the chief judge of the
 6 judicial district."
 7 2. Page 1, line 15, by inserting after the words
 8 "contiguous county" the following: "in the same

- 9 judicial district".
10 3. Page 2, line 3, by inserting after the word
11 "counties." the following: "However, in the case of
12 criminal actions, juries shall consist only of
13 residents from the county in which the alleged public
14 offense occurred."

DONALD V. DOYLE

S-5461

- 1 Amend House File 2343, as passed by the House, as
2 follows:
3 1. Page 5, line 7, by inserting before the word
4 "contour" the following: "no-till planting, ridge-
5 till planting, contouring, and".
6 2. Page 5, line 27, by striking the word
7 "seventy-five" and inserting the following: "one
8 hundred".
9 3. Page 5, line 29, by striking the word
10 "seventy-five" and inserting the following: "one
11 hundred".

BERL E. PRIEBE

S-5462

- 1 Amend House File 2195, as amended and passed by the
2 House, as follows:
3 1. Page 1, line 6, by inserting after the word
4 "a." the following: "after consulting with and
5 obtaining the approval of the chief judge of the
6 judicial district."
7 2. Page 1, line 13, by inserting after the word
8 "supervisors" the following: ", with the approval of
9 the supreme court."
10 3. Page 1, line 15, by inserting after the words
11 "contiguous county" the following: "in the same
12 judicial district".
13 4. Page 2, lines 2 and 3, by striking the words
14 "Juries may be impaneled from the residents of both
15 counties."

DONALD V. DOYLE
SHELDON RITTMER

S-5463

- 1 Amend House File 2413, as passed by the House, as
2 follows:

- 3 1. Page 1, line 6, by striking the word "all" and
4 inserting the following: "either".

HARRY SLIFE
EUGENE FRAISE

S-5464

- 1 Amend House File 2413, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 19 the
4 following:
5 "Sec. ____ . Section 321G.9, subsection 4, paragraph
6 b, Code 1991, is amended to read as follows:
7 b. On that portion of county roadways that have
8 not been plowed during since the snow season most
9 recent measurable snowfall of at least one inch of
10 snow or not maintained or utilized for the operation
11 of conventional two-wheel drive motor vehicles."
12 2. Title page, line 2, by inserting after the
13 word "underpasses" the following: "and roadways".

HARRY G. SLIFE

S-5465

- 1 Amend House File 2384, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 17, by striking the word "may"
4 and inserting the following: "shall".

LARRY MURPHY

S-5466

- 1 Amend House File 2384, as amended, passed, and re-
2 printed by the House, as follows:
3 1. By striking page 2, line 13, through page 3,
4 line 11.
5 2. Title page, lines 5 and 6, by striking the
6 words "and athletic participation".
7 3. By renumbering and changing internal
8 references as necessary.

LARRY MURPHY
DALE TIEDEN
MAGGIE TINSMAN
BEVERLY A. HANNON
MICHAEL W. CONNOLLY

S-5467

- 1 Amend Senate File 2353 as follows:
- 2 1. Page 15, by inserting after line 25 the fol-
- 3 lowing:
- 4 "Sec. ____ . FEES INCREASED. Effective for fees
- 5 collected on or after July 1, 1992, the board of
- 6 cosmetology examiners shall increase by three dollars
- 7 the fee amounts charged before the effective date of
- 8 this Act for licensure, license renewal, reciprocal
- 9 licensure, and temporary permits for all practices or
- 10 operations regulated by the board of cosmetology
- 11 examiners."
- 12 2. Title page, line 2, by inserting after the
- 13 word "penalties" the following: ", and increasing
- 14 fees".

WILLIAM W. DIELEMAN

S-5468

- 1 Amend House File 2075, 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 diagnosing, preventing, or treating disease".

FLORENCE BUHR

S-5469

- 1 Amend House File 2075, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 3, line 34 through page 4,
- 4 line 3 and inserting the following: "to practice
- 5 medicine and surgery, osteopathy, osteopathic medicine
- 6 and surgery, podiatry, or dentistry."

FLORENCE BUHR

S-5470

- 1 Amend House File 2075, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 9 through 14 and
- 4 inserting the following:
- 5 "Sec. ____ . NEW SECTION. 148E.11 EVALUATION OF
- 6 CONDITION REQUIRED.
- 7 A person registered under this chapter shall not
- 8 engage in the performance of acupuncture upon another
- 9 person until the person's condition has been evaluated

- 10 by a person licensed to practice medicine and surgery,
11 osteopathy, osteopathic medicine and surgery,
12 podiatry, or dentistry.”
13 2. By numbering and renumbering as necessary.

FLORENCE BUHR

S-5471

- 1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 46, by inserting after line 10 the
4 following:
5 “Sec. ____ . Section 411.38, subsection 2, Code
6 1991, is amended to read as follows:
7 2. Transfer from each terminated city fire or
8 police retirement system to the statewide system
9 amounts sufficient to cover the accrued liabilities of
10 that terminated system as determined by the actuary of
11 the statewide system. The actuary of the statewide
12 system shall redetermine the accrued liabilities of
13 the terminated systems as necessary to take into
14 account additional amounts payable by the city which
15 are attributable to errors or omissions which occurred
16 prior to January 1, 1992, or to matters pending as of
17 January 1, 1992.”
18 2. Page 48, by inserting after line 15 the
19 following:
20 “____ . The section of this Act which amends section
21 411.38, subsection 2, being deemed of immediate
22 importance, takes effect upon enactment and applies
23 retroactively to January 1, 1992.”
24 3. By renumbering as necessary.

JOHN KIBBIE
RICHARD F. DRAKE

S-5472

- 1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 36, by inserting after line 31, the
4 following:
5 “Sec. ____ . Section 97B.66, unnumbered paragraph 3,
6 Code 1991, is amended by striking the unnumbered
7 paragraph.”
8 2. Page 48, line 1, by striking the figure
9 “97B.66.”

10 3. By renumbering and correcting internal
11 references as necessary.

JOHN KIBBIE
RICHARD F. DRAKE

S-5473

1 Amend House File 2450 as follows:
2 1. Page 37, line 10, by inserting after the word
3 "system" the following: "either".
4 2. Page 37, line 11, by inserting before the word
5 "period" the following: "entire".
6 3. Page 37, line 12, by striking the word "and"
7 and inserting the following: "and, or for partial
8 service in the other public system in increments of no
9 greater than one year or less than one calendar
10 quarter. However, the member may not make
11 contributions in an increment of less than one year
12 more than once. The member may also make one lump sum
13 contribution to the system which represents the entire
14 period of service in the other public system, even if
15 the period of time exceeds one year. If the member
16 wishes to transfer only a portion of the service value
17 of another public system to this system and the other
18 public system allows a partial withdrawal of a
19 member's system credits, the member shall".

JOHN KIBBIE
RICHARD F. DRAKE

S-5474

1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 28, by inserting after line 9 the
4 following:
5 "Sec. ____ . Section 97B.49, subsection 16,
6 paragraph d, Code 1991, is amended by adding the
7 following new subparagraph:
8 NEW SUBPARAGRAPH. (8) A fire prevention inspector
9 peace officer employed by the department of public
10 safety."
11 2. By renumbering as necessary.

JOHN KIBBIE
RICHARD F. DRAKE

S-5475

1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 46, by inserting after line 10 the
4 following:

5 "Sec. 100. Section 602.9204, Code 1991, is amended
6 to read as follows:

7 602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED
8 SENIOR JUDGE.

9 A senior judge or a retired senior judge shall not
10 be paid a salary. A senior judge or retired senior
11 judge shall be paid an annuity under the judicial
12 retirement system in the manner provided in section
13 602.9109, but computed under this section in lieu of
14 section 602.9107, as follows: The annuity paid to a
15 senior judge or retired senior judge shall be an
16 amount equal to three percent of the current basic
17 salary, as of the time each payment is made up to and
18 including the twelve-month period during which the
19 senior judge or retired senior judge attains seventy-
20 eight years of age, of the office in which the senior
21 judge last served as a judge before retirement as a
22 judge or senior judge, multiplied by the judge's years
23 of service prior to retirement as a judge of one or
24 more of the courts included under this article, for
25 which contributions were made to the system, except
26 the annuity of the senior judge or retired senior
27 judge shall not exceed fifty percent of the current
28 basic salary used in calculating the annuity.
29 However, following the twelve-month period during
30 which the senior judge or retired senior judge attains
31 seventy-eight years of age, the annuity paid to the
32 person shall be an amount equal to three percent of
33 the basic salary cap, multiplied by the judge's years
34 of service prior to retirement as a judge of one or
35 more of the courts included under this article, for
36 which contributions were made to the system, except
37 that the annuity shall not exceed fifty percent of the
38 basic salary cap. A senior judge or retired senior
39 judge shall not receive benefits calculated using a
40 basic salary established after the twelve-month period
41 in which the senior judge or retired senior judge
42 attains seventy-eight years of age. In addition, if a
43 senior judge is under sixty-five years of age at the
44 time the judge becomes a senior judge, the state shall
45 pay the state's share of the senior judge's medical
46 insurance premium until the judge attains age sixty-
47 five.

48 As used in this section, unless the context

49 otherwise requires, "basic salary cap" means the basic
50 salary, at the end of the twelve-month period during

Page 2

1 which the senior judge or retired senior judge
2 attained seventy-eight years of age, of the office in
3 which the person last served as a judge before
4 retirement as a judge or senior judge."

5 2. Page 47, line 26, by inserting before the word
6 "this" the following: "section 100 of".

7 3. By renumbering and correcting internal
8 references as necessary.

JOHN KIBBIE
RICHARD F. DRAKE

S-5476

1 Amend House File 2287, as amended and passed by the
2 House, as follows:

3 1. Page 2, line 1, by inserting after the word
4 "arrive." the following: "Districts are also
5 encouraged to provide academic experiences which are
6 articulated with and reinforce experiences of students
7 in the workplace setting."

8 2. Page 2, line 35, by inserting after the word
9 "programs." the following: "Schools and school
10 districts are encouraged to work with current
11 employers of students attending instruction in the
12 schools or school districts in order to articulate
13 educational programming with the work experiences of
14 the students."

15 3. Page 6, by striking lines 9 through 20, and
16 inserting the following:

17 "6. The department of education shall adopt
18 guidelines for the establishment of workstart
19 programs. Guidelines may include, but are not limited
20 to acceptable levels of business financial
21 participation in a workstart program, maximum hour and
22 workload guidelines for education practitioners
23 working in or supervising a workstart program, and
24 maximum and minimum class size guidelines for the
25 preparation and workplace phases of a workstart
26 program."

RICHARD VARN

HOUSE AMENDMENT TO
SENATE FILE 2063

S-5477

1 Amend Senate File 2063, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "The department shall adopt administrative rules on
6 an emergency basis under section 17A.4, subsection 2,
7 and section 17A.5, subsection 2, paragraph "b", to
8 implement the provisions of this section authorizing
9 the closing of the Des Moines district office. The
10 rules shall become effective immediately upon filing
11 unless a later date is specified in the rules. Any
12 rules adopted in accordance with this section shall
13 also be published as a notice of intended action as
14 provided in section 17A.4."

HOUSE AMENDMENT TO
SENATE FILE 2108

S-5478

1 Amend Senate File 2108, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 16 through 21 and
4 inserting the following:
5 "Sec. ____ . Section 106.31, subsection 1,
6 unnumbered paragraph 1, Code 1991, is amended to read
7 as follows:
8 Except as provided in special rules adopted under
9 this chapter, a motorboat shall not be permitted on
10 any artificial lake under the jurisdiction of the
11 commission except the following:
12 Sec. ____ . Section 106.31, subsection 1, paragraph
13 a, Code 1991, is amended to read as follows:"
14 2. By striking page 1, line 25, through page 2,
15 line 1.
16 3. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2233

S-5479

1 Amend Senate File 2233, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 9, by inserting after the word

4 "state." the following: "Within three months of
5 appointment the clerk of the district court must
6 establish residence and physically reside in the
7 county."

HOUSE AMENDMENT TO
SENATE FILE 2286

S-5480

- 1 Amend Senate File 2286, as passed by the Senate, as
2 follows:
3 1. Page 32, by inserting after line 30, the
4 following:
5 "Sec. ____ . The commissioner of insurance shall
6 conduct a study relating to the issues involved with
7 compulsory proof of financial responsibility for all
8 operators of motor vehicles in this state. The study
9 shall include an analysis of the impact of requiring
10 such coverage, including the number of additional
11 operators acquiring coverage, the effect on premium
12 costs to consumers, the impact on expenses which would
13 be incurred by insurance carriers as a result of
14 losses paid under such policies, and other related
15 issues.
16 The commissioner of insurance shall conduct at
17 least one public hearing in each of the five new
18 congressional districts during the 1992 legislative
19 interim concerning the issue of compulsory proof of
20 financial responsibility for all operators of motor
21 vehicles in this state. The commissioner shall
22 provide adequate notice of such hearings and encourage
23 participation by all citizens in this state. The
24 commissioner shall make an accurate record or summary
25 of each meeting and provide a complete report to the
26 general assembly no later than January 20, 1993,
27 concerning the proceedings."
28 2. Page 32, line 32, by striking the figure "41"
29 and inserting the following: "40".
30 3. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2005

S-5481

- 1 Amend Senate File 2005, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 25, by inserting after the word
4 "costs" the following: "incurred by a participant due

5 to employment or participation in an academic or job-
6 training program”.

HOUSE AMENDMENT TO
SENATE FILE 2024

S-5482

- 1 Amend Senate File 2024 as follows:
- 2 1. Page 1, line 30, by inserting after the figure
- 3 “29.4.” the following: “If an executive director is
- 4 not appointed, a commissioner or a clerical assistant
- 5 shall complete the course of training.”
- 6 2. Page 1, line 31, by inserting after the word
- 7 “director” the following: “, commissioner, or
- 8 clerical assistant”.
- 9 3. Page 1, line 33, by inserting after the word
- 10 “director” the following: “, commissioner, or
- 11 clerical assistant”.

S-5483

- 1 Amend House File 2382, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 “Sec. ____ . Section 109.130, subsection 7, Code
- 6 1991, is amended to read as follows:
- 7 7. For each deer, seven one thousand five hundred
- 8 fifty dollars.”
- 9 2. Title page, line 3, by inserting after the
- 10 word “criminal” the following: “and a civil”.

JIM RIORDAN

S-5484

- 1 Amend House File 2334, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 3 the
- 4 following:
- 5 “Sec. ____ . Section 109.78, Code 1991, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 1. The commission shall compile
- 8 an annual directory of commission-stocked private
- 9 waters and disseminate a copy of the directory to each
- 10 county conservation commission and with each Iowa
- 11 fishing license issued. The directory shall list at
- 12 minimum all of the following information:
- 13 a. All private waters in the state that are

14 stocked by the commission after 1991.
15 b. Sufficient directional information for locating
16 and accessing each commission-stocked private waters
17 site.
18 c. The species used by the commission at each site
19 to stock the private waters.
20 d. The date each private waters site was stocked
21 by the commission."

JACK W. HESTER
JIM RIORDAN

S-5485

1 Amend House File 242, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 15 the
4 following:
5 "____. A natural sibling of an adopted person may
6 file or may request that the department file an
7 affidavit in the court in which the adopted person's
8 adoption records have been sealed requesting that the
9 court reveal or not reveal the sibling's name to the
10 adopted person. The court shall consider any such
11 affidavit in determining whether there is good cause
12 to order opening of the records upon application for
13 revelation by the adopted person. However, the name
14 of the natural sibling shall not be revealed until the
15 natural sibling has attained majority."
16 2. By lettering and relettering as necessary.

RICHARD VARN
ELAINE SZYMONIAK

S-5486

1 Amend House File 497, amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 22 through 27 and
4 inserting the following: "'B," class "C," or class
5 "D" felony. A presentence investigation for a class
6 "B," class "C," or class "D" felony shall not be
7 waived. The court may".

LARRY MURPHY

S-5487

1 Amend House File 2459, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 14, line 33, by inserting after the word
- 4 "purpose" the following: "only if Monroe county is
- 5 not reimbursed for the machinery and computer
- 6 equipment tax replacement with money appropriated
- 7 pursuant to section 427B.13".
- 8 2. Page 15, line 1, by inserting after the word
- 9 "through" the following: "427B.12 and".

LEONARD L. BOSWELL
JOHN A. PETERSON

S-5488

- 1 Amend House File 2454, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 15 through 25 and
- 4 inserting the following:
- 5 "1. SPAN OF CONTROL AND LAYERS OF MANAGEMENT. The
- 6 department of personnel shall, after discussion and
- 7 collaboration with executive branch agencies, reduce
- 8 the layers of management in executive branch agencies
- 9 as a whole from those existing on July 1, 1991, by at
- 10 least 50 percent by July 1, 1993, and increase
- 11 supervisor-to-employee ratios of executive branch
- 12 agencies as a whole from those existing on July 1,
- 13 1991, by up to 50 percent by July 1, 1993. The
- 14 department shall present an interim report to the
- 15 general assembly by January 15, 1993, and a final
- 16 report by April 1, 1993, regarding the progress of the
- 17 department in completing this task and its outcome.
- 18 However, before any reduction in layers of
- 19 management is implemented, the department of personnel
- 20 shall notify the".
- 21 2. Page 2, by striking lines 14 through 32.
- 22 3. Title page, lines 1 and 2, by striking the
- 23 words " , and making appropriations".

COMMITTEE ON APPROPRIATIONS
LEONARD BOSWELL, Chairperson

S-5489

- 1 Amend the amendment, S-5458, to House File 2459, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 36 through 38 and
- 5 inserting the following:
- 6 "___ . Page 20, line 31, by striking the words and

7 figures "sections 25 and 26" and inserting the
8 following: "section 100,".

LEONARD L. BOSWELL
JOHN A. PETERSON

S-5490

1 Amend House File 2025, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking line 9 and inserting the
4 following: "threat made with the intent to place a
5 reasonable person in like circumstances in".

6 2. Page 1, line 10, by striking the word
7 "reasonable".

LINN FUHRMAN

S-5491

1 Amend the amendment, S-5414, to House File 2384, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 5 through 17, and
5 inserting the following:

6 "Section 1. Section 256.46, Code 1991, is amended
7 to read as follows:

8 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR
9 ACTIVITIES BY CERTAIN CHILDREN.

10 The state board shall adopt rules that permit a
11 child who does not meet the residence requirements for
12 participation in extracurricular interscholastic
13 contests or competitions sponsored or administered by
14 an organization as defined in section 280.13 to
15 participate in the contests or competitions
16 immediately if the child is duly enrolled in a school,
17 is otherwise eligible to participate, and meets one of
18 the following circumstances or a similar circumstance:
19 the child has been adopted; the child is placed under
20 foster or shelter care; the child is living with one
21 of the child's parents as a result of divorce,
22 separation, death, or other change in the child's
23 parents' marital relationship; the child is or has
24 been a foreign exchange student; the child has been
25 placed in a juvenile correctional facility; the child
26 is a ward of the court or the state; or the child is a
27 participant in a substance abuse or mental health
28 program; or the child is enrolled in an accredited
29 nonpublic high school because the child's district of
30 residence has entered into a whole grade sharing

31 agreement for the pupil's grade with another
32 district."

MIKE CONNOLLY

S-5492

- 1 Amend House File 242 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 3, the
- 4 following:
- 5 "d. A descendant of a deceased adopted person."

BEVERLY HANNON
LARRY MURPHY

S-5493

- 1 Amend House File 2457, as passed by the House, as
- 2 follows:
- 3 1. Page 4, by inserting after line 24, the
- 4 following:
- 5 "e. HEALTH DATA CLEARINGHOUSE. For the health
- 6 data clearinghouse of the health data commission:
- 7 \$ 310,250
- 8 The funds appropriated under this paragraph shall
- 9 be used for the collection, verification, updating,
- 10 and storage of data, including long-term care data,
- 11 received pursuant to chapters 145 and 255A, and for
- 12 the production of mandated reports. The health data
- 13 commission shall establish a fee schedule, in
- 14 consultation with its consultant, for the costs of
- 15 providing data to organizations which request the
- 16 data. The fee established shall be based upon the
- 17 marginal cost and a portion of the fixed cost of
- 18 providing the data.
- 19 Notwithstanding section 145.3, subsection 5, the
- 20 health data commission may contract to purchase a tape
- 21 from the Iowa hospital association containing data
- 22 from all in-patient admissions to Iowa hospitals. The
- 23 health data commission shall specify the data to be
- 24 contained on the tape to ensure the utility of the
- 25 tape for the production of health data commission
- 26 reports."
- 27 2. Page 4, line 29, by striking the figure
- 28 "2,286,888" and inserting the following: "2,324,611".
- 29 3. Page 4, line 30, by striking the figure
- 30 "75.50" and inserting the following: "76.50".
- 31 4. Page 7, by inserting after line 21, the
- 32 following:

33 "(10) The department shall work with the
 34 department of elder affairs to realize the "Healthy
 35 Iowans 2000" goal of providing nutrition screening to
 36 90 percent of the elderly persons participating in
 37 well-elderly screening clinics, congregate meal
 38 programs, and homemaker-home health aide programs, and
 39 shall submit a progress report to the general assembly
 40 by January 1, 1993, regarding the number of personnel
 41 trained and the number of persons served.

42 (11) The department shall continue efforts to
 43 realize the "Healthy Iowans 2000" goal of the
 44 involvement of 50 counties in the Iowa community
 45 nutrition coalition by January 1, 1993, and shall
 46 submit a progress report to the general assembly by
 47 January 1, 1993."

48 5. Page 16, line 32, by striking the figure
 49 "164,739" and inserting the following: "127,016".

50 6. Page 16, line 33, by striking the figure

Page 2

1 "4.00" and inserting the following: "3.00".

2 7. Page 18, by inserting after line 6, the
 3 following:

4 "Sec. ____ . NEW SECTION. 135.22A ADVISORY COUNCIL
 5 ON HEAD INJURIES.

6 1. For purposes of this section, unless the
 7 context otherwise requires:

8 a. "Head injury" means "brain injury" as defined
 9 in section 135.22.

10 b. "Council" means the advisory council on head
 11 injuries.

12 2. The advisory council on head injuries is
 13 established. The following persons or their designees
 14 shall serve as ex officio, nonvoting members of the
 15 council:

16 a. The director of public health.

17 b. The director of human services and any division
 18 administrators of the department of human services so
 19 assigned by the director.

20 c. The director of the department of education.

21 d. The chief of the special education bureau of
 22 the department of education.

23 e. The administrator of the division of vocational
 24 rehabilitation of the department of education.

25 f. The director of the department for the blind.

26 g. The commissioner of insurance.

27 3. The council shall be composed of a minimum of
 28 nine members appointed by the governor in addition to
 29 the ex officio members, and the governor may appoint

30 additional members. Insofar as practicable, the
31 council shall include persons with head injuries,
32 family members of persons with head injuries,
33 representatives of industry, labor, business, and
34 agriculture, representatives of federal, state, and
35 local government, and representatives of religious,
36 charitable, fraternal, civic, educational, medical,
37 legal, veteran, welfare, and other professional groups
38 and organizations. Members shall be appointed
39 representing every geographic and employment area of
40 the state and shall include members of both sexes.
41 4. Members of the council appointed by the
42 governor shall be appointed for terms of two years.
43 Vacancies on the council shall be filled for the
44 remainder of the term of the original appointment.
45 Members whose terms expire may be reappointed.
46 5. The members of the council shall appoint a
47 chairperson and a vice chairperson and other officers
48 as the council deems necessary. The officers shall
49 serve until their successors are appointed and
50 qualified. Members of the council shall receive

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1 actual expenses for their services. Members may also
2 be eligible to receive compensation as provided in
3 section 7E.6. The council shall adopt rules pursuant
4 to chapter 17A.

5 6. The council shall:

6 a. Promote meetings and programs for the
7 discussion of methods to reduce the debilitating
8 effects of head injuries, and disseminate information
9 in cooperation with any other department, agency, or
10 entity on the prevention, evaluation, care, treatment,
11 and rehabilitation of persons affected by head
12 injuries.

13 b. Study and review current prevention,
14 evaluation, care, treatment, and rehabilitation
15 technologies and recommend appropriate preparation,
16 training, retraining, and distribution of manpower and
17 resources in the provision of services to persons with
18 head injuries through private and public residential
19 facilities, day programs, and other specialized
20 services.

21 c. Participate in developing and disseminating
22 criteria and standards which may be required for
23 future funding or licensing of facilities, day
24 programs, and other specialized services for persons
25 with head injuries in this state.

26 d. Make recommendations to the governor for

27 developing and administering a state plan to provide
 28 services for persons with head injuries.
 29 e. Meet at least quarterly.
 30 f. Report on or before February 15 of each year to
 31 the governor and the general assembly on council
 32 activities, and submit recommendations believed
 33 necessary to promote the welfare of persons with head
 34 injuries.
 35 7. The council is assigned to the department for
 36 administrative purposes. The director shall be
 37 responsible for budgeting, program coordination, and
 38 related management functions.
 39 8. The council may receive gifts, grants, or
 40 donations made for any of the purposes of its programs
 41 and disburse and administer them in accordance with
 42 their terms and under the direction of the director.
 43 Sec. ____ . Section 135.22, subsection 1, Code 1991,
 44 is amended to read as follows:
 45 1. As used in this section, section 135.22A, and
 46 section 225C.23, and section 601K.80, "brain injury"
 47 means clinically evident brain damage or spinal cord
 48 injury resulting directly or indirectly from trauma,
 49 infection, anoxia, or vascular lesions not primarily
 50 related to degenerative or aging processes, which

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1 temporarily or permanently impairs a person's physical
 2 or cognitive functions.
 3 Sec. ____ . Section 601K.80, Code 1991, is
 4 repealed."
 5 8. By striking page 18, line 22, through page 19,
 6 line 6.
 7 9. By renumbering, relettering, or redesignating
 8 and correcting internal references as necessary.

APPROPRIATIONS COMMITTEE
 LEONARD BOSWELL, Chairperson

S-5494

1 Amend House File 242, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 3, the
 4 following:
 5 "d. A descendent of an adopted person."

BEVERLY HANNON
 LARRY MURPHY

S-5495

1 Amend House File 2457, as passed by the House, as
2 follows:

3 1. Page 18, by inserting after line 6 the
4 following:

5 "Sec. ____ . NEW SECTION. 135K.1 BONE MARROW DONOR
6 PROGRAM.

7 1. The Iowa department of public health shall
8 establish a bone marrow donor education program.

9 a. The program shall provide all of the following
10 information:

11 (1) The need for bone marrow donors.

12 (2) The procedures required to become registered
13 as a potential bone marrow donor, including procedures
14 for determining a person's tissue type.

15 (3) The medical procedures a donor must undergo to
16 donate bone marrow or other sources of blood stem
17 cells.

18 b. Communication of information to the public
19 shall be provided through the use of various media,
20 including through the press, radio and television, and
21 through provision of materials in health care
22 facilities, blood banks, and state and local health
23 agencies.

24 2. The department shall conduct a bone marrow
25 donor drive to encourage Iowans to volunteer to be
26 potential bone marrow donors. The drive shall include
27 educational materials furnished by the national bone
28 marrow donor program and presentations that explain
29 the need for bone marrow donors and the procedures for
30 becoming registered as a potential bone marrow donor.
31 The bone marrow donor drive shall be completed by
32 January 1, 1993, and shall include typing the tissue
33 of any person who is recruited under the bone marrow
34 drive to be a potential bone marrow donor.

35 3. A bone marrow drive fund is created in the
36 state treasury under the control of the Iowa
37 department of public health. Any appropriations or
38 grant moneys or donations received for the purpose of
39 conducting the bone marrow donor drive under
40 subsection 2 shall be deposited in the fund. The Iowa
41 department of public health shall conduct a bone
42 marrow fundraising drive to collect monetary
43 contributions for the conducting of the donor drive
44 and shall apply for available grants related to bone
45 marrow donations. Notwithstanding section 8.33, any
46 unexpended balances in the fund at the end of each
47 fiscal year shall be retained in the fund.
48 Notwithstanding section 453.7, subsection 2, interest

49 on earnings on investments or time deposits of the
50 moneys in the fund shall be credited to the fund. The

Page 2

- 1 moneys in the fund are appropriated and shall be used
- 2 for the purposes established for the fund under this
- 3 section."
- 4 2. By renumbering as necessary.

MIKE CONNOLLY

S-5496

- 1 Amend House File 2372, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 24 and
- 4 inserting the following:
- 5 "Section 1. NEW SECTION. 76.16A RESTRUCTURING OF
- 6 DEBT AUTHORIZED.
- 7 1. A city, county, or other political subdivision
- 8 which incurs a judgment debt may petition the district
- 9 court for a determination of the appropriate payment
- 10 method for the judgment debt and may appeal the order
- 11 setting forth the payment method. The court shall
- 12 order that the payment method for all or part of the
- 13 judgment debt be by structured, periodic, or other
- 14 nonlump-sum payments as justice requires.
- 15 2. As used in this section, "judgment debt" means
- 16 an obligation to pay money, other than pursuant to a
- 17 valid and binding collective bargaining agreement or
- 18 previously authorized bond issue, incurred as a result
- 19 of a civil judgment against the city, county, or other
- 20 political subdivision, as to which the governing body
- 21 of the city, county, or other political subdivision
- 22 has made a specific finding set forth in a duly
- 23 adopted resolution of each of the following:
- 24 a. That all or a portion of the judgment debt will
- 25 not be paid from available insurance proceeds and must
- 26 be paid from an increase in general tax levy.
- 27 b. That the increase in the general tax levy will
- 28 result in a severe, adverse impact on the ability of
- 29 the city, county, or political subdivision to exercise
- 30 the powers granted to it under applicable law,
- 31 including without limitation providing necessary
- 32 services and promoting economic development.
- 33 c. That as a result of the judgment debt, the
- 34 city, county, or other political subdivision is unable
- 35 to pay its debts as the debt becomes due.
- 36 3. For the purposes of this section, interest

37 shall not accrue on a judgment debt restructured under
38 this section."

39 2. Page 1, by inserting before line 25 the
40 following:

41 "Either party may petition the court for a change
42 of venue to another county and the court shall grant a
43 change of venue whenever it appears that sufficient
44 grounds exist for granting a change of venue."

45 3. Title page, by striking lines 1 and 2, and
46 inserting the following: "An Act permitting a
47 political subdivision to restructure a judgment debt
48 under certain".

LINN FUHRMAN

S-5497

1 Amend the House amendment, S-5430, to Senate File
2 2011, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 9, by inserting after the word
5 "director" the following: ", subject to confirmation
6 by the senate,"."

JOHN P. KIBBIE
WILLIAM W. DIELEMAN
LEONARD L. BOSWELL
DALE L. TIEDEN
EMIL J. HUSAK
RICHARD VANDE HOEF

HOUSE AMENDMENT TO
SENATE FILE 2133

S-5498

1 Amend Senate File 2133, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 23, by inserting after the word
4 "cemetery," the following: "normal activities
5 involved in land surveying pursuant to chapter 114,".

6 2. Page 1, line 24, by inserting after the word
7 "facilities," the following: "the replacement of an
8 existing traffic sign at its current location and at
9 no more than its current depth,".

10 3. Page 1, line 25, by inserting after the word
11 "road" the following: "or highway".

12 4. Page 1, by striking lines 26 and 27, and
13 inserting the following: "grade of the roadway or the
14 ditch."

15 5. Page 1, by striking line 32, and inserting the
16 following: "farms, but excludes chisel plowing, sub-
17 soiling, or ripping more than fifteen inches in depth,
18 drain tile".

19 6. Page 1, line 33, by striking the words
20 "digging for post holes" and inserting the following:
21 "digging or driving a post in a new location other
22 than replacing a post while repairing a fence in its
23 existing location".

24 7. Page 2, line 11, by inserting after the word
25 "property" the following: "owned or leased by the
26 operator".

27 8. Page 2, line 14, by inserting after the word
28 "energy," the following: "hazardous liquids,".

29 9. Page 2, line 18, by inserting after the word
30 "property" the following: "but does not include
31 sanitary sewer laterals, storm sewer laterals, and
32 water service lines providing service to abutting
33 private properties".

34 10. Page 4, line 17, by inserting after the word
35 "received." the following: "The notification center
36 shall not assess an operator who requests in writing
37 not to receive a notification of its own excavations
38 for any portion of the costs associated with such
39 excavations."

40 11. Page 5, by striking lines 3 through 14 and
41 inserting the following: "continue for any period
42 longer than such periods, the operator shall remark
43 the location of the underground facility upon the
44 request of the excavator. The request shall be made
45 through the notification center."

46 12. Page 7, line 14 by inserting after the word
47 "chapter" the following: ", unless the governing body
48 is the excavator and the governing body and the
49 operator have agreed in writing to waive notification
50 under this chapter. However, such an agreement shall

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1 not be considered in the issuance of any required
2 permit".

3 13. By renumbering, relettering, or redesignating
4 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2302

S-5499

- 1 Amend Senate File 2302, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 2, lines 7 and 8, by striking the words
4 "who are both eighteen years of age or older and".
- 5 2. Page 2, lines 11 and 12, by striking the words
6 "who are both eighteen years of age or older, and".
- 7 3. Page 2, line 13, by striking the words "an
8 engagement" and inserting the following: "a dating,
9 courtship, engagement,".
- 10 4. Page 2, by inserting after line 15, the
11 following:
12 "Sec. ____ . Section 236.2, Code Supplement 1991, is
13 amended by adding the following new subsection:
14 NEW SUBSECTION. 7. "Dating relationship" means a
15 social relationship of a romantic nature. In
16 determining whether a dating relationship exists,
17 factors that the court may consider shall include, but
18 are not limited to, the length of time the
19 relationship has existed, the nature of the
20 relationship, and the frequency of interaction between
21 the parties."
- 22 5. Page 2, by striking lines 16 through 27.
- 23 6. Page 3, by striking lines 7 through 15.
- 24 7. Title page, line 4, by striking the words "an
25 engagement" and inserting the following: "a dating,
26 courtship, engagement,".
- 27 8. By renumbering as necessary.

S-5500

- 1 Amend the amendment, S-5475, to House File 2450, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by inserting after line 4 the follow-
5 ing:
6 "Sec. ____ . Section 602.9106, Code 1991, is
7 amended to read as follows:
8 602.9106 RETIREMENT.
9 Any person who shall have become separated from
10 service as a judge of any of the courts included in
11 this article and who has had an aggregate of at least
12 six years of service as a judge of one or more of such
13 courts and shall have attained the age of sixty-five
14 years or who has had twenty-five years of consecutive
15 service as a judge of one or more of said courts, or

16 who qualifies as a senior judge in accordance with
17 section 602.9203A and whose name is added to the
18 roster of senior judges as provided in section
19 602.9203A, subsection 3, and who shall have otherwise
20 qualified as provided in this article, shall be
21 entitled to an annuity as hereinafter provided.

22 Sec. ____ . Section 602.9202, subsection 1, Code
23 1991, is amended to read as follows:

24 1. "Senior judge" means a supreme court judge,
25 court of appeals judge, district court judge, or
26 district associate judge who meets the requirements of
27 section 602.9203 or section 602.9203A and who has not
28 been retired or removed from the roster of senior
29 judges under section 602.9207 or 602.9208.

30 Sec. ____ . NEW SECTION. 602.9203A ALTERNATIVE
31 PROCEDURE FOR QUALIFICATION AS A SENIOR JUDGE.

32 1. A supreme court judge, court of appeals judge,
33 district judge, or district associate judge, who
34 qualifies under subsection 2, may become a senior
35 judge by filing a written election form in the manner
36 provided in section 602.9203. A judge who qualifies
37 for senior judge status pursuant to both this section
38 and section 602.9203 shall only be required to file
39 one written election form, and shall not be required
40 to specify the section under which the judge is
41 proceeding.

42 2. A judge referred to in subsection 1 qualifies
43 for a senior judgeship if the judge meets all of the
44 following:

45 a. Retires from office on or after July 1, 1992,
46 whether or not the judge is of mandatory retirement
47 age.

48 b. Has attained the age of fifty-five or more at
49 the time of retirement with at least twenty years of
50 consecutive service.

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1 c. Agrees in writing on a form prescribed by the
2 court administrator to be available as a senior judge
3 to perform judicial duties as assigned by the supreme
4 court for an aggregate period of thirteen weeks out of
5 each successive twelve-month period for at least three
6 consecutive twelve-month periods, health permitting.

7 d. Submits evidence to the supreme court as
8 required pursuant to section 602.9203, subsection 2,
9 paragraphs "d" and "e".

10 3. The clerk of the supreme court shall include
11 persons who file timely elections and qualify as
12 senior judges pursuant to this section in the roster

13 of senior judges pursuant to section 602.9203,
14 subsection 3, and the person shall be a senior judge
15 upon entry of the name in the roster of senior judges
16 and until the person becomes a retired senior judge as
17 provided in section 602.9207, or until the person's
18 name is stricken from the roster of senior judges as
19 provided in section 602.9208, or until the person
20 dies. However, notwithstanding any other provision of
21 law to the contrary, including but not limited to this
22 section, if during the entire period for filing a
23 written election pursuant to this section, the supreme
24 court verifies that there are insufficient judicial
25 duties for the judge to perform or insufficient
26 appropriations, the judge shall not be added to the
27 roster of senior judges unless the judge qualifies
28 pursuant to section 602.9203.

29 4. The supreme court shall cause each senior judge
30 added to the roster in accordance with this section to
31 actually perform judicial duties during each
32 successive twelve-month period."

33 2. Page 1, line 47, by inserting after the word
34 "five." the following: "If a senior judge becomes a
35 senior judge pursuant to section 602.9203A, the state
36 shall also continue to pay the state's share of other
37 insurance premiums for programs in which the judge was
38 a participant at the time of retirement and in which
39 the state made contributions, including but not
40 limited to life insurance, dental insurance, and
41 disability insurance, until the senior judge becomes a
42 retired senior judge pursuant to section 602.9207, is
43 stricken from the roster of senior judges as provided
44 in section 602.9208, or dies."

45 3. Page 2, by inserting after line 4 the
46 following:

47 "____. Page 46, by inserting after line 20 the
48 following:

49 "Sec. ____ . Section 602.9206, unnumbered paragraph
50 2, Code 1991, is amended to read as follows:

Page 3

1 A senior judge also shall be available to serve in
2 the capacity of administrative law judge under chapter
3 17A upon the request of an agency, and the supreme
4 court may assign a senior judge for temporary duties
5 as an administrative law judge. A senior judge shall
6 not be required to serve a period of time as an
7 administrative law judge which, when added to the
8 period of time being served by the person as a judge,
9 if any, would exceed the maximum period of time the

10 person agreed to serve pursuant to section 602.9203,
11 subsection 2, or section 602.9203A, subsection 2.

12 Sec. ____ . Section 602.9208, subsection 1, Code
13 1991, is amended to read as follows:

14 1. A senior judge, at any time prior to the end of
15 the twelve-month period during which the judge attains
16 seventy-eight years of age, may submit to the clerk of
17 the supreme court a written request that the judge's
18 name be stricken from the roster of senior judges.
19 Upon the receipt of the request the clerk shall strike
20 the name of the person from the roster of senior
21 judges, at which time the person shall cease to be a
22 senior judge. A person who relinquishes a senior
23 judgeship as provided in this subsection may be
24 assigned to temporary judicial duties as provided in
25 section 602.1612. However, if a senior judge who
26 became a senior judge in accordance with section
27 602.9203A requests to be stricken from the roster of
28 senior judges prior to completing service for at least
29 three consecutive twelve-month periods, the senior
30 judge shall not be entitled to any additional benefits
31 for service pursuant to this part unless the supreme
32 court determines that the senior judge's health would
33 not permit completion of three consecutive twelve-
34 month periods. If the supreme court determines that
35 the senior judge's health permits continued service
36 for the remainder of the three twelve-month periods
37 and the senior judge still wishes to discontinue
38 service, the supreme court shall determine and the
39 senior judge shall refund to the state the amount of
40 any additional benefits which the senior judge has
41 received pursuant to this part, including but not
42 limited to the payment of insurance premiums by the
43 state on behalf of the senior judge.

44 Sec. ____ . Section 602.9208, subsection 3, Code
45 1991, is amended to read as follows:

46 3. Except as otherwise provided in subsection 1,
47 a person who relinquishes a senior judgeship in the
48 manner provided in subsection 1 shall be paid a
49 retirement annuity that commences on the effective
50 date of the relinquishment and shall be based upon the

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1 number of years the person served as a senior judge.
2 A person who serves six or more years as a senior
3 judge shall be paid a retirement annuity that is in an
4 amount equal to the amount of the annuity the person
5 is receiving on the effective date of the
6 relinquishment in lieu of an amount determined

7 according to section 602.9204. If the person serves
 8 less than six years as a senior judge, the person
 9 shall be paid a retirement annuity that is in an
 10 amount equal to an amount determined according to
 11 section 602.9107 added to an amount equal to the
 12 number of years the person served as a senior judge,
 13 divided by six, multiplied by the difference between
 14 the amount of the annuity the person is receiving on
 15 the effective date of the relinquishment and the
 16 amount determined according to section 602.9107. A
 17 person who is removed from a senior judgeship as
 18 provided in subsection 2 shall be paid a retirement
 19 annuity that commences on the effective date of the
 20 removal and is in an amount determined according to
 21 section 602.9107 in lieu of section 602.9204, and any
 22 service and annuity of the person as a senior judge is
 23 disregarded.””
 24 4. By renumbering and correcting internal
 25 references as necessary.

DONALD V. DOYLE
 WILLIAM D. PALMER
 GEORGE R. KINLEY

S-5501

1 Amend House File 2450, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 46, by inserting after line 10, the
 4 following:
 5 “Sec. ____ . Section 602.9106, Code 1991, is amended
 6 to read as follows:
 7 602.9106 RETIREMENT.
 8 Any person who shall have become separated from
 9 service as a judge of any of the courts included in
 10 this article and who has had an aggregate of at least
 11 six years of service as a judge of one or more of such
 12 courts and shall have attained the age of sixty-five
 13 years or who has had twenty-five years of consecutive
 14 service as a judge of one or more of said courts, or
 15 who qualifies as a senior judge in accordance with
 16 section 602.9203A and whose name is added to the
 17 roster of senior judges as provided in section
 18 602.9203A, subsection 3, and who shall have otherwise
 19 qualified as provided in this article, shall be
 20 entitled to an annuity as hereinafter provided.
 21 Sec. ____ . Section 602.9202, subsection 1, Code
 22 1991, is amended to read as follows:
 23 1. “Senior judge” means a supreme court judge,
 24 court of appeals judge, district court judge, or

25 district associate judge who meets the requirements of
26 section 602.9203 or section 602.9203A and who has not
27 been retired or removed from the roster of senior
28 judges under section 602.9207 or 602.9208.
29 Sec. ____ . **NEW SECTION. 602.9203A ALTERNATIVE**
30 **PROCEDURE FOR QUALIFICATION AS A SENIOR JUDGE.**
31 1. A supreme court judge, court of appeals judge,
32 district judge, or district associate judge, who
33 qualifies under subsection 2, may become a senior
34 judge by filing a written election form in the manner
35 provided in section 602.9203. A judge who qualifies
36 for senior judge status pursuant to both this section
37 and section 602.9203 shall only be required to file
38 one written election form, and shall not be required
39 to specify the section under which the judge is
40 proceeding.
41 2. A judge referred to in subsection 1 qualifies
42 for a senior judgeship if the judge meets all of the
43 following:
44 a. Retires from office on or after July 1, 1992,
45 whether or not the judge is of mandatory retirement
46 age.
47 b. Has attained the age of fifty-five or more at
48 the time of retirement with at least twenty years of
49 consecutive service.
50 c. Agrees in writing on a form prescribed by the

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1 court administrator to be available as a senior judge
2 to perform judicial duties as assigned by the supreme
3 court for an aggregate period of thirteen weeks out of
4 each successive twelve-month period for at least three
5 consecutive twelve-month periods, health permitting.
6 d. Submits evidence to the supreme court as
7 required pursuant to section 602.9203, subsection 2,
8 paragraphs "d" and "e".
9 3. The clerk of the supreme court shall include
10 persons who file timely elections and qualify as
11 senior judges pursuant to this section in the roster
12 of senior judges pursuant to section 602.9203,
13 subsection 3, and the person shall be a senior judge
14 upon entry of the name in the roster of senior judges
15 and until the person becomes a retired senior judge as
16 provided in section 602.9207, or until the person's
17 name is stricken from the roster of senior judges as
18 provided in section 602.9208, or until the person
19 dies. However, notwithstanding any other provision of
20 law to the contrary, including but not limited to this
21 section, if during the entire period for filing a

22 written election pursuant to this section, the supreme
 23 court verifies that there are insufficient judicial
 24 duties for the judge to perform or insufficient
 25 appropriations, the judge shall not be added to the
 26 roster of senior judges unless the judge qualifies
 27 pursuant to section 602.9203.

28 4. The supreme court shall cause each senior judge
 29 added to the roster in accordance with this section to
 30 actually perform judicial duties during each
 31 successive twelve-month period.

32 Sec. ____ . 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 annuity of the

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1 senior judge or retired senior judge shall not exceed
 2 fifty percent of the current basic salary. In
 3 addition, if a senior judge is under sixty-five years
 4 of age at the time the judge becomes a senior judge,
 5 the state shall pay the state's share of the senior
 6 judge's medical insurance premium until the judge
 7 attains age sixty-five. If a senior judge becomes a
 8 senior judge pursuant to section 602.9203A, the state
 9 shall also continue to pay the state's share of other
 10 insurance premiums for programs in which the judge was
 11 a participant at the time of retirement and in which
 12 the state made contributions, including but not
 13 limited to life insurance, dental insurance, and
 14 disability insurance, until the senior judge becomes a
 15 retired senior judge pursuant to section 602.9207, is
 16 stricken from the roster of senior judges as provided
 17 in section 602.9208, or dies."

18 2. Page 46, by inserting after line 20, the

19 following:

20 "Sec. ____ . Section 602.9206, unnumbered paragraph

21 2, Code 1991, is amended to read as follows:

22 A senior judge also shall be available to serve in
23 the capacity of administrative law judge under chapter
24 17A upon the request of an agency, and the supreme
25 court may assign a senior judge for temporary duties
26 as an administrative law judge. A senior judge shall
27 not be required to serve a period of time as an
28 administrative law judge which, when added to the
29 period of time being served by the person as a judge,
30 if any, would exceed the maximum period of time the
31 person agreed to serve pursuant to section 602.9203,
32 subsection 2, or section 602.9203A, subsection 2.

33 Sec. ____ . Section 602.9208, subsection 1, Code
34 1991, is amended to read as follows:

35 1. A senior judge, at any time prior to the end of
36 the twelve-month period during which the judge attains
37 seventy-eight years of age, may submit to the clerk of
38 the supreme court a written request that the judge's
39 name be stricken from the roster of senior judges.
40 Upon the receipt of the request the clerk shall strike
41 the name of the person from the roster of senior
42 judges, at which time the person shall cease to be a
43 senior judge. A person who relinquishes a senior
44 judgeship as provided in this subsection may be
45 assigned to temporary judicial duties as provided in
46 section 602.1612. However, if a senior judge who
47 became a senior judge in accordance with section
48 602.9203A requests to be stricken from the roster of
49 senior judges prior to completing service for at least
50 three consecutive twelve-month periods, the senior

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1 judge shall not be entitled to any additional benefits
2 for service pursuant to this part unless the supreme
3 court determines that the senior judge's health would
4 not permit completion of three consecutive twelve-
5 month periods. If the supreme court determines that
6 the senior judge's health permits continued service
7 for the remainder of the three twelve-month periods
8 and the senior judge still wishes to discontinue
9 service, the supreme court shall determine and the
10 senior judge shall refund to the state the amount of
11 any additional benefits which the senior judge has
12 received pursuant to this part, including but not
13 limited to the payment of insurance premiums by the
14 state on behalf of the senior judge.

15 Sec. ____ . Section 602.9208, subsection 3, Code

16 1991, is amended to read as follows:

17 3. A Except as otherwise provided in subsection 1,
 18 a person who relinquishes a senior judgeship in the
 19 manner provided in subsection 1 shall be paid a
 20 retirement annuity that commences on the effective
 21 date of the relinquishment and shall be based upon the
 22 number of years the person served as a senior judge.
 23 A person who serves six or more years as a senior
 24 judge shall be paid a retirement annuity that is in an
 25 amount equal to the amount of the annuity the person
 26 is receiving on the effective date of the
 27 relinquishment in lieu of an amount determined
 28 according to section 602.9204. If the person serves
 29 less than six years as a senior judge, the person
 30 shall be paid a retirement annuity that is in an
 31 amount equal to an amount determined according to
 32 section 602.9107 added to an amount equal to the
 33 number of years the person served as a senior judge,
 34 divided by six, multiplied by the difference between
 35 the amount of the annuity the person is receiving on
 36 the effective date of the relinquishment and the
 37 amount determined according to section 602.9107. A
 38 person who is removed from a senior judgeship as
 39 provided in subsection 2 shall be paid a retirement
 40 annuity that commences on the effective date of the
 41 removal and is in an amount determined according to
 42 section 602.9107 in lieu of section 602.9204, and any
 43 service and annuity of the person as a senior judge is
 44 disregarded.”
 45 3. By renumbering and correcting internal
 46 references as necessary.

DONALD DOYLE
 WILLIAM D. PALMER
 GEORGE R. KINLEY

S-5502

1 Amend House File 2384, 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. 275.25A ELECTION OF
 6 DIRECTORS ALTERNATIVE.”

7 1. As an alternative to the methods specified in
 8 sections 275.25 and 275.41 for electing directors in a
 9 newly formed community school district, if only two
 10 districts merge, the procedure specified in this
 11 section may be used.

12 2. The members of the boards of directors of the

13 two districts who reside within the boundaries of the
14 newly formed district shall be the members of the
15 interim board of the newly formed district. The
16 members of the interim board shall serve terms which
17 expire on the date of the organizational meeting of
18 the new board of the reorganized district which shall
19 occur as provided under subsection 3. The interim
20 board of the newly formed district shall organize
21 within fifteen days after the approval of the merger
22 upon the call of the area education agency
23 administrator. The interim board shall have control
24 of the employment of all personnel for the newly
25 formed district for the ensuing school year. The
26 interim board shall also have the authority to
27 establish policy, organize curriculum, enter into
28 contracts, and complete any planning and take any
29 action necessary for the efficient management of the
30 newly formed school district. The interim board of
31 the newly formed district shall appoint an acting
32 superintendent and an acting board secretary. The
33 appointment of the acting superintendent shall not be
34 subject to the continuing contract provision of
35 sections 279.20, 279.23, and 279.24.

36 3. The members of the new board of the reorganized
37 district shall be elected, at either a special or the
38 next regular school election that occurs one year
39 after the effective date of the reorganization.
40 Elections shall be held in the manner provided in
41 section 275.25, except that, for purposes of
42 determining when elections for successors to the
43 members of the new board are to take place, the date
44 which marks the one-year anniversary of the effective
45 date of the reorganization of a district which uses
46 the alternative method for election of the board of
47 directors provided under this section shall be used
48 instead of the actual effective date of the
49 reorganization."

50 2. Title page, line 14, by inserting after the

Page 2

1 word "program;" the following: "permitting an
2 alternative to the methods for electing directors of
3 newly formed school districts if only two districts
4 merge;"

5 3. By renumbering as necessary.

LINN FUHRMAN
JIM KERSTEN

S-5503

1 Amend House File 2428, as passed by the House, as
2 follows:

3 1. Page 1, line 19, by inserting after the word
4 "person." the following: "The remedy provided by this
5 section shall apply both prospectively, to actions
6 filed on or after July 1, 1992, and retrospectively,
7 to actions pending in trial or appellate courts prior
8 to July 1, 1992."

JOE WELSH

S-5504

1 Amend House File 2412, 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 257.29, Code 1991, is amended
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
8 requirement in the first unnumbered paragraph of this
9 section that the regular program district cost per
10 pupil for a budget year is one hundred ten percent of
11 the regular state cost per pupil, the board of
12 directors may participate in the educational
13 improvement program as provided in this section if the
14 school district had adopted an enrichment levy of
15 fifteen percent of the state cost per pupil multiplied
16 by the budget enrollment in the district prior to July
17 1, 1992, and upon expiration of the period for which
18 the enrichment levy was adopted, adopts a resolution
19 for the use of the instructional support program
20 established in section 257.18. The maximum percent of
21 the regular district cost of the district that may be
22 used under this paragraph shall not exceed five
23 percent."

24 2. By renumbering as necessary.

ALVIN V. MILLER
WALLY E. HORN
MICHAEL W. CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 2119

S-5505

- 1 Amend Senate File 2119, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by striking the word "may,"
- 4 and inserting the following: "board of supervisors
- 5 may on its own motion or".
- 6 2. Page 1, line 12, by striking the words "of the
- 7 water supplier" and inserting the following: "to be
- 8 served".
- 9 3. Page 1, by striking lines 21 through 24.
- 10 4. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2301

S-5506

- 1 Amend Senate File 2301, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, line 3, by striking the word
- 4 "exemptions" and inserting the following:
- 5 "exceptions".
- 6 2. Page 4, line 5, by striking the words and
- 7 figures "subsections 1 through 6 do" and inserting the
- 8 following: "subsection 6 does".
- 9 3. Page 5, line 22, by inserting after the figure
- 10 "601A.11" the following: "or 601A.11A".

HOUSE AMENDMENT TO
SENATE FILE 2137

S-5507

- 1 Amend Senate File 2137, 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 321.1, Code Supplement 1991,
- 6 is amended by adding the following new subsection:
- 7 NEW SUBSECTION. 95. "Salvage pool" means the
- 8 business of selling at auction wrecked or salvage
- 9 vehicles, as defined in section 321.52."
- 10 2. Page 1, by striking lines 30 through 35 and
- 11 inserting the following: "vehicle, except as provided
- 12 under section 321.52, subsection 4, paragraph "b".
- 13 The department".

- 14 3. Page 2, line 26, by inserting after the word
15 "metal," the following: "a salvage pool."
- 16 4. Page 8, line 8, by inserting after the word
17 "repair" the following: "is".
- 18 5. Page 8, by striking line 9 and inserting the
19 following: "three thousand dollars or more per
20 incident, but".
- 21 6. Page 8, line 20, by striking the words "two
22 thousand five hundred" and inserting the following:
23 "three thousand".
- 24 7. Page 8, line 22, by striking the words "two
25 thousand five hundred" and inserting the following:
26 "three thousand".
- 27 8. Page 9, by striking lines 1 and 2 and
28 inserting the following: "whether the vehicle had
29 incurred prior damage of three thousand dollars or
30 more per incident, and the year, make,".
- 31 9. Page 10, by inserting after line 20, the
32 following:
33 "Sec. ____ . Section 321H.4, subsection 2, Code
34 1991, is amended by adding the following new
35 unnumbered paragraph:
36 NEW UNNUMBERED PARAGRAPH. The applicant shall
37 specify which business or businesses, as enumerated in
38 subsection 1, the applicant is applying for a license
39 to engage in. An applicant shall have or demonstrate
40 that the applicant will have the facilities and
41 equipment necessary to engage in the business or
42 businesses for which the applicant is applying for a
43 license. The license shall specify which business or
44 businesses the applicant has been authorized to engage
45 in."
- 46 10. Page 10, by striking line 21 and inserting
47 the following:
48 "Sec. ____ . Section 3 of this Act takes effect
49 January 1, 1993. If, after the department has made a
50 reasonable effort to implement section 3 of this Act

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- 1 by January 1, 1993, the department cannot do so, the
2 department may extend the effective date of section 3
3 of this Act until March 1, 1993."
- 4 11. Title page, line 4, by inserting after the
5 word "certificates," the following: "defining salvage
6 pools, relating to vehicle recycler license
7 applications,".
- 8 12. By renumbering, relettering, or redesignating
9 and correcting internal references as necessary.

S-5508

1 Amend House File 2440, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking line 18 and inserting the
4 following: "321.209, subsection 8."

5 2. Page 3, by striking lines 16 through 31 and
6 inserting the following:

7 "Sec. ____ . Section 321.209, Code 1991, is amended
8 by adding the following new subsection:

9 **NEW SUBSECTION. 8.** A controlled substance offense
10 under chapter 204 while operating a motor vehicle or
11 in a motor vehicle. However, the need to travel to
12 and from a person's home for purposes of employment,
13 continuing health care, continuing health care of a
14 dependent, continuing education leading to a diploma,
15 degree, or certificate of successful educational
16 completion, substance abuse treatment, and court-
17 ordered community service responsibilities are deemed
18 to be compelling circumstances for which a temporary
19 restricted license or temporary restricted permit may
20 be issued under section 321.215.

21 Sec. ____ . Section 321.215, subsection 2,
22 unnumbered paragraph 1, and paragraph d, Code 1991,
23 are amended to read as follows:

24 Upon conviction and the suspension or revocation of
25 a person's motor vehicle license under section
26 321.209, subsection 5, or 6, or 8, 321.210, 321.210A,
27 321.513, or 321.555, subsection 2, and upon the denial
28 by the director of an application for a temporary
29 restricted license, a person may apply to the district
30 court having jurisdiction for the residence of the
31 person for a temporary restricted permit to operate a
32 motor vehicle for the limited purpose or purposes
33 specified in subsection 1. The application may be
34 granted only if all of the following criteria are
35 satisfied:

36 d. Proof of financial responsibility is
37 established as defined in chapter 321A; however, such
38 proof is not required if the motor vehicle license was
39 suspended under section 321.210A or 321.513, or
40 revoked under section 321.209, subsection 8.

41 Sec. ____ . Section 321A.17, subsection 5, Code
42 1991, is amended to read as follows:

43 5. An individual applying for a motor vehicle
44 license following a period of suspension or revocation
45 under section 321.209, subsection 8, section 321.210A,
46 321.216 or 321.513, or following a period of
47 suspension under section 321.194, is not required to

48 maintain proof of financial responsibility under this
49 section."

MIKE CONNOLLY

S-5509

1 Amend House File 2385, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 19, by inserting after the word
4 "recycling." the following: "The public service
5 monopoly shall utilize existing recycling industries
6 in the service area, if possible."

ALBERT SORENSEN

S-5510

1 Amend House File 2459, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 6 the
4 following:
5 "Sec. ____ . Section 99E.9, subsection 3, paragraph
6 b, Code 1991, is amended to read as follows:
7 b. The types of lottery games to be conducted.
8 Rules governing the operation of a class of games are
9 subject to chapter 17A. However, rules governing the
10 particular features of specific games within a class
11 of games are not subject to chapter 17A. Such rules
12 may include, but are not limited to, setting the name
13 and prize structure of the game and shall be made
14 available to the public prior to the time the games go
15 on sale and shall be kept on file at the office of the
16 commissioner. The board shall authorize instant
17 lottery and on-line lotto games and may authorize the
18 use of any type of lottery game that on May 3, 1985,
19 has been conducted by a state lottery of another state
20 in the United States, or any game that the board
21 determines will achieve the revenue objectives of the
22 lottery and is consistent with subsection 1. However,
23 the board shall not authorize a game using an
24 electronic computer terminals terminal or other
25 devices device if, upon winning a game, the terminals
26 or devices dispense terminal or device immediately
27 dispenses coins or currency upon the winning of a
28 prize or a ticket, credit or token which is redeemable
29 for cash or a prize. In a game utilizing instant
30 tickets other than pull-tab tickets, each ticket in
31 the game shall bear a unique consecutive serial number
32 distinguishing it from every other ticket in the game,

33 and each lottery number or symbol shall be accompanied
 34 by a confirming caption consisting of a repetition of
 35 a symbol or a description of the symbol in words. In
 36 the game other than an instant game which uses
 37 tangible evidence of participation, each ticket shall
 38 bear a unique serial number distinguishing it from
 39 every other ticket in the game.

40 Sec. ____ . Section 99E.9, subsection 6, Code 1991,
 41 is amended to read as follows:

42 6. If reasonably practical when the lottery
 43 division awards a contract under subsection 2, for the
 44 lease or purchase of a machine to be used in the
 45 conducting of a lottery game including, but not
 46 limited to, a ~~video lottery machine~~ or machine used in
 47 lotto, the lottery division shall give preference to
 48 awarding the contract to a responsible vendor who
 49 manufactures the machines in the state, provided the
 50 costs and benefits to the lottery division are equal

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1 to those available from competing vendors.
 2 If reasonably practical when the lottery division
 3 awards a contract under subsection 2, for the
 4 servicing of a machine to be used in the conducting of
 5 a lottery game including, but not limited to, a ~~video~~
 6 ~~lottery machine~~ or a machine used in lotto, the
 7 lottery division shall give preference to a
 8 responsible vendor whose principal place of business
 9 is in Iowa, provided the costs and benefits to the
 10 lottery division are equal to those available from
 11 competing vendors."
 12 2. Title page, line 5, by inserting after the
 13 word "state," the following: "by prohibiting the use
 14 of video lottery machines."
 15 3. By renumbering sections as necessary.

WILLIAM W. DIELEMAN
 HARRY SLIFE

HOUSE AMENDMENT TO
 SENATE FILE 316

S-5511

1 Amend Senate File 316, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "procedures." the following: "This section does not
 5 supersede the remedies provided under chapter 601A."

6 2. Page 1, line 22, by inserting after the word
7 "procedures." the following: "This subsection does
8 not supersede the remedies provided under chapter
9 601A."

10 3. Page 2, by striking lines 8 through 14 and
11 inserting the following:

12 "3. As used in this section, "sexual harassment"
13 means persistent, repetitive, or highly egregious
14 conduct directed at a specific individual or group of
15 individuals that a reasonable person would interpret
16 as intentional harassment of a sexual nature, taking
17 into consideration the full context in which the
18 conduct occurs, which conduct threatens to impair the
19 ability of a person to perform the duties of
20 employment, or otherwise function normally within an
21 institution responsible for the person's care,
22 rehabilitation, education, or training.

23 "Sexual harassment" may include, but is not limited
24 to, the following:

25 a. Unsolicited sexual advances by a person toward
26 another person who has clearly communicated the other
27 person's desire not to be the subject of those
28 advances.

29 b. Sexual advances or propositions made by a
30 person having superior authority toward another person
31 within the workplace or institution.

32 c. Instances of offensive sexual remarks or speech
33 or graphic sexual displays directed at a person in the
34 workplace or institution, who has clearly communicated
35 the person's objection to that conduct, and where the
36 person is not free to avoid that conduct due to the
37 requirements of the employment or the confines or
38 operations of the institution.

39 d. Dress requirements that bear no relation to the
40 person's employment responsibilities or institutional
41 status."

42 4. Page 3, by inserting after line 1 the
43 following:

44 "8. This section does not supersede the remedies
45 provided under chapter 601A."

46 5. Page 3, by striking lines 2 through 13.

47 6. Page 4, line 2, by inserting after the word
48 "procedures." the following: "This subsection does
49 not supersede the remedies provided under chapter
50 601A."

HOUSE AMENDMENT TO
SENATE FILE 2061

S-5512

1 Amend Senate File 2061, as passed by the Senate, as
2 follows:

3 1. Page 1, line 11, by inserting after the word
4 "operator." the following: "The owner or operator of
5 an overweight vehicle, domiciled within the state,
6 which is transporting grain from land used for
7 farming, as defined in section 172C.1, to a warehouse
8 for the storage of grain as regulated under chapter
9 543 or the owner or operator of an overweight vehicle
10 which is transporting livestock to a public stockyard,
11 auction market, street market, state or federal
12 market, consignment sales location, buying station, or
13 a livestock dealer's yard, truck, or facility shall
14 not be required to unload any portion of the load but
15 shall be allowed to continue to the owner's or
16 operator's point of destination."

17 2. Page 1, line 14, by inserting after the word
18 "load" the following: "except as provided in this
19 paragraph."

20 3. Title page, line 1, by inserting after the
21 word "transporting" the following: "grain,
22 livestock."

S-5513

1 Amend House File 2455, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, line 4, by striking the figure
4 "\$150,000" and inserting the following: "\$200,000".

5 2. Page 3, line 6, by inserting after the word
6 "surveys." the following: "As a condition of this
7 expenditure, the department shall adopt rules
8 providing that all communities which are scheduled to
9 be surveyed during fiscal year 1992-1993 shall
10 contribute to the cost of the community surveys which
11 exceeds \$200,000 proportionally in an amount equal to
12 the cost of completing each community survey divided
13 by the total cost of completing all surveys multiplied
14 by the cost of completing all surveys in excess of
15 \$200,000."

16 3. Page 5, line 27, by striking the figure
17 "115.00" and inserting the following: "118.00".

18 4. Page 6, line 17, by inserting after the word
19 "districts" the following: "with priority given to
20 completing local board reviews and implementation of

21 programming in the eighth district and limited state
22 board programming”.

23 5. Page 6, line 20, by striking the figure “3.50”
24 and inserting the following: “4.25”.

25 6. Page 7, by striking lines 6 through 10.

26 7. Page 10, by striking line 9, and inserting the
27 following:

28 “..... FTEs 20.00

29 The credit union division may expend additional
30 funds, including funds for additional personnel, if
31 those additional expenditures are actual expenses
32 which exceed the funds budgeted for credit union
33 examinations and directly result from examinations of
34 credit unions. Notwithstanding the provisions of
35 chapter 8, the credit union division may expend
36 additional funds for the additional personnel. The
37 division shall promptly notify in writing the
38 legislative fiscal bureau and with the approval of the
39 department of management may hire personnel pursuant
40 to this paragraph. The notification shall also
41 provide the justification for hiring such personnel.
42 The amounts necessary to fund the excess examination
43 expenses shall be collected from those credit unions
44 regulated which caused the excess expenditures, and
45 the collections shall be treated as repayment receipts
46 as defined in section 8.2.”

47 8. By striking page 13, line 33 through page 14,
48 line 15.

49 9. Page 17, by inserting after line 29 the fol-
50 lowing:

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1 “Sec. ____ . Section 135C.16, subsection 1, Code
2 1991, is amended by striking the subsection and
3 inserting in lieu thereof the following:

4 1. In addition to the inspections required by sec-
5 tions 135C.9 and 135C.38, the department shall make or
6 cause to be made such further unannounced inspections
7 as it deems necessary to adequately enforce this
8 chapter. At least one general unannounced inspection
9 shall be conducted for each health care facility
10 within a fifteen-month period. The inspector shall
11 show identification to the person in charge of the
12 facility and state that an inspection is to be made
13 before beginning the inspection. An employee of the
14 department who gives unauthorized advance notice of an
15 inspection made or planned to be made under this
16 subsection or section 135C.38 shall be disciplined as
17 determined by the director, except that if the

18 employee is employed pursuant to the merit system
 19 provisions of chapter 19A the discipline shall not
 20 exceed the discipline authorized pursuant to that
 21 chapter."

22 10. Renumber as necessary.

COMMITTEE ON APPROPRIATIONS
 LEONARD BOSWELL, Chairperson

S-5514

1 Amend House File 2455, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 17, by inserting after line 29 the
 4 following:

5 "Sec. ____ . Section 123.24, Code 1991, is amended
 6 by adding the following new subsection:

7 NEW SUBSECTION. 5. Notwithstanding subsection 4,
 8 the division shall assess a bottle surcharge to be
 9 included in the price of alcoholic liquor in an amount
 10 sufficient, when added to the amount not refunded to
 11 class "E" liquor control licensees pursuant to section
 12 455C.2, to pay the costs of properly disposing of
 13 liquor containers returned to the division. The
 14 amount collected pursuant to this subsection, in
 15 addition to any amounts not refunded to class "E"
 16 liquor control licensees pursuant to section 455C.2,
 17 shall be deposited in the beer and liquor control fund
 18 established under section 123.53.

19 Sec. ____ . Section 123.53, Code 1991, is amended by
 20 adding the following new subsection:

21 NEW SUBSECTION. 4. The treasurer of state, after
 22 making the transfer provided for in subsection 3,
 23 shall transfer to the division from the beer and
 24 liquor control fund and before any other transfer to
 25 the general fund, an amount sufficient to pay the
 26 costs of properly disposing of liquor containers
 27 returned to the division."

28 2. Page 22, by inserting after line 29 the
 29 following:

30 "Sec. ____ . Section 455C.2, subsection 1, Code
 31 Supplement 1991, is amended to read as follows:

32 1. Except purchases of alcoholic liquor as defined
 33 in section 123.3, subsection 8, by holders of class
 34 "A", "B", "C", and "E" liquor control licenses, a A
 35 refund value of not less than five cents shall be paid
 36 by the consumer on each beverage container sold in
 37 this state by a dealer for consumption off the
 38 premises. Upon return of the empty beverage container
 39 upon which a refund value has been paid to the dealer

40 or person operating a redemption center and acceptance
 41 of the empty beverage container by the dealer or
 42 person operating a redemption center, the dealer or
 43 person operating a redemption center shall return the
 44 amount of the refund value to the consumer.
 45 Sec. ____ . Section 455C.3, subsection 5, Code
 46 Supplement 1991, is amended by striking the subsection
 47 and inserting in lieu thereof the following:
 48 5. The alcoholic beverages division of the
 49 department of commerce shall provide for the disposal
 50 of empty beverage containers as required under

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1 subsection 2. The division shall give priority
 2 consideration to the recycling of the empty beverage
 3 containers to the extent possible, before any other
 4 appropriate disposal method is considered or
 5 implement.
 6 Sec. ____ . 1989 Iowa Acts, chapter 272, sections 35
 7 and 36, are repealed."
 8 3. Page 22, by striking lines 34 and 35, and
 9 inserting the following:
 10 "SEC. 42. Sections ~~Section 34, 35, and 36~~ of this
 11 Act ~~are~~ is effective July 1, 1992."
 12 4. By renumbering as necessary.

RALPH ROSENBERG
 JIM LIND

S-5515

1 Amend House File 2085, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 22, the
 4 following:
 5 "Sec. ____ . Section 499.65, unnumbered paragraph 1,
 6 Code 1991, is amended to read as follows:
 7 If a voting member or voting shareholder of a co-
 8 operative association which is a party to a merger or
 9 consolidation files with the co-operative association,
 10 prior to or at the meeting of members at which the
 11 plan is submitted to a vote, a written objection to
 12 the plan of merger or consolidation, and votes in
 13 opposition to the plan, and the member or shareholder,
 14 within twenty days after the merger or consolidation
 15 is approved by the other members, makes written demand
 16 on the surviving or new association for payment of the
 17 fair value of that member's or shareholder's interest
 18 as of the day prior to the date on which the vote was

19 taken approving the merger or consolidation, the
 20 surviving or new association shall pay to the member
 21 or shareholder, upon surrender of that person's
 22 certificate of membership or shares of stock, the fair
 23 value of that person's interest as provided in section
 24 499.66. A member or shareholder who fails to make
 25 demand within the twenty-day period is conclusively
 26 presumed to have consented to the merger or
 27 consolidation and is bound by its terms."

28 2. Page 2, by striking lines 5 through 14 and
 29 inserting the following:

30 "Sec. — . NEW SECTION. 499.80 MEMBER
 31 INFORMATION.

32 If a member of a cooperative association intends to
 33 distribute information to other members of a
 34 cooperative association and the member does not have a
 35 list of the members of the cooperative association,
 36 the member may request the board of directors to
 37 distribute the information for the member.

38 The board of directors shall adopt a policy which
 39 permits the distribution of materials or information
 40 to members of a cooperative association by request of
 41 a member when the purpose of the request concerns
 42 directly the action of the board of directors of the
 43 cooperative association.

44 The board of directors shall distribute for a
 45 member such material or information requested,
 46 provided that the board of directors may charge the
 47 member for the mailing costs incurred by the
 48 cooperative association in distributing the
 49 information.

50 Cooperative associations subject to regulation

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1 under chapter 476 are exempt from the provisions of
 2 this section."

3 3. By renumbering as necessary.

EUGENE FRAISE
 EMIL J. HUSAK
 DERRYL MCLAREN

S-5516

1 Amend House File 2334, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3 the
 4 following:

5 "Sec. — . Section 109.78, Code 1991, is amended

6 to read as follows:

7 109.78 STOCKING PRIVATE WATER WATERS.
 8 ~~No private water may~~ Private waters shall not be
 9 stocked by the commission unless the owner agrees that
 10 such the waters shall be open to the public for
 11 fishing; ~~except that.~~ However, the commission may,
 12 after investigation to determine their suitability as
 13 to size, depth, living conditions for fish, and
 14 management, provide a breeding stock of fish for
 15 privately owned farm ponds on request of the owner.
 16 The commission shall adopt, by rule, a fee schedule
 17 for supplying fish stock for the private waters."

JOHN KIBBIE
 JIM RIORDAN

S-5517

1 Amend House File 2256, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "landfill," the following: "compost facility."
 5 2. Page 1, line 20, by inserting after the word
 6 "landfill," the following: "compost facility."
 7 3. Page 1, line 21, by inserting after the word
 8 "incinerator." the following: "If the proposed new
 9 site is located in an area which is within two miles
 10 of an adjoining city or county and will have an
 11 environmental impact on the area as demonstrated in
 12 the environmental impact statement prepared pursuant
 13 to subsection 2, the city council or county board of
 14 supervisors which governs the adjoining city or county
 15 shall participate in the siting procedures prescribed
 16 under this section."
 17 4. Page 2, by inserting after line 20 the
 18 following:
 19 "Sec. ____ . Section 455B.305A, subsection 2, Code
 20 1991, is amended by adding the following new
 21 paragraph:
 22 NEW PARAGRAPH. h. The project will not result in
 23 a negative environmental impact on the area, as
 24 demonstrated by an environmental impact statement.
 25 The environmental impact statement shall address, but
 26 is not limited to, a review of the impact on
 27 groundwater and surface water including any risk of
 28 contamination."

JIM RIORDAN
 BEVERLY A. HANNON

S-5518

1 Amend the Committee amendment, S-5313, to Senate
2 File 2320 as follows:

3 1. Page 1, by striking lines 1 through 14 and
4 inserting the following:

5 "Amend Senate File 2320 as follows:

6 —. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. Section 257.6, subsection 1,
9 unnumbered paragraph 3, Code 1991, is amended to read
10 as follows:

11 A school district shall certify its actual
12 enrollment to the department of education by October 1
13 of each year, and the department shall promptly
14 forward the information to the department of
15 management. ~~The department of management shall
16 determine whether a district is entitled to an advance
17 for increasing enrollment on the basis of its actual
18 enrollment.~~

19 Sec. 2. Section 257.6, subsection 1, Code 1991, is
20 amended by adding the following new paragraphs:

21 NEW PARAGRAPH. e. Resident pupils receiving
22 competent private instruction from a licensed
23 practitioner provided through a public school district
24 pursuant to chapter 299A shall be counted as two-
25 tenths of one pupil.

26 NEW PARAGRAPH. f. Resident pupils receiving
27 competent private instruction under dual enrollment
28 pursuant to chapter 299A shall be counted as one-tenth
29 of one pupil.

30 Sec. 3. Section 257.6, subsection 3, Code 1991, is
31 amended by striking the subsection.

32 Sec. 4. Section 257.6, subsection 4, Code 1991, is
33 amended by striking the subsection and inserting in
34 lieu thereof the following:

35 4. BUDGET ENROLLMENT. Budget enrollment for the
36 budget year is the basic enrollment for the budget
37 year.

38 Sec. 5. Section 257.6, subsection 5, unnumbered
39 paragraph 1, Code 1991, is amended to read as follows:

40 Weighted enrollment is the budget enrollment plus
41 the district's additional enrollment because of
42 special education calculated on December 1 of the base
43 year weighting for special education instructional
44 purposes as computed in subsection 6 plus additional
45 pupils added due to the application of the
46 supplementary weighting.

47 Sec. 6. Section 257.6, subsection 5, unnumbered
48 paragraph 2, Code 1991, is amended to read as follows:

49 Weighted enrollment for special education support
50 services costs is equal to the weighted enrollment

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1 minus the additional pupils added due to the
2 application of the supplementary weighting basic
3 enrollment for the budget year.

4 Sec. 7. Section 257.6, Code 1991, is amended by
5 adding the following new subsection:

6 **NEW SUBSECTION. 6. ADDITIONAL WEIGHTING FOR**
7 **SPECIAL EDUCATION INSTRUCTIONAL PURPOSES.**

8 a. Commencing with the budget year beginning July
9 1, 1993, and each budget year thereafter, the
10 department of management shall determine the
11 additional weighting for special education
12 instructional purposes for each school district in the
13 manner provided in this section.

14 For children requiring special education who are
15 defined in section 281.9, subsection 1, paragraph "d",
16 that weight is the product of the weighting for that
17 category and the number of children in that category
18 counted on December 1 of the base year, minus the
19 number of children in that category. For children
20 requiring special education who are defined in section
21 281.9, subsection 1, paragraphs "b" and "c", that
22 weight is calculated under paragraphs "b" and "c",
23 based upon each district's percent of weightedness.

24 b. The maximum percent of weightedness for a
25 school district for the budget years beginning July 1,
26 1993, and July 1, 1994, is nine and nine hundredths
27 percent and the intermediate percent of weightedness
28 is seven and fifty-two hundredths percent. Prior to
29 January 1, 1995, and each two years thereafter, the
30 school budget review committee shall review the
31 maximum percent of weightedness and the intermediate
32 percent of weightedness as they relate to the costs of
33 special education for children requiring special
34 education who are defined in section 281.9, subsection
35 1, paragraphs "b" and "c", and based upon those costs
36 may adjust the maximum percent of weightedness and the
37 intermediate percent of weightedness for the two
38 succeeding fiscal years.

39 c. For the budget year beginning July 1, 1993, the
40 department of management shall calculate for each
41 school district a base year percent of weightedness by
42 dividing each district's additional enrollment because
43 of special education for those children calculated on
44 December 1, 1991, under section 281.9, subsection 1,
45 paragraphs "b" and "c", Code 1991, by the district's

46 basic enrollment for the budget year beginning July 1,
47 1992. For the budget year beginning July 1, 1993, and
48 succeeding budget years, if the base year percent of
49 weightedness is greater than the maximum percent of
50 weightedness, the district's percent of weightedness

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1 for the budget year is the maximum percent of
2 weightedness and the weighting for those children for
3 the budget year is the maximum percent of weightedness
4 multiplied by the district's basic enrollment for the
5 budget year. However, if the maximum percent of
6 weightedness multiplied by regular program district
7 cost for the budget year is less than the district's
8 additional enrollment because of special education for
9 those children calculated on December 1, 1991, under
10 section 281.9, subsection 1, paragraphs "b" and "c",
11 Code 1991, multiplied by the regular program district
12 cost for the budget year beginning July 1, 1992, the
13 percent of weightedness shall be increased to a
14 percent that provides an amount equal to the
15 district's funding for special education instructional
16 purposes for those children for the base year, and the
17 weighting for those children shall be recalculated
18 based upon the revised percent of weightedness. If
19 the base year percent of weightedness for a district
20 is between the maximum percent of weightedness and the
21 intermediate percent of weightedness, the percent of
22 weightedness for the budget year is the base percent
23 of weightedness and the district's weighting for those
24 children for the budget year is the base percent of
25 weightedness multiplied by the district's basic
26 enrollment for the budget year. If the base year
27 percent of weightedness is below the intermediate
28 percent of weightedness, the district's percent of
29 weightedness for the budget year is the sum of the
30 district's base year percent of weightedness and any
31 adjustment granted by the school budget review
32 committee, not exceeding the intermediate percent of
33 weightedness, and the district's weighting for those
34 children for the budget year is the revised percent of
35 weightedness multiplied by the district's basic
36 enrollment for the budget year.

37 Sec. 8. Section 257.8, subsection 1, unnumbered
38 paragraph 2, Code 1991, is amended to read as follows:
39 On or before each ~~September~~ December 15 thereafter,
40 the department of management shall compute a state
41 percent of growth for the budget year next following
42 the budget year. The state percents of growth shall

43 be forwarded to the director of the department of
44 education.

45 Sec. 9. Section 257.9, subsections 3 and 4, Code
46 1991, are amended to read as follows:

47 3. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
48 PER PUPIL FOR ~~1991-1992~~ 1992-1993. For the budget
49 year beginning July 1, ~~1991~~ 1992, for the special
50 education support services state cost per pupil, the

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1 department of management shall divide the total of the
2 approved budgets of the area education agencies for
3 special education support services for that year
4 approved by the state board of education under section
5 273.3, subsection 12, by the total of the ~~weighted~~
6 basic enrollment for special education support
7 services in the state for the budget year. The
8 special education support services state cost per
9 pupil for the budget year is the amount calculated by
10 the department of management under this subsection.

11 4. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
12 PER PUPIL FOR ~~1992-1993~~ 1993-1994 and succeeding
13 years. For the budget year beginning July 1, ~~1992~~
14 1993, and succeeding budget years, the special
15 education support services state cost per pupil for
16 the budget year is the special education support
17 services state cost per pupil for the base year plus
18 the special education support services allowable
19 growth for the budget year.

20 Sec. 10. Section 257.10, subsections 3 and 4, Code
21 1991, are amended to read as follows:

22 3. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT
23 COST PER PUPIL FOR ~~1991-1992~~ 1992-1993. For the
24 budget year beginning July 1, ~~1991~~ 1992, for the
25 special education support services district cost per
26 pupil, the department of management shall divide the
27 approved budget of each area education agency for
28 special education support services for that year
29 approved by the state board of education, under
30 section 273.3, subsection 12, by the total of the
31 ~~weighted~~ basic enrollment for special education
32 support services in the area for that budget year.

33 The special education support services district
34 cost per pupil for each school district in an area for
35 the budget year is the amount calculated by the
36 department of management under this subsection.

37 4. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT
38 COST PER PUPIL FOR ~~1992-1993~~ 1993-1994 AND SUCCEEDING
39 YEARS. For the budget year beginning July 1, ~~1992~~

40 1993, and succeeding budget years, the special
41 education support services district cost per pupil for
42 the budget year is the special education support
43 services district cost per pupil for the base year
44 plus the special education support services allowable
45 growth for the budget year.
46 Notwithstanding the special education support
47 services district cost per pupil for the budget year
48 beginning July 1, 1991, calculated under subsection 3,
49 for area education agencies that have fewer than three
50 and five-tenths public school pupils per square mile,

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1 the special education support services district cost
2 per pupil for the budget year beginning July 1, 1991,
3 is one hundred forty-seven dollars.

4 Sec. 11. Section 257.10, subsection 7, Code 1991,
5 is amended to read as follows:

6 7. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT
7 COST. Special education support services district
8 cost for a school district for a budget year is equal
9 to the special education support services district
10 cost per pupil for the budget year multiplied by the
11 special education support services weighted basic
12 enrollment for the district for the budget year. If
13 the special education support services district cost
14 for a school district for a budget year is less than
15 the special education support services district cost
16 for that district for the base year, the department of
17 management shall adjust the special education support
18 services district cost for that district for the
19 budget year to equal the special education support
20 services district cost for the base year.

21 Sec. 12. Section 257.14, unnumbered paragraph 1,
22 Code 1991, is amended to read as follows:

23 For the budget years commencing July 1, 1991, and
24 July 1, 1992, and July 1, 1993, if the department of
25 management determines that the regular program
26 district cost of a school district for a budget year
27 is less than the total of the regular program district
28 cost plus any adjustment added under this section for
29 the base year for that school district, the department
30 of management shall provide a budget adjustment for
31 that district for that budget year that is equal to
32 the difference.

33 Sec. 13. Section 257.16, unnumbered paragraph 2,
34 Code Supplement 1991, is amended to read as follows:

35 All state aids paid under this chapter, unless
36 otherwise stated, shall be paid in monthly

37 installments beginning on September 15 of a budget
 38 year and ending on or about June 15 of the budget year
 39 and the installments shall be as nearly equal as
 40 possible as determined by the department of
 41 management, taking into consideration the relative
 42 budget and cash position of the state resources.
 43 However, the state aid paid to school districts under
 44 section 257.13 shall be paid in monthly installments
 45 beginning on December 15 and ending on June 15 of a
 46 budget year.

47 Sec. 14. Section 257.20, unnumbered paragraph 1,
 48 Code Supplement 1991, is amended to read as follows:
 49 In order to determine the amount of instructional
 50 support state aid and the amount of local funding for

Page 6

1 the instructional support program for a district, the
 2 department of management shall divide the total
 3 assessed valuation in the state by the total budget
 4 enrollment for the budget year in the state to
 5 determine a state assessed valuation per pupil and
 6 shall divide the assessed valuation in each district
 7 by the district's budget enrollment for the budget
 8 year to determine the district assessed valuation per
 9 pupil. The department of management shall multiply
 10 the ratio of the state's valuation per pupil to the
 11 district's valuation per pupil by twenty-five
 12 hundredths and subtract that result from one to
 13 determine the portion of the instructional support
 14 program budget that is local funding. The remaining
 15 portion of the budget shall be funded by instructional
 16 support state aid. However, for the budget year
 17 beginning July 1, 1992, only, the amount of state aid
 18 is three and one-quarter percent less than the amount
 19 computed under this paragraph for that budget year.

20 Sec. 15. Section 257.31, subsection 12, Code
 21 Supplement 1991, is amended to read as follows:
 22 12. The committee shall review the recommendations
 23 of the director of the department of education
 24 relating to the special education weighting plan, and
 25 shall establish a weighting plan weight for each
 26 school year pursuant to section 281.9 for children
 27 requiring special education under section 281.9,
 28 subsection 1, paragraph "d", and report the plan
 29 weight to the director of the department of education.
 30 The committee shall also review the maximum and
 31 intermediate percents of weightedness and may adjust
 32 the percents of weightedness under section 257.6,
 33 subsection 6.

34 Sec. 16. Section 257.31, Code Supplement 1991, is
35 amended by adding the following new subsection:
36 NEW SUBSECTION. 12A. The committee may adjust the
37 percent of weightedness of a school district, by not
38 more than one-half of one percent in any year, for
39 which the percent of weightedness is below the
40 intermediate percent of weightedness based upon that
41 district's special education needs.

42 Sec. 17. Section 257.31, subsection 14, paragraph
43 a, Code Supplement 1991, is amended to read as
44 follows:

45 a. If the amount certified for a school district
46 to the director of the department of management under
47 this subsection for the base year is positive, the
48 director of the department of management shall
49 subtract the amount of the positive balance exceeding
50 five percent of the additional funds generated for

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1 special education, not to include any previous
2 carryover, from the amount of state aid remaining to
3 be paid to the district during the budget year. If
4 the positive amount exceeding the five percent amount
5 exceeds the amount of state aid that remains to be
6 paid to the district, not including any previous
7 carryover, the school district shall pay the excess on
8 a quarterly basis prior to June 30 of the budget year
9 to the director of the department of management from
10 other funds received by the district. The director of
11 the department of management shall determine the
12 amount of the positive balance that exceeds the five
13 percent amount that came from local property tax
14 revenues and shall increase the district's total state
15 school aids available under this chapter for the next
16 following budget year by the amount so determined and
17 shall reduce the district's tax levy computed under
18 section 257.4 for the next following budget year by
19 the amount necessary to compensate for the increased
20 state aid.

21 Sec. 18. Section 257.31, subsection 14, paragraph
22 b, Code Supplement 1991, is amended by striking the
23 paragraph.

24 Sec. 19. Section 265.6, Code 1991, is amended to
25 read as follows:

26 265.6 STATE AID APPLICABLE.

27 If the state board of regents has established a
28 laboratory school, it shall receive state aid pursuant
29 to chapters 257 and 281 for each pupil enrolled in the
30 laboratory school in the same amount as the public

31 school district in which the pupil resides would
32 receive aid for that pupil and shall transmit the
33 amount received to the institution of higher education
34 at which the laboratory school has been established.
35 If the board of a school district terminates a
36 contract with the state board of regents for
37 attendance of pupils in a laboratory school, the
38 school district shall inform the department of
39 management of the number of these pupils who are
40 enrolled in the district on the third Friday of the
41 following September. The department of management
42 shall pay to the school district, from funds
43 appropriated in section 257.16, an amount equal to the
44 amount of state aid paid for each pupil in that school
45 district for that school year in payments made as
46 provided in section 257.16. However, payments shall
47 not be made for pupils for which an advance is
48 received by the district under section 257.13.
49 Sec. 20. Section 299A.2, Code Supplement 1991, is
50 amended to read as follows:

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1 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
2 PRACTITIONER.

3 If a licensed practitioner provides competent
4 instruction to a child of compulsory attendance age,
5 the practitioner shall possess a valid license or
6 certificate which has been issued by the state board
7 of educational examiners under chapter 260 and which
8 is appropriate to the ages and grade levels of the
9 children to be taught. Competent private instruction
10 may include, but is not limited to, instruction or
11 instructional supervision offered through an
12 accredited nonpublic school or public school district
13 by a teacher, who is employed by the accredited
14 nonpublic school or public school district, who
15 assists and supervises a parent, guardian, or legal
16 custodian in providing instruction to a child. If
17 competent private instruction is provided through a
18 public school district, the child shall be enrolled
19 and included in the basic enrollment of the school
20 district as provided in section 257.6. Sections
21 299A.3 through 299A.7 do not apply to competent
22 private instruction provided by a licensed
23 practitioner under this section.

24 Sec. 21. Section 299A.8, Code Supplement 1991, is
25 amended to read as follows:

26 299A.8 DUAL ENROLLMENT.

27 If a parent, guardian, or legal custodian of a

28 child who is receiving competent private instruction
29 under this chapter submits a request, the child shall
30 also be registered in a public school for dual
31 enrollment purposes. If the child is enrolled in a
32 public school district for dual enrollment purposes,
33 the child shall be permitted to participate in any
34 academic activities in the district and shall also be
35 permitted to participate on the same basis as public
36 school children in any extracurricular activities
37 available to children in the child's grade or group,
38 and the parent, guardian, or legal custodian shall not
39 be required to pay the costs of any annual testing
40 under this chapter. If the child is enrolled for dual
41 enrollment purposes, the child shall be included in
42 the public school's basic enrollment under sections
43 442.4 and as provided in section 257.6 and shall be
44 counted as one pupil.

45 Sec. 22. Section 257.13, Code 1991, is repealed.
46 Sec. 23. Sections 1, 2, 4, 6, 9, 10, 11, 13, 14,
47 19, 20, 21, and 22 of this Act, being deemed of
48 immediate importance, take effect upon enactment for
49 the purpose of computations required for payment of
50 state aid to and levying of property taxes by school

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1 districts for the budget year beginning July 1, 1992.
2 Sec. 24. Sections 3, 5, 7, 12, 15, 16, 17, and 18
3 of this Act take effect July 1, 1992, for the purpose
4 of computations required for payment of state aid to
5 and levying of property taxes by school districts for
6 the budget year beginning July 1, 1993.
7 Sec. 25. Section 8 of this Act takes effect July
8 1, 1992, for the purpose of computing state percent of
9 growth for the budget year beginning July 1, 1994."

JOHN KIBBIE

S-5519

1 Amend Senate File 2320 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 256.7, subsection 18, Code
5 Supplement 1991, is amended to read as follows:
6 18. a. Adopt, by July 1, 1992, rules and a
7 procedure for accrediting all community college
8 programs in Iowa. Rules adopted shall satisfy the
9 requirements for implementing the educational and
10 service program contained in section 280A.48.

11 b. Adopt, by July 1, 1993, rules and a procedure
12 for review and approval of proposed community college
13 budgets prior to January 1 of the base year.

14 Sec. 2. Section 257.6, subsection 1, unnumbered
15 paragraph 3, Code 1991, is amended to read as follows:
16 A school district shall certify its actual
17 enrollment to the department of education by October 1
18 of each year, and the department shall promptly
19 forward the information to the department of
20 management. The department of management shall
21 determine whether a district is entitled to an advance
22 for increasing enrollment on the basis of its actual
23 enrollment.

24 Sec. 3. Section 257.6, subsection 1, Code 1991, is
25 amended by adding the following new paragraphs:
26 NEW PARAGRAPH. e. Resident pupils receiving
27 competent private instruction from a licensed
28 practitioner provided through a public school district
29 pursuant to chapter 299A shall be counted as two-
30 tenths of one pupil.

31 NEW PARAGRAPH. f. Resident pupils receiving
32 competent private instruction under dual enrollment
33 pursuant to chapter 299A shall be counted as one-tenth
34 of one pupil.

35 Sec. 4. Section 257.6, subsection 3, Code 1991, is
36 amended by striking the subsection.

37 Sec. 5. Section 257.6, subsection 4, Code 1991, is
38 amended by striking the subsection and inserting in
39 lieu thereof the following:

40 4. BUDGET ENROLLMENT. Budget enrollment for the
41 budget year is the basic enrollment for the budget
42 year.

43 Sec. 6. Section 257.6, subsection 5, unnumbered
44 paragraph 1, Code 1991, is amended to read as follows:
45 Weighted enrollment is the budget enrollment plus
46 the district's additional enrollment because of
47 special education calculated on December 1 of the base
48 year weighting for special education instructional
49 purposes as computed in subsection 6 plus additional
50 pupils added due to the application of the

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1 supplementary weighting.

2 Sec. 7. Section 257.6, subsection 5, unnumbered
3 paragraph 2, Code 1991, is amended to read as follows:

4 Weighted enrollment for special education support
5 services costs is equal to the weighted enrollment
6 minus the additional pupils added due to the
7 application of the supplementary weighting basic

8 enrollment for the budget year.

9 Sec. 8. Section 257.6, Code 1991, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 6. ADDITIONAL WEIGHTING FOR
12 SPECIAL EDUCATION INSTRUCTIONAL PURPOSES.

13 a. Commencing with the budget year beginning July
14 1, 1993, and each budget year thereafter, the
15 department of management shall determine the
16 additional weighting for special education
17 instructional purposes for each school district in the
18 manner provided in this section.

19 For children requiring special education who are
20 defined in section 281.9, subsection 1, paragraph "d",
21 that weight is the product of the weighting for that
22 category and the number of children in that category
23 counted on December 1 of the base year, minus the
24 number of children in that category. For children
25 requiring special education who are defined in section
26 281.9, subsection 1, paragraphs "b" and "c", that
27 weight is calculated under paragraphs "b" and "c",
28 based upon each district's percent of weightedness.

29 b. The maximum percent of weightedness for a
30 school district for the budget years beginning July 1,
31 1993, and July 1, 1994, is nine and nine hundredths
32 percent and the intermediate percent of weightedness
33 is seven and fifty-two hundredths percent. Prior to
34 January 1, 1995, and each two years thereafter, the
35 school budget review committee shall review the
36 maximum percent of weightedness and the intermediate
37 percent of weightedness as they relate to the costs of
38 special education for children requiring special
39 education who are defined in section 281.9, subsection
40 1, paragraphs "b" and "c", and based upon those costs
41 may adjust the maximum percent of weightedness and the
42 intermediate percent of weightedness for the two
43 succeeding fiscal years.

44 c. For the budget year beginning July 1, 1993, the
45 department of management shall calculate for each
46 school district a base year percent of weightedness by
47 dividing each district's additional enrollment because
48 of special education for those children calculated on
49 December 1, 1991, under section 281.9, subsection 1,
50 paragraphs "b" and "c", Code 1991, by the district's

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1 basic enrollment for the budget year beginning July 1,
2 1992. For the budget year beginning July 1, 1993, and
3 succeeding budget years, if the base year percent of
4 weightedness is greater than the maximum percent of

5 weightedness, the district's percent of weightedness
6 for the budget year is the maximum percent of
7 weightedness and the weighting for those children for
8 the budget year is the maximum percent of weightedness
9 multiplied by the district's basic enrollment for the
10 budget year. However, if the maximum percent of
11 weightedness multiplied by regular program district
12 cost for the budget year is less than the district's
13 additional enrollment because of special education for
14 those children calculated on December 1, 1991, under
15 section 281.9, subsection 1, paragraphs "b" and "c",
16 Code 1991, multiplied by the regular program district
17 cost for the budget year beginning July 1, 1992, the
18 percent of weightedness shall be increased to a
19 percent that provides an amount equal to the
20 district's funding for special education instructional
21 purposes for those children for the base year, and the
22 weighting for those children shall be recalculated
23 based upon the revised percent of weightedness. If
24 the base year percent of weightedness for a district
25 is between the maximum percent of weightedness and the
26 intermediate percent of weightedness, the percent of
27 weightedness for the budget year is the base percent
28 of weightedness and the district's weighting for those
29 children for the budget year is the base percent of
30 weightedness multiplied by the district's basic
31 enrollment for the budget year. If the base year
32 percent of weightedness is below the intermediate
33 percent of weightedness, the district's percent of
34 weightedness for the budget year is the sum of the
35 district's base year percent of weightedness and any
36 adjustment granted by the school budget review
37 committee, not exceeding the intermediate percent of
38 weightedness, and the district's weighting for those
39 children for the budget year is the revised percent of
40 weightedness multiplied by the district's basic
41 enrollment for the budget year.

42 Sec. 9. Section 257.8, subsection 1, unnumbered
43 paragraph 2, Code 1991, is amended to read as follows:

44 On or before each ~~September~~ December 15 thereafter,
45 the department of management shall compute a state
46 percent of growth for the budget year next following
47 the budget year. The state percents of growth shall
48 be forwarded to the director of the department of
49 education.

50 Sec. 10. Section 257.8, subsection 7, Code 1991,

Page 4

1 is amended by adding the following new unnumbered
2 paragraph:
3 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
4 calculation of the regular program allowable growth,
5 for the budget year beginning July 1, 1992, the
6 regular program allowable growth is one hundred forty-
7 five dollars.

8 Sec. 11. Section 257.9, subsections 3 and 4, Code
9 1991, are amended to read as follows:

10 3. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
11 PER PUPIL FOR ~~1991-1992~~ 1992-1993. For the budget
12 year beginning July 1, ~~1991~~ 1992, for the special
13 education support services state cost per pupil, the
14 department of management shall divide the total of the
15 approved budgets of the area education agencies for
16 special education support services for that year
17 approved by the state board of education under section
18 273.3, subsection 12, by the total of the ~~weighted~~
19 basic enrollment for special education support
20 services in the state for the budget year. The
21 special education support services state cost per
22 pupil for the budget year is the amount calculated by
23 the department of management under this subsection.

24 4. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
25 PER PUPIL FOR ~~1992-1993~~ 1993-1994 and succeeding
26 years. For the budget year beginning July 1, ~~1992~~
27 1993, and succeeding budget years, the special
28 education support services state cost per pupil for
29 the budget year is the special education support
30 services state cost per pupil for the base year plus
31 the special education support services allowable
32 growth for the budget year.

33 Sec. 12. Section 257.10, subsections 3 and 4, Code
34 1991, are amended to read as follows:

35 3. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT
36 COST PER PUPIL FOR ~~1991-1992~~ 1992-1993. For the
37 budget year beginning July 1, ~~1991~~ 1992, for the
38 special education support services district cost per
39 pupil, the department of management shall divide the
40 approved budget of each area education agency for
41 special education support services for that year
42 approved by the state board of education, under
43 section 273.3, subsection 12, by the total of the
44 ~~weighted basic enrollment for special education~~
45 support services in the area for that budget year.
46 The special education support services district
47 cost per pupil for each school district in an area for
48 the budget year is the amount calculated by the

49 department of management under this subsection.

50 4. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT

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1 COST PER PUPIL FOR ~~1992-1993~~ 1993-1994 AND SUCCEEDING
2 YEARS. For the budget year beginning July 1, 1992
3 1993, and succeeding budget years, the special
4 education support services district cost per pupil for
5 the budget year is the special education support
6 services district cost per pupil for the base year
7 plus the special education support services allowable
8 growth for the budget year.

9 Notwithstanding the special education support
10 services district cost per pupil for the budget year
11 beginning July 1, 1991, calculated under subsection 3,
12 for area education agencies that have fewer than three
13 and five-tenths public school pupils per square mile,
14 the special education support services district cost
15 per pupil for the budget year beginning July 1, 1991,
16 is one hundred forty-seven dollars.

17 Sec. 13. Section 257.10, subsection 7, Code 1991,
18 is amended to read as follows:

19 7. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT

20 COST. Special education support services district
21 cost for a school district for a budget year is equal
22 to the special education support services district
23 cost per pupil for the budget year multiplied by the
24 special education support services weighted basic
25 enrollment for the district for the budget year. If
26 the special education support services district cost
27 for a school district for a budget year is less than
28 the special education support services district cost
29 for that district for the base year, the department of
30 management shall adjust the special education support
31 services district cost for that district for the
32 budget year to equal the special education support
33 services district cost for the base year.

34 Sec. 14. Section 257.14, unnumbered paragraph 1,
35 Code 1991, is amended to read as follows:

36 For the budget years commencing July 1, 1991, and
37 July 1, 1992, and July 1, 1993, if the department of
38 management determines that the regular program
39 district cost of a school district for a budget year
40 is less than the total of the regular program district
41 cost plus any adjustment added under this section for
42 the base year for that school district, the department
43 of management shall provide a budget adjustment for
44 that district for that budget year that is equal to
45 the difference.

46 Sec. 15. Section 257.16, unnumbered paragraph 2,
47 Code Supplement 1991, is amended to read as follows:
48 All state aids paid under this chapter, unless
49 otherwise stated, shall be paid in monthly
50 installments beginning on September 15 of a budget

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1 year and ending on or about June 15 of the budget year
2 and the installments shall be as nearly equal as
3 possible as determined by the department of
4 management, taking into consideration the relative
5 budget and cash position of the state resources.
6 However, the state aid paid to school districts under
7 section 257.13 shall be paid in monthly installments
8 beginning on December 15 and ending on June 15 of a
9 budget year.

10 Sec. 16. Section 257.20, unnumbered paragraph 1,
11 Code Supplement 1991, is amended to read as follows:

12 In order to determine the amount of instructional
13 support state aid and the amount of local funding for
14 the instructional support program for a district, the
15 department of management shall divide the total
16 assessed valuation in the state by the total budget
17 enrollment for the budget year in the state to
18 determine a state assessed valuation per pupil and
19 shall divide the assessed valuation in each district
20 by the district's budget enrollment for the budget
21 year to determine the district assessed valuation per
22 pupil. The department of management shall multiply
23 the ratio of the state's valuation per pupil to the
24 district's valuation per pupil by twenty-five
25 hundredths and subtract that result from one to
26 determine the portion of the instructional support
27 program budget that is local funding. The remaining
28 portion of the budget shall be funded by instructional
29 support state aid. However, for the budget year
30 beginning July 1, 1992, only, the amount of state aid
31 is three and one-quarter percent less than the amount
32 computed under this paragraph for that budget year.

33 Sec. 17. Section 257.31, subsection 12, Code
34 Supplement 1991, is amended to read as follows:

35 12. The committee shall review the recommendations
36 of the director of the department of education
37 relating to the special education weighting plan, and
38 shall establish a weighting plan weight for each
39 school year pursuant to section 281.9 for children
40 requiring special education under section 281.9,
41 subsection 1, paragraph "d", and report the plan
42 weight to the director of the department of education.

43 The committee shall also review the maximum and
44 intermediate percents of weightedness and may adjust
45 the percents of weightedness under section 257.6,
46 subsection 6.
47 Sec. 18. Section 257.31, Code Supplement 1991, is
48 amended by adding the following new subsection:
49 NEW SUBSECTION. 12A. The committee may adjust the
50 percent of weightedness of a school district, by not

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1 more than one-half of one percent in any year, for
2 which the percent of weightedness is below the
3 intermediate percent of weightedness based upon that
4 district's special education needs.
5 Sec. 19. Section 257.31, subsection 14, paragraph
6 a, Code Supplement 1991, is amended to read as
7 follows:
8 a. If the amount certified for a school district
9 to the director of the department of management under
10 this subsection for the base year is positive, the
11 director of the department of management shall
12 subtract the amount of the positive balance exceeding
13 five percent of the additional funds generated for
14 special education, not to include any previous
15 carryover, from the amount of state aid remaining to
16 be paid to the district during the budget year. If
17 the positive amount exceeding the five percent amount
18 exceeds the amount of state aid that remains to be
19 paid to the district, not including any previous
20 carryover, the school district shall pay the excess on
21 a quarterly basis prior to June 30 of the budget year
22 to the director of the department of management from
23 other funds received by the district. The director of
24 the department of management shall determine the
25 amount of the positive balance that exceeds the five
26 percent amount that came from local property tax
27 revenues and shall increase the district's total state
28 school aids available under this chapter for the next
29 following budget year by the amount so determined and
30 shall reduce the district's tax levy computed under
31 section 257.4 for the next following budget year by
32 the amount necessary to compensate for the increased
33 state aid.
34 Sec. 20. Section 257.31, subsection 14, paragraph
35 b, Code Supplement 1991, is amended by striking the
36 paragraph.
37 Sec. 21. Section 265.6, Code 1991, is amended to
38 read as follows:
39 265.6 STATE AID APPLICABLE.

40 If the state board of regents has established a
41 laboratory school, it shall receive state aid pursuant
42 to chapters 257 and 281 for each pupil enrolled in the
43 laboratory school in the same amount as the public
44 school district in which the pupil resides would
45 receive aid for that pupil and shall transmit the
46 amount received to the institution of higher education
47 at which the laboratory school has been established.
48 If the board of a school district terminates a
49 contract with the state board of regents for
50 attendance of pupils in a laboratory school, the

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1 school district shall inform the department of
2 management of the number of these pupils who are
3 enrolled in the district on the third Friday of the
4 following September. The department of management
5 shall pay to the school district, from funds
6 appropriated in section 257.16, an amount equal to the
7 amount of state aid paid for each pupil in that school
8 district for that school year in payments made as
9 provided in section 257.16. ~~However, payments shall~~
10 ~~not be made for pupils for which an advance is~~
11 ~~received by the district under section 257.18.~~

12 Sec. 22. Section 299A.2, Code Supplement 1991, is
13 amended to read as follows:

14 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
15 PRACTITIONER.

16 If a licensed practitioner provides competent
17 instruction to a child of compulsory attendance age,
18 the practitioner shall possess a valid license or
19 certificate which has been issued by the state board
20 of educational examiners under chapter 260 and which
21 is appropriate to the ages and grade levels of the
22 children to be taught. Competent private instruction
23 may include, but is not limited to, instruction or
24 instructional supervision offered through an
25 accredited nonpublic school or public school district
26 by a teacher, who is employed by the accredited
27 nonpublic school or public school district, who
28 assists and supervises a parent, guardian, or legal
29 custodian in providing instruction to a child. If
30 competent private instruction is provided through a
31 public school district, the child shall be enrolled
32 and included in the basic enrollment of the school
33 district as provided in section 257.6. Sections
34 299A.3 through 299A.7 do not apply to competent
35 private instruction provided by a licensed
36 practitioner under this section.

37 Sec. 23. Section 299A.8, Code Supplement 1991, is
38 amended to read as follows:

39 299A.8 DUAL ENROLLMENT.

40 If a parent, guardian, or legal custodian of a
41 child who is receiving competent private instruction
42 under this chapter submits a request, the child shall
43 also be registered in a public school for dual
44 enrollment purposes. If the child is enrolled in a
45 public school district for dual enrollment purposes,
46 the child shall be permitted to participate in any
47 academic activities in the district and shall also be
48 permitted to participate on the same basis as public
49 school children in any extracurricular activities
50 available to children in the child's grade or group,

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1 and the parent, guardian, or legal custodian shall not
2 be required to pay the costs of any annual testing
3 under this chapter. If the child is enrolled for dual
4 enrollment purposes, the child shall be included in
5 the public school's basic enrollment under sections
6 ~~442.4~~ and as provided in section 257.6 and shall be
7 counted as one pupil.

8 Sec. 24. Section 257.13, Code 1991, is repealed.

9 Sec. 25. The state board of education shall
10 conduct a study to review the community college
11 funding formula in relation to the state's ability to
12 provide future increases in the community college
13 funding formula. A report of the findings and
14 recommendations shall be submitted to the general
15 assembly by December 1, 1992.

16 Sec. 26. Sections 2, 3, 5, 7, 10, 11, 12, 13, 15,
17 16, 21, 22, 23, and 24 of this Act, being deemed of
18 immediate importance, take effect upon enactment for
19 the purpose of computations required for payment of
20 state aid to and levying of property taxes by school
21 districts for the budget year beginning July 1, 1992.

22 Sec. 27. Sections 4, 6, 8, 14, 17, 18, 19, and 20
23 of this Act take effect July 1, 1992, for the purpose
24 of computations required for payment of state aid to
25 and levying of property taxes by school districts for
26 the budget year beginning July 1, 1993.

27 Sec. 28. Section 9 of this Act takes effect July
28 1, 1992, for the purpose of computing state percent of
29 growth for the budget year beginning July 1, 1994."

MAGGIE TINSMAN
JIM LIND
DALE L. TIEDEN

HARRY G. SLIFE
MARY E. KRAMER

S-5520

- 1 Amend the amendment, S-5519, to Senate File 2320 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 14, and
- 4 inserting the following:
- 5 "Section 1. Section 257.6, subsection 1,
- 6 unnumbered".
- 7 2. Page 9, by striking lines 9 through 15.

JOHN P. KIBBIE

S-5521

- 1 Amend Senate File 2320 as follows:
- 2 1. Page 2, by inserting after line 15, the
- 3 following:
- 4 "Sec. ____ . If a school district will receive less
- 5 state foundation aid under chapter 257 for a budget
- 6 year because of enactment of this Act, the district
- 7 may make up the lost state aid by a combination
- 8 property tax levy and income surtax. For each budget
- 9 year, the board of directors shall determine the
- 10 percent of income surtax that shall be imposed,
- 11 expressed as full percentage points, not to exceed 20
- 12 percent, subject to section 298.14. The property tax
- 13 levy and income surtax imposed under this section
- 14 shall be computed and imposed in the manner provided
- 15 for instructional support program funding. This
- 16 section applies to the school budget years beginning
- 17 July 1, 1992, July 1, 1993, and July 1, 1994, only."

BEVERLY HANNON
JAMES R. RIORDAN
JOHN P. KIBBIE

S-5522

- 1 Amend House File 2256 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 14, by striking the word "ten"
- 4 and inserting the following: "twenty".

BEVERLY A. HANNON
EUGENE S. FRAISE
JOHN E. SOORHOLTZ
JOHN W. JENSEN

ALVIN V. MILLER
BERL E. PRIEBE
RICHARD VANDE HOEF

S-5523

1 Amend the Tinsman et al amendment, S-5519, to
2 Senate File 2320 as follows:
3 1. Page 9, by inserting after line 15, the
4 following:
5 "Sec. 100. If a school district will receive less
6 state foundation aid under chapter 257 for a budget
7 year because of enactment of this Act, the district
8 may make up the lost state aid by a combination
9 property tax levy and income surtax. For each budget
10 year, the board of directors shall determine the
11 percent of income surtax that shall be imposed,
12 expressed as full percentage points, not to exceed 20
13 percent, subject to section 298.14. The property tax
14 levy and income surtax imposed under this section
15 shall be computed and imposed in the manner provided
16 for instructional support program funding. This
17 section applies to the school budget years beginning
18 July 1, 1992, July 1, 1993, and July 1, 1994, only."
19 2. Page 9, by inserting after line 29 the
20 following:
21 "Sec. ____ . Section 100 of this Act, being deemed
22 of immediate importance, takes effect upon enactment."

BEVERLY HANNON
JOHN P. KIBBIE

S-5524

1 Amend the amendment, S-5519, to Senate File 2320 as
2 follows:
3 1. Page 8, by inserting after line 11, the
4 following:
5 "Sec. ____ . Section 298.10, Code 1991, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. However, for school
8 years which begin on or after the effective date of
9 this Act and which conclude on or before June 30,
10 1993, a levy for a cash reserve under this section
11 shall not be allowed unless a proposition for
12 authorization of the levy is submitted for adoption at
13 the regular school election held in September 1992.
14 The board of directors of a school district wishing to
15 place the levy proposition on the ballot shall so
16 certify to the county commissioner of elections. The

17 proposition is adopted if a majority of those voting
18 on the proposition at the election approve it.”

LARRY MURPHY
BERL E. PRIEBE
JAMES R. RIORDAN
JOHN P. KIBBIE
EMIL J. HUSAK
EUGENE S. FRAISE

S-5525

1 Amend the Committee amendment, S-5313, to Senate
2 File 2320, as follows:

3 1. Page 1, by inserting after line 1, the
4 following:

5 “___ . Page 1, by inserting after line 9, the
6 following:

7 “Sec. ___ . Section 257.9, subsections 3 and 4,
8 Code 1991, are amended to read as follows:

9 3. Special education support services state cost
10 per pupil for ~~1991-1992~~ 1992-1993. For the budget
11 year beginning July 1, ~~1991~~ 1992, for the special
12 education support services state cost per pupil, the
13 department of management shall divide the total of the
14 approved budgets of the area education agencies for
15 special education support services for that year
16 approved by the state board of education under section
17 273.3, subsection 12, by the total of the weighted
18 enrollment for special education support services in
19 the state for the budget year. The special education
20 support services state cost per pupil for the budget
21 year is the amount calculated by the department of
22 management under this subsection.

23 4. Special education support services state cost
24 per pupil for ~~1992-1993~~ 1993-1994 and succeeding
25 years. For the budget year beginning July 1, ~~1992~~
26 1993, and succeeding budget years, the special
27 education support services state cost per pupil for
28 the budget year is the special education support
29 services state cost per pupil for the base year plus
30 the special education support services allowable
31 growth for the budget year.

32 Sec. ___ . Section 257.10, subsections 3 and 4,
33 Code 1991, are amended to read as follows:

34 3. Special education support services district
35 cost per pupil for ~~1991-1992~~ 1992-1993. For the
36 budget year beginning July 1, ~~1991~~ 1992, for the
37 special education support services district cost per
38 pupil, the department of management shall divide the

39 approved budget of each area education agency for
 40 special education support services for that year
 41 approved by the state board of education, under
 42 section 273.3, subsection 12, by the total of the
 43 weighted enrollment for special education support
 44 services in the area for that budget year.
 45 The special education support services district
 46 cost per pupil for each school district in an area for
 47 the budget year is the amount calculated by the
 48 department of management under this subsection.
 49 4. Special education support services district
 50 cost per pupil for ~~1992-1993~~ 1993-1994 and succeeding

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1 years. For the budget year beginning July 1, 1992
 2 1993, and succeeding budget years, the special
 3 education support services district cost per pupil for
 4 the budget year is the special education support
 5 services district cost per pupil for the base year
 6 plus the special education support services allowable
 7 growth for the budget year.
 8 Notwithstanding the special education support
 9 services district cost per pupil for the budget year
 10 beginning July 1, 1991, calculated under subsection 3,
 11 for area education agencies that have fewer than three
 12 and five-tenths public school pupils per square mile,
 13 the special education support services district cost
 14 per pupil for the budget year beginning July 1, 1991,
 15 is one hundred forty-seven dollars."
 16 2. Page 1, lines 9 and 10, by striking the words
 17 "sixty-one and sixty-seven" and inserting the
 18 following: "fifty-nine and forty-one".

MIKE CONNOLLY

S-5526

1 Amend Senate File 2320 as follows:
 2 1. Page 1, by inserting before line 10, the
 3 following:
 4 "Sec. ____ . Section 298.10, Code 1991, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. However, for school
 7 years which begin on or after the effective date of
 8 this Act and which conclude on or before June 30,
 9 1993, a levy for a cash reserve under this section
 10 shall not be allowed unless a proposition for
 11 authorization of the levy is submitted for adoption at
 12 the regular school election held in September 1992.

13 The board of directors of a school district wishing to
 14 place the levy proposition on the ballot shall so
 15 certify to the county commissioner of elections. The
 16 proposition is adopted if a majority of those voting
 17 on the proposition at the election approve it."

LARRY MURPHY
 BERL E. PRIEBE
 JOHN P. KIBBIE
 JAMES R. RIORDAN
 EMIL J. HUSAK
 EUGENE S. FRAISE

S-5527

1 Amend the amendment, S-5339, to Senate File 2320,
 2 as follows:
 3 1. Page 8, by inserting after line 6 the
 4 following:
 5 "Sec. ____ . Section 298.10, Code 1991, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. However, for school
 8 years which begin on or after the effective date of
 9 this Act and which conclude on or before June 30,
 10 1993, a levy for a cash reserve under this section
 11 shall not be allowed unless a proposition for
 12 authorization of the levy is submitted for adoption at
 13 the regular school election held in September 1992.
 14 The board of directors of a school district wishing to
 15 place the levy proposition on the ballot shall so
 16 certify to the county commissioner of elections. The
 17 proposition is adopted if a majority of those voting
 18 on the proposition at the election approve it."

LARRY MURPHY
 BERL E. PRIEBE
 JAMES R. RIORDAN
 JOHN P. KIBBIE
 EUGENE S. FRAISE
 EMIL J. HUSAK

HOUSE AMENDMENT TO
 SENATE FILE 2244

S-5528

1 Amend Senate File 2244 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. LEGISLATIVE STUDY -- CONTRACTS FOR THE
6 CARE AND FEEDING OF SWINE.

7 1. The legislative council is requested to
8 establish an interim committee to study restrictions,
9 practices, and procedures, relating to contracts for
10 the care and feeding of swine, including the care and
11 feeding of swine by cooperative associations.

12 2. The legislative council is requested to appoint
13 members to the interim committee which may include two
14 members of the senate, two members of the house of
15 representatives, and one member representing each of
16 the following: the attorney general's office, the
17 Iowa institute of cooperatives, the Iowa pork
18 producers association, and the Iowa animal agriculture
19 council of the Iowa business council.

20 Sec. 2. This Act, being deemed of immediate
21 importance, takes effect upon enactment."

22 2. Title page, line 2, by inserting after the
23 word "associations" the following: "by providing for
24 a study,".

HOUSE AMENDMENT TO
SENATE FILE 2265

S-5529

1 Amend Senate File 2265, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 18 through page 2,
4 line 23.

5 2. Title page, line 1, by striking the word
6 "commissioners" and inserting the following:
7 "commissioners."

8 3. Title page, by striking lines 2 and 3.

HOUSE AMENDMENT TO
SENATE FILE 2189

S-5530

1 Amend Senate File 2189, as passed by the Senate, as
2 follows:

3 1. Page 5, line 26, by striking the figure
4 "527G.4" and inserting the following: "523G.4".

5 2. Page 9, line 9, by striking the figure
6 "527G.5" and inserting the following: "523G.5".

7 3. Page 14, line 27, by striking the figure
8 "523G.7" and inserting the following: "523G.6".

9 4. Title page, line 1, by inserting after the

10 word "services," the following: "providing for
11 fees,".

HOUSE AMENDMENT TO
SENATE FILE 2036

S-5531

1 Amend Senate File 2036 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by striking the word "oftener"
4 and inserting the following: "oftener more often".

5 2. By striking page 1, line 19, through page 2,
6 line 29, and inserting the following:

7 "2. In conjunction with the audit of the state
8 board of regents required under this section, the
9 auditor of state, in accordance with generally
10 accepted auditing standards, shall perform audit
11 testing on the state board of regents' investments.
12 The auditor shall report to the state board of regents
13 concerning compliance with state law and state board
14 of regents' investment policies. The state board of
15 regents is responsible for remedying any reported
16 noncompliance with its own policy or practices.

17 The state board of regents shall make available to
18 the auditor of state and treasurer of state the most
19 recent annual report of any investment entity or
20 investment professional employed by an institution
21 governed by the board.

22 All contracts or agreements with an investment
23 entity or investment professional employed by an
24 institution governed by the state board of regents
25 shall require the investment entity or investment
26 professional employed by an institution governed by
27 the state board of regents to notify in writing the
28 state board of regents within thirty days of receipt
29 of all communication from an independent auditor or
30 the auditor of state or any regulatory authority of
31 the existence of a material weakness in internal
32 control structure, or regulatory orders, or sanctions
33 against the investment entity or investment
34 professional, with regard to the type of services
35 being performed under the contracts or agreements.
36 This provision shall not be limited or avoided by
37 another contractual provision.

38 The audit under this section shall not be certified
39 until the most recent annual reports of any investment
40 entity or investment professional employed by an
41 institution governed by the state board of regents are
42 reviewed by the auditor of state.

43 The submission of the most recent annual report to
44 shareholders of an open-end management investment
45 company or an unincorporated investment company or
46 investment trust registered with the federal
47 securities and exchange commission under the federal
48 Investment Company Act of 1940, 15 U.S.C. § 80(a),
49 pursuant to 17 C.F.R. § 270.30d-1 or the review, by
50 the person performing the audit, of the most recent

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1 annual report to shareholders, call reports, or the
2 findings pursuant to a regular examination under state
3 or federal law, to the extent the findings are not
4 confidential, of a bank, savings and loan association,
5 or credit union shall satisfy the review requirements
6 of this paragraph.

7 As used in this subsection, "investment entity" and
8 "investment professional" exclude a bank, savings and
9 loan association, or credit union when acting as an
10 approved depository pursuant to chapter 453."

11 3. Page 3, line 24, by inserting after the figure
12 "b." the following: "(1)".

13 4. Page 4, by striking lines 1 through 3 and
14 inserting the following:

15 "As part of its audit, the governmental subdivision
16 is".

17 5. Page 4, line 7, by inserting after the word
18 "following" the following: "during the period under
19 audit".

20 6. Page 4, by striking lines 9 through 14 and
21 inserting the following:

22 "(a) Investing public funds.

23 (b) Advising on the investment of public funds.

24 (c) Directing the deposit or investment of public
25 funds.

26 (d) Acting in a fiduciary capacity for the
27 governmental subdivision.

28 The audit under this section shall not be certified
29 until all material information required by this
30 subparagraph is reviewed by the person performing the
31 audit.

32 (3) The review by the person performing the audit
33 of the most".

34 7. Page 4, by striking lines 20 through 25 and
35 inserting the following: "or the review, by the
36 person performing the audit, of the most recent annual
37 report to shareholders, call reports, or the findings
38 pursuant to a regular examination under state or
39 federal law, to the extent the findings are not

40 confidential, of a bank, savings and loan association,
41 or credit union shall satisfy the review requirements
42 of this paragraph."

43 8. Page 4, by striking lines 26 through 32 and
44 inserting the following:

45 "(4) All contracts or agreements with outside
46 persons performing any of the functions listed in
47 subparagraph (2) shall require the outside person to
48 notify in writing the governmental subdivision within
49 thirty days of receipt of all communication from the
50 person performing the audit or any regulatory

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1 authority of the existence of a material weakness in
2 internal control structure, or regulatory complaints,
3 orders, or sanctions against the outside person, with
4 regard to the type of services being performed under
5 the contracts or agreements. This provision shall not
6 be limited or avoided by another contractual
7 provision."

8 9. Page 4, by inserting before line 33 the
9 following:

10 "(5) As used in this subsection, "investment
11 entity" and "investment professional" exclude a bank,
12 savings and loan association, or credit union when
13 acting as an approved depository pursuant to chapter
14 453."

15 10. By striking page 4, line 33 through page 5,
16 line 3 and inserting the following:

17 "(6) A joint investment trust organized pursuant
18 to chapter 28E shall file the audit reports required
19 by this chapter with the administrator of the
20 securities bureau of the insurance division of the
21 department of commerce within ten days of receipt from
22 the auditor. The auditor of a joint investment trust
23 shall provide written notice to the administrator of
24 the time of delivery of the reports to the joint
25 investment trust.

26 (7) If during the course of an audit of a joint
27 investment trust organized pursuant to chapter 28E,
28 the auditor determines the existence of a material
29 weakness in the internal control structure or a
30 material violation of the internal control structure,
31 the auditor shall report the determination to the
32 joint investment trust which shall notify the
33 administrator in writing within twenty-four hours, and
34 provide a copy of the notification to the auditor.
35 The auditor shall provide, within twenty-four hours of
36 the receipt of the copy of the notice, written

37 acknowledgement of the receipt to the administrator.
38 If the joint investment trust does not make the
39 notification within twenty-four hours, or the auditor
40 does not receive a copy of the notification within
41 twenty-four hours, the auditor shall immediately
42 notify the administrator in writing of the material
43 weakness in the internal control structure or the
44 material violation of the internal control structure."

45 11. Page 5, by striking lines 4 through 6.

46 12. Page 5, by striking lines 15 through 26 and
47 inserting the following:

48 "7. The auditor of state shall make guidelines
49 available to the public setting forth accounting and
50 auditing standards and procedures and audit and legal

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1 compliance programs to be applied in the examination
2 of the governmental subdivisions of the state. The
3 guidelines shall require that audits under this
4 section be conducted in accordance with generally
5 accepted auditing standards as set forth in the
6 American institute of certified public accountants'
7 statements on auditing standards and generally
8 accepted government auditing standards as set forth in
9 the government auditing standards (standards for audit
10 of governmental organizations, programs, activities,
11 and functions) issued by the comptroller general of
12 the United States. The auditor of state shall have
13 the power to establish by rule under chapter 17A
14 supplementary auditing standards, legal compliance
15 programs and audit reporting formats which are
16 demonstrated to have a benefit exceeding the cost of
17 implementation and which are necessary to address
18 material issues unique to the auditing of governmental
19 units of this state. The guidelines shall include a
20 requirement that the certified public accountant
21 immediately notify the auditor of state regarding any
22 suspected embezzlement or theft. The auditor shall
23 also provide standard reporting formats for use in
24 reporting the results of an examination of a
25 governmental subdivision."

26 13. By striking page 5, line 27, through page 6,
27 line 6.

28 14. Page 6, line 12, by inserting after the word
29 "subdivisions," the following: "the state board of
30 regents,".

31 15. Page 6, line 16, by inserting after the word
32 "subdivision," the following: "the state board of
33 regents,".

34 16. Page 6, line 18, by inserting after the word
35 "subdivision," the following: "the state board of
36 regents."

37 17. Page 6, line 21, by inserting after the word
38 "subdivision," the following: "the state board of
39 regents."

40 18. Page 6, line 23, by inserting after the word
41 "subdivision," the following: "the state board of
42 regents."

43 19. Page 6, line 26, by inserting after the word
44 "subdivision," the following: "the state board of
45 regents."

46 20. Page 6, line 28, by inserting after the word
47 "subdivision," the following: "the state board of
48 regents."

49 21. Page 6, line 31, by inserting after the word
50 "subdivision," the following: "the state board of

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1 regents."

2 22. Page 7, by striking lines 8 through 24 and
3 inserting the following:

4 "Sec. ____ . Section 262.14, subsection 3, Code
5 1991, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The board shall have a
8 written investment policy, the goal of which is to
9 provide for the financial health of the institutions
10 governed by the board. The board shall establish
11 investment practices that preserve principal, provide
12 for liquidity sufficient for anticipated needs, and
13 maintain purchasing power of investable assets of the
14 board and its institutions. The policy shall also
15 include a list of authorized investments, maturity
16 guidelines, procedures for selecting and approving
17 investment managers and other investment
18 professionals, and provisions for regular and frequent
19 oversight of investment decisions by the board,
20 including audit. The board shall make available to
21 the auditor of state and treasurer of state the most
22 recent annual report of any investment entity or
23 investment professional employed by an institution
24 governed by the board. The investment policy shall
25 cover investments of endowment and nonendowment
26 funds."

27 23. Page 8, by inserting after line 10 the
28 following:

29 "Sec. ____ . Section 331.303, Code 1991, is amended
30 by adding the following new subsection:

- 31 NEW SUBSECTION. 8A. Approve the written
32 investment policy for the county required under
33 section 452.10B.”
34 24. By striking page 8, line 30, through page 9,
35 line 1.
36 25. Page 10, by inserting after line 6 the
37 following:
38 “The trading of securities in which any public
39 funds are invested for the purpose of speculation and
40 the realization of short-term trading profits is
41 prohibited.
42 Investments by a political subdivision must have
43 maturities that are consistent with the needs and use
44 of that political subdivision or agency.”
45 26. By striking page 10, line 7, through page 13,
46 line 13 and inserting the following:
47 “4. The treasurer of state and all other state
48 agencies authorized to invest funds shall only
49 purchase and invest in the following:
50 a. Obligations of the United States government,

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- 1 its agencies and instrumentalities.
2 b. Certificates of deposit and other evidences of
3 deposit at federally insured depository institutions
4 approved pursuant to chapter 453.
5 c. Prime bankers' acceptances.
6 d. Commercial paper or other short-term corporate
7 debt rated within the two highest classifications, as
8 established by at least one of the standard rating
9 services approved by the superintendent of banking by
10 rule adopted pursuant to chapter 17A, provided that at
11 the time of purchase no more than five percent of all
12 amounts invested in commercial paper and other short-
13 term corporate debt shall be invested in paper and
14 debt rated in the second highest classification.
15 e. Repurchase agreements whose underlying
16 collateral consists of the investments set out in
17 paragraphs “a” through “d” if the treasurer of state
18 or state agency takes delivery of the collateral
19 either directly or through an authorized custodian.
20 Repurchase agreements do not include reverse
21 repurchase agreements.
22 f. Investments authorized for the Iowa public
23 employee retirement system in section 97B.7,
24 subsection 2, paragraph “b”, except that investment in
25 common stocks is not permitted.
26 g. An open-end management investment company
27 organized in trust form registered with the federal

28 securities and exchange commission under the federal
29 Investment Company Act of 1940, 15 U.S.C. § 80(a), and
30 operated in accordance with 17 C.F.R. § 270.2a-7.

31 Futures and options contracts are not permissible
32 investments.

33 5. Political subdivisions of this state, including
34 entities organized pursuant to chapter 28E whose
35 primary function is other than to jointly invest
36 public funds, shall purchase and invest only in the
37 following:

38 a. Obligations of the United States government,
39 its agencies and instrumentalities.

40 b. Certificates of deposit and other evidences of
41 deposit at federally insured depository institutions
42 approved pursuant to chapter 453.

43 c. Prime bankers' acceptances.

44 d. Commercial paper or other short-term corporate
45 debt rated within the two highest classifications, as
46 established by at least one of the standard rating
47 services approved by the superintendent of banking by
48 rule adopted pursuant to chapter 17A, provided that at
49 the time of purchase no more than five percent of all
50 amounts invested in commercial paper and other short-

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1 term corporate debt shall be invested in paper and
2 debt rated in the second highest classification.

3 e. Repurchase agreements whose underlying
4 collateral consists of the investments set out in
5 paragraph "a" if the political subdivision takes
6 delivery of the collateral either directly or through
7 an authorized custodian. Repurchase agreements do not
8 include reverse repurchase agreements.

9 f. An open-end management investment company
10 registered with the federal securities and exchange
11 commission under the federal Investment Company Act of
12 1940, 15 U.S.C. § 80(a), and operated in accordance
13 with 17 C.F.R. § 270.2a-7.

14 g. A joint investment trust organized pursuant to
15 chapter 28E prior to and existing in good standing on
16 the effective date of this Act or a joint investment
17 trust organized pursuant to chapter 28E after the
18 effective date of this Act, provided that the joint
19 investment trust shall either be rated within the two
20 highest classifications by at least one of the
21 standard rating services approved by the
22 superintendent of banking by rule adopted pursuant to
23 chapter 17A and operated in accordance with 17 C.F.R.
24 § 270.2a-7, or be registered with the federal

25 securities and exchange commission under the federal
26 Investment Company Act of 1940, 15 U.S.C. § 80(a), and
27 operated in accordance with 17 C.F.R. § 270.2a-7. The
28 manager or investment advisor of the joint investment
29 trust shall be registered with the federal securities
30 and exchange commission under the Investment Advisor
31 Act of 1940, 15 U.S.C. § 80(b).

32 Futures and options contracts are not permissible
33 investments."

34 27. Page 13, by striking lines 14 through 16 and
35 inserting the following:

36 "6. The following investments are not subject to
37 this section:

38 a. Investments by the public safety peace officers
39 retirement system governed by chapter 97A.

40 b. Investments by the Iowa public employees'
41 retirement system governed by chapter 97B.

42 c. Investments by the Iowa finance authority
43 governed by chapter 220.

44 d. Investments by the state board of regents
45 governed by chapter 262.

46 e. Investments by the statewide fire and police
47 retirement system governed by chapter 411."

48 f. Investments by the judicial retirement system
49 governed by chapter 602, article 9."

50 28. Page 14, by striking lines 1 through 6.

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1 29. Page 14, line 7, by striking the letter "d"
2 and inserting the following: "b".

3 30. Page 14, by striking lines 14 through 17 and
4 inserting the following: "state."

5 31. Page 14, line 18, by striking the letter "e"
6 and inserting the following: "c".

7 32. Page 14, by striking lines 24 through 32 and
8 inserting the following: "hundred and ninety-seven
9 days."

10 33. Page 15, by inserting after line 3, the
11 following:

12 "6. The following entities are not subject to this
13 section:

14 a. The public safety peace officers retirement
15 system governed by chapter 97A.

16 b. The Iowa public employees' retirement system
17 governed by chapter 97B.

18 c. The Iowa finance authority governed by chapter
19 220.

20 d. The state board of regents governed by chapter
21 262.

- 22 e. The statewide fire and police retirement system
23 governed by chapter 411.
- 24 f. The judicial retirement system governed by
25 chapter 602, article 9.”
- 26 34. Page 15, by inserting before line 4 the
27 following:
28 “ — . A joint investment trust organized pursuant
29 to chapter 28E whose primary function is to invest
30 public funds shall report to the general assembly not
31 later than January 1 of each year the amount of any
32 trust royalty, residual payment, administrative or
33 service fee, or other fee paid by the trust, the
34 services performed for the fee, and the person
35 receiving the fee.”
- 36 35. Page 15, by inserting after line 17, the
37 following:
38 “3. The following entities are not subject to this
39 section:
40 a. The public safety peace officers retirement
41 system governed by chapter 97A.
42 b. The Iowa public employees’ retirement system
43 governed by chapter 97B.
44 c. The Iowa finance authority governed by chapter
45 220.
46 d. The state board of regents governed by chapter
47 262.
48 e. The statewide fire and police retirement system
49 governed by chapter 411.
50 f. The judicial retirement system governed by

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- 1 chapter 602, article 9.”
- 2 36. Page 15, by striking lines 20 through 23 and
3 inserting the following:
4 “The treasurer of state”.
- 5 37. By striking page 15, line 27, through page
6 16, line 6.
- 7 38. Page 16, by inserting after line 25, the
8 following:
9 “The following entities are not subject to this
10 section:
11 1. The public safety peace officers retirement
12 system governed by chapter 97A.
13 2. The Iowa public employees retirement system
14 governed by chapter 97B.
15 3. Investments by the Iowa finance authority
16 governed by chapter 220.
17 4. The statewide fire and police retirement system
18 governed by chapter 411.

19 5. The judicial retirement system governed by
20 chapter 602, article 9."

21 39. Page 17, by inserting after line 33, the
22 following:

23 "Sec. ____ . Section 453.9, Code Supplement 1991, is
24 amended by striking the section and inserting in lieu
25 thereof the following:

26 453.9 INVESTMENT OF SINKING FUNDS -- BOND
27 PROCEEDS.

28 The treasurer of state and all other state agencies
29 authorized to invest funds and the treasurer or other
30 designated financial officer of each political
31 subdivision may invest the proceeds of public bonds or
32 obligations and funds being accumulated for the
33 payment of principal and interest or reserves in
34 investments set out in section 452.10, subsection 4,
35 paragraphs "a" through "g", section 452.10, subsection
36 5, paragraphs "a" through "g", an investment contract,
37 or tax-exempt bonds. The investment shall be as
38 defined and permitted by section 148 of the Internal
39 Revenue Code and applicable regulations under that
40 section. An investment contract or tax exempt bonds
41 shall be rated within the two highest classifications
42 as established by at least one of the standard rating
43 services approved by the superintendent of banking by
44 rule adopted pursuant to chapter 17A."

45 40. Page 19, line 18, by striking the words
46 "United States corporate" and inserting the following:
47 "U.S.".

48 41. Page 19, lines 19 and 20, by striking the
49 words "United States corporate" and inserting the
50 following: "U.S.".

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1 42. By striking page 19, line 27, through page
2 20, line 7, and inserting the following: "Code 1991,
3 is amended by adding the following new subparagraph:
4 NEW SUBPARAGRAPH. (6) Investments in an open-end
5 management investment company registered with the
6 federal securities and exchange commission under the
7 federal Investment Company Act of 1940, 15 U.S.C. §
8 80(a), which is operated in accordance with 17 C.F.R.
9 § 270.2a-7."

10 43. Page 20, line 26, by striking the words
11 "United States corporate" and inserting the following:
12 "U.S.".

13 44. Page 22, line 22, by striking the word "five"
14 and inserting the following: "ten".

15 45. Page 22, line 23, by inserting after the word

16 "year" the following: "in excess of the federally
17 insured amount".

18 46. Page 23, by inserting after line 33 the
19 following:

20 "h. Investments in an open-end management
21 investment company registered with the federal
22 securities and exchange commission under the federal
23 Investment Company Act of 1940, 15 U.S.C. § 80(a),
24 which is operated in accordance with 17 C.F.R. §
25 270.2a-7."

26 47. Page 24, by inserting after line 11 the
27 following:

28 "Sec. ____ . Section 453.23, subsection 1, Code
29 1991, is amended by adding the following new
30 unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. The acceptance of public
32 funds by a depository pursuant to this chapter
33 constitutes consent by the depository to assessments
34 by the treasurer of state in accordance with this
35 chapter.

36 Sec. ____ . Section 453.23, subsection 2, Code 1991,
37 is amended to read as follows:

38 2. The depository and the security given for the
39 public funds in its hands are liable for payment if
40 the depository fails to pay a check, draft, or warrant
41 drawn by the public officer or to account for a check,
42 draft, warrant, order or certificates of deposit, or
43 any public funds entrusted to it if in failing to pay
44 the depository acts contrary to the terms of an
45 agreement between the depository and the public body
46 treasurer or, if the depository fails to pay an
47 assessment, by the treasurer of state when due.

48 Sec. ____ . Section 453.23, subsection 3, paragraph
49 d, subparagraph (1), Code 1991, is amended to read as
50 follows:

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1 (1) If the loss was incurred in a bank, then any
2 further payments to cover the loss will come from the
3 state sinking fund for public deposits in banks. If
4 the funds are balance in that sinking fund is
5 inadequate to cover pay the entire loss, then the
6 treasurer shall make obtain the additional amount
7 needed by making an assessment against other banks ~~who~~
8 hold whose public funds deposits exceed deposit
9 insurance coverage. The A bank's assessment shall be
10 determined by multiplying the total amount of the
11 remaining loss to all public depositors by a
12 percentage that represents the that bank's

13 proportional share of the average of uninsured public
14 funds deposits held by all banks during the preceding
15 twelve month period ending on the last day of the
16 month immediately preceding the month as of the
17 reporting date under section 453.21 immediately
18 preceding the date the depository was closed. Each
19 bank shall pay its assessment to the treasurer within
20 three business days after it receives notice of
21 assessment. If a bank fails to pay its assessment
22 when due, the treasurer shall satisfy the assessment
23 by selling securities pledged by that bank. If the
24 securities pledged by that bank are inadequate to pay
25 the assessment, the treasurer of state shall make
26 additional assessments as may be necessary against
27 other banks which hold uninsured public funds to
28 satisfy any unpaid assessment. Any additional
29 assessments shall be determined, collected, and
30 satisfied in the same manner as the first assessment.
31 If a bank fails to pay its assessment when due, the
32 treasurer of state shall initiate a lawsuit to collect
33 the assessment. If a bank is found to have failed to
34 pay the assessment as required by this subparagraph,
35 the court shall order it to pay the assessment, court
36 costs, reasonable attorney's fees based on the amount
37 of time the attorney general's office spent preparing
38 and bringing the action, and reasonable expenses
39 incurred by the treasurer of state. Idle balances in
40 the fund are to shall be invested by the treasurer
41 with earnings credited to the fund. Fees paid by
42 banks for administration of this chapter will shall be
43 credited to the fund and the treasurer may deduct
44 actual costs of administration from the fund.
45 Sec. ____ . Section 453.23, subsection 3, paragraph
46 d, subparagraph (2), Code 1991, is amended to read as
47 follows:
48 (2) If the loss was incurred in a credit union,
49 then any further payments to cover the loss will come
50 from the state sinking fund for public deposits in

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1 credit unions. If the funds are inadequate to cover
2 the entire loss, then the treasurer shall make an
3 assessment against other credit unions who hold public
4 funds. The assessment shall be determined by
5 multiplying the total amount of the remaining loss to
6 public depositors by a percentage that represents the
7 average of public funds deposits held by all credit
8 unions during the preceding twelve month period ending
9 on the last day of the month immediately preceding the

10 month the depository was closed. Each credit union
11 shall pay its assessment to the treasurer within three
12 business days after it receives notice of assessment.
13 If a credit union fails to pay its assessment when
14 due, the treasurer shall satisfy the assessment by
15 selling securities pledged by that credit union. If a
16 credit union fails to pay its assessment when due, the
17 treasurer of state shall initiate a lawsuit to collect
18 the assessment. If a credit union is found to have
19 failed to pay the assessment as required by this
20 subparagraph, the court shall order it to pay the
21 assessment, court costs, reasonable attorney's fees
22 based upon the amount of time the attorney general's
23 office spent preparing and bringing the action, and
24 reasonable expenses incurred by the treasurer of
25 state's office. Idle balances in the fund are to be
26 invested by the treasurer with earnings credited to
27 the fund. Fees paid by credit unions for
28 administration of this chapter will be credited to the
29 fund and the treasurer may deduct actual costs of
30 administration from the fund."

31 48. Page 24, line 23, by inserting after the word
32 "determines." the following: "The administrator shall
33 have the authority to contract for outside
34 professional services in the conduct of examinations."

35 49. Page 24, by striking lines 29 and 30 and
36 inserting the following: "business is examined."

37 50. Page 25, by striking lines 5 and 6 and
38 inserting the following: "September 1, 1992."

39 51. Page 25, by striking lines 7 through 18 and
40 inserting the following:

41 "Section 14 of this Act does not apply to an
42 investment made prior to the effective date of this
43 Act. A joint investment trust organized pursuant to
44 chapter 28E existing prior to the effective date of
45 this Act, shall fully comply with this Act, on and
46 after the effective date of this Act, including but
47 not limited to complying with the requirement in
48 section 452.10, subsection 5, paragraph "g", that it
49 be operated in accordance with 17 C.F.R. § 270.2a-7,
50 except that such a joint investment trust shall have

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1 until July 1, 1993, to become rated or registered as
2 required by section 452.10, subsection 5, paragraph
3 "g."

4 52. By renumbering, relettering, or redesignating
5 and correcting internal references as necessary.

S-5532

1 Amend the amendment, S-5313, to Senate File 2320,
2 as follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 " ____ . Page 1, by inserting after line 10 the
6 following:
7 "Sec. ____ . Section 298.10, Code 1991, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. However, for school
10 years which begin on or after the effective date of
11 this Act and which conclude on or before June 30,
12 1993, a levy for a cash reserve under this section
13 shall not be allowed unless a proposition for
14 authorization of the levy is submitted for adoption at
15 the regular school election held in September 1992.
16 The board of directors of a school district wishing to
17 place the levy proposition on the ballot shall so
18 certify to the county commissioner of elections. The
19 proposition is adopted if a majority of those voting
20 on the proposition at the election approve it."

LARRY MURPHY
JOHN P. KIBBIE
EMIL J. HUSAK
DALE L. TIEDEN

S-5533

1 Amend the amendment, S-5516, to House File 2334, as
2 follows:
3 1. Page 1, line 17, by inserting after the word
4 "stock" the following: "at market value".

RICHARD J. VARN

S-5534

1 Amend House File 2457, as passed by the House, as
2 follows:
3 1. Page 19, by inserting after line 6 the
4 following:
5 "Sec. ____ . INTERIM STUDY - LICENSING AND
6 EXAMINING BOARDS. The legislative council is
7 requested to establish an interim study committee to
8 review and make recommendations for the reorganization
9 of professional licensure and the professional
10 examining boards under the purview of the Iowa
11 department of public health. The study shall include

- 12 but not be limited to an evaluation of and
13 recommendation regarding the establishment of a health
14 profession review commission to address scope of
15 practice issues.”
16 2. By renumbering as necessary.

MAGGIE TINSMAN
FLORENCE BUHR
SHELDON RITTMER
WILLIAM D. PALMER

S-5535

- 1 Amend House File 2457, as passed by the House, as
2 follows:
3 1. Page 3, line 28, by striking the figure
4 “1,196,434” and inserting the following: “1,124,334”.
5 2. Page 3, line 29, by striking the figure
6 “14.00” and inserting the following: “12.00”.
7 3. Page 4, line 3, by striking the figure
8 “1,023,503” and inserting the following: “951,403”.

MAGGIE TINSMAN
SHELDON RITTMER

S-5536

- 1 Amend House File 2457, as passed by the House, as
2 follows:
3 1. Page 9, line 27, by inserting after the word
4 “purposes.” the following: “In providing services to
5 elderly persons, the service provider shall coordinate
6 efforts with the integrated case management for frail
7 elderly program of the department of elder affairs.”

MAGGIE TINSMAN
FLORENCE BUHR

S-5537

- 1 Amend House File 2457 as passed by the House, as
2 follows:
3 1. Page 18, by inserting after line 6, the
4 following:
5 “Sec. ____ . NEW SECTION. 135K.1 DEFINITIONS.
6 As used in this chapter, unless the context
7 otherwise requires:
8 1. “Approved course” means a course covering the
9 testing and repair of backflow prevention assemblies
10 which has been approved by the department.

11 2. "Backflow prevention assembly" means a device
12 or means to prevent backflow into the potable water
13 system.

14 3. "Department" means the Iowa department of
15 public health.

16 4. "Registered backflow prevention assembly
17 tester" means a person who has successfully completed
18 an approved course and has registered with the
19 department.

20 Sec. — . NEW SECTION. 135K.2 APPLICABILITY.

21 This chapter applies to all persons who test or
22 repair backflow prevention assemblies.

23 Sec. — . NEW SECTION. 135K.3 REGISTRATION AND
24 APPROVAL REQUIRED.

25 A person shall not test or repair backflow
26 prevention assemblies without first having registered
27 with and having been approved by the department.

28 Sec. — . NEW SECTION. 135K.4 POWERS AND DUTIES.

29 The department shall adopt rules in accordance with
30 chapter 17A, which provide for all of the following:

31 1. The establishment of minimum qualifications for
32 registered backflow prevention assembly testers.

33 2. The establishment of minimum standards for
34 approved courses.

35 3. The establishment and collection of fees to
36 defray the cost of administering this chapter.

37 4. The provision of a listing of registered
38 backflow prevention assembly testers to local health
39 officials.

40 5. The administration and enforcement of this
41 chapter.

42 Sec. — . NEW SECTION. 135K.5 PENALTY.

43 A person who violates this chapter is guilty of a
44 simple misdemeanor.

45 Sec. — . NEW SECTION. 135K.6 ENFORCEMENT.

46 1. The department shall investigate complaints
47 regarding backflow prevention assembly testers. If
48 the department determines that a provision of this
49 chapter regarding the requirements for a backflow
50 prevention assembly tester has been violated, the

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1 department may order a person not to test or repair
2 backflow prevention assemblies or may revoke the
3 registration of a registered backflow prevention
4 assembly tester until the necessary corrective action
5 has been taken.

6 2. The department shall investigate complaints
7 regarding courses covering the testing and repair of

8 backflow prevention assemblies. If the department
9 determines that a provision of this chapter regarding
10 approved courses has been violated, the department may
11 revoke the approval of a course until the necessary
12 corrective action has been taken.”
13 2. By renumbering as necessary.

ELAINE SZYMONIAK
ALVIN V. MILLER
FLORENCE BUHR

S-5538

1 Amend the amendment, S-5493, to House File 2457, as
2 passed by the House, as follows:

3 1. Page 1, line 28, by striking the figure
4 “2,324,611” and inserting the following: “2,114,022”.

5 2. Page 1, line 30, by striking the figure
6 “76.50” and inserting the following: “72.00”.

7 3. Page 1, by inserting after line 30, the
8 following:

9 “ . Page 5, line 29, by striking the figure
10 “8,196,659” and inserting the following:
11 “8,296,659”.

12 4. Page 1, by inserting after line 47, the
13 following:

14 “ . Page 9, line 18, by striking the figure
15 “8,586,716” and inserting the following:
16 “8,686,716”.

17 5. Page 2, by inserting after line 3, the
18 following:

19 “Sec. . Section 25A.14, subsection 13, Code
20 Supplement 1991, is amended by striking the
21 subsection.”

22 6. Page 4, by striking lines 3 and 4, and
23 inserting the following:

24 “Sec. . Section 613A.4, subsection 12, Code
25 1991, is amended by striking the subsection.”

26 7. Page 4, by inserting after line 6, the
27 following:

28 “ . Page 19, by inserting after line 13, the
29 following:

30 “Sec. .

31 1. Chapter 136B, Code 1991, is repealed.

32 2. Sections 135I.2 through 135I.6, and section
33 601K.80, Code 1991, are repealed.

34 3. Section 135I.1, Code Supplement 1991, is

35 repealed."

36 8. By renumbering as necessary.

MAGGIE TINSMAN
MARK R. HAGERLA
DALE L. TIEDEN
HARRY SLIFE

S-5539

- 1 Amend the amendment, S-5484, to House File 2334, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 15 through 17.

JACK W. HESTER
BERL E. PRIEBE

HOUSE AMENDMENT TO
SENATE FILE 446

S-5540

- 1 Amend Senate File 446, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "Code" the following: "Supplement".
- 5 2. Page 1, line 6, by striking the word and
- 6 figure "section 206A.4" and inserting the following:
- 7 "rules adopted by the department".
- 8 3. Page 1, line 7, by inserting after the figure
- 9 "206.5," the following: "subsection 6,".
- 10 4. Page 1, by striking lines 12 through 19, and
- 11 inserting the following: "206A.5. The applicator
- 12 shall pay the certification fee required in section
- 13 206A.5 in addition to the fee required in this
- 14 section."
- 15 5. Page 2, line 1, by inserting after the word
- 16 "system" the following: "as provided in rules adopted
- 17 by the department".
- 18 6. Page 2, by striking lines 6 and 7 and
- 19 inserting the following: "a permit or a renewal of a
- 20 permit as provided in section 206A.2."
- 21 7. Page 2, by striking lines 17 through 26, and
- 22 inserting the following: "purposes of farming."
- 23 8. Page 3, by striking lines 4 through 6 and
- 24 inserting the following: "issuance. A person shall
- 25 not install a new injection location".
- 26 9. Page 3, by striking lines 10 through 18 and
- 27 inserting the following: "The department may approve

28 an application for a new permit only upon inspection
29 of the irrigation distribution system. The department
30 may approve an".

31 10. Page 3, line 22, by inserting after the
32 figure "206A.5." the following: "The department must
33 approve or disapprove the application in a timely
34 manner but not later than ninety days after the
35 application is filed."

36 11. By striking page 3, line 24 through page 4,
37 line 2.

38 12. Page 4, by striking lines 4 and 5 and
39 inserting the following: "applications for
40 chemigation".

41 13. Page 4, line 13, by inserting after the word
42 "irrigation" the following: "distribution".

43 14. Page 4, by striking lines 17 through 22.

44 15. Page 5, line 12, by striking the word
45 "thirty" and inserting the following: "ninety".

46 16. Page 5, by striking lines 13 and 14 and
47 inserting the following: "dollars. The".

48 17. Page 5, line 15, by striking the word "ten"
49 and inserting the following: "seventy-five".

50 18. Page 5, line 23, by striking the words "land

Page 2

1 subject to" and inserting the following: "irrigation
2 distribution systems used for".

3 19. Page 5, lines 25 through 27 by striking the
4 words "The department shall inspect land subject to
5 chemigation at least once each three years."

6 20. Page 6, line 26, by inserting after the word
7 "equipment." the following: "The department may
8 establish different standards for different irrigation
9 distribution systems."

10 21. Page 7, line 8, by striking the word "thirty"
11 and inserting the following: "seventy-five".

12 22. Page 7, line 10, by striking the word
13 "seventy-five" and inserting the following: "two
14 hundred twenty-five".

15 23. Page 7, by striking lines 12 through 16 and
16 inserting the following: "chemigation fund. The
17 applicator shall pay the certification fee required in
18 this section in addition to any fee required in
19 section 206.5."

20 24. Page 7, by striking lines 17 through 19 and
21 inserting the following:

22 "2. The applicator shall be examined prior to
23 initial".

24 25. By striking page 7, line 31 through page 8,

25 line 8.

26 26. Page 9, by striking line 4 and inserting the
27 following: "serviced by an irrigation distribution
28 system".

29 27. Page 9, line 5, by striking the word
30 "chemigation".

31 28. Page 9, by inserting after line 12, the
32 following:

33 "Sec. ____ . NEW SECTION. 206A.7A EXCEPTIONS -
34 ENCLOSED FACILITIES.

35 Sections 206A.2 and 206A.5 shall not apply to a
36 person otherwise required to obtain a permit or be
37 certified, to the extent that the person is a title-
38 holder of land enclosed within a facility serviced by
39 an irrigation distribution system, is responsible for
40 the day-to-day management of the facility, or is an
41 applicator within the facility."

42 29. Page 9, line 20, by striking the word "The".

43 30. Page 9, by striking lines 21 through 26.

44 31. Page 12, by striking lines 12 through 14 and
45 inserting the following: "separate offense. The
46 department".

47 32. Page 12, by striking lines 25 through 31, and
48 inserting the following:

49 "1. This Act, being deemed of immediate
50 importance, takes effect upon enactment.

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1 2. The department of agriculture and land
2 stewardship shall adopt rules to administer this Act
3 as soon as practicable.

4 3. A person is not required to comply with this
5 Act until on and after January 1, 1994. A person may
6 apply for a permit and become certified before January
7 1, 1994."

HOUSE AMENDMENT TO SENATE FILE 2307

S-5541

1 Amend Senate File 2307, 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. 509C.1 IOWA HEALTH CARE
6 PURCHASING PLAN ESTABLISHED.

7 The Iowa health care purchasing plan is established
8 in the insurance division of the department of

9 commerce for the purpose of pooling the purchasing
10 power of health care services for public employees and
11 employers.

12 Sec. 2. NEW SECTION. 509C.2 DEFINITIONS.

13 1. "Commissioner" means the commissioner of
14 insurance.

15 2. "Public employee" includes any individual
16 employed by a public employer.

17 3. "Public employer" includes the state of Iowa,
18 its boards, commissions, agencies, departments, and
19 its political subdivisions including but not limited
20 to regents institutions, school districts, cities,
21 counties, and other special purpose districts.

22 Sec. 3. NEW SECTION. 509C.3 ADVISORY BOARD
23 ESTABLISHED - ADMINISTRATION OF PLAN.

24 A twelve-member advisory board is established to
25 administer the Iowa health care purchasing plan.

26 Eight members of the advisory board shall be voting
27 members and shall be appointed by the governor,
28 subject to confirmation by the senate, to staggered
29 five-year terms. Four members shall be appointed to
30 represent public employees and four members shall be
31 appointed to represent public employers. The
32 following four persons or their designees shall serve
33 as ex officio, nonvoting members: the director of
34 public health, the director of human services, the
35 director of revenue and finance, and the commissioner
36 of insurance, who shall serve as chairperson of the
37 advisory board.

38 Vacancies on the advisory board shall be filled for
39 the remainder of the term of the original appointment.
40 The members of the advisory board shall elect from its
41 membership a vice chairperson and other officers as
42 deemed necessary by the advisory board. The members
43 of the advisory board shall receive reimbursement for
44 actual and necessary expenses while engaged in their
45 official duties. Voting members may also be eligible
46 to receive compensation as provided in section 7E.6.

47 Sec. 4. NEW SECTION. 509C.4 ADVISORY BOARD
48 DUTIES.

49 The advisory board shall perform all of the
50 following functions related to the Iowa health care

Page 2

1 purchasing plan:

2 1. Review the feasibility of collectively
3 purchasing health care coverage for all public
4 employees.

5 2. Recommend to the commissioner the most cost-

6 effective methods of providing health care coverage
 7 for public employees, including, but not limited to, a
 8 health care insurance purchasing cooperative, pooling
 9 of the purchasing of health care coverage for all
 10 public employees, a publicly managed insurance plan,
 11 and other options as identified by the advisory board.

12 Sec. 5. REPORT. The commissioner shall make a
 13 written report to the general assembly on or before
 14 January 20, 1993, concerning the findings and
 15 recommendations of the advisory board."

16 2. Title page, by striking lines 1 and 2 and
 17 inserting the following: "An Act relating to the
 18 establishment of an Iowa health care purchasing plan."

HOUSE AMENDMENT TO
 SENATE FILE 2040

S-5542

1 Amend Senate File 2040, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, line 18, by inserting after the word
 4 "a" the following: "termination of parental rights".

5 2. Page 2, line 24, by inserting after the word
 6 "judges," the following: "The parties to any other
 7 proceeding heard by an associate juvenile judge are
 8 entitled to appeal the order, finding, or decision of
 9 an associate juvenile judge, to the district court."

HOUSE AMENDMENT TO
 SENATE FILE 2342

S-5543

1 Amend Senate File 2342, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting after line 27 the fol-
 4 lowing:

5 " — . A county or group of counties may
 6 voluntarily enter into a chapter 28E agreement with
 7 the department to provide funding or staff persons to
 8 deliver field services in county cluster and county
 9 offices. The agreement shall cover the full fiscal
 10 year but may be revised by mutual consent."

11 2. Page 2, by striking lines 4 through 8.

12 3. Page 2, by striking lines 13 through 15 and
 13 inserting the following: "county board of super-
 14 visors: the membership shall be appointed in
 15 accordance with section 69.16, relating to political
 16 affiliation, and section 69.16A, relating to gender

- 17 balance; not more than three members shall be
 18 members".
 19 4. By renumbering as necessary.

S-5544

- 1 Amend House File 323, as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "bond" the following: "or other approved proof of
 5 financial responsibility".
 6 2. Page 1, line 9, by inserting after the word
 7 "bond" the following: "or other approved proof of
 8 financial responsibility".
 9 3. Page 1, line 10, by inserting after the word
 10 "surety" the following: "or person providing the
 11 proof of financial responsibility".

WILLIAM D. PALMER
 DONALD V. DOYLE

S-5545

- 1 Amend House File 2207 as passed by the House, as
 2 follows:
 3 1. Page 3, by inserting after line 14 the
 4 following:
 5 "Sec. ____ . Section 144A.8, Code 1991, is amended
 6 by adding the following new subsection before
 7 subsection 1:
 8 NEW SUBSECTION. 1. An individual who may lawfully
 9 perform, assist, or participate in medical procedures
 10 which will result in the death of a patient shall not
 11 be required against that individual's religious
 12 beliefs or moral convictions to perform, assist, or
 13 participate in such procedures. A person shall not
 14 discriminate against any individual in any manner,
 15 including but not limited to employment, promotion,
 16 advancement, transfer, licensing, education, training,
 17 or the granting of hospital privileges or staff
 18 appointments because of the individual's participation
 19 in or refusal to participate in recommending,
 20 performing, or assisting in a life-sustaining
 21 procedure."
 22 2. Page 3, by inserting after line 27 the
 23 following:
 24 "Sec. ____ . Section 144B.9, Code Supplement 1991,
 25 is amended by adding the following new subsection
 26 before subsection 1:
 27 NEW SUBSECTION. 1. An individual who may lawfully

28 perform, assist, or participate in medical procedures
29 which will result in the death of a patient shall not
30 be required against that individual's religious
31 beliefs or moral convictions to perform, assist, or
32 participate in such procedures. A person shall not
33 discriminate against any individual in any manner,
34 including but not limited to employment, promotion,
35 advancement, transfer, licensing, education, training,
36 or the granting of hospital privileges or staff
37 appointments because of the individual's participation
38 in or refusal to participate in recommending,
39 performing, or assisting in a life-sustaining
40 procedure as defined in section 144A.2."
41 3. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5546

1 Amend House File 2207, as passed by the House, as
2 follows:
3 1. Page 3, by inserting after line 27 the
4 following:
5 "Sec. ____ . Section 144B.5, subsection 1, Code
6 Supplement 1991, is amended to read as follows:
7 1. A durable power of attorney for health care
8 executed pursuant to this chapter may, but need not,
9 be in the following form:
10 I hereby designate as my attorney in fact
11 (my agent) and give to my agent the power to make
12 health care decisions for me. This power exists only
13 when I am unable, in the judgment of my attending
14 physician, to make those health care decisions. The
15 attorney in fact must act consistently with my desires
16 as stated in this document or otherwise made known.
17 Except as otherwise specified in this document,
18 this document gives my agent the power, where
19 otherwise consistent with the law of this state, to
20 consent to my physician not giving health care or
21 stopping health care which is necessary to keep me
22 alive.
23 This document gives my agent power to make health
24 care decisions on my behalf, including to consent, to
25 refuse to consent, or to withdraw consent to the
26 provision of any care, treatment, service, or
27 procedure to maintain, diagnose, or treat a physical
28 or mental condition. This power is subject to any
29 statement of my desires and any limitations included
30 in this document.
31 I direct that my attorney in fact has authority to

32 make decisions regarding the withholding and
33 withdrawal of artificially administered nutrition or
34 hydration or both with the understanding that
35 malnutrition, dehydration, and death may result.
36 My agent has the right to examine my medical
37 records and to consent to disclosure of such records."
38 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5547

1 Amend House File 2207, as passed by the House, as
2 follows:
3 1. Page 1, line 28, by striking the words "time
4 or a" and inserting the following: "time."
5 2. Page 1, by striking lines 29 and 30.
6 3. Page 3, by striking lines 7 through 9 and
7 inserting the following: "period of time, it is my
8 desire that my life not be prolonged".
9 4. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5548

1 Amend House File 2207, as passed by the House, as
2 follows:
3 1. Page 2, by striking lines 8 through 25 and
4 inserting the following: "execution, and must be
5 signed by at least two individuals who, in the
6 presence of each other and the declarant, witnessed
7 the signing of the declaration by the declarant or by
8 another person acting on behalf of the declarant at
9 the declarant's direction. At least one of the
10 witnesses shall be an individual who is not a relative
11 of the declarant by blood, marriage, or adoption
12 within the third degree of consanguinity. The
13 following individuals shall not be witnesses for a
14 declaration:
15 a. A health care provider attending the declarant
16 on the date of execution.
17 b. An employee of a health care provider attending
18 the declarant on the date of execution.
19 c. An individual who is less than eighteen years
20 of age."

WILLIAM W. DIELEMAN

S-5549

- 1 Amend the amendment, S-5493, to House File 2457, as
- 2 passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "___ . Page 3, by striking line 28 and inserting
- 6 the following:
- 7 " \$ 1,196,686".
- 8 ___ . Page 4, by striking lines 15 through 18."
- 9 2. Page 1, line 28, by striking the figure
- 10 "2,324,611" and inserting the following: "2,227,880".
- 11 3. Page 1, line 30, by striking the figure
- 12 "76.50" and inserting the following: "74.00".
- 13 4. Page 1, by inserting after line 30 the
- 14 following:
- 15 "___ . Page 4, line 31, by striking the figure
- 16 "61,131" and inserting the following: "72,750".
- 17 ___ . Page 5, by striking lines 18 through 21.
- 18 ___ . Page 6, by striking line 2 and inserting the
- 19 following:
- 20 " \$ 3,120,870".
- 21 ___ . Page 6, line 5, by striking the figure
- 22 "514,415" and inserting the following: "563,694".
- 23 ___ . Page 6, line 6, by striking the figure
- 24 "224,494" and inserting the following: "273,773".
- 25 ___ . Page 6, by striking line 16 and inserting
- 26 the following:
- 27 " \$ 392,931".
- 28 ___ . Page 6, by striking line 22 and inserting
- 29 the following:
- 30 " \$ 115,613".
- 31 ___ . Page 6, by striking line 24 and inserting
- 32 the following:
- 33 " \$ 61,693".
- 34 ___ . Page 6, line 32, by striking the figure
- 35 "80,308" and inserting the following: "97,937".
- 36 ___ . Page 7, by striking lines 18 through 21."
- 37 5. Page 1, line 31, by striking the words and
- 38 figure "after line 21" and inserting the following:
- 39 "before line 22".

FLORENCE BUHR
LEONARD L. BOSWELL

S-5550

- 1 Amend House File 323, 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 120.5, subsection 1, Code

6 1991, is amended by adding the following new

7 paragraphs:

8 NEW PARAGRAPH. c. A bank regulated under chapter
9 524, a credit union regulated under chapter 533, a
10 savings and loan association regulated under chapter
11 534, or a radio or television station licensed by an
12 agency of the federal government.

13 NEW PARAGRAPH. d. A person offering or providing
14 travel services as a service to a member of its own
15 association when those services are provided through a
16 travel agency registered under this chapter and such
17 travel agency's name and address is disclosed to each
18 such member when offering the travel services."

RICHARD RUNNING

S-5551

1 Amend Senate File 2176 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. NEW SECTION. 523H.1 DEFINITIONS.

5 When used in this chapter, unless the context

6 otherwise requires:

7 1. "Affiliate" means a person controlling,
8 controlled by, or under common control with another
9 person, every officer or director of such a person,
10 and every person occupying a similar status or
11 performing similar functions.

12 2. "Business day" means a day other than a
13 Saturday, Sunday, or federal holiday.

14 3. a. "Franchise" means either of the following:

15 (1) An oral or written agreement, either express
16 or implied, which provides all of the following:

17 (a) Grants the right to distribute goods or
18 provide services under a marketing plan prescribed or
19 suggested in substantial part by the franchisor.

20 (b) Requires payment of a franchise fee to a
21 franchisor or its affiliate.

22 (c) Allows the franchise business to be
23 substantially associated with a trademark, service
24 mark, trade name, logotype, advertisement, or other
25 commercial symbol of or designating the franchisor or
26 its affiliate.

27 (2) A master franchise.

28 b. "Franchise" does not include any business that
29 is operated under a lease or license on the premises
30 of the lessor or licensor as long as such business is

31 incidental to the business conducted by the lessor or
32 licensor on such premises, including, without
33 limitation, leased departments, licensed departments,
34 and concessions and the leased or licensed department
35 operates only under the trademark, trade name, service
36 mark, or other commercial symbol designating the
37 lessor or licensor.

38 c. "Franchise" also does not include any contract
39 under which a petroleum retailer or petroleum
40 distributor is authorized or permitted to occupy
41 leased marketing premises, which premises are to be
42 employed in connection with the sale, consignment, or
43 distribution of motor fuel under a trademark which is
44 owned or controlled by a refiner which is regulated by
45 the federal Petroleum Marketing Practices Act, 15
46 U.S.C. § 2801 et seq. The term "refiner" means any
47 person engaged in the refining of crude oil to produce
48 motor fuel, and includes any affiliate of such person.
49 "Franchise" also does not include a contract entered
50 into by any person regulated under chapter 117, 123,

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1 322, 322A, 322B, 322C, 322D, 322F, or 522, or a
2 contract establishing a franchise relationship with
3 respect to the sale of construction equipment, lawn or
4 garden equipment, or real estate.

5 4. "Franchise fee" means a direct or indirect
6 payment to purchase or operate a franchise. Franchise
7 fee does not include any of the following:

8 a. Payment of a reasonable service charge to the
9 issuer of a credit card by an establishment accepting
10 the credit card.

11 b. Payment to a trading stamp company by a person
12 issuing trading stamps in connection with a retail
13 sale.

14 c. An agreement to purchase at a bona fide
15 wholesale price a reasonable quantity of tangible
16 goods for resale.

17 d. The purchase or agreement to purchase, at a
18 fair market value, any fixtures, equipment, leasehold
19 improvements, real property, supplies, or other
20 materials reasonably necessary to enter into or
21 continue a business.

22 e. Payments by a purchaser pursuant to a bona fide
23 loan from a seller to the purchaser.

24 f. Payment of rent which reflects payment for the
25 economic value of leased real or personal property.

26 g. The purchase or agreement to purchase
27 promotional or demonstration supplies, materials, or

- 28 equipment furnished at fair market value and not
29 intended for resale.
- 30 5. "Franchisee" means a person to whom a franchise
31 is granted. Franchisee includes the following:
- 32 a. A subfranchisor with regard to its relationship
33 with a franchisor.
- 34 b. A subfranchisee with regard to its relationship
35 with a subfranchisor.
- 36 6. "Franchisor" means a person who grants a
37 franchise or master franchise, or an affiliate of such
38 a person. Franchisor includes a subfranchisor with
39 regard to its relationship with a franchisee, unless
40 stated otherwise in this chapter.
- 41 7. "Fraud" and "deceit" are not limited to common
42 law fraud and deceit.
- 43 8. "Marketing plan" means a plan or system
44 concerning a material aspect of conducting business.
45 Indicia of a marketing plan include any of the
46 following:
- 47 a. Price specification, special pricing systems,
48 or discount plans.
- 49 b. Sales or display equipment or merchandising
50 devices.

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- 1 c. Sales techniques.
- 2 d. Promotional or advertising materials or
3 cooperative advertising.
- 4 e. Training regarding the promotion, operation, or
5 management of the business.
- 6 f. Operational, managerial, technical, or
7 financial guidelines or assistance.
- 8 9. "Master franchise" means an agreement by which
9 a person pays a franchisor for the right to sell or
10 negotiate the sale of franchises.
- 11 10. "Offer" or "offer to sell" means every attempt
12 to offer or to dispose of, or solicitation of an offer
13 to buy, a franchise or interest in a franchise for
14 value.
- 15 11. "Person" means a person as defined in section
16 4.1, subsection 13.
- 17 12. "Sale" or "sell" means every contract or
18 agreement of sale of, contract to sell or disposition
19 of, a franchise or interest in a franchise for value.
- 20 13. "Subfranchise" means an agreement by which a
21 person pays a franchisor for the right to sell or
22 negotiate the sale of franchises.
- 23 14. "Subfranchisee" means a person who is granted
24 a franchise from a subfranchisor.

25 15. "Subfranchisor" means a person who is granted
26 a master franchise.

27 Sec. 2. NEW SECTION. 523H.2 APPLICABILITY.

28 This chapter applies to a new or existing franchise
29 that is operated in the state of Iowa. For purposes
30 of this chapter, the franchise is operated in this
31 state only if the premises from which the franchise is
32 operated is physically located in this state. For
33 purposes of this chapter, a franchise including
34 marketing rights in or to this state, is deemed to be
35 operated in this state only if the franchisee's
36 principal business office is physically located in
37 this state. This chapter does not apply to a
38 franchise solely because an agreement relating to the
39 franchise provides that the agreement is subject to or
40 governed by the laws of this state. The provisions of
41 this chapter do not apply to any existing or future
42 contracts between Iowa franchisors and out-of-state
43 franchisees.

44 Sec. 3. NEW SECTION. 523H.3 JURISDICTION AND
45 NONJUDICIAL RESOLUTION OF DISPUTES.

46 1. A provision in a franchise agreement
47 restricting jurisdiction to a forum outside this state
48 is void with respect to a claim otherwise enforceable
49 under this chapter.

50 2. A civil action or proceeding arising out of a

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1 franchise may be commenced wherever jurisdiction over
2 the parties or subject matter exists, even if the
3 agreement limits actions or proceedings to a
4 designated jurisdiction.

5 3. Parties to a franchise may agree to independent
6 arbitration, mediation, or other nonjudicial
7 resolution of an existing or future dispute.

8 4. Venue for a civil action commenced under this
9 chapter shall be determined in accordance with chapter
10 616.

11 Sec. 4. NEW SECTION. 523H.4 WAIVERS VOID.

12 A condition, stipulation, or provision requiring a
13 franchisee to waive compliance with or relieving a
14 person of a duty or liability imposed by or a right
15 provided by this chapter or a rule or order under this
16 chapter is void. This section shall not affect the
17 settlement of disputes, claims, or civil lawsuits
18 arising or brought pursuant to this chapter.

19 Sec. 5. NEW SECTION. 523H.5 TRANSFER OF
20 FRANCHISE.

21 1. A franchisee may transfer the franchised

22 business and franchise to a transferee, provided that
23 the transferee satisfies the reasonable current
24 qualifications of the franchisor for new franchisees.
25 For the purposes of this section, a reasonable current
26 qualification for a new franchisee is a qualification
27 based upon a legitimate business reason. If the
28 proposed transferee does not meet the reasonable
29 current qualifications of the franchisor, the
30 franchisor may refuse to permit the transfer, provided
31 that the refusal of the franchisor to consent to the
32 transfer is not arbitrary or capricious when compared
33 to the actions of the franchisor in other similar
34 circumstances.

35 2. Except as otherwise provided in this section, a
36 franchisor may exercise a right of first refusal
37 contained in a franchise agreement after receipt of a
38 proposal from the franchisee to transfer the
39 franchise.

40 3. A franchisor may require as a condition of a
41 transfer any of the following:

42 a. That the transferee successfully complete a
43 reasonable training program.

44 b. That a reasonable transfer fee be paid to
45 reimburse the franchisor for the franchisor's
46 reasonable and actual expenses directly attributable
47 to the transfer.

48 c. That the franchisee pay or make provision
49 reasonably acceptable to the franchisor to pay any
50 amount due the franchisor or the franchisor's

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1 affiliate.

2 4. A franchisor shall not withhold consent to a
3 franchisee making a public offering of the
4 franchisee's securities without good cause, provided
5 the franchisee or the owners of the franchise retain
6 control of more than fifty percent of the voting power
7 in the franchise. A franchisor shall not withhold the
8 franchisor's consent to a pooling of interests or
9 exchange of assets by the franchisor's existing
10 franchisees.

11 5. A franchisee may transfer the franchisee's
12 interest in the franchise, for the unexpired term of
13 the franchise agreement, and a franchisor shall not
14 require the franchisee or the transferee to enter into
15 a new or different franchise agreement as a condition
16 of the transfer.

17 6. A franchisee shall give the franchisor no less
18 than thirty days' written notice of a transfer which

19 is subject to the provisions of this section, and on
20 request from the franchisor shall provide in writing
21 the ownership interests of all persons holding or
22 claiming an equitable or beneficial interest in the
23 franchise subsequent to the transfer or the
24 franchisee, as appropriate. A franchisee shall not
25 circumvent the intended effect of a contractual
26 provision governing the transfer of the franchise or
27 an interest in the franchise by means of a management
28 agreement, lease, profit-sharing agreement,
29 conditional assignment, or other similar device.

30 7. A franchisor shall not transfer its interest in
31 a franchise unless the franchisor makes reasonable
32 provision for the performance of the franchisor's
33 obligations under the franchise agreement by the
34 transferee. A franchisor shall provide the franchisee
35 notice of a proposed transfer of the franchisor's
36 interest in the franchise at the time the disclosure
37 is required of the franchisor under applicable
38 securities laws, if interests in the franchisor are
39 publicly traded, or if not publicly traded, at the
40 time such disclosure would be required if the
41 interests in the franchisor were publicly traded.

42 8. A transfer by a franchisee is deemed to be
43 approved thirty days after the franchisee submits the
44 request for consent to the transfer unless the
45 franchisor withholds consent to the transfer as
46 evidenced in writing, specifying the reason or reasons
47 for withholding the consent. The written notice must
48 be delivered to the franchisee prior to the expiration
49 of the thirty-day period. Any such notice is
50 privileged and is not actionable based upon a claim of

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1 defamation.

2 9. A franchisor shall not discriminate against a
3 proposed transferee of a franchise on the basis of
4 race, color, national origin, sex, or physical
5 handicap.

6 10. A franchisor, as a condition to a transfer of
7 a franchise, shall not obligate a franchisee to
8 undertake obligations or relinquish any rights
9 unrelated to the franchise proposed to be transferred,
10 or to enter into a release of claims broader than a
11 similar release of claims by the franchisor against
12 the franchisee which is entered into by the
13 franchisor.

14 11. A franchisor, after a transfer of a franchise,
15 shall not seek to enforce any covenant of the

16 transferred franchise against the transferor which
17 prohibits the transferor from engaging in any lawful
18 occupation or enterprise. However, this subsection
19 does not prohibit the franchisor from enforcing a
20 contractual covenant against the transferor not to
21 exploit the franchisor's trade secrets or intellectual
22 property rights, unless otherwise agreed to by the
23 parties.

24 12. For purposes of this section, "transfer" means
25 any change in ownership or control of a franchise,
26 franchised business, or a franchisee.

27 13. The following occurrences shall not be
28 considered transfers requiring the consent of the
29 franchisor under a franchise agreement, and shall not
30 result in the imposition of any penalties or make
31 applicable any right of first refusal by the
32 franchisor:

33 a. The succession of ownership of a franchise upon
34 the death or disability of a franchisee, or of an
35 owner of a franchise, to the franchisee's spouse,
36 child or children, or a partner of the franchisee
37 unless the successor fails to meet the then current
38 reasonable qualifications of the franchisor for
39 franchisees and the enforcement of the reasonable
40 current qualifications is not arbitrary or capricious
41 when compared to actions of the franchisor in other
42 similar circumstances.

43 b. The succession of a spouse, child, partner, or
44 other owner as operating manager upon the death or
45 disability of the operating manager, unless the
46 successor fails to meet the then current reasonable
47 qualifications of the franchisor for an operating
48 manager, and enforcement of the reasonable current
49 qualifications is not arbitrary or capricious when
50 compared to actions of the franchisor in other similar

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1 circumstances.

2 c. Incorporation of a proprietorship franchisee,
3 provided that such incorporation does not prohibit a
4 franchisor from requiring a personal guaranty by the
5 franchisee of obligations related to the franchise.

6 d. A transfer within an existing ownership group
7 of a franchise provided that more than fifty percent
8 of the franchise is held by persons who meet the
9 franchisor's reasonable current qualifications for
10 franchisees. If less than fifty percent of the
11 franchise would be owned by persons who meet the
12 franchisor's reasonable current qualifications, the

13 franchisor may refuse to authorize the transfer,
14 provided that enforcement of the reasonable current
15 qualifications is not arbitrary or capricious when
16 compared to actions of the franchisor in other similar
17 circumstances.

18 e. A transfer of less than a controlling interest
19 in the franchise to the franchisee's spouse or child
20 or children, provided that more than fifty percent of
21 the entire franchise is held by those who meet the
22 franchisor's reasonable current qualifications. If
23 less than fifty percent of the franchise would be
24 owned by persons who meet the franchisor's reasonable
25 current qualifications, the franchisor may refuse to
26 authorize the transfer, provided that enforcement of
27 the reasonable current qualifications is not arbitrary
28 or capricious when compared to actions of the
29 franchisor in other similar circumstances.

30 f. A transfer of less than a controlling interest
31 in the franchise of an employee stock ownership plan,
32 or employee incentive plan, provided that more than
33 fifty percent of the entire franchise is held by those
34 who meet the franchisor's reasonable current
35 qualifications for franchisees. If less than fifty
36 percent would be owned by persons who meet the
37 franchisor's reasonable current qualifications, the
38 franchisor may refuse to authorize the transfer,
39 provided that enforcement of the reasonable current
40 qualifications is not arbitrary or capricious when
41 compared to actions of the franchisor in other similar
42 circumstances.

43 g. A grant or retention of a security interest in
44 the franchised business or its assets, or an ownership
45 interest in the franchisee, provided the security
46 agreement establishes an obligation on the part of the
47 secured party enforceable by the franchisor to give
48 the franchisor notice of the secured party's intent to
49 foreclose on the collateral simultaneously with notice
50 to the franchisee, and a reasonable opportunity to

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1 redeem the interests of the secured party and recover
2 the secured party's interest in the franchise or
3 franchised business by paying the secured obligation.

4 14. A franchisor shall not interfere or attempt to
5 interfere with any disposition of an interest in a
6 franchise or franchised business as described in
7 subsection 13, paragraphs "a" through "g".

8 Sec. 6. NEW SECTION. 523H.6 ENCROACHMENT.

9 1. Notwithstanding the terms, provisions, or

10 conditions of an agreement or franchise, if a
11 franchisor seeks to establish a new outlet, company-
12 owned store, or carry-out store within an unreasonable
13 proximity of an existing franchisee, the existing
14 franchisee, at the option of the franchisor, shall
15 have either a right of first refusal with respect to
16 the proposed new outlet, company-owned store, or
17 carry-out store or a right to compensation for market
18 share diverted by the new outlet. For the purposes of
19 this section, "unreasonable proximity" as applied to a
20 food establishment franchisor or food service
21 establishment franchisor, including outlets and carry-
22 out stores as defined by section 137A.1, subsection 2,
23 and section 137B.2, subsection 6, includes but is not
24 limited to the shortest distance as measured by the
25 following methods:

26 a. A three-mile radius, using a straight line
27 measurement, from the center of an already existing
28 franchise.

29 b. A circular radius, using a straight line
30 measurement, from an existing franchise business which
31 comprises a population of thirty thousand or greater.

32 2. With respect to a right of first refusal, the
33 parties shall in good faith seek to establish a
34 mutually agreeable price and terms. If the parties
35 are unable to agree, each party shall appoint an
36 independent appraiser. If the independent appraisers
37 are unable to agree upon a price and terms, the
38 independent appraisers shall name a third appraiser to
39 determine the price and terms upon which the right of
40 first refusal may be exercised. The determination of
41 the independent appraiser shall be final and not
42 subject to judicial review.

43 If two or more existing franchises are located
44 within an unreasonable proximity to the proposed
45 outlet, the closest franchisee shall have the first
46 right of first refusal, and if declined, the right of
47 first refusal shall pass to the next closest
48 franchisee.

49 3. If the franchisor does not offer a right of
50 first refusal, the franchisor shall compensate

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1 existing franchisees for market share diverted by the
2 opening of the new outlet. If the franchisor and
3 existing franchisees cannot agree upon the proper
4 amount of such compensation, each party shall appoint
5 an independent appraiser. If the independent
6 appraisers are unable to agree, the independent

7 appraisers shall appoint a third appraiser who shall
8 establish the level of compensation. The
9 determination of the independent appraiser shall be
10 final and not subject to judicial review.

11 4. The court may grant a permanent or preliminary
12 injunction to prevent injury or threatened injury from
13 the violation or threatened violation of this section.

14 Sec. 7. NEW SECTION. 523H.7 TERMINATION.

15 1. Except as otherwise provided by this chapter, a
16 franchisor shall not terminate a franchise prior to
17 the expiration of its term except for good cause. For
18 purposes of this section, "good cause" is cause based
19 upon a legitimate business reason: "Good cause"
20 includes the failure of the franchisee to comply with
21 any material lawful requirement of the franchise
22 agreement, provided that the termination by the
23 franchisor is not arbitrary or capricious when
24 compared to the actions of the franchisor in other
25 similar circumstances.

26 2. Prior to termination of a franchise for good
27 cause, a franchisor shall provide a franchisee with
28 written notice stating the basis for the proposed
29 termination. After service of written notice, the
30 franchisee shall have a reasonable period of time to
31 cure the default, which in no event shall be less than
32 thirty days.

33 3. Notwithstanding subsection 2, a franchisor may
34 terminate a franchisee upon written notice and without
35 an opportunity to cure if any of the following apply:

36 a. The franchisee or the business to which the
37 franchisor relates is declared bankrupt or judicially
38 determined to be insolvent.

39 b. The franchisee voluntarily abandons the
40 franchise by failing to operate the business for five
41 consecutive business days during which the franchisee
42 is required to operate the business under the terms of
43 the franchise, or any shorter period after which it is
44 not unreasonable under the facts and circumstances for
45 the franchisor to conclude that the franchisee does
46 not intend to continue to operate the franchise,
47 unless the failure to operate is due to circumstances
48 beyond the control of the franchisee.

49 c. The franchisor and franchisee agree in writing
50 to terminate the franchise.

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1 d. The franchisee knowingly makes any material
2 misrepresentations or knowingly omits to state any
3 material facts relating to the acquisition or

4 ownership or operation of the franchise business.

5 e. The franchisee repeatedly fails to comply with
6 the same material provision of a franchise agreement,
7 when the enforcement of the material provision by the
8 franchisor is not arbitrary or capricious when
9 compared to the franchisor in other similar
10 circumstances.

11 f. The franchised business or business premises of
12 the franchisee are lawfully seized, taken over, or
13 foreclosed by a government authority or official.

14 g. The franchisee is convicted of a felony or any
15 other criminal misconduct which materially and
16 adversely affects the operation, maintenance, or
17 goodwill of the franchise in the relevant market.

18 h. The franchisee operates the franchised business
19 in a manner that imminently endangers the public
20 health and safety.

21 **Sec. 8. NEW SECTION. 523H.8 NONRENEWAL OF A**
22 **FRANCHISE.**

23 A franchisor shall not refuse to renew a franchise
24 unless both of the following apply:

25 1. The franchisee has been notified of the
26 franchisor's intent not to renew at least six months
27 prior to the expiration date or any extension of the
28 franchise agreement.

29 2. Any of the following circumstances exist:

30 a. Good cause exists as defined in section 523H.7,
31 provided that the refusal of the franchisor to renew
32 is not arbitrary or capricious when compared to the
33 actions of the franchisor in other similar
34 circumstances.

35 b. The franchisor and franchisee agree not to
36 renew the franchise, provided that upon the expiration
37 of the franchise, the franchisor agrees not to seek to
38 enforce any covenant of the nonrenewed franchise not
39 to compete with the franchisor or franchisees of the
40 franchisor.

41 c. The franchisor completely withdraws from
42 directly or indirectly distributing its products or
43 services in the geographic market served by the
44 franchisee, provided that upon expiration of the
45 franchise, the franchisor agrees not to seek to
46 enforce any covenant of the nonrenewed franchisee not
47 to compete with the franchisor or franchisees of the
48 franchisor.

49 **Sec. 9. NEW SECTION. 523H.9 FRANCHISEE'S RIGHT**
50 **TO ASSOCIATE.**

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1 A franchisor shall not restrict a franchisee from
2 associating with other franchisees or from
3 participating in a trade association, and shall not
4 retaliate against a franchisee for engaging in these
5 activities.

6 Sec. 10. NEW SECTION. 523H.10 DUTY OF GOOD
7 FAITH.

8 A franchise imposes on the parties a duty of good
9 faith in performance and enforcement of the franchise
10 agreement. "Good faith" means honesty in fact and the
11 observance of reasonable commercial standards of fair
12 dealing in the trade.

13 Sec. 11. NEW SECTION. 523H.11 REPURCHASE OF
14 ASSETS.

15 A franchisor shall not prohibit a franchisee from,
16 or enforce a prohibition against a franchisee,
17 engaging in any lawful business at any location after
18 a termination or refusal to renew by a franchisor,
19 unless it is one which relies on a substantially
20 similar marketing program as the terminated or
21 nonrenewed franchise or unless the franchisor offers
22 in writing no later than ten business days before
23 expiration of the franchise to purchase the assets of
24 the franchised business for its fair market value as a
25 going concern. The value of the assets shall not
26 include the goodwill of the business attributable to
27 the trademark licensed to the franchisee in the
28 franchise agreement. The offer may be conditioned
29 upon the ascertainment of a fair market value by an
30 impartial appraiser.

31 Sec. 12. NEW SECTION. 523H.12 INDEPENDENT
32 SOURCING.

33 1. Except as provided in subsection 2, a
34 franchisor shall allow a franchisee to obtain
35 equipment, fixtures, supplies, and services used in
36 the establishment and operation of the franchised
37 business from sources of the franchisee's choosing,
38 provided that such goods and services meet standards
39 as to their nature and quality promulgated by the
40 franchisor.

41 2. Subsection 1 of this section does not apply to
42 reasonable quantities of inventory goods or services,
43 including display and sample items, that the
44 franchisor requires the franchisee to obtain from the
45 franchisor or its affiliate, but only if the goods or
46 services are central to the franchised business and
47 either are actually manufactured or produced by the
48 franchisor or its affiliate, or incorporate a trade

49 secret owned by the franchisor or its affiliate.
50 Sec. 13. NEW SECTION. 523H.13 PRIVATE CIVIL

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1 ACTION.

2 A person who violates a provision of this chapter
3 or order issued under this chapter is liable for
4 damages caused by the violation, including, but not
5 limited to, costs and reasonable attorneys' and
6 experts' fees, and subject to other appropriate relief
7 including injunctive and other equitable relief.

8 Sec. 14. NEW SECTION. 523H.14 CHOICE OF LAW.

9 A condition, stipulation, or provision requiring
10 the application of the law of another state in lieu of
11 this chapter is void.

12 Sec. 15. NEW SECTION. 523H.15 CONSTRUCTION WITH
13 OTHER LAW.

14 This chapter does not limit any liability that may
15 exist under another statute or at common law. Prior
16 law governs all actions based on facts occurring
17 before the effective date of this Act.

18 Sec. 16. NEW SECTION. 523H.16 CONSTRUCTION.

19 This chapter shall be liberally construed to
20 effectuate its purposes.

21 Sec. 17. NEW SECTION. 523H.17 SEVERABILITY.

22 If any provision or clause of this chapter or any
23 application of this chapter to any person or
24 circumstances is held invalid, such invalidity shall
25 not affect other provisions or applications of the
26 chapter which can be given effect without the invalid
27 provision or application, and to this end the
28 provisions of this chapter are declared to be
29 severable."

AL STURGEON

S-5552

1 Amend House File 2400, 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. 135.24 EMERGENCY
6 MEDICAL SERVICES -- LEAD AGENCY.

7 The department shall be the lead agency responsible
8 for coordinating, regulating, and implementing the
9 provision of emergency medical services in this
10 state."

11 2. Page 1, by striking line 1 and inserting the

12 following:

13 "Sec. ____ . NEW SECTION. 147B.1 EMERGENCY MEDICAL
14 SERVICES EDUCATION FUND.

15 1. The emergency medical services education fund
16 is created in the state treasury under the control of
17 the department. Moneys to be deposited into the fund
18 include, but are not limited to, the surcharge imposed
19 under section 911.2, subsection 2, as provided in
20 section 911.3, subsection 2, amounts appropriated by
21 the general assembly, and other moneys available from
22 federal or private sources which are to be used for
23 purposes of this section. Funds remaining in the
24 education fund at the end of each fiscal year shall
25 not revert to the general fund but shall remain in the
26 emergency medical services education fund,
27 notwithstanding section 8.33. Interest or other
28 income earned by the fund shall be deposited in the
29 fund. The education fund is established to assist
30 counties by providing moneys for grants to a county
31 for the acquisition of equipment for emergency medical
32 services and training in the use of such equipment and
33 by providing grants to counties for education and
34 training in the delivery of emergency medical
35 services, as provided in this section and section
36 422C.6. A county seeking funds under this section
37 shall apply with the emergency medical services
38 section of the department. The section or the
39 department shall adopt rules concerning the
40 application and awarding process and establish by rule
41 criteria for the allocation of moneys in the education
42 fund if those moneys are insufficient to meet the
43 needs of the counties.

44 2. For purposes of this section the following
45 shall apply:

46 a. "Education" means any of the following:

47 (1) Approved training which is received after
48 becoming certified as an EMS provider to maintain
49 skills and knowledge and to satisfy renewal of
50 certification requirements. This includes emergency

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1 medical training for members of the general public.

2 (2) Training approved by the Iowa department of
3 public health which is obtained by a certified basic
4 emergency medical care provider to maintain, improve,
5 or expand relevant skills and knowledge and to satisfy
6 renewal of certification requirements.

7 (3) Training approved by the state board of
8 medical examiners which is obtained by a certified

9 advanced emergency medical care provider to maintain,
10 improve, or expand relevant skills and knowledge and
11 to satisfy renewal of certification requirements.

12 b. "EMS" means emergency medical services.

13 c. "EMS course" means a course for basic or
14 advanced emergency medical care personnel pursuant to
15 section 147.161 or section 147A.4, subsection 2.

16 d. "EMS provider" means basic or advanced
17 emergency medical care personnel, other health care
18 practitioners, or members of the general public
19 involved in the provision of emergency medical care.

20 e. "Training" means any of the following:

21 (1) EMS-related courses designed and intended for
22 EMS providers.

23 (2) A program provided by a community college or a
24 law enforcement academy approved by the Iowa
25 department of public health to conduct basic emergency
26 medical care training. Law enforcement academies
27 shall be limited to first responder training for law
28 enforcement trainees. Hospital-based training
29 programs approved by the Iowa board of medical
30 examiners to train advanced emergency medical care
31 personnel may also receive approval from the
32 department to train basic emergency medical care
33 personnel.

34 (3) A program provided by a community college or
35 hospital approved by the state board of medical
36 examiners to conduct advanced emergency medical care
37 training.

38 f. "Training aid" means an item used in EMS
39 training and includes, but is not limited to: slides,
40 films, mannequins, emergency care devices, books, and
41 other items pertinent and necessary for training
42 purposes.

43 3. a. Costs which are eligible for emergency
44 medical services education fund expenditures include,
45 but are not limited to:

46 (1) Reimbursement of tuition, fees, and materials
47 following successful completion of an EMS course.

48 Practical examination fees may also be included.

49 (2) Payment of continuing education tuition, fees,
50 and materials. Emergency medical training for the

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1 general public is an allowable expense.

2 (3) Payment for EMS training aids. The title to
3 any training aid purchased with these funds shall not
4 lie with the Iowa department of public health, but
5 shall be determined by the county board of supervisors

- 6 or their designee.
- 7 b. Costs which are not eligible for funding
- 8 include, but are not limited to, the following:
- 9 (1) Building and construction costs.
- 10 (2) Certification or recertification fees.
- 11 (3) Debt amortization.
- 12 (4) Land.
- 13 (5) Lodging.
- 14 (6) Meals, except when included in tuition for a
- 15 continuing education course.
- 16 (7) Nontraining-related equipment.
- 17 (8) Operating expenses.
- 18 (9) Personnel costs.
- 19 (10) Rent.
- 20 (11) Travel.
- 21 (12) Utilities.
- 22 (13) Vehicles.
- 23 (14) Written examination fees.
- 24 Sec. ____ . NEW SECTION. 357F.1 BOARD OF TRUSTEES.
- 25 A benefited emergency medical services district
- 26 shall be governed by a board of trustees consisting of
- 27 three members who shall serve overlapping, three-year
- 28 terms. Each trustee shall give bond in an amount to
- 29 be determined by the board of supervisors, the premium
- 30 for which shall be paid by the district of the
- 31 trustee. The members of the board of trustees shall
- 32 be elected at an election or, if there are
- 33 insufficient candidates for the office, appointed by
- 34 the board of supervisors from among the qualified
- 35 electors of the district. Notice of the election
- 36 shall be given by publication in a newspaper having
- 37 general circulation within the district. The notice
- 38 shall contain the date, time, and location of the
- 39 election. The elections shall be conducted in
- 40 accordance with chapter 49 when such provisions are
- 41 not in conflict with this chapter. The precinct
- 42 election officials shall be appointed by the board of
- 43 supervisors from among the qualified electors of the
- 44 district and shall serve without pay. Any vacancy on
- 45 the board shall be filled by appointment of the board
- 46 of supervisors for the unexpired term. If a benefited
- 47 emergency medical services district is located in more
- 48 than one county, joint action of the boards of
- 49 supervisors of the affected counties is required to
- 50 appoint the members of the board of trustees, to

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- 1 determine the amount of bond, or to dissolve the
- 2 district as provided in this chapter.

3 Sec. — . NEW SECTION. 357F.2 POWERS OF THE
4 BOARD OF TRUSTEES.

5 1. The board of trustees may purchase, own, rent,
6 or maintain emergency medical services apparatus or
7 equipment within the state or outside the territorial
8 jurisdiction and boundary limits of this state and
9 provide housing for such apparatus or equipment. The
10 board of trustees may contract with any public or
11 private agency under chapter 28E for the purpose of
12 providing emergency medical services under this
13 chapter. The board of trustees may levy an annual tax
14 not exceeding forty and one-half cents per thousand
15 dollars of assessed value for the purpose of
16 exercising the powers granted in this section. The
17 board of trustees may purchase material and employ
18 persons to provide for the maintenance and operation
19 of the benefited emergency medical services district.
20 The trustees shall be allowed reimbursement for any
21 necessary expenses incurred in the performance of
22 their duties, but they shall not receive any other
23 compensation for their services.

24 2. If the levy authorized under subsection 1 is
25 insufficient to provide the services authorized or
26 required under this section, the trustees may levy an
27 additional annual tax not exceeding twenty and one-
28 fourth cents per thousand dollars of assessed value of
29 the taxable property in the benefited district to
30 provide the services.

31 3. Of the levies authorized under subsections 1
32 and 2, the trustees may credit to a reserve account
33 annually an amount not to exceed ten cents per
34 thousand dollars of the assessed value of the taxable
35 property in the township for the purchase or
36 replacement of supplies and equipment required to
37 carry out the services specified under this section.
38 Notwithstanding section 453.7, interest earned on
39 moneys credited to the reserve account shall be
40 credited to the reserve account.

41 Sec. — . NEW SECTION. 357F.3 ANTICIPATION OF
42 TAX.

43 The board of trustees of a benefited emergency
44 medical services district may anticipate the
45 collection of taxes authorized under section 357F.2
46 and, for the purpose of providing emergency medical
47 services, may issue bonds payable in not more than ten
48 equal installments at an interest rate not exceeding
49 that permitted by chapter 74A. The bonds shall be in
50 such form and payable at such place as specified by

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1 resolution of the board of trustees. The provisions
2 of sections 23.12 to 23.16 and chapter 384 shall apply
3 to such bonds to the extent applicable.

4 Sec. — . NEW SECTION. 357F.4 DISSOLUTION OF
5 DISTRICT.

6 1. Upon petition of a number of registered voters
7 residing in a district at least equal to thirty-five
8 percent of the property taxpayers in the district, the
9 board of supervisors may dissolve a benefited
10 emergency medical services district and dispose of any
11 remaining property, the proceeds of which shall first
12 be applied against any outstanding obligation of the
13 district. Any remaining balance shall be applied as a
14 tax credit for the property owners of the district.
15 However, except as provided in subsection 2, if all or
16 a part of a district is annexed, the board of
17 supervisors may transfer the remaining property and
18 balance to the city which annexed the territory. The
19 board of supervisors shall continue to levy an annual
20 tax after the dissolution of a district, not to exceed
21 forty and one-half cents per thousand dollars of
22 assessed value of the taxable property of the
23 district, until all outstanding obligations of the
24 district are paid.

25 2. If a benefited emergency medical services
26 district is dissolved that has been providing
27 emergency medical services by contract, direct levy,
28 or combination of both, to a city within the district
29 for at least twenty years and the city's annual
30 payments by contract or levy for the emergency medical
31 services comprise seventy-five percent or more of the
32 district's annual budget, the board of supervisors, in
33 lieu of the disposal of property as provided in
34 subsection 1, shall transfer to the city all of the
35 district's real and personal property. The city shall
36 assume all of the outstanding obligations of the
37 district. If the district provides emergency medical
38 services outside of the city's boundaries, the city
39 shall continue to provide emergency medical services
40 to this area until it is assigned to another emergency
41 medical services district by the board of supervisors.
42 If the city continues the emergency medical services
43 outside its boundaries, the city shall certify to the
44 board of supervisors the cost of providing this
45 service, which shall be at the same rate as contained
46 in the budget for property within the city, but not
47 exceeding forty and one-half cents per thousand
48 dollars of assessed value of all taxable property in

49 the area. The board of supervisors shall levy the
50 amount of tax certified as provided in section 357F.2.

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1 The tax shall be collected and allocated in the same
2 manner as other property taxes and paid to the city.
3 Sec. ____ NEW SECTION. 357F.5 USE OF FEDERAL
4 REVENUE-SHARING FUNDS.

5 The board of supervisors may appropriate federal
6 revenue-sharing funds to aid in providing emergency
7 medical services and equipment jointly with any other
8 public agency of this state to residents of such
9 county. The board of supervisors may use federal
10 revenue-sharing funds for providing other services and
11 equipment for use of the residents of the county. The
12 use of federal revenue-sharing funds shall be
13 consistent with federal law and rules promulgated
14 pursuant to such law.

15 Sec. ____ NEW SECTION. 357F.6 EXCHANGE OF
16 TERRITORY.

17 The trustees of a benefited emergency medical
18 services district may exchange territory with the
19 trustees of a township to provide emergency medical
20 services by agreement. The agreement shall provide
21 for the satisfaction of any outstanding obligation to
22 which the affected territory is subject, the
23 disposition of property affected by the exchange, the
24 effective date of the exchange, and any other matter
25 deemed necessary to carry out the exchange. The
26 agreement shall be filed with the county recorder and
27 auditor of each county in which the exchanged property
28 is located.

29 Sec. ____ NEW SECTION. 357F.7 EMERGENCY MEDICAL
30 SERVICES DISTRICT INCLUDING A CITY - BUDGET PAYMENT
31 OR SEPARATE LEVY.

32. 1. A city that was part of a benefited emergency
33 medical services district prior to the city's
34 incorporation may continue to receive emergency
35 medical services from the district under a contract or
36 direct levy by the district. The annual amount paid
37 by the city to the benefited emergency medical
38 services district shall be included in the city's
39 annual budget and shall be a part of the city's
40 general fund tax levy.

41 2. In lieu of subsection 1, a benefited emergency
42 medical services district that includes a city within
43 the boundaries of the emergency medical services
44 district may certify an annual tax levy not exceeding
45 forty and one-half cents per thousand dollars of

46 assessed valuation of the taxable property within the
47 city for the purpose of emergency medical services.
48 The benefited emergency medical services district
49 shall certify the tax levy as provided in this
50 subsection only after agreement granted by resolution

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1 of the city council. The amount of the tax rate
2 levied under this subsection shall reduce by an equal
3 amount the maximum tax levy authorized for the general
4 fund of that city under section 384.1. If the
5 district levies directly against property within a
6 city to provide emergency medical services for that
7 city, the city shall not be responsible for providing
8 emergency medical services and shall have no liability
9 for the method, manner, or means in which the district
10 provides the fire protection.

11 Sec. ____ . NEW SECTION. 357F.8 DETACHMENT OF LAND
12 FROM DISTRICT.

13 The trustees of a township, after notice and a
14 public hearing, may withdraw the township or part of
15 the township from a benefited emergency medical
16 services district. Notice of the time, date and place
17 of the hearing shall be published at least two weeks
18 before the hearing in a newspaper having general
19 circulation within the township. The notice shall
20 also identify the area to be withdrawn. After the
21 hearing on the proposed withdrawal, the township
22 trustees, by majority vote, may withdraw the township
23 or a part of the township from the benefited emergency
24 medical services district. If the township trustees
25 take final action to withdraw on or before March 1 of
26 a fiscal year, the effective date of the withdrawal is
27 the following July 1. However, if final action to
28 withdraw is taken after March 1, the withdrawal is not
29 effective until July 1 of the following calendar year.
30 If bonds issued under section 357F.3 are outstanding
31 at the time of withdrawal, the board of supervisors
32 shall continue to levy an annual tax against the
33 taxable property being withdrawn to pay its share of
34 the outstanding obligation of the district relating to
35 those bonds.

36 Sec. ____ . NEW SECTION. 422C.1 AUTHORIZATION --
37 ELECTION".

38 3. Page 5, by inserting after line 6 the
39 following:

40 "Sec. ____ . Section 911.1, Code Supplement 1991, is
41 amended to read as follows:

42 911.1 CRIMINAL PENALTY SURCHARGE ESTABLISHED.

43 A criminal penalty surcharge shall be levied
44 against certain law violators as provided in section
45 911.2, subsection 1. The surcharge shall be deposited
46 as provided in section 911.3, subsection 1, and shall
47 be used for the maintenance and improvement of
48 criminal justice programs, law enforcement efforts,
49 victim compensation, crime prevention, and improvement
50 of the professional training of personnel, and the

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1 planning and support services of the criminal justice
2 system.

3 Sec. ____ . Section 911.2, Code Supplement 1991, is
4 amended to read as follows:

5 911.2 SURCHARGE.

6 1. 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 thirty percent of the fine or forfeiture imposed.

12 2. In addition to the surcharge provided under
13 subsection 1, when a court imposes a fine for any of
14 the following violations, the court shall assess an
15 additional surcharge as follows:

16 a. Driving while intoxicated, under section
17 321J.2, fifteen dollars.

18 b. Failure to use child restraint devices under
19 section 321.446, fifteen dollars.

20 c. Failure to use seatbelts under section 321.445
21 or 321.446, fifteen dollars.

22 d. Reckless driving, under section 29B.106 or
23 321.277, fifteen dollars.

24 PARAGRAPH DIVIDED. In the event of multiple
25 offenses, the surcharge shall be based upon the total
26 amount of fines or forfeitures imposed for all
27 offenses. When a fine or forfeiture is suspended in
28 whole or in part, the surcharge shall be reduced in
29 proportion to the amount suspended.

30 3. The surcharge is subject to the provisions of
31 chapter 909 governing the payment and collection of
32 fines, as provided in section 909.8.

33 Sec. ____ . Section 911.3, Code Supplement 1991, is
34 amended to read as follows:

35 911.3 DISPOSITION OF SURCHARGE.

36 1. When a court assesses a surcharge under section
37 911.2, subsection 1, the clerk of the district court
38 shall transmit sixteen and two-thirds percent of the
39 surcharge collected to the treasurer of state to be

40 deposited in the fund established in section 912.14.
41 Ninety-four percent of the remainder of the surcharge
42 collected shall be transmitted to the treasurer of
43 state by the fifteenth day of the following month.
44 The treasurer of state shall deposit that money in the
45 general fund of the state. The clerk of the district
46 court shall transmit six percent of the remainder of
47 the surcharge to the county treasurer or shall remit
48 six percent of the remainder of the surcharge to the
49 city that was the plaintiff in any action for deposit
50 in the general fund of the city.

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1 2. When a court assesses a surcharge under section
2 911.2, subsection 2, the clerk of the district court
3 shall transmit ninety percent of the surcharge
4 collected to the treasurer of state by the fifteenth
5 day of the following month. From the ninety percent
6 of the surcharge collected the treasurer shall deposit
7 the first one million dollars collected into the
8 general fund of the state and any amount in excess of
9 one million dollars into the emergency medical
10 services education fund. The remaining ten percent
11 shall be deposited with the state court
12 administrator's office to be used to defray the costs
13 of administering this section."

14 4. Page 5, line 9, by striking the figure "1992"
15 and inserting the following: "1993".

16 5. Title page, by striking lines 2 and 3 and
17 inserting the following: "establishing the Iowa
18 department of public health as lead agency for
19 emergency medical services, authorizing a county to
20 impose a local option tax or combination of taxes to
21 provide local funding, and imposing a surcharge on
22 certain motor vehicle violations."

ELAINE SZYMONIAK

HOUSE AMENDMENT TO
SENATE FILE 2198

S-5553

1 Amend Senate File 2198, as passed by the Senate, as
2 follows:

3 1. Page 1, line 8, by striking the word "may" and
4 inserting the following: "may shall".

S-5554

- 1 Amend House Joint Resolution 2010, as passed by the
- 2 House, as follows:
- 3 1. Page 1, by inserting after line 19, the
- 4 following:
- 5 "Sec. ____ . Section 110.1, subsection 1, Code
- 6 Supplement 1991, is amended by adding the following
- 7 new paragraph:
- 8 NEW PARAGRAPH. e. Lifetime license for legal
- 9 residents permanently disabled or sixty-five years of
- 10 age or older
- 11 \$ 10.50
- 12 Sec. ____ . Section 110.1, subsection 3, Code
- 13 Supplement 1991, is amended by striking the subsection
- 14 and inserting in lieu thereof the following:
- 15 3. Hunting and fishing combined licenses:
- 16 a. Legal residents except as otherwise provided
- 17 \$ 23.50
- 18 b. Lifetime license for legal residents
- 19 permanently disabled or sixty-five years of age or
- 20 older
- 21 \$ 30.50".
- 22 2. Title page, line 6, by inserting after the
- 23 word "purposes" the following: ", and providing for
- 24 lifetime hunting and fishing licenses for certain
- 25 persons".
- 26 3. By renumbering as necessary.

BERL E. PRIEBE
 JIM KERSTEN
 ALLEN BORLAUG
 DERRYL MCLAREN
 JOHN SOORHOLTZ
 EMIL HUSAK

HOUSE AMENDMENT TO
 SENATE FILE 2231

S-5555

- 1 Amend Senate File 2231, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 24.
- 4 2. Page 4, by striking lines 2 through 11.
- 5 3. Title page, lines 1 and 2, by striking the
- 6 words "the limitations on departmental
- 7 investigations,".
- 8 4. Title page, line 6, by inserting after the
- 9 word "abuse," the following: "and".

- 10 5. Title page, by striking lines 7 and 8, and
11 inserting the following: "of mandatory reporter
12 training."
13 6. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2249

S-5556

- 1 Amend Senate File 2249, 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 99D.11, subsection 6,
6 paragraph b, Code Supplement 1991, is amended to read
7 as follows:
8 b. The commission may authorize the licensee to
9 simultaneously telecast within the racetrack enclosure
10 for purpose of pari-mutuel wagering a horse or dog
11 race licensed by the racing authority of another
12 state. It is the responsibility of each licensee to
13 obtain the consent of appropriate racing officials in
14 other states as required by the federal Interstate
15 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
16 televise races for the purpose of conducting pari-
17 mutuel wagering. A licensee may also obtain the
18 permission of a person licensed by the commission to
19 conduct horse or dog races in this state to televise
20 races conducted by that person for the purpose of
21 conducting pari-mutuel racing. However, arrangements
22 made by a licensee to televise any race for the
23 purpose of conducting pari-mutuel wagering are subject
24 to the approval of the commission, and the commission
25 shall select the races to be televised. The races
26 selected by the commission shall be the same for all
27 licensees approved by the commission to televise races
28 for the purpose of conducting pari-mutuel wagering.
29 The commission shall not authorize the simultaneous
30 telecast or televising of and a licensee shall not
31 simultaneously telecast or televise any horse or dog
32 race for the purpose of conducting pari-mutuel
33 wagering unless the simultaneous telecast or
34 televising is done at the racetrack of a licensee that
35 schedules no less than one hundred five seventy-five
36 performances of eight live races each day of the
37 season. For purposes of the taxes imposed under this
38 chapter, races televised by a licensee for purposes of
39 pari-mutuel wagering shall be treated as if the races
40 were held at the racetrack of the licensee.

41 Sec. 2. EXCEPTION FOR SIMULCAST RACING WITHOUT
42 LIVE RACING. Notwithstanding section 99D.11,
43 subsection 6, paragraph "b", the commission may
44 authorize the simultaneous telecast or televising of
45 horse or dog races for the purpose of conducting pari-
46 mutuel wagering at the racetrack of a licensee where
47 no live racing is scheduled during the period
48 beginning May 1, 1992, and ending June 30, 1993.
49 Sec. 3. HORSE RACING PLAN FOR 1993. The pari-
50 mutuel licensee of a horse track shall submit a plan

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1 for live horse racing for the year 1993 and have the
2 plan approved by the commission no later than the
3 regular commission meeting in January 1993. Failure
4 to have an approved plan shall result in revocation of
5 the license. The commission may extend the date not
6 more than 30 days to allow the licensee to complete
7 action on a plan.

8 Sec. 4. Section 99D.15, subsection 2, Code
9 Supplement 1991, is amended to read as follows:

10 2. A tax credit of up to five percent of the gross
11 sum wagered per year shall be granted to licensees
12 licensed for horse races and paid into a special fund
13 to be used for the purpose of retiring the annual debt
14 on the cost of construction of the licensed facility.
15 - However, the tax credit is equal to six percent of
16 the gross sum wagered in a year when the gross sum
17 wagered is less than ninety million dollars. Any
18 portion of the credit not used in a particular year
19 shall be retained by the commission. A tax credit
20 shall first be assessed against any share going to a
21 city, then to the share going to a county, and then to
22 the share going to the state. After the indebtedness
23 incurred in the construction of the licensed facility
24 is retired, the tax credits authorized in this
25 subsection shall cease.

26 Sec. 5. Section 99E.9, subsection 3, paragraph b,
27 Code 1991, is amended to read as follows:

28 b. The types of lottery games to be conducted.
29 Rules governing the operation of a class of games are
30 subject to chapter 17A. However, rules governing the
31 particular features of specific games within a class
32 of games are not subject to chapter 17A. Such rules
33 may include, but are not limited to, setting the name
34 and prize structure of the game and shall be made
35 available to the public prior to the time the games go
36 on sale and shall be kept on file at the office of the
37 commissioner. The board shall authorize instant

38 lottery and on-line lotto games and may authorize the
39 use of any type of lottery game that on May 3, 1985,
40 has been conducted by a state lottery of another state
41 in the United States, or any game that the board
42 determines will achieve the revenue objectives of the
43 lottery and is consistent with subsection 1. However,
44 the board shall not authorize a game using an
45 electronic computer terminals terminal or other
46 devices device if, upon winning a game, the terminals
47 or devices dispense terminal or device immediately
48 dispenses coins or currency upon the winning of a
49 prize or a ticket, credit or token which is redeemable
50 for cash or a prize. In a game utilizing instant

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1 tickets other than pull-tab tickets, each ticket in
2 the game shall bear a unique consecutive serial number
3 distinguishing it from every other ticket in the game,
4 and each lottery number or symbol shall be accompanied
5 by a confirming caption consisting of a repetition of
6 a symbol or a description of the symbol in words. In
7 the game other than an instant game which uses
8 tangible evidence of participation, each ticket shall
9 bear a unique serial number distinguishing it from
10 every other ticket in the game.

11 Sec. 6. Section 99E.9, subsection 6, Code 1991, is
12 amended to read as follows:

13 6. If reasonably practical when the lottery
14 division awards a contract under subsection 2, for the
15 lease or purchase of a machine to be used in the
16 conducting of a lottery game including, but not
17 limited to, a ~~video lottery machine~~ or machine used in
18 lotto, the lottery division shall give preference to
19 awarding the contract to a responsible vendor who
20 manufactures the machines in the state, provided the
21 costs and benefits to the lottery division are equal
22 to those available from competing vendors.

23 If reasonably practical when the lottery division
24 awards a contract under subsection 2, for the
25 servicing of a machine to be used in the conducting of
26 a lottery game including, but not limited to, a ~~video~~
27 ~~lottery machine~~ or a machine used in lotto, the
28 lottery division shall give preference to a
29 responsible vendor whose principal place of business
30 is in Iowa, provided the costs and benefits to the
31 lottery division are equal to those available from
32 competing vendors.

33 Sec. 7. EFFECTIVE DATES. This Act, being deemed
34 of immediate importance, takes effect upon enactment.

35 However, section 2 of this Act takes effect on May 1,
36 1992, and sections 1, 3, 4, 5, and 6, take effect on
37 July 1, 1992."

38 2. Title page, by striking lines 1 and 2 and
39 inserting the following: "An Act relating to pari-
40 mutuel racing and video lottery machines, and
41 providing effective dates."

S-5557

1 Amend House File 2205, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 7 the
4 following:

5 "Sec. ____ . NEW SECTION. 455B.307A DISCARDING OF
6 SOLID WASTE -- PROHIBITIONS -- PENALTY.

7 1. For the purposes of this section, "discard"
8 means to place, cause to be placed, throw, deposit, or
9 drop.

10 2. A person shall not discard solid waste onto or
11 in any water or land of the state, or into areas or
12 receptacles provided for such purposes which are under
13 the control of or used by a person who has not
14 authorized the use of the receptacle by the person
15 discarding the solid waste.

16 3. A person who violates this section is subject
17 to a civil penalty not to exceed five hundred dollars
18 for each violation."

19 2. Page 3, by inserting after line 15 the
20 following:

21 "Sec. ____ . NEW SECTION. 455D.20 LOCAL ORDINANCE
22 -- CURBSIDE COLLECTION.

23 A city council or county board of supervisors which
24 provides for the collection of solid waste by its
25 residents shall consider as a proposed ordinance, the
26 mandatory curbside collection of recyclable materials
27 which have been separated from other solid waste. The
28 proposed ordinance shall be considered in accordance
29 with chapter 331 or 380."

30 3. By renumbering as necessary.

BEVERLY A. HANNON

HOUSE AMENDMENT TO
SENATE FILE 2213

S-5558

1 Amend Senate File 2213, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 12.36, subsections 2 and 3,
6 Code 1991, are amended to read as follows:

7 2. Upon acceptance of the linked investment loan
8 package or any portion of the package, the state
9 treasurer of state shall place certificates of deposit
10 with the eligible lending institution at a rate not
11 more than three percent below the current market rate.

12 After July 1, 1992, the treasurer of state shall not
13 place a certificate of deposit with an eligible
14 lending institution pursuant to this division, unless
15 the certificate of deposit earns a rate of interest of
16 at least two percent. When necessary, the treasurer
17 may place certificates of deposit prior to acceptance
18 of a linked investment loan package.

19 3. The eligible lending institution shall enter
20 into an investment agreement with the treasurer of
21 state, which shall include requirements necessary to
22 carry out this division. The requirements shall
23 reflect the market conditions prevailing in the
24 eligible lending institution's lending area. The
25 agreement may include a specification of the period of
26 time in which the lending institution is to lend funds
27 upon the placement of a linked investment, and shall
28 include provisions for the certificates of deposit to
29 be placed for one-year maturities that may be renewed
30 for five eight additional one-year periods. Interest
31 shall be paid at the times determined by the treasurer
32 of state."

33 2. Page 1, by inserting after line 2 the
34 following:

35 " ____ . As used in this section, "rural small
36 business" means an existing rural small business, for
37 which local competition does not exist in the
38 principal realm of business activity of that business,
39 and the loss of which will work a hardship on the
40 rural community. A rural small business may include a
41 grocery store, drug store, gasoline station,
42 convenience store, hardware business, or farm supply
43 store. A rural small business does not include a new
44 business."

45 3. Page 1, line 16, by striking the word "a" and
46 inserting the following: "an eligible".

47 4. Page 1, by striking lines 19 through 32 and
48 inserting the following: "state for the transfer of a
49 rural small business. The rural small business must
50 be located in a city with a population of five

Page 2

1 thousand or less. A city located in a county with a
2 population in excess of three hundred thousand, if the
3 city is contiguous to another city in the county and
4 that other city is contiguous to the largest city in
5 that county, shall be considered as having a
6 population in excess of five thousand."

7 5. Page 1, line 33, by striking the word "retail"
8 and inserting the following: "small".

9 6. Page 1, line 34, by striking the words "long-
10 term lease" and inserting the following: "contract of
11 sale".

12 7. Page 1, lines 34 and 35, by striking the words
13 "or lease".

14 8. Page 2, line 5, by inserting after the word
15 "The" the following: "eligible".

16 9. Page 2, by inserting after line 11 the
17 following:

18 "___ . A borrower and the seller of the rural small
19 business shall not be within the third degree of
20 consanguinity or affinity."

21 10. Page 2, by inserting after line 18 the
22 following:

23 "Sec. ___ . Section 12.51, subsection 6, Code
24 Supplement 1991, is amended to read as follows:

25 6. ~~No~~ Not more than one-third of the amount
26 authorized in section 12.34 may be used for purposes
27 of this program and the rural small business transfer
28 linked investment loan program under section 12.40.

29 Sec. ___ . APPLICABILITY AND EFFECTIVE DATES.

30 1. Section 12.36, subsection 3, as amended by this
31 Act, applies retroactively to investment agreements
32 executed before the effective date of this Act which
33 have not expired.

34 2. This Act, being deemed of immediate importance,
35 takes effect upon enactment."

36 11. Title page, line 1, by inserting after the
37 word "for" the following: "the Linked Investment for
38 Tomorrow Act, by providing for certificates of deposit
39 placed in eligible lending institutions, and".

40 12. Title page, lines 2 and 3, by striking the
41 words "administered by the treasurer of state, and
42 providing" and inserting the following: "
43 providing".

44 13. Title page, by striking line 4, and inserting
45 the following: "lending institutions, and providing
46 retroactive applicability and effective dates."

47 14. By renumbering as necessary.

S-5559

1 Amend House File 2459, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 19, the
4 following:

5 "Sec. ____ . WORLD FOOD PRIZE. Notwithstanding the
6 requirement in section 99E.10, subsection 1, to
7 transfer lottery revenue remaining after expenses are
8 deducted, before the transfer of the revenue there is
9 appropriated from the lottery fund to the treasurer of
10 state for the fiscal year beginning July 1, 1992, and
11 ending June 30, 1993, the following amount, or so much
12 thereof as is necessary, to be used for the purpose
13 designated:

14 For the continued funding of Iowa's participation
15 in the funding of the world food prize:

16 \$ 250,000

17 It is the intent of the general assembly that this
18 appropriation of public funds will result in a
19 commitment for additional funding for the world food
20 prize from private sources.

21 The treasurer of state shall only provide the funds
22 appropriated in this section to the world food prize
23 foundation if sufficient private funds are raised to
24 maintain the world food prize foundation in Iowa and
25 the foundation is structured to include representation
26 that reflects environmental concerns and sustainable
27 agriculture."

28 2. Page 20, by inserting after line 7, the
29 following:

30 " ____ . The director shall report quarterly to the
31 legislative fiscal committee, the legislative fiscal
32 bureau, and the chairpersons and ranking members of
33 the joint administration appropriations subcommittee
34 concerning the implementation of the centralized debt
35 collection program, the number of departmental
36 collection programs initiated, the amount of debts
37 collected, and an estimate of future costs and
38 benefits which may be associated with the collection
39 program. It is the intent of the general assembly
40 that the centralized debt collection program will
41 result in the collection of at least two dollars of
42 indebtedness for every dollar expended in
43 administering the collection program during a fiscal
44 year. It is also the intent of the general assembly
45 that the centralized debt collection program be
46 administered without the anticipation of future

47 additional commitments of computer equipment and
48 personnel."

JOHN PETERSON
LEONARD L. BOSWELL
EMIL HUSAK

S-5560

- 1 Amend the amendment, S-5514, to House File 2455, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 12, by striking the words "of
- 5 properly disposing of" and inserting the following:
- 6 "incurred by the division for collecting and properly
- 7 disposing of the".
- 8 2. Page 1, line 13, by striking the words
- 9 "returned to the division".
- 10 3. Page 1, line 26, by striking the words "of
- 11 properly disposing of" and inserting the following:
- 12 "incurred by the division for collecting and properly
- 13 disposing of the".
- 14 4. Page 1, line 27, by striking the words
- 15 "returned to the division".

RALPH ROSENBERG

S-5561

- 1 Amend Senate Joint Resolution 2007 as follows:
- 2 1. Page 1, by striking line 5 and inserting the
- 3 following:
- 4 "SPENDING LIMITATION AND MAINTENANCE OF CASH RE-
- 5 SERVE. SEC. 9. A cash reserve shall be".
- 6 2. Page 2, by inserting after line 3 the fol-
- 7 lowing:
- 8 "This section applies to fiscal years commencing on
- 9 or after July 1, 1995."

RICHARD VARN

S-5562

- 1 Amend House File 2399, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 5 through 17, and
- 4 inserting the following:
- 5 "Sec. ____ . Section 509.19, subsection 1, Code
- 6 1991, is amended by adding the following new
- 7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The commissioner of
9 insurance shall develop guidelines to protect the
10 identity and confidentiality of an individual insured,
11 subscriber, or enrollee. Subject to the approval of
12 the commissioner of insurance, the person issuing a
13 policy or contract may submit additional reports and
14 information utilizing eligibility files and claims
15 data to the policyholder, contract holder, or group
16 sponsor.”
17 2. By renumbering as necessary.

RICHARD VARN

HOUSE AMENDMENT TO
SENATE FILE 390

S-5563

1 Amend Senate File 390, as passed by the Senate, as
2 follows:
3 1. Page 5, line 21, by striking the word
4 “oversight” and inserting the following: “direction”.
5 2. Page 5, line 24, by inserting after the word
6 “departments.” the following: “The commission shall
7 coordinate its services in the event of a disaster.”
8 3. Page 5, lines 25 and 26, by striking the words
9 “program manager” and inserting the following:
10 “management coordinator”.
11 4. Page 5, by striking lines 27 through 30 and
12 inserting the following: “described in the division’s
13 administrative rules. Each”.
14 5. Page 5, line 31, by striking the words
15 “program manager” and inserting the following:
16 “management coordinator”.
17 6. Page 5, line 32, by striking the words “be a
18 person meeting” and inserting the following: “meet”.
19 7. Page 5, line 32, by inserting after the word
20 “specified” the following: “in the administrative
21 rules”.
22 8. Page 6, lines 11 and 12, by striking the words
23 “program manager” and inserting the following:
24 “management coordinator”.
25 9. Page 6, line 17, by striking the words
26 “program manager” and inserting the following:
27 “management coordinator”.
28 10. Page 6, line 19, by striking the words
29 “program manager” and inserting the following:
30 “management coordinator”.
31 11. Page 6, line 23, by striking the words
32 “program manager” and inserting the following:

- 33 "management coordinator".
34 12. Page 6, line 30, by striking the words "all
35 necessary".
36 13. Page 6, lines 30 and 31, by striking the
37 words ", to include the" and inserting the following:
38 "in order to coordinate emergency management
39 activities including".
40 14. Page 7, line 8, by striking the words
41 "program manager" and inserting the following:
42 "management coordinator".
43 15. Page 7, by striking line 13 and inserting the
44 following:
45 "2. When an emergency or disaster occurs, the
46 emergency management coordinator".
47 16. Page 7, by striking lines 15 through 18 and
48 inserting the following: "officials of the
49 municipalities and the county."
50 17. Page 7, line 29, by striking the words

Page 2

- 1 "program manager" and inserting the following:
2 "management coordinator".
3 18. Page 8, line 6, by striking the words
4 "program manager" and inserting the following:
5 "management coordinator".
6 19. Page 13, line 15, by striking the words
7 "program manager" and inserting the following:
8 "management coordinator".

S-5564

- 1 Amend the amendment, S-5484, to House File 2334, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, lines 10 and 11, by striking the words
5 "and with each Iowa fishing license issued".

JACK W. HESTER**S-5565**

- 1 Amend House File 2459, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, line 17, by inserting after the word
4 "maintenance," the following: "relocation of office
5 facilities outside of the state capitol building,".
6 2. Page 16, line 8, by inserting after the word
7 "maintenance," the following: "relocation of office
8 facilities outside of the state capitol building,".

9 3. Page 16, by inserting after line 14 the
10 following:

11 "Sec. ____ . STATE CAPITOL OFFICES VACATED. The
12 auditor of state, secretary of state, and treasurer of
13 state, and their staff shall vacate their respective
14 office facilities in the state capitol building on or
15 before December 1, 1992, so as to provide more
16 effective and efficient management and operation of
17 state government. The auditor of state, secretary of
18 state, and treasurer of state shall cooperate with the
19 legislative council pursuant to section 2.43 and the
20 director of the department of general services in
21 relocating their respective offices to other buildings
22 within the state capitol complex as provided in
23 section 18.12, subsection 9. The legislative council
24 may authorize the use of formal personal office
25 facilities in the state capitol building by the
26 auditor of state, secretary of state, and treasurer of
27 state."

JIM LIND

S-5566

1 Amend House File 2459, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, line 17, by striking the figure
4 "138,657" and inserting the following: "147,228".

5 2. Page 7, line 25, by striking the figure
6 "34,625" and inserting the following: "36,765".

7 3. Page 15, line 26, by striking the figure
8 "1,489,825" and inserting the following: "1,019,825".

9 4. Page 16, line 11, by striking the figure
10 "732,493" and inserting the following: "765,493".

11 5. Page 16, line 12, by striking the figure
12 "28.80" and inserting the following: "29.80".

13 6. Page 16, by inserting after line 25 the
14 following:

15 "Sec. ____ . WORLD FOOD PRIZE. There is
16 appropriated from the general fund of the state to the
17 treasurer of state for the fiscal year beginning July
18 1, 1992, and ending June 30, 1993, the following
19 amount, or so much thereof as is necessary, to be used
20 for the purpose designated:

21 For the continued funding of Iowa's participation
22 in the funding of the world food prize:

23 \$ 250,000

24 It is the intent of the general assembly that this
25 appropriation of public funds will result in a
26 commitment for additional funding for the world food

27 prize from private sources.
 28 The treasurer of state shall only provide the funds
 29 appropriated in this section to the world food prize
 30 foundation if sufficient private funds are raised to
 31 maintain the world food prize foundation in Iowa and
 32 the foundation is structured to include representation
 33 that reflects environmental concerns and sustainable
 34 agriculture."
 35 7. By renumbering as necessary.

PAUL D. PATE

HOUSE AMENDMENT TO
 SENATE FILE 2236

S-5567

1 Amend Senate File 2236, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "However," the following: "this subsection shall not
 5 apply to the teaching of".
 6 2. Page 1, line 13, by striking the words "are
 7 not required to be taught" and inserting the
 8 following: "are not required to be taught".
 9 3. Page 1, line 34, by striking the word
 10 "subsection" and inserting the following: "subsection
 11 paragraph".
 12 4. Page 1, line 35, by inserting before the word
 13 "nonpublic" the following: "the teaching of
 14 vocational education in".
 15 5. Page 2, by inserting after line 1, the
 16 following:
 17 "Sec. — . NEW SECTION. 256.11B VOCATIONAL
 18 EDUCATION INSTRUCTION - NONPUBLIC SCHOOLS.
 19 A nonpublic school which provides an educational
 20 program that includes grades nine through twelve shall
 21 offer and teach five units of occupational education
 22 subjects, which may include, but are not limited to,
 23 programs, services, and activities which prepare
 24 students for employment in business or office
 25 occupations, trade and industrial occupations,
 26 consumer and family sciences or home economics
 27 occupations, agriculture occupations, marketing
 28 occupations, and health occupations. By July 1, 1993,
 29 instruction shall be competency-based, articulated
 30 with postsecondary programs of study, and may include
 31 field, laboratory, or on-the-job training."
 32 6. Title page, line 1, by inserting before the
 33 word "vocational" the following: "regular".

- 34 7. Title page, by striking the word "requirement"
35 and inserting the following: "standards".
36 8. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2117

S-5568

- 1 Amend Senate File 2117, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 13, by inserting after the word
4 "shall" the following: "be submitted to the general
5 assembly by January 1, 1995, and shall".
6 2. Page 1, by striking lines 27 through 31 and
7 inserting the following:
8 "f. A schedule for implementation in which
9 reasonable attempts shall be made to comply with the
10 intent of the general assembly that the first pilot
11 project begin no later than January 1, 1996."
12 3. Page 2, by inserting after line 17, the
13 following:
14 "____. The governmental services and standards
15 shall be compatible with the standards established for
16 the electronic transmission of claim reports developed
17 by the health data commission."
18 4. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2323

S-5569

- 1 Amend Senate File 2323, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 27, the
4 following:
5 "____. The health care provider determined to be
6 infected with HIV or HBV, who works in a hospital
7 setting, may elect either the expert review panel
8 established by the hospital or the expert review panel
9 established by the department for the purpose of
10 making a determination of the circumstances under
11 which the health care provider may perform exposure-
12 prone procedures."
13 2. Page 2, lines 29 and 30, by striking the words
14 "in a nonhospital setting".
15 3. Page 2, by striking line 32 and inserting the

16 following: "or in compliance with the".
 17 4. By numbering and renumbering as necessary.

S-5570

1 Amend the House amendment, S-5418, to Senate File
 2 2257, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 17 through 20 and
 5 inserting the following:
 6 "4. A hen ring-necked pheasant shall not be taken
 7 on a licensed hunting preserve."

BERL E. PRIEBE
 JOHN P. KIBBIE

S-5571

1 Amend the amendment, S-5559, to House File 2459, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 3 through 27, and
 5 inserting the following:
 6 " ____ . Page 7, line 17, by striking the figure
 7 "138,657" and inserting the following: "147,228".
 8 ____ . Page 7, line 25, by striking the figure
 9 "34,625" and inserting the following: "36,765".
 10 ____ . Page 15, line 26, by striking the figure
 11 "1,489,825" and inserting the following: "1,019,825".
 12 ____ . Page 16, line 11, by striking the figure
 13 "732,493" and inserting the following: "765,493".
 14 ____ . Page 16, line 12, by striking the figure
 15 "28.80" and inserting the following: "29.80".
 16 ____ . Page 16, by inserting after line 25 the
 17 following:

18 "Sec. ____ . WORLD FOOD PRIZE. There is
 19 appropriated from the general fund of the state to the
 20 treasurer of state for the fiscal year beginning July
 21 1, 1992, and ending June 30, 1993, the following
 22 amount, or so much thereof as is necessary, to be used
 23 for the purpose designated:

24 For the continued funding of Iowa's participation
 25 in the funding of the world food prize:

26 \$ 250,000

27 It is the intent of the general assembly that this
 28 appropriation of public funds will result in a
 29 commitment for additional funding for the world food
 30 prize from private sources.

31 The treasurer of state shall only provide the funds
 32 appropriated in this section to the world food prize

33 foundation if sufficient private funds are raised to
 34 maintain the world food prize foundation in Iowa and
 35 the foundation is structured to include representation
 36 that reflects environmental concerns and sustainable
 37 agriculture.””
 38 2. By renumbering as necessary.

PAUL D. PATE

S-5572

1 Amend House File 2205, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Section 9B.1, subsection 7, Code
 6 Supplement 1991, is amended to read as follows:
 7 7. A person who knowingly and willfully violates a
 8 provision of this section is subject to a civil
 9 penalty in an amount not to exceed ten thousand
 10 dollars. Moneys collected from the penalties imposed
 11 shall be deposited in the ~~waste volume reduction and~~
 12 ~~recycling~~ hazardous substance remedial fund
 13 established pursuant to section ~~455D.15~~ 455B.423.
 14 Sec. ____ . Section 455B.109, subsection 4, Code
 15 1991, is amended to read as follows:
 16 4. All civil penalties assessed by the department
 17 and interest on the penalties shall be deposited in
 18 the ~~general fund of the state~~ hazardous substance
 19 remedial fund created pursuant to section 455B.423.
 20 Sec. ____ . Section 455B.146, Code Supplement 1991,
 21 is amended to read as follows:
 22 455B.146 CIVIL ACTION FOR COMPLIANCE – LOCAL
 23 PROGRAM ACTIONS.
 24 If any order, permit, or rule of the department is
 25 being violated, the attorney general shall, at the
 26 request of the department or the director, institute a
 27 civil action in any district court for injunctive
 28 relief to prevent any further violation of the order,
 29 permit, or rule, or for the assessment of a civil
 30 penalty as determined by the court, not to exceed ten
 31 thousand dollars per day for each day such violation
 32 continues, or both such injunctive relief and civil
 33 penalty. Moneys collected under this section shall be
 34 deposited in the hazardous substance remedial fund
 35 established pursuant to section 455B.423.
 36 Notwithstanding sections 331.302 and 331.307, a city
 37 or county which maintains air pollution control
 38 programs authorized by certificate of acceptance under
 39 this division may provide civil penalties consistent

40 with the amount established for such penalties under
41 this division.

42 Sec. ____ . Section 455B.172, subsection 5,
43 unnumbered paragraph 2, Code Supplement 1991, is
44 amended to read as follows:

45 The department shall by rule adopt standards for
46 the commercial cleaning of private sewage disposal
47 facilities, including but not limited to septic tanks
48 and pits used to collect waste in livestock
49 confinement structures, and for the disposal of waste
50 from the facilities. The standards shall not be in

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1 conflict with the state building code. A person shall
2 not commercially clean such facilities or dispose of
3 waste from such facilities unless the person has been
4 issued a license by the department. The department
5 shall be is exclusively responsible for adopting the
6 standards and issuing licenses. However, county
7 boards of health shall enforce the standards and
8 licensing requirements established by the department.
9 Application for the license shall be made in the
10 manner provided by the department. Licenses expire
11 one year from the date of issue unless revoked and may
12 be renewed in the manner provided by the department.
13 The license or license renewal fee is twenty-five
14 dollars. A person violating this section or the rules
15 adopted pursuant to this section, is subject to a
16 civil penalty of not more than twenty-five dollars.
17 Each day that a violation continues constitutes a
18 separate offense. However, the total civil penalty
19 shall not exceed five hundred dollars per year. The
20 penalty shall be assessed for a violation occurring
21 ten days following written notice of the violation
22 delivered to the person by the department or a county
23 board of health. Moneys collected by the department,
24 or a county board of health from the imposition of
25 civil penalties shall be deposited in the general fund
26 of the state hazardous substance remedial fund created
27 in section 455B.423.

28 Sec. ____ . Section 455B.191, Code 1991, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 7. All moneys collected under
31 this section shall be deposited in the hazardous
32 substance remedial fund created pursuant to section
33 455B.423.

34 Sec. ____ . Section 455B.279, subsection 2, Code
35 1991, is amended to read as follows:

36 2. A person who violates a provision of this part

37 or a rule or order adopted or promulgated or the
38 conditions of a permit issued pursuant to this part is
39 subject to a civil penalty not to exceed five hundred
40 dollars for each day that a violation occurs. Moneys
41 collected under this section shall be deposited in the
42 hazardous substance remedial fund created pursuant to
43 section 455B.423."

44 2. Page 3, by inserting after line 6 the fol-
45 lowing:

46 "Sec. ____ . Section 455B.340, Code 1991, is amended
47 to read as follows:

48 455B.340 PENALTY.

49 Any person who violates any provisions of this part
50 2 of division IV or rules adopted under ~~said~~ this part

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1 2 of division IV, or any order of the department or
2 director issued pursuant to said this part 2 of
3 division IV, shall be guilty of a serious misdemeanor
4 and, in addition, the person may be enjoined from
5 continuing such violation. Each day of continued
6 violation after notice that a violation is being
7 committed shall constitute a separate violation. All
8 moneys collected under this section shall be deposited
9 in the hazardous substance remedial fund created
10 pursuant to section 455B.423.

11 Sec. ____ . Section 455B.386, Code 1991, is amended
12 to read as follows:

13 455B.386 NOTIFICATION OF SPILLS -- PENALTY.

14 A person manufacturing, storing, handling,
15 transporting, or disposing of a hazardous substance
16 shall notify the department and the local police
17 department or the office of the sheriff of the
18 affected county of the occurrence of a hazardous
19 condition as soon as possible but not later than six
20 hours after the onset of the hazardous condition or
21 discovery of the hazardous condition. A sheriff or
22 police chief who has been notified of a hazardous
23 condition shall immediately notify the department.
24 The department, upon receiving notice of a hazardous
25 condition, shall immediately notify the operator of
26 any public water supply system or private water supply
27 system which may be affected by the hazardous
28 condition. If requested, a person shall submit within
29 thirty days of the department's request a written
30 report of particulars of the incident. A person
31 violating this section is subject to a civil penalty
32 of not more than one thousand dollars. All moneys
33 collected under this section shall be deposited in the

34 hazardous substance remedial fund created pursuant to
35 section 455B.423.

36 Sec. ____ . Section 455B.417, subsection 3, Code
37 1991, is amended to read as follows:

38 3. A person who violates a provision of this part
39 or a rule, permit, or order adopted or issued under
40 this part is subject to a civil penalty not to exceed
41 ten thousand dollars for each violation. Each day of
42 violation constitutes a separate violation. All
43 moneys collected under this section shall be deposited
44 in the hazardous substance remedial fund created
45 pursuant to section 455B.423.

46 Sec. ____ . Section 455B.423, subsection 2, Code
47 Supplement 1991, is amended to read as follows:

48 2. The director may use the fund for any of the
49 following purposes:

50 a. Administrative services for the identification,

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1 assessment and cleanup of hazardous waste or hazardous
2 substance disposal sites.

3 b. Payments to other state agencies for services
4 consistent with the management of hazardous waste or
5 hazardous substance disposal sites.

6 c. Emergency response activities as provided in
7 part 4 of this division.

8 d. Financing the nonfederal share of the cost of
9 cleanup and site rehabilitation activities as well as
10 postclosure operation and maintenance costs, pursuant
11 to the federal Comprehensive Environmental Response,
12 Compensation and Liability Act of 1980.

13 e. Financing the cost of cleanup and site
14 rehabilitation activities as well as postclosure
15 operation and maintenance costs of hazardous waste or
16 hazardous substance disposal sites that do not qualify
17 for federal cost-sharing pursuant to the federal
18 Comprehensive Environmental Response, Compensation and
19 Liability Act of 1980.

20 f. Through agreements or contracts with other
21 state agencies, work with private industry to develop
22 alternatives to land disposal of hazardous waste or
23 hazardous substances including, but not limited to,
24 resource recovery, recycling, neutralization, and
25 reduction.

26 f. Administration of the waste reduction
27 assistance program or other activities related to
28 assisting Iowa business and industry to reduce,
29 recycle, or otherwise reclaim waste materials
30 generated or processed.

31 g. Administration of the toxics pollution
32 prevention program created in division VII.
33 However, at least seventy-five percent of the fund
34 shall be used for the purposes stated in paragraphs
35 "d" and "e".
36 At least fifty percent of the fund shall be used
37 for the purposes stated in paragraphs "d" and "e".
38 Fifty thousand dollars shall be used for the purposes
39 stated in paragraph "f" and fifty thousand dollars
40 shall be used for the purposes stated in paragraph
41 "g". The remainder shall be used for the purposes
42 stated in paragraphs "a", "b", and "c".
43 Sec. ____ . Section 455B.454, Code 1991, is amended
44 to read as follows:
45 455B.454 PENALTIES.
46 A person required to obtain a site license under
47 this part 6 of division IV who constructs a facility
48 without having first obtained the license is subject
49 to a civil penalty of not more than ten thousand
50 dollars for each violation or for each day of

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1 continuing violation. Civil penalties collected
2 pursuant to this subsection shall be forwarded by the
3 clerk of court to the treasurer of state for deposit
4 in the general fund of the state hazardous substance
5 remedial fund created pursuant to section 455B.423.
6 Sec. ____ . Section 455B.466, Code 1991, is amended
7 to read as follows:
8 455B.466 CIVIL PENALTIES.
9 A person who violates a provision of this part is
10 subject to a civil penalty of not more than ten
11 thousand dollars for each violation and for each day
12 of continuing violation. Civil penalties collected
13 pursuant to this section shall be forwarded by the
14 clerk of the district court to the treasurer of state
15 for deposit in the general fund of the state hazardous
16 substance remedial fund created pursuant to section
17 455B.423.
18 Sec. ____ . Section 455B.477, Code 1991, is amended
19 by adding the following new subsection:
20 NEW SUBSECTION. 8. Penalties collected under this
21 section shall be deposited in the hazardous substance
22 remedial fund created pursuant to section 455B.423.
23 Sec. ____ . Section 455B.477, subsection 7, Code
24 1991, is amended to read as follows:
25 7. The civil penalties or other damages or moneys
26 recovered by the state or the petroleum underground
27 storage tank fund in connection with a petroleum

28 underground storage tank under this part of this
 29 division or chapter 455G shall be credited to the fund
 30 created in section 455G.3 and allocated between fund
 31 accounts according to the fund budget. Any federal
 32 moneys, including but not limited to federal
 33 underground storage tank trust fund moneys, received
 34 by the state or the department of natural resources in
 35 connection with a release occurring on or after May 5,
 36 1989, or received generally for underground storage
 37 tank programs on or after May 5, 1989, shall be
 38 credited to the fund created in section 455G.3 and
 39 allocated between fund accounts according to the fund
 40 budget, unless such use would be contrary to federal
 41 law. The department shall cooperate with the board of
 42 the Iowa comprehensive petroleum underground storage
 43 tank fund to maximize the state's eligibility for and
 44 receipt of federal funds for underground storage tank
 45 related purposes."

46 3. Page 3, by inserting after line 24 the
 47 following:

48 "Sec. ____ . NEW SECTION. 716B.6 DEPOSIT OF MONEYS
 49 COLLECTED.

50 Moneys collected under sections 716B.2, 716B.3, and

Page 6

1 716B.4 shall be forwarded to the treasurer of state
 2 for deposit in the hazardous substance remedial fund
 3 created pursuant to section 455B.423."

4 4. Page 3, line 25, by inserting after the word
 5 "Sections" the following: "29C.8A,".

6 5. By renumbering as necessary.

BEVERLY HANNON

S-5573

1 Amend House File 2455, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 9, by striking lines 28 through 34 and
 4 inserting the following: "examinations of banks.
 5 The".

6 2. Page 10, by striking lines 1 and 2 and
 7 inserting the following: "shall be collected from
 8 banks being regulated, and the collections shall be".

9 3. Page 10, line 3, by inserting after the figure
 10 "8.2" the following: "The division shall notify in
 11 writing the legislative fiscal bureau and the
 12 department of management when hiring additional
 13 personnel. The written notification shall include

14 documentation that any additional expenditure related
 15 to such hiring will be totally reimbursed to the
 16 general fund, and shall also include the division's
 17 justification for hiring such personnel. The division
 18 must obtain the approval of the department of
 19 management only if the number of additional personnel
 20 to be hired exceeds the number of full-time equivalent
 21 positions authorized by this section."

22 4. Page 10, by striking line 9 and inserting the
 23 following:

24 " FTEs 20.00

25 The credit union division may expend additional
 26 funds, including funds for additional personnel, if
 27 those additional expenditures are actual expenses
 28 which exceed the funds budgeted for credit union
 29 examinations and directly result from examinations of
 30 credit unions. The amounts necessary to fund the
 31 excess examination expenses shall be collected from
 32 credit unions being regulated, and the collections
 33 shall be treated as repayment receipts as defined in
 34 section 8.2. The division shall notify in writing the
 35 legislative fiscal bureau and the department of
 36 management when hiring additional personnel. The
 37 written notification shall include documentation that
 38 any additional expenditure related to such hiring will
 39 be totally reimbursed to the general fund, and shall
 40 also include the division's justification for hiring
 41 such personnel. The division must obtain the approval
 42 of the department of management only if the number of
 43 additional personnel to be hired exceeds the number of
 44 full-time equivalent positions authorized by this
 45 section."

RICHARD RUNNING

S-5574

1 Amend House File 2455, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 13, by striking lines 6 through 32 and
 4 inserting the following:

5 "Sec. ____ . Section 13B.4, subsection 3, Code
 6 Supplement 1991, is amended to read as follows:

7 3. The state public defender may contract with
 8 persons admitted to practice law in this state for the
 9 provision of legal services to indigent persons where
 10 there is no local public defender available to provide
 11 such services. The state public defender shall file,
 12 with the court in each county served under one or more
 13 contracts for the provision of legal services to

14 indigent persons, a designation of which contract
15 attorneys shall receive notice of appointment of
16 cases.

17 Sec. ____ . Section 13B.9, subsection 5, Code
18 Supplement 1991, is amended by striking the subsection
19 and inserting in lieu thereof the following:

20 5. If the local public defender is unable to
21 handle a case, because of a conflict of interest or
22 overload of cases, or if a county is not served by a
23 local public defender, the court shall appoint other
24 counsel for the indigent person as follows:

25 a. If the state public defender has contracted for
26 the provision of legal services to indigent persons in
27 the county where the case is pending, the court shall,
28 subject to paragraph "b", appoint an attorney
29 designated by the state public defender as a contract
30 attorney in the county to handle the case.

31 Appointment of contract attorneys shall be on a
32 rotational or equalizational basis, while taking into
33 consideration the experience of the contract attorneys
34 and the difficulty of the case.

35 b. If the court determines that the nature of the
36 charge or the complexity of the issues in a case
37 requires that an attorney, other than the attorney or
38 attorneys who have contracted with the state public
39 defender, be appointed, the court may appoint a
40 noncontract attorney that the court deems appropriate
41 to provide legal services to the indigent person. If
42 the court appoints a noncontract attorney under this
43 paragraph, the court shall state in the order of
44 appointment the reasons for not appointing the
45 attorney specified in the state public defender
46 contract for legal services to indigent persons and
47 submit a copy of the order to the state public
48 defender within five working days of the date of the
49 appointment of other counsel.

50 c. If the state public defender has not contracted

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1 for the provision of legal services to indigent
2 persons in the county where the case is pending, the
3 court shall appoint a noncontract attorney that the
4 court deems appropriate to provide legal services to
5 the indigent person."

6 2. By striking page 18, line 16, through page 22,

7 line 29.

8 3. Renumber as necessary.

RICHARD RUNNING
WILMER RENSINK

S-5575

1 Amend House File 2459, as amended, passed, and
2 reprinted as follows:

3 1. Page 18, line 4, by inserting after the word
4 "claims." the following: "The director of revenue and
5 finance is authorized and directed to draw warrants on
6 this fund for the payment of state employee workers'
7 compensation claims."

JOHN A. PETERSON

S-5576

1 Amend House File 2455, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 31 the
4 following:

5 "___ The campaign finance disclosure commission
6 shall study and make written recommendations relating
7 to the funding of the commission's activities pursuant
8 to the assessment of all political committees. The
9 recommendations shall include a discussion of the
10 options considered by the commission and provide for
11 complete and total funding of the activities of the
12 commission. The plan adopted by the commission shall
13 not reduce any other fees, charges, or assessments
14 currently made by the commission, and shall also not
15 include consideration of the revenue generated by such
16 fees, charges, or assessments when determining the
17 amount of assessment to be made pursuant to this
18 subsection. The report shall include a plan of
19 implementation and any legislation or other actions
20 necessary to implement the recommendations. The
21 report of the commission shall be filed with the
22 general assembly and legislative fiscal bureau no
23 later than January 20, 1993."

24 2. By renumbering as necessary.

RICHARD RUNNING
RALPH ROSENBERG

S-5577

- 1 Amend House File 2382, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "Sec. ____ . Section 109.87, Code 1991, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. This section does not
- 8 apply to the trapping, ensnaring, or capturing of
- 9 coyotes by any person, notwithstanding laws or
- 10 ordinances relating to open seasons, including but not
- 11 limited to this section. The commission may order
- 12 that the trapping, ensnaring, or capturing of coyotes
- 13 shall be suspended regardless of an open season in any
- 14 county where the continued control may reduce the
- 15 population of coyotes in the county to a nonviable
- 16 number."
- 17 2. Title page, line 1, by striking the words
- 18 "purchase or sale" and inserting the following:
- 19 "control".
- 20 3. Title page, line 1, by striking the word
- 21 "illegally".
- 22 4. By renumbering as necessary.

H. KAY HEDGE
BERL E. PRIEBE

S-5578

- 1 Amend House File 2362, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 14, by inserting after the word
- 4 "state." the following: "This chapter does not apply
- 5 to a franchise where the franchisee is not required to
- 6 make an initial investment, including any franchise
- 7 fee, capitalization requirements, and any other
- 8 expenditures required by the franchisor, in an amount
- 9 greater than one hundred thousand dollars."

WILLIAM D. PALMER

S-5579

- 1 Amend House File 2362, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 7, by striking the words "new or
- 4 existing".
- 5 2. Page 4, by striking line 8 and inserting the
- 6 following: "granted and operated in the state of Iowa

7 on or after the effective date of this Act. For
8 purposes of this chapter,".

HARRY SLIFE
WILLIAM D. PALMER

S-5580

1 Amend the House amendment, S-5555, to Senate File
2 2231, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 4, by inserting after the figure
5 "11" the following: "and inserting the following:
6 "Sec. ____ . Section 726.6, Code 1991, is amended by
7 adding the following new subsections:
8 NEW SUBSECTION. 1A. A person who commits child
9 endangerment resulting in the death of a child or
10 minor is guilty of a class "A" felony.
11 NEW SUBSECTION. 1B. A person who commits child
12 endangerment who has previously engaged in a pattern
13 or practice of assault or torture of the child or
14 minor, previously resulting in serious injury to the
15 child or minor, is guilty of a class "B" felony."
16 2. Page 1, by striking lines 8 through 12 and
17 inserting the following:
18 "____ . Title page, by striking lines 7 and 8, and
19 inserting the following: "of mandatory reporter
20 training, and providing penalties."
21 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-5581

1 Amend Senate File 2350 as follows:
2 1. Page 2, by inserting after line 10 the
3 following:
4 "Sec. 200. NEW SECTION. 422C.1 SHORT TITLE.
5 This chapter may be cited as the "Health Care
6 Provider Assessment Act".
7 Sec. 201. NEW SECTION. 422C.2 DEFINITIONS.
8 For purposes of this chapter, unless the context
9 otherwise requires:
10 1. "Hospital" means a facility defined in section
11 135B.1.
12 2. "Hospital gross receipts" means total patient
13 receipts derived by a hospital from the provision of
14 direct patient care in one or more hospital
15 departments plus other income. Hospital departments
16 include but are not limited to: inpatient services;

17 outpatient services; specialty units; nursing care
18 units; swing beds; intensive care, coronary care, and
19 trauma; home health services; ambulance services;
20 comprehensive outpatient rehabilitation facility;
21 ambulatory surgical center; hospice services;
22 laboratory; radiology, X-ray, MRI, CAT scanning; and
23 other ancillary services. "Other income" includes,
24 but is not limited to, receipts from: telephone
25 services, television rentals, purchase discounts,
26 rebates or refunds, parking lot receipts, laundry or
27 linen services, food service, living quarters rental,
28 sale of supplies sold to persons other than patients,
29 sale of medical records, tuition and book fees, sales
30 from gift shops and canteens, rental of vending
31 machines, rental of building space or other property,
32 and any other sale of goods or services.

33 3. "Nursing facility" means a facility as defined
34 in section 135C.1.

35 4. "Nursing facility gross receipts" means total
36 gross receipts related to nursing care derived by a
37 nursing facility. Gross receipts related to nursing
38 care include, but are not limited to, receipts from
39 all services provided under the nursing facility
40 licensed to include, but not limited to, medicare-
41 certified skilled nursing and other specialized
42 nursing units including, but not limited to, brain
43 injury and alzheimer treatment units.

44 5. "Physician" means a person who is engaged in
45 the practice of medicine and surgery pursuant to
46 chapter 148, the practice of osteopathy pursuant to
47 chapter 150, or the practice of osteopathic medicine
48 and surgery pursuant to chapter 150A.

49 6. "Physician gross receipts" means the total
50 gross receipts related to the practice of a physician.

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1 Gross receipts of a physician related to the practice
2 of a physician include those resulting from, but not
3 limited to: direct patient care services, dispensing
4 or utilization of pharmaceuticals and supplies,
5 laboratory and radiological services, and services
6 performed by employees of the physician within their
7 scope of practice.

8 7. "Dentist" means a person who is engaged in the
9 practice of dentistry pursuant to chapter 153.

10 8. "Dentist gross receipts" means the total gross
11 receipts related to the practice of a dentist. Gross
12 receipts of a dentist related to the practice of a
13 dentist include those resulting from, but not limited

14 to: direct patient care services, dispensing or
15 utilization of pharmaceuticals and supplies,
16 laboratory and radiological services, and services
17 performed by employees of the dentist within their
18 scope of practice.

19 9. "Prescription drugs" means those items exempt
20 from the sales tax under section 422.45, subsections
21 13 and 14.

22 10. "Ambulatory surgery center" means a facility
23 that is certified as an ambulatory surgery center
24 pursuant to 42 C.F.R. 416.2.

25 11. "Ambulatory surgery center gross receipts"
26 means the gross receipts of an ambulatory surgery
27 center related to its certification.

28 12. "Psychiatric medical institution for children"
29 means a facility defined in section 135H.1.

30 13. "Psychiatric medical institution for children
31 gross receipts" means the total receipts of the
32 facility related to the operation of programs under
33 its license.

34 14. "Audiologist" means a person who is engaged in
35 the practice of audiology pursuant to chapter 147.

36 15. "Audiologist gross receipts" means the total
37 gross receipts related to the practice of an
38 audiologist including, but not limited to: audiologic
39 testing, hearing aid selection, travel to perform
40 testing services, and services performed by employees
41 of the audiologist within the scope of practice.

42 16. "Chiropractor" means a person who is engaged
43 in the practice of chiropractic pursuant to chapter
44 151.

45 17. "Chiropractic gross receipts" means the total
46 gross receipts related to the practice of a
47 chiropractor including, but not limited to, manual
48 manipulation of the spine and services performed by
49 employees of the chiropractor within the scope of
50 practice.

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1 18. "Hearing aid dealer" means a person who is
2 engaged in the fitting, dispensing, and the sale of
3 hearing aids, and providing hearing aid services or
4 maintenance pursuant to chapter 154A.

5 19. "Hearing aid dealer gross receipts" means the
6 total gross receipts within the scope of license of a
7 hearing aid dealer including, but not limited to:
8 those related to the hearing aid selection, the
9 hearing aid, ear molds, maintenance items, maintenance
10 services, and repairs and services performed by

11 employees of the hearing aid dealer within the scope
12 of practice.

13 20. "Laboratory or x-ray facility" means a
14 facility engaged in laboratory or x-ray services
15 defined under federal regulation 42 C.F.R. 493 for
16 laboratories, under federal regulation 42 C.F.R.
17 405.1411 for portable x-ray units, and under sections
18 1861(s)(14) and 1834(c)(3) of Title XIX of the federal
19 Social Security Act for mobile mammography x-ray
20 units.

21 21. "Laboratory or x-ray gross receipts" means the
22 total gross receipts related to laboratory and x-ray
23 services provided by a laboratory or x-ray facility.

24 22. "Optometrist" means a person who is engaged in
25 the practice of optometry pursuant to chapter 154.

26 23. "Optometrist gross receipts" means the total
27 gross receipts of an optometrist related to the
28 practice of optometry including, but not limited to,
29 services or supplies provided within the scope of
30 practice and services performed by employees of the
31 optometrist within the scope of practice.

32 24. "Ophthalmic dispenser" means a person who is
33 engaged in the practice of preparing and dispensing
34 ophthalmic supplies or providing related services
35 pursuant to chapter 153A.

36 25. "Ophthalmic dispenser gross receipts" means
37 the total gross receipts of an ophthalmic dispenser
38 from services of preparing and dispensing supplies
39 provided within the scope of license and services
40 performed by employees of the ophthalmic dispenser
41 within the scope of practice.

42 26. "Physical therapist" means a person who is
43 engaged in the practice of physical therapy pursuant
44 to chapter 148A.

45 27. "Physical therapist gross receipts" means the
46 total gross receipts of a physical therapist from
47 services or supplies provided within the scope of
48 practice and services performed by employees of the
49 physical therapist within the scope of practice.

50 28. "Podiatrist" means a person who is engaged in

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1 the practice of podiatry pursuant to chapter 149.

2 29. "Podiatrist gross receipts" means the total
3 gross receipts related to the practice of podiatry.

4 Gross receipts of podiatrists related to their
5 practice include those resulting from, but not limited
6 to: direct patient care services, dispensing or
7 utilization of pharmaceuticals or supplies or orthotic

8 appliances, and services performed by employees of the
9 podiatrist within the scope of practice.

10 30. "Licensed psychologist" means a person who is
11 engaged in the practice of psychology pursuant to
12 chapter 154B.

13 31. "Licensed psychologist gross receipts" means
14 the total gross receipts related to the practice of a
15 psychologist including, but not limited to, direct
16 patient care services and services performed by
17 employees of the licensed psychologist within the
18 scope of practice.

19 32. "Registered nurse with certification" means a
20 person who is actively engaged in the practice of
21 nursing pursuant to chapter 152 as a certified family
22 nurse practitioner, as a certified nurse midwife, a
23 certified nurse anesthetist, or a certified pediatric
24 nurse practitioner and possessing evidence of
25 certification or is eligible for certification as an
26 advanced registered nurse practitioner as set forth in
27 the board of nursing rules 655 I.A.C. 7.

28 33. "Registered nurse with certification gross
29 receipts" means the total gross receipts related to
30 the practice of a registered nurse with certification
31 including, but not limited to, nursing services or
32 dispensing or utilization of supplies and services
33 performed by employees of the registered nurse with
34 certification within the scope of practice.

35 34. "Rehabilitation agency" means an agency
36 engaged in rehabilitative services as defined in
37 federal regulation 42 C.F.R. 405.1701.

38 35. "Rehabilitation agency gross receipts" means
39 the total gross receipts of a rehabilitation agency
40 associated with the providing of rehabilitation
41 services or supplies.

42 36. "Pharmacist" means a person who is engaged in
43 the practice of pharmacy pursuant to chapter 155A.

44 37. "Other health care providers" means the
45 persons, facilities, or agencies defined in
46 subsections 10, 12, 14, 16, 18, 20, 22, 24, 26, 28,
47 30, 32, and 34.

48 38. "Other health care providers' gross receipts"
49 means the gross receipts as defined in subsections 11,
50 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

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1 39. "Provider" means a facility or person as
2 defined in subsections 1, 3, 5, 7, 36, and 37.

3 40. "Director" means the director of revenue and
4 finance.

5 41. "Department" means the department of revenue
6 and finance.

7 42. "Gross receipts" means the gross receipts
8 defined in subsections 2, 4, 6, 8, and 38 valued in
9 money, whether received in money or otherwise from any
10 source, including, but not limited to, direct
11 payments, third-party payments, insurance payments,
12 and government payments. Gross receipts do not
13 include the following: any contractual allowances and
14 discounts allowed under medicare principles of
15 accounting, any payments to another health care
16 provider whose gross receipts, including those
17 payments, are subject to the health care provider
18 assessment, and any private charitable contributions
19 not given for payment of specific goods or services.
20 An employee shall not be subject to the provider
21 assessment as a result of compensation received in an
22 employer-employee relationship.

23 43. "Provider assessment" means the health care
24 provider assessment imposed under section 422C.3.

25 44. "Medicare" means health insurance for the
26 aged, blind, and disabled under 42 U.S.C. § 1395 et.
27 seq.

28 45. "Person" means an individual, corporation,
29 government or governmental subdivision or agency,
30 business, trust, estate trust, partnership,
31 association, or any other legal entity.

32 Sec. 202. NEW SECTION. 422C.3 PROVIDER
33 ASSESSMENT IMPOSED.

34 An assessment is imposed upon each provider's gross
35 receipts associated with facilities located in Iowa or
36 activities occurring within Iowa at the following
37 rates:

38 1. Nine-tenths of one percent on hospital gross
39 receipts.

40 2. Two and four-tenths percent on nursing facility
41 gross receipts.

42 3. Five-tenths of one percent on physician gross
43 receipts.

44 4. Four-tenths of one percent on dentist gross
45 receipts.

46 5. Four-tenths of one percent on the gross
47 receipts from sales of prescription drugs.

48 6. One and seven-tenths percent on the gross
49 receipts of other health care providers.

50 Sec. 203. NEW SECTION. 422C.4 PAYMENT OF

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1 PROVIDER ASSESSMENT -- BOND.

2 1. The provider assessment imposed in section
3 422C.3 is due and payable on or before the fifteenth
4 day of the month following each calendar quarter,
5 except as otherwise provided in this section. The
6 director may establish, by rule, criteria for the
7 monthly deposit of payments of the provider assessment
8 on the tenth day of the month following the end of the
9 first and second months of the calendar quarter.
10 Quarterly or monthly payments shall be made in the
11 form the director prescribes.

12 2. The director, when necessary and advisable in
13 order to secure the collection of the provider
14 assessment imposed under this chapter, may require any
15 person subject to the provider assessment to file with
16 the director a bond, issued by a surety company
17 authorized to transact business in this state and
18 approved by the commissioner of insurance as to
19 solvency and responsibility, in an amount as the
20 director may fix, to secure the payment of any
21 provider assessment, interest, or penalties due or
22 which may become due from a provider. In lieu of a
23 bond, securities approved by the director, in an
24 amount as the director may prescribe, may be deposited
25 with the department, which securities shall be kept in
26 the custody of the department and may be sold by the
27 director at public or private sale, without notice to
28 the depositor, if it becomes necessary to do so in
29 order to recover any provider assessment, interest, or
30 penalties due. Upon any sale, the surplus, if any,
31 above the amounts due under this chapter shall be
32 returned to the person who deposited the securities.

33 Sec. 204. NEW SECTION. 422C.5 TIME AND FORM OF
34 RETURN.

35 Each provider subject to sections 422C.3 and
36 422C.4, on or before the fifteenth day of the month
37 following each calendar quarter, shall make, sign, and
38 file a return for the prior calendar quarter. The
39 return shall be in a form specified by the director.

40 Sec. 205. NEW SECTION. 422C.6 INFORMATION DEEMED
41 CONFIDENTIAL.

42 1. It is unlawful for the director, or any person
43 having an administrative duty under this chapter, or
44 any present or former officer or other employee of the
45 state authorized by the director to examine returns,
46 to divulge in any manner whatever, the business
47 affairs, operations, or information obtained by an
48 investigation under this chapter or the amount or

49 source of gross receipts, income, profits, losses,
50 expenditures or any particular thereof, set forth or

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1 disclosed in any provider assessment return, or to
2 permit any return or copy of a return or any book
3 containing any abstract or particulars thereof to be
4 seen or examined by any person except as provided by
5 law.

6 2. The director, by rule, may authorize
7 examination of state information and provider
8 assessment returns by officers or employees of this
9 state to the extent required by their official duties
10 and responsibilities.

11 3. The director shall provide provider assessment
12 returns and return information to the auditor of
13 state, to the extent that the information is necessary
14 to complete the annual audit of the department
15 required by section 11.2. The provider assessment
16 returns and return information provided by the
17 director shall remain confidential and shall not be
18 included in any public documents issued by the auditor
19 of state.

20 4. Unless otherwise expressly permitted by section
21 421.17, subsections 21, 22, 23, 25, 29, and 32,
22 sections 252B.9, 324.63, 421.19, 421.28, and 422.20,
23 and this section, a provider assessment return, return
24 information, or investigative or audit information
25 shall not be divulged to any person or entity, other
26 than the provider or the department for use in a
27 matter unrelated to the administration of the provider
28 assessment.

29 5. A subpoena, order, or process which requires
30 the department to produce a provider assessment
31 return, return information, or investigative or audit
32 information to a person or entity, other than the
33 provider or the department for use in a proceeding not
34 related to the administration of the provider
35 assessment is void.

36 6. A person violating subsection 1, 2, 3, 4, or 5
37 is guilty of a serious misdemeanor.

38 Sec. 206. **NEW SECTION. 422C.7 PENALTIES.**

39 1. **FAILURE TO TIMELY FILE A RETURN OR DEPOSIT**
40 **FORM.** If a provider fails to file with the department
41 on or before the due date a provider assessment return
42 or deposit form there shall be added to the provider
43 assessment shown due or required to be shown due a
44 penalty of ten percent of the provider assessment
45 shown due or required to be shown due. The penalty,

46 if assessed, shall be waived by the department upon a
47 showing of any of the following conditions:

48 a. At least ninety percent of the provider
49 assessment required to be shown due has been paid by
50 the due date of the provider assessment.

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1 b. A provider may have one late provider
2 assessment return or deposit form within a three-year
3 period. The use of any other penalty exception shall
4 not be counted as a late return or deposit form for
5 purposes of this exception.

6 c. The death of the person directly responsible
7 for filing the provider assessment return and paying
8 the assessment.

9 d. The onset of serious, long-term illness or
10 hospitalization of the person directly responsible for
11 filing the provider assessment return and paying the
12 assessment.

13 e. Destruction of records by fire, flood, or other
14 act of God.

15 f. The provider presents proof that the provider
16 relied upon applicable, documented, written advice
17 specifically made to the provider, to the provider's
18 return preparer, or to an association representative
19 of the preparer from the department or department of
20 human services that has not been superseded by a court
21 decision, ruling by a quasi-judicial body, or the
22 adoption, amendment, or repeal of a rule or law.

23 g. Reliance upon results in a previous audit was a
24 direct cause for the failure to file the provider
25 assessment return or deposit form where the previous
26 audit expressly and clearly addressed the issue and
27 the previous audit results have not been superseded by
28 a court decision, or the adoption, amendment, or
29 repeal of a rule or law.

30 h. Under rules prescribed by the director, the
31 provider presents documented proof of substantial
32 authority to rely upon a particular position or upon
33 proof that all facts and circumstances are disclosed
34 on a provider assessment return or deposit form.

35 i. The provider provides proof of timely and
36 erroneous mailing of the provider assessment return or
37 deposit form with adequate postage.

38 j. The failure to file a provider assessment
39 return or deposit form was discovered through a
40 sanctioned self-audit program conducted by the
41 department.

42 2. FAILURE TO PAY. If a provider fails to pay in

43 full the provider assessment shown due or required to
44 be shown due, on a provider assessment return or
45 deposit form on or before the due date there shall be
46 added to the provider assessment shown due or required
47 to be shown due a penalty of five percent of the
48 provider assessment due. The penalty, if assessed,
49 shall be waived by the department upon a showing of
50 any of the following conditions:

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- 1 a. At least ninety percent of the provider
2 assessment required to be shown due has been paid by
3 the due date of the provider assessment.
 - 4 b. The provider voluntarily files an amended
5 provider assessment return and pays all the provider
6 assessment shown to be due on the return prior to any
7 contact by the department, except under a sanctioned
8 self-audit program conducted by the department.
 - 9 c. The provider presents proof that the provider
10 relied upon applicable, documented, written advice
11 specifically made to the provider, to the provider's
12 return preparer, or to an association representative
13 of the preparer from the department or the department
14 of human services that has not been superseded by a
15 court decision, ruling by a quasi-judicial body, or
16 the adoption, amendment, or repeal of a rule or law.
 - 17 d. Reliance upon results in a previous audit was a
18 direct cause for the failure to pay the provider
19 assessment where the previous audit expressly and
20 clearly addressed the issue and the previous audit
21 results have not been superseded by a court decision,
22 or the adoption, amendment, or repeal of a rule or
23 law.
 - 24 e. Under rules prescribed by the director, the
25 provider presents documented proof of substantial
26 authority to rely upon a particular position or upon
27 proof that all facts and circumstances are disclosed
28 on a provider assessment return or deposit form.
 - 29 f. The provider provides proof of timely and
30 erroneous mailing of the payment with adequate
31 postage.
- 32 **3. AUDIT DEFICIENCIES.** If any person fails to pay
33 in full the provider assessment required to be shown
34 due with the filing of a provider assessment return or
35 deposit form and the department discovers the
36 underpayment, there shall be added to the provider
37 assessment required to be shown due a penalty of five
38 percent of the provider assessment required to be
39 shown due. The penalty, if assessed, shall be waived

40 by the department upon a showing of any of the
41 following conditions:

42 a. At least ninety percent of the provider
43 assessment required to be shown due has been paid by
44 the due date of the provider assessment.

45 b. The provider presents proof that the provider
46 relied upon applicable, documented, written advice
47 specifically made to the provider, to the provider's
48 return preparer, or to an association representative
49 of the preparer from the department or the department
50 of human services that has not been superseded by a

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1 court decision, ruling by a quasi-judicial body, or
2 the adoption, amendment, or repeal of a rule or law.
3 c. Reliance upon results in a previous audit was a
4 direct cause for the failure to pay the provider
5 assessment shown due or required to be shown due where
6 the previous audit expressly and clearly addressed the
7 issue and the previous audit results have not been
8 superseded by a court decision, or the adoption,
9 amendment, or repeal of a rule or law.

10 d. Under rules prescribed by the director, the
11 provider presents documented proof of substantial
12 authority to rely upon a particular position or upon
13 proof that all facts and circumstances are disclosed
14 on a provider assessment return or deposit form.
15 4. WILLFUL FAILURE. In case of willful failure to
16 file a provider assessment return or deposit form with
17 the intent to evade the provider assessment, or in
18 case of willfully filing a false provider assessment
19 return or deposit form with the intent to evade the
20 provider assessment, in lieu of the penalties
21 otherwise provided in this section, a penalty of
22 seventy-five percent shall be added to the amount
23 shown due or required to be shown due as the provider
24 assessment on the provider assessment return or
25 deposit form. The penalties imposed under this
26 subsection are not subject to waiver.

27 5. PRIORITY OF PENALTIES. If penalties are
28 applicable for failure to file a provider assessment
29 return or deposit form and failure to pay the provider
30 assessment shown due or required to be shown due on
31 the provider assessment return or deposit form, the
32 penalty provision for failure to file shall apply in
33 lieu of the penalty provision for failure to pay,
34 except in the case of willful failure to file a
35 provider assessment return or deposit form or
36 willfully filing a false provider assessment return or

37 deposit form with intent to evade the provider
38 assessment.
39 Unpaid penalties under this section may be enforced
40 and collected in the same manner as the provider
41 assessment imposed by this chapter.
42 Sec. 207. NEW SECTION. 422C.8 PAYMENT --
43 INTEREST.
44 The total provider assessment due shall be paid in
45 full at the time of filing the provider assessment
46 return or deposit form. When payment in full is not
47 made at the time of filing the provider assessment
48 return or deposit form, the provider shall also pay
49 interest on the unpaid provider assessment at the rate
50 in effect under section 421.7 for each month, counting

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1 each fraction of a month as an entire month, computed
2 from the due date of the provider assessment return or
3 deposit form. Unpaid interest may be enforced and
4 collected in the same manner as the provider
5 assessment imposed by this chapter.
6 Sec. 208. NEW SECTION. 422C.9 PERSONAL LIABILITY
7 FOR PROVIDER ASSESSMENT DUE.
8 If a provider fails to pay a provider assessment
9 under this chapter when due, an officer of a
10 corporation or association, or a partner of a
11 partnership, having control or supervision of or the
12 authority for remitting the provider assessment and
13 having a substantial legal or equitable interest in
14 the ownership of the corporation, association, or
15 partnership, who has intentionally failed to pay the
16 provider assessment is personally liable for the
17 payment of the provider assessment, interest, and
18 penalty due and unpaid. The dissolution of a
19 corporation, association, or partnership shall not
20 discharge a person's liability for failure to remit
21 the provider assessment, interest, and penalty due.
22 Sec. 209. NEW SECTION. 422C.10 COMPUTATION OF
23 ASSESSMENT, INTEREST, AND PENALTIES -- LIMITATION.
24 1. Within three years after the provider
25 assessment return or deposit form is filed or within
26 three years after the return became due, whichever
27 time is the later, the department shall examine the
28 assessment return or deposit form and determine the
29 correct amount of provider assessment. The amount
30 determined by the department is the provider
31 assessment.
32 The period for examination and determination of the
33 correct amount of provider assessment is unlimited in

34 the case of a false or fraudulent provider assessment
35 return or deposit form made with the intent to evade
36 the provider assessment or in the case of a failure to
37 file a provider assessment return or deposit form.
38 2. A person required to supply information, to pay
39 the provider assessment, or to make, sign, or file a
40 monthly deposit or quarterly return, who willfully
41 makes a false or fraudulent monthly deposit or
42 quarterly return, or willfully fails to pay the
43 provider assessment, supply the information, or make,
44 sign, or file the monthly deposit or quarterly return,
45 at the time or times required by law, is guilty of a
46 fraudulent practice.
47 3. A person who willfully attempts in any manner
48 to defeat or evade a provider assessment imposed by
49 this chapter or the payment of the provider
50 assessment, upon conviction for each offense is guilty

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1 of a class "D" felony.
2 4. The certificate of the director to the effect
3 that a provider assessment has not been paid, that a
4 return has not been filed, or that information has not
5 been supplied, as required by this chapter shall be
6 prima facie evidence thereof except as otherwise
7 provided in this section.
8 5. If the amount of the provider assessment as
9 determined by the department is less than the amount
10 paid, the excess shall be refunded with interest, the
11 interest to begin to accrue on the first day of the
12 second calendar month following the date of payment or
13 the date the return was due to be filed or was filed,
14 whichever is the latest, at the rate in effect under
15 section 421.7 counting each fraction of a month as an
16 entire month.
17 6. All payments received must be credited first,
18 to the penalty and interest accrued, and then to the
19 provider assessment due.
20 7. The jurisdiction of any offense as defined in
21 this section is in the county of the residence of the
22 person so charged, unless that person is a nonresident
23 of this state or the person's residence in this state
24 is not established, in either of which events
25 jurisdiction of the offense is in the county of the
26 seat of government of the state of Iowa.
27 8. A prosecution for any offense defined in this
28 section must be commenced within six years after the
29 commission of the offense and not after.
30 Sec. 210. NEW SECTION. 422C.11 CORRECTION OF

31 ERRORS -- REFUNDS AND CREDITS.

32 1. If it appears that an amount of provider
33 assessment, penalty, or interest has been paid which
34 was not due under this chapter, that amount shall be
35 credited against any provider assessment due on the
36 books of the department by the provider who made the
37 excessive payment, or that amount shall be refunded to
38 the provider by the department. A claim for refund
39 that has not been filed with the department within
40 three years after the return upon which a refund
41 claimed became due, or one year after payment of the
42 assessment was made, whichever time is the later,
43 shall not be allowed by the director.

44 2. If a refund is authorized, the director shall
45 certify the amount of the refund and the name of the
46 payee and draw a warrant on the general fund of the
47 state in the amount specified payable to the named
48 payee, and the treasurer of state shall pay the
49 warrant.

50 Sec. 211. NEW SECTION. 422C.12 ADMINISTRATIVE

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1 POWERS AND DUTIES.

2 1. The director may prescribe all rules not
3 inconsistent with the provisions of this chapter,
4 necessary and advisable for its detailed
5 administration and to effectuate its purposes.

6 2. The director may destroy useless returns,
7 records, reports, and communications of any provider
8 filed with or kept by the department after those
9 returns, records, reports, or communications have been
10 in the custody of the department for a period of not
11 less than three years or at such time as the director
12 prescribes by rule. However, after the accounts of a
13 provider have been examined by the director and the
14 amount of provider assessment, interest, and penalty
15 due have been finally determined, the director may
16 order the destruction of any records previously filed
17 by that provider, notwithstanding the fact that those
18 records have been in the custody of the department for
19 a period less than three years. These records and
20 documents shall be destroyed in the manner prescribed
21 by the director.

22 3. The department may make photostat, microfilm,
23 or other photographic copies of records, reports, and
24 other papers either filed by the provider or prepared
25 by the department. If photostat or microfilm copies
26 have been made, the department may destroy the
27 original records in a manner as prescribed by the

28 director. The photostat or microfilm copies, when no
29 longer of use, may be destroyed as provided in
30 subsection 2. The photostat, microfilm, or other
31 photographic records shall be admissible in evidence
32 when duly certified and authenticated by the officer
33 having custody and control of them.

34 Sec. 212. NEW SECTION. 422C.13 LIEN OF ASSESS-
35 MENT -- COLLECTION -- ACTION AUTHORIZED.

36 1. If a provider liable to pay a provider
37 assessment, interest, or penalty imposed under this
38 chapter refuses or neglects to pay the same, the
39 amount, including any interest, penalty, or addition
40 to the provider assessment, together with the costs
41 that may accrue in addition thereto, shall be a lien
42 in favor of the state upon all property and rights to
43 property, whether real or personal, belonging to that
44 provider.

45 2. The lien shall attach at the time the provider
46 assessment becomes due and payable and shall continue
47 for ten years from the date a notice of determination
48 is issued unless sooner released or otherwise
49 discharged. The lien may, within ten years from the
50 date a notice of determination is issued, be extended

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1 by filing for the record a notice with the appropriate
2 county official of any county and from the time of the
3 filing, the lien shall be extended to the property in
4 the county for ten years, unless sooner released or
5 otherwise discharged, with no limit on the number of
6 extensions. The director shall charge off any account
7 whose lien is allowed to lapse and may charge off any
8 account and release the corresponding lien before the
9 lien has lapsed if the director determines under
10 uniform rules adopted by the director that the account
11 is uncollectible or collection costs involved would
12 not warrant collection of the amount due.

13 3. In order to preserve the lien against
14 subsequent mortgagees, purchasers, or judgment
15 creditors, for value and without notice of the lien,
16 on any property situated in a county, the director
17 shall file with the recorder of the county, in which
18 the property is located, a notice of the lien.

19 4. The county recorder of each county shall
20 prepare and keep in the recorder's office a book to be
21 known as "index of provider assessment liens," so
22 ruled as to show in appropriate columns the following
23 data, under the names of providers, arranged
24 alphabetically:

- 25 a. The name of the provider.
- 26 b. The name "State of Iowa" as claimant.
- 27 c. Time notice of lien was received.
- 28 d. Date of notice.
- 29 e. Amount of lien then due.
- 30 f. Date of notice of determination.
- 31 g. When satisfied.
- 32 5. The recorder shall endorse on each notice of
- 33 lien the day, hour, and minute when received and
- 34 preserve the notice, and shall forthwith index the
- 35 notice in the index book and shall forthwith record
- 36 the lien in the manner provided for recording real
- 37 estate mortgages, and the lien shall be effective from
- 38 the time of the indexing of the lien.
- 39 6. The department shall pay, from moneys
- 40 appropriated to the department for this purpose, a
- 41 recording fee as provided in section 331.604, for the
- 42 recording of the lien, or for its satisfaction.
- 43 7. Upon the payment of a provider assessment as to
- 44 which the director has filed notice with a county
- 45 recorder, the director shall forthwith file with the
- 46 recorder a satisfaction of the provider assessment and
- 47 the recorder shall enter the satisfaction on the
- 48 notice on file in the recorder's office and indicate
- 49 the fact on the index.
- 50 8. The department, substantially as provided in

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- 1 this chapter and chapter 626, shall proceed to collect
- 2 all provider assessments, interest, and penalties as
- 3 soon as practicable after they become delinquent,
- 4 except that no property of the provider is exempt from
- 5 payment of the provider assessment, interest, and
- 6 penalty. If service has not been made on a distress
- 7 warrant by the officer to whom addressed within five
- 8 days from the date the distress warrant was received
- 9 by the officer, the authorized revenue agents of the
- 10 department may serve and make return of the warrant to
- 11 the clerk of the district court of the county named in
- 12 the distress warrant, and all subsequent procedure
- 13 shall be in compliance with chapter 626.
- 14 9. The distress warrant shall be in a form as
- 15 prescribed by the director. It shall be directed to
- 16 the sheriff of the appropriate county and it shall
- 17 identify the provider, and the delinquent amount. It
- 18 shall direct the sheriff to distrain, seize, garnish,
- 19 or levy upon, and sell, as provided by law, any real
- 20 or personal property belonging to the provider to
- 21 satisfy the amount of the delinquency plus costs. It

22 shall also direct the sheriff to make due and prompt
23 return to the department or to the district court
24 under chapters 626 and 642 of all amounts collected.

25 10. The attorney general, upon the request of the
26 director, shall bring an action at law or in equity,
27 as the facts may justify, without bond, to enforce
28 payment of any provider assessment, interest, and
29 penalties, and in this action the attorney general
30 shall have the assistance of the county attorney of
31 the county in which the action is pending.

32 11. It is expressly provided that the foregoing
33 remedies of the state shall be cumulative and that no
34 action taken by the director or attorney general shall
35 be construed to be an election on the part of the
36 state or any of its officers to pursue any remedy
37 hereunder to the exclusion of any other remedy
38 provided by law.

39 Sec. 213. NEW SECTION. 422C.14 REVISION OF
40 PROVIDER ASSESSMENT.

41 A provider may appeal to the director for revision
42 of the provider assessment, interest, or penalties
43 assessed at any time within sixty days from the date
44 of the notice of the determination of a provider
45 assessment, additional provider assessment, interest,
46 or penalties. The director shall grant a hearing and
47 if, upon the hearing, the director determines that the
48 provider assessment, interest, or penalties are
49 excessive or incorrect, the director shall revise them
50 according to the law and the facts and adjust the

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1 computation of the provider assessment, interest, or
2 penalties accordingly. The director shall notify the
3 provider by mail of the result of the hearing and
4 shall refund to the provider the amount, if any, paid
5 in excess of the provider assessment, interest, or
6 penalties found by the director to be due, with
7 interest after sixty days from the date of payment by
8 the provider at the rate in effect under section 421.7
9 for each month or a fraction of a month. The
10 director, on the director's own motion at any time,
11 may abate any portion of the provider assessment,
12 interest, or penalties which the director determines
13 is excessive in amount, or erroneously or illegally
14 assessed.

15 Sec. 214. NEW SECTION. 422C.15 JUDICIAL REVIEW.

16 All provisions of section 422.29 shall be
17 applicable to the provider assessment.

18 Sec. 215. NEW SECTION. 422C.16 JEOPARDY

19 ASSESSMENTS.

20 If the director believes that the determination or
 21 collection of provider assessments will be jeopardized
 22 by delay, the director may immediately make a
 23 determination of the estimated amount of provider
 24 assessment due, together with all interest, additional
 25 provider assessment, or penalties, as provided by law,
 26 and demand payment thereof from the provider. If that
 27 payment is not made, a distress warrant may be issued
 28 or a lien filed against the provider immediately.

29 The director may accept a bond from the provider to
 30 satisfy collection until the amount of a provider
 31 assessment legally due is determined. This bond is to
 32 be in an amount deemed necessary, but not more than
 33 double the amount of the provider assessment involved,
 34 and with securities satisfactory to the director.

35 Sec. ____ . Sections 200 through 215 of this Act
 36 take effect July 1, 1992, and apply to the gross
 37 receipts from services performed or tangible personal
 38 property provided or sold by health care providers on
 39 or after that date."

40 2. Page 2, line 11, by striking the word "This"
 41 and inserting the following: "Section 1 of this".

42 3. Title page, line 1, by inserting after the
 43 words "relating to" the following: "the state budget
 44 and accounting procedures by imposing a health care
 45 provider assessment and providing penalties, and
 46 making".

BILL HUTCHINS

S-5582

1 Amend the House amendment, S-5556, to Senate File
 2 2249, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, line 35, by striking the word
 5 "seventy-five" and inserting the following: "ninety".

6 2. Page 1, line 36, by striking the word "eight"
 7 and inserting the following: "eight nine".

BERL PRIEBE

S-5583

1 Amend the House amendment, S-5499, to Senate File
 2 2302, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by striking lines 7 through 9.

5 2. Page 1, by striking lines 10 through 21.

- 6 3. Page 1, by striking lines 24 through 26.
 7 4. By renumbering and correcting internal
 8 references as necessary.

AL STURGEON

HOUSE AMENDMENT TO
 SENATE FILE 2351

S-5584

1 Amend Senate File 2351, 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 8.22A, Code 1991, is amended
 6 to read as follows:

7 8.22A REVENUE ESTIMATING CONFERENCE.

8 1. The state revenue estimating conference is
 9 created consisting of the governor or the governor's
 10 designee, the director of the legislative fiscal
 11 bureau, and a third member agreed to by the other two.

12 2. The conference shall meet as often as deemed
 13 necessary, but shall meet at least quarterly. The
 14 conference may use sources of information deemed
 15 appropriate.

16 3. By December 15, 1986 and of each succeeding
 17 fiscal year the conference shall agree to a revenue
 18 estimate for the fiscal year beginning the following
 19 July 1. That estimate shall be used by the governor
 20 in the preparation of the budget message under section
 21 8.22 and by the legislature general assembly in the
 22 budget process. If the conference agrees to a
 23 different estimate at a later meeting which projects a
 24 greater amount of revenue than the initial estimate
 25 amount agreed to by December 15, the governor and the
 26 general assembly shall continue to use the initial
 27 estimate amount in the budget process for that fiscal
 28 year. However, if the conference agrees to a
 29 different estimate at a later meeting which projects a
 30 lesser amount of revenue than the initial estimate
 31 amount, the governor and the general assembly shall
 32 use the lesser amount in the budget process for that
 33 fiscal year. As used in this subsection, "later
 34 meeting" means only those later meetings which are
 35 held prior to the conclusion of the regular session of
 36 the general assembly.

37 Sec. 999. NEW SECTION. 8.47 LARGE SALE OF ASSETS

38 BY STATE DEPARTMENTS AND AGENCIES SUBJECT TO APPROVAL

39 Before a state department or agency, including the

40 state board of regents, sells assets worth five
41 million dollars or more, the state department or
42 agency shall include the sale in its budget request to
43 the general assembly. If the general assembly
44 approves the sale of the assets, the assets may be
45 sold by the state department or agency.
46 Sec. 2. NEW SECTION. 8.54 GENERAL FUND
47 EXPENDITURE LIMITATION.
48 1. For the purposes of this section, "adjusted
49 revenue estimate" means the appropriate revenue
50 estimate for the general fund for the following fiscal

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1 year as determined under section 8.22A, subsection 3,
2 adjusted by subtracting estimated tax refunds payable
3 from that estimated revenue and adding any new
4 revenues which may be considered to be eligible for
5 deposit in the general fund.

6 2. There is created a state general fund
7 expenditure limitation for each fiscal year beginning
8 on or after July 1, 1993, calculated as provided in
9 this section.

10 3. The state general fund expenditure limitation
11 for a fiscal year shall be ninety-nine percent of the
12 adjusted revenue estimate. Any appropriation from the
13 general fund of the state to the Iowa economic
14 emergency fund pursuant to section 8.55 shall not be
15 considered to be made from the state general fund
16 expenditure limitation but shall be considered to be
17 made from the remaining amount.

18 4. The state general fund expenditure limitation
19 amount provided for in this section shall be used by
20 the governor in the preparation of the budget under
21 section 8.22 and by the general assembly in the budget
22 process. If a new revenue source is proposed, the
23 budget revenue projection used for that new revenue
24 source for the period beginning on the effective date
25 of the new revenue source and ending in the fiscal
26 year in which the source is included in the revenue
27 base shall be an amount determined by subtracting
28 estimated tax refunds payable from the projected
29 revenue from that new revenue source, multiplied by
30 ninety-nine percent. If a new revenue source is
31 established and implemented, the original state
32 general fund expenditure limitation amount provided
33 for in subsection 3 shall be readjusted to include
34 ninety-nine percent of the estimated revenue from the
35 new revenue source.

36 5. The governor shall submit and the general

37 assembly shall pass a budget which does not exceed the
38 state general fund expenditure limitation.

39 Sec. 3. Section 8.55, Code 1991, is amended to
40 read as follows:

41 8.55 IOWA ECONOMIC EMERGENCY FUND.

42 1. The Iowa economic emergency fund is created.

43 The fund shall be separate from the general fund of
44 the state and the balance in the fund shall not be
45 considered part of the balance of the general fund of
46 the state, except for purposes of determining the

47 annual inflation factor under section 422.4,

48 subsection 17, the balance in the fund shall be

49 considered part of the general fund of the state. The

50 moneys in the fund shall not revert to the general

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1 fund, notwithstanding section 8.33; unless and to the
2 extent the fund exceeds the maximum balance.

3 2. a. The maximum balance of the Iowa economic
4 emergency fund is the amount equal to ten percent of
5 the funds appropriated from the general fund of the
6 state during the preceding fiscal year. For the
7 purposes of this subsection, "adjusted revenue
8 estimate" means the appropriate revenue estimate for
9 the general fund of the state made by the revenue
10 estimating conference for the following fiscal year as
11 determined under section 8.22A, subsection 3, adjusted
12 by subtracting estimated tax refunds payable from that
13 estimated revenue and adding any new revenues which
14 may be considered to be eligible for deposit in the
15 general fund.

16 b. The maximum balance of the fund is the amount
17 equal to five percent of the adjusted revenue estimate
18 for the fiscal year. If the amount of moneys in the
19 Iowa economic emergency fund is equal to the maximum
20 balance, moneys in excess of this amount shall be
21 transferred to the capitals fund established in
22 section 8.61.

23 c. There is appropriated from any surplus existing
24 in the general fund of the state at the conclusion of
25 the fiscal year to the Iowa economic emergency fund an
26 amount equal to the smaller of the amount of the
27 surplus or the amount necessary to achieve the maximum
28 balance determined under paragraph "b".

29 d. If, on the first day of the fiscal year after
30 operation of paragraph "c", moneys in the Iowa
31 economic emergency fund are less than the maximum
32 balance determined under paragraph "b", there is
33 appropriated from the general fund of the state the

34 amount necessary to achieve the maximum balance
35 determined under paragraph "b". However, moneys
36 appropriated under this section shall not exceed one
37 percent of the appropriate revenue estimate as
38 determined under section 8.22A, subsection 3.
39 3. The moneys in the Iowa economic emergency fund
40 may be appropriated by the general assembly only in
41 the fiscal year for which the appropriation is made
42 and only for a purpose for which the general assembly
43 previously appropriated funds for that fiscal year.
44 The moneys shall only be appropriated by the general
45 assembly for nonrecurring emergency expenditures, and
46 court-ordered obligations, and generally accepted
47 accounting principles deficit reductions and
48 supplemental appropriations to pay for the cost of
49 foster care under chapter 232, assistance to dependent
50 children under chapter 239, and additional medical

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1 assistance under chapter 249A. However, the balance
2 in the Iowa economic emergency fund may be used in
3 determining the cash position of the general fund of
4 the state for the payment of state obligations.

5 4. Notwithstanding section 453.7, subsection 2,
6 interest or earnings on moneys deposited in the Iowa
7 economic emergency fund shall be credited to the
8 capitals fund established in section 8.61.

9 **Sec. 4. NEW SECTION. 8.56 GAAP DEFICIT REDUCTION**
10 **FUND.**

11 1. For the purposes of this section, "GAAP" means
12 generally accepted accounting principles as
13 established by the governmental accounting standards
14 board. A temporary GAAP deficit reduction fund is
15 created in the office of the treasurer of state in
16 order to implement practices by which state expenses
17 are accounted for in the year in which the expenses
18 are incurred. The fund is established for the fiscal
19 period beginning July 1, 1992, and ending when the
20 GAAP deficit is eliminated or on June 30, 1996,
21 whichever occurs first.

22 2. The fund shall be separate from the general
23 fund of the state and the balance in the fund shall
24 not be considered part of the balance of the general
25 fund of the state except in determining the cash
26 position of the general fund of the state for the
27 payment of state obligations. Notwithstanding section
28 8.33, the moneys in the GAAP deficit reduction fund
29 shall not revert to the general fund of the state but
30 shall remain in the GAAP deficit reduction fund until

31 expended in accordance with an appropriation of the
32 general assembly or deposited in the Iowa economic
33 emergency fund pursuant to subsection 3.

34 3. Moneys in the GAAP deficit reduction fund which
35 are unobligated or unencumbered when the GAAP deficit
36 is eliminated shall be transferred to the Iowa
37 economic emergency fund. Effective upon and after
38 transfer of the moneys to the Iowa economic emergency
39 fund, the GAAP deficit reduction fund is eliminated.

40 4. The general assembly shall appropriate moneys
41 in the GAAP deficit reduction fund to pay expenses in
42 the fiscal year in which the expenses are obligated
43 including but not limited to any of the following:
44 medical assistance program, personal property tax
45 replacement payments to local governments, the last
46 state employee payroll of the fiscal year, and foster
47 care provider payments.

48 Sec. 5. NEW SECTION. 8.57 LIMITATION ON CERTAIN
49 STANDING UNLIMITED APPROPRIATIONS.

50 1. "Standing unlimited appropriation" means an

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1 appropriation made from any state fund for more than
2 one fiscal year where the law making the appropriation
3 does not specify the exact dollar amount appropriated.
4 For purposes of this section, "standing unlimited
5 appropriation" includes only the following: an
6 appropriation for supplemental aid to reorganized
7 school districts under section 257.5, school
8 foundation aid under section 257.16, instructional
9 support state aid under section 257.20, programs for
10 at-risk children under section 279.51, transportation
11 for nonpublic students under section 285.2, and phases
12 II and III under section 294A.25.

13 2. Notwithstanding the law authorizing a standing
14 unlimited appropriation for fiscal years beginning on
15 or after July 1, 1993, the amount of increase of a
16 standing unlimited appropriation shall not exceed the
17 amount of the increase in the state general fund
18 revenues allocated for that appropriation for a fiscal
19 year. The increase in the state general fund revenues
20 allocated for a standing unlimited appropriation
21 equals the product of the percent the particular
22 standing unlimited appropriation for the previous
23 fiscal year bears to the total state general fund
24 appropriations for the previous fiscal year multiplied
25 by the increase in the adjusted revenue estimate.

26 3. If, as a result of the limitation in this
27 section in the growth of a standing unlimited

28 appropriation for a fiscal year, the amount of the
 29 standing unlimited appropriation is insufficient to
 30 pay the amount computed in full, the amount that shall
 31 be provided the beneficiaries of that appropriation
 32 shall be prorated.

33 4. However, any difference between the expenditure
 34 authorized under any standing unlimited appropriation
 35 and the amount calculated under subsection 2 may be
 36 reinstated by the approval of both the general
 37 assembly and the governor.

38 5. As used in this section, "adjusted revenue
 39 estimate" means the appropriate revenue estimate for
 40 the general fund for the fiscal year as determined
 41 under section 8.22A, subsection 3, adjusted by
 42 subtracting estimated tax refunds payable from that
 43 estimated revenue. However, "adjusted revenue
 44 estimate" does not include any moneys included in the
 45 appropriate revenue estimate which is generated from a
 46 new revenue source.

47 **Sec. 6. NEW SECTION. 8.58 APPROPRIATIONS FREEZE.**

48 Notwithstanding contrary provisions of the Code,
 49 the amounts appropriated under the applicable sections.
 50 of the Code for fiscal years commencing on or after

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1 July 1, 1993, are limited to those amounts expended
 2 under those sections for the fiscal year commencing
 3 July 1, 1992. If an applicable section appropriates
 4 moneys to be distributed to different recipients and
 5 the operation of this section reduces the total amount
 6 to be distributed under the applicable section, the
 7 moneys shall be prorated among the recipients. As
 8 used in this section, "applicable sections" means the
 9 following sections: 1.15; 6.9; 7.5; 18.75; 19.10;
 10 19.29; 25.2; 25A.11; 29A.29; 29A.51; 29A.54; 29A.72;
 11 53.50; 66.23; 66.28; 79.24; 79.34; 85.57; 85.59;
 12 97.51; 97B.49, subsection 14; 97B.72; 97B.72A; 97C.12;
 13 98.7; 98.12; 98.47; 135C.45; 135D.22; 147.68; 147.69;
 14 163.15; 167.20; 214A.14; 218.72; 222.11; 222.50;
 15 222.66; 222.69; 225.28; 225.34; 226.17; 229.35; 230.8;
 16 230.11; 246.319; 262.43; 275.31; 280A.50; 304A.29;
 17 307.45; 311.19; 411.20; 421.30; 425.1; 425.23; 425.39;
 18 426A.1; 427B.13; 450.70; 450.95; 468.43; 663.44;
 19 663A.5; 815.10; and 820.24.

20 **Sec. 7. NEW SECTION. 8.61 CAPITALS FUND.**

21 1. A capitals fund is created in the state
 22 treasury. Moneys in the capitals fund shall be used
 23 solely for capital projects, including maintenance.
 24 Moneys in the fund shall only be available for

25 expenditure as a result of appropriations made by the
 26 general assembly and notwithstanding section 8.33,
 27 moneys in the fund shall not revert to the general
 28 fund of the state. The capital projects for which
 29 moneys in the fund shall be appropriated are those
 30 compiled by the department under section 8.6,
 31 subsections 13, 14, and 15, and which have been
 32 submitted to the legislative capital projects
 33 committee.

34 2. Moneys to be credited to the capitals fund are
 35 interest and earnings from moneys in the Iowa economic
 36 emergency fund and that portion of the Iowa economic
 37 emergency fund designated as provided in section 8.55,
 38 subsection 2, paragraph "b", and other moneys
 39 designated for or appropriated to the fund. There is
 40 appropriated from any surplus existing in the general
 41 fund of the state at the conclusion of the fiscal year
 42 to the capitals fund that amount of the surplus which
 43 is not appropriated to the Iowa economic emergency
 44 fund as provided in section 8.55, subsection 2,
 45 paragraph "c".

46 3. Notwithstanding section 453.7, subsection 2,
 47 interest or earnings on moneys deposited in the
 48 capitals fund shall be credited to the capitals fund.

49 Sec. 8. Section 257.5, unnumbered paragraph 2,
 50 Code Supplement 1991, is amended to read as follows:

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1 There is appropriated from the general fund of the
 2 state to the department of management for each fiscal
 3 year an amount sufficient to pay the supplemental aid
 4 to school districts under this section. However, the
 5 increase in the appropriation for a fiscal year from
 6 the previous fiscal year shall not exceed the limit
 7 computed in section 8.57. If this limitation results
 8 in insufficient funds available to pay all recipients
 9 in full, the department of management shall prorate
 10 the amount of the appropriation for each recipient.
 11 Supplemental aid shall be paid in the manner provided
 12 in section 257.16.

13 Sec. 9. Section 257.8, subsection 6, Code 1991, is
 14 amended by adding the following new unnumbered
 15 paragraph:

16 **NEW UNNUMBERED PARAGRAPH.** If subsection 9 is used
 17 in the calculation of the state percent of growth for
 18 the previous year, there shall not be a recomputation
 19 of the state percent of growth for the previous year.

20 Sec. 10. Section 257.8, Code 1991, is amended by
 21 adding the following new subsection:

22 NEW SUBSECTION. 9. LIMITATION ON STATE PERCENT OF
23 GROWTH. Notwithstanding other contrary provisions
24 contained in this section, if for any budget year the
25 moneys otherwise appropriated to pay the state
26 foundation aid under section 257.16 would result in an
27 increase in such appropriation above that allowed
28 under section 8.57, subsection 2, the department of
29 management shall reduce the state percent of growth so
30 that the total appropriation of state foundation aid
31 under section 257.16 does not exceed the appropriation
32 allowed under section 8.57, subsection 2. In
33 computing the reduction in the state percent of growth
34 under this subsection, the department shall not
35 consider that portion of the increased state
36 foundation aid attributable to the increase in
37 weighted enrollment from the base year to the budget
38 year. However, expenditures allowed under this
39 subsection may be increased as provided in section
40 8.57, subsection 4, except that in order for such an
41 increase in expenditures to be effective for any
42 budget year, both houses of the general assembly and
43 the governor must approve the increase by March 1 in
44 the base year.

45 Sec. 11. Section 257.20, Code Supplement 1991, is
46 amended by adding after unnumbered paragraph 1, the
47 following new unnumbered paragraph:
48 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
49 amount of instructional support state aid computed in
50 the preceding paragraph, the amount of instructional

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1 support state aid for all school districts for a
2 budget year shall not increase from the amount of
3 state aid paid in the base year by more than the
4 amount of the increase in the state general fund
5 revenues allocated for instructional support state
6 aid. For purposes of this section, the "amount of the
7 increase in the state general fund revenues allocated
8 for the instructional support state aid" equals the
9 product of the percent of total state general fund
10 appropriations for the base year which are spent for
11 instructional support state aid under this section
12 multiplied by the sum of appropriate estimated
13 increase in state general fund revenues as determined
14 under section 8.57 after adjustment for the amount
15 unavailable for expenditure during the budget year due
16 to the state general fund expenditure limitation in
17 section 8.54. The department of management shall
18 adjust the twenty-five hundredths multiplier in the

19 formula for computing the amount of state aid under
20 the preceding paragraph so that the total amount of
21 instructional support state aid does not exceed the
22 funding limitations of this paragraph.

23 Sec. 12. NEW SECTION. 257.28A STATE REVENUE
24 LIMITATION REPLACEMENT LEVY.

25 If the application of section 257.8, subsection 9,
26 reduces the amount of state school foundation aid in a
27 budget year which would have been otherwise received
28 by a school district, the board of directors of the
29 school district may raise additional funding up to the
30 amount of the reduction in state school foundation aid
31 in the budget year for the school district caused by
32 the application of section 257.8, subsection 9, except
33 that the amount raised shall not exceed five percent
34 of the total of regular program district cost for the
35 budget year.

36 The additional funding may be raised by either a
37 state revenue limitation replacement property tax or
38 by a combination of a state revenue limitation
39 replacement property tax and a state revenue
40 limitation replacement income surtax, except that the
41 amount raised through the state revenue replacement
42 income surtax shall not exceed fifty percent of the
43 total amount of additional funding raised. The method
44 of raising the additional funding, and the amount of
45 moneys to be raised under the property tax and income
46 surtax, if any, shall be contained in the resolution
47 adopted by the board of directors to direct the county
48 commissioner of elections to call an election to
49 submit the question of such participation at a special
50 election. In order for a school district to

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1 participate in raising the additional funding in a
2 school year, the board of directors shall adopt the
3 necessary resolution by March 20 of the base year.

4 The special election shall be held on the second
5 Tuesday in May in the base year. If a majority of
6 those voting on the question at the election favors
7 disapproval of the action of the board, the district
8 shall not participate in the raising of the additional
9 funding for the budget year.

10 If a majority of those voting on the question
11 favors approval of the action, the board shall so
12 certify to the department of management and the
13 district shall participate in the raising of the
14 additional funding.

15 The certification to the department of management

16 shall include a certification of the amount to be
17 raised through property tax and income surtax, if any,
18 to the department of management. The department of
19 management shall determine the appropriate property
20 tax levy and income surtax in accordance with the
21 resolution. The department of management shall
22 determine these amounts based upon the most recent
23 figures available for the district's valuation on
24 taxable property and individual state income tax paid
25 in the district, and shall certify to the director's
26 county auditor the amount of state revenue limitation
27 replacement property tax, and to the director of
28 revenue and finance the amount of state revenue
29 limitation replacement income surtax to be imposed if
30 a state revenue limitation replacement income surtax
31 is to be imposed. The state revenue limitation
32 replacement property tax and income surtax, if an
33 income surtax is imposed, shall be levied and imposed,
34 collected, and paid to the school district in the
35 manner provided for the instructional support program
36 in sections 257.21 through 257.26.

37 Moneys received pursuant to this section are
38 miscellaneous income and may be used for any general
39 fund purpose. Notwithstanding section 24.17, the
40 certified school budget may be amended to include
41 provisions for the expenditures of moneys raised under
42 this section after March 15 of the base year.
43 Sec. 13. Section 279.51, subsection 1, unnumbered
44 paragraph 1, Code Supplement 1991, is amended to read
45 as follows:

46 There is appropriated from the general fund of the
47 state to the department of education for the fiscal
48 year beginning July 1, 1990, the sum of eight million
49 seven hundred thousand dollars. For the fiscal year
50 beginning July 1, 1991, and each succeeding fiscal

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1 year, there is appropriated the sum of eleven million
2 two hundred thousand dollars plus an additional amount
3 equal to the state percent of growth as calculated in
4 section 257.8 multiplied by the amount appropriated
5 the previous fiscal year. However, the increase in
6 the appropriation for a fiscal year from the previous
7 fiscal year shall not exceed the limit computed in
8 section 8.57.

9 Sec. 14. Section 285.2, unnumbered paragraph 2,
10 Code Supplement 1991, is amended to read as follows:

11 There is appropriated from the general fund of the
12 state to the department of education funds sufficient

13 to pay the approved claims of public school districts
14 for transportation services to nonpublic school pupils
15 as provided in this section. The portion of the
16 amount appropriated for approved claims under section
17 285.1, subsection 3, shall be determined under section
18 285.3. However, the increase in the appropriation for
19 a fiscal year from the previous fiscal year shall not
20 exceed the limit computed in section 8.57. If this
21 limitation results in insufficient funds available to
22 pay approved claims in full, the department of
23 education shall prorate the amount of the
24 appropriation for each claim.

25 Sec. 15. Section 294A.25, subsection 1, Code 1991,
26 is amended to read as follows:

27 1. For the fiscal year beginning July 1, 1990,
28 there is appropriated from the general fund of the
29 state to the department of education the amount of
30 ninety-two million one hundred thousand eighty-five
31 dollars to be used to improve teacher salaries. For
32 each fiscal year thereafter, there is appropriated an
33 amount equal to the amount appropriated for the fiscal
34 year beginning July 1, 1990, plus an amount sufficient
35 to pay the costs of the additional funding provided
36 for school districts and area education agencies under
37 sections 294A.9 and 294A.14. However, the increase in
38 the appropriation for a fiscal year from the previous
39 fiscal year shall not exceed the limit computed in
40 section 8.57. The moneys shall be distributed as
41 provided in this section.

42 Sec. 16. Section 421.31, subsection 5, Code 1991,
43 is amended to read as follows:

44 5. ACCOUNTS. To keep the central budget and
45 proprietary control accounts of the state government
46 in accordance with generally accepted accounting
47 principles. Budget accounts are those accounts
48 maintained to control the receipt and disposition of
49 all funds, appropriations, and allotments.
50 Proprietary accounts are those accounts relating to

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1 assets, liabilities, income, and expense. For each
2 fiscal year, the financial position and results of
3 operations of the state shall be reported in a
4 comprehensive annual financial report prepared in
5 accordance with generally accepted accounting
6 principles, as established by the governmental
7 accounting standards board.

8 Sec. 17. Section 422.69, subsection 3, Code
9 Supplement 1991, is amended by striking the

10 subsection.

11 Sec. 18. 1986 Iowa Acts, chapter 1245, section
12 2046, as amended by 1986 Iowa Acts, chapter 1238,
13 section 59, is repealed.

14 Sec. 19. Sections 8 and 10, 11, and 12 of this Act
15 take effect July 1, 1992, for purposes of computing
16 state aid to school corporations for school budget
17 years beginning on or after July 1, 1993. This
18 section and sections 999, 16, 17, and 18 of this Act,
19 being deemed of immediate importance, take effect upon
20 enactment."

21 2. Title page, line 2, by inserting after the
22 word "practices" the following: ", by providing for a
23 state revenue limitation replacement property tax and
24 income surtax and providing effective date and
25 applicability provisions".

S-5585

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 18, by inserting after the word
4 "percent," the following: "and approved at the
5 election as provided in section 422C.1,".

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-5586

1 Amend the amendment, S-5475, to House File 2450, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 4 the follow-
5 ing:

6 "Sec. ____ . Section 602.9106, Code 1991, is
7 amended to read as follows:

8 602.9106 RETIREMENT.

9 Any person who shall have become separated from
10 service as a judge of any of the courts included in
11 this article and who has had an aggregate of at least
12 six years of service as a judge of one or more of such
13 courts and shall have attained the age of sixty-five
14 years or who has had twenty-five years of consecutive
15 service as a judge of one or more of said courts, or
16 who qualifies as a senior judge in accordance with
17 section 602.9203A and whose name is added to the
18 roster of senior judges as provided in section
19 602.9203A, subsection 3, and who shall have otherwise
20 qualified as provided in this article, shall be

21 entitled to an annuity as hereinafter provided.

22 Sec. ____ . Section 602.9202, subsection 1, Code

23 1991, is amended to read as follows:

24 1. "Senior judge" means a supreme court judge,
25 court of appeals judge, district court judge, or
26 district associate judge who meets the requirements of
27 section 602.9203 or section 602.9203A and who has not
28 been retired or removed from the roster of senior
29 judges under section 602.9207 or 602.9208.

30 Sec. ____ . NEW SECTION. 602.9203A ALTERNATIVE
31 PROCEDURE FOR QUALIFICATION AS A SENIOR JUDGE.

32 1. A supreme court judge, court of appeals judge,
33 district judge, or district associate judge, who
34 qualifies under subsection 2, may become a senior
35 judge by filing a written election form in the manner
36 provided in section 602.9203. A judge who qualifies
37 for senior judge status pursuant to both this section
38 and section 602.9203 shall only be required to file
39 one written election form, and shall not be required
40 to specify the section under which the judge is
41 proceeding.

42 2. A judge referred to in subsection 1 qualifies
43 for a senior judgeship if the judge meets all of the
44 following:

45 a. Retires from office on or after July 1, 1992,
46 whether or not the judge is of mandatory retirement
47 age.

48 b. Has attained the age of fifty-five or more at
49 the time of retirement with at least twenty years of
50 consecutive service.

Page 2

1 c. Agrees in writing on a form prescribed by the
2 court administrator to be available as a senior judge
3 to perform judicial duties as assigned by the supreme
4 court for an aggregate period of thirteen weeks out of
5 each successive twelve-month period for at least three
6 consecutive twelve-month periods, health permitting.

7 d. Submits evidence to the supreme court as
8 required pursuant to section 602.9203, subsection 2,
9 paragraphs "d" and "e".

10 3. The clerk of the supreme court shall include
11 persons who file timely elections and qualify as
12 senior judges pursuant to this section in the roster
13 of senior judges pursuant to section 602.9203,
14 subsection 3, and the person shall be a senior judge
15 upon entry of the name in the roster of senior judges
16 and until the person becomes a retired senior judge as
17 provided in section 602.9207, or until the person's

18 name is stricken from the roster of senior judges as
19 provided in section 602.9208, or until the person
20 dies. However, notwithstanding any other provision of
21 law to the contrary, including but not limited to this
22 section, if during the entire period for filing a
23 written election pursuant to this section, the supreme
24 court verifies that there are insufficient judicial
25 duties for the judge to perform or insufficient
26 appropriations, the judge shall not be added to the
27 roster of senior judges unless the judge qualifies
28 pursuant to section 602.9203.

29 4. The supreme court shall cause each senior judge
30 added to the roster in accordance with this section to
31 actually perform judicial duties during each
32 successive twelve-month period."

33 2. Page 2, by inserting after line 4 the
34 following:

35 " ____ . Page 46, by inserting after line 10 the
36 following:

37 "Sec. ____ . Section 602.9204, Code 1991, is amended
38 by adding the following new unnumbered paragraph:
39 NEW UNNUMBERED PARAGRAPH. If a senior judge
40 becomes a senior judge pursuant to section 602.9203A,
41 notwithstanding any other provision to the contrary,
42 the state shall also continue to pay the state's share
43 of other insurance premiums for programs in which the
44 judge was a participant at the time of retirement and
45 in which the state made contributions, including but
46 not limited to life insurance, dental insurance, and
47 disability insurance, until the senior judge attains
48 the age of sixty-five, is stricken from the roster of
49 senior judges as provided in section 602.9208, or
50 dies."

Page 3

1 3. Page 2, by inserting after line 4 the
2 following:

3 " ____ . Page 46, by inserting after line 20 the
4 following:

5 "Sec. ____ . Section 602.9206, unnumbered paragraph
6 2, Code 1991, is amended to read as follows:

7 A senior judge also shall be available to serve in
8 the capacity of administrative law judge under chapter
9 17A upon the request of an agency, and the supreme
10 court may assign a senior judge for temporary duties
11 as an administrative law judge. A senior judge shall
12 not be required to serve a period of time as an
13 administrative law judge which, when added to the
14 period of time being served by the person as a judge,

15 if any, would exceed the maximum period of time the
16 person agreed to serve pursuant to section 602.9203,
17 subsection 2, or section 602.9203A, subsection 2.

18 Sec. ____ . Section 602.9203, subsection 1, Code
19 1991, is amended to read as follows:

20 1. A senior judge, at any time prior to the end of
21 the twelve-month period during which the judge attains
22 seventy-eight years of age, may submit to the clerk of
23 the supreme court a written request that the judge's
24 name be stricken from the roster of senior judges.
25 Upon the receipt of the request the clerk shall strike
26 the name of the person from the roster of senior
27 judges, at which time the person shall cease to be a
28 senior judge. A person who relinquishes a senior
29 judgeship as provided in this subsection may be
30 assigned to temporary judicial duties as provided in
31 section 602.1612. However, if a senior judge who
32 became a senior judge in accordance with section
33 602.9203A requests to be stricken from the roster of
34 senior judges prior to completing service for at least
35 three consecutive twelve-month periods, the senior
36 judge shall not be entitled to any additional benefits
37 for service pursuant to this part unless the supreme
38 court determines that the senior judge's health would
39 not permit completion of three consecutive twelve-
40 month periods. If the supreme court determines that
41 the senior judge's health permits continued service
42 for the remainder of the three twelve-month periods
43 and the senior judge still wishes to discontinue
44 service, the supreme court shall determine and the
45 senior judge shall refund to the state the amount of
46 any additional benefits which the senior judge has
47 received pursuant to this part, including but not
48 limited to the payment of insurance premiums by the
49 state on behalf of the senior judge.

50 Sec. ____ . Section 602.9203, subsection 3, Code

Page 4

1 1991, is amended to read as follows:

2 3. A Except as otherwise provided in subsection 1,
3 a person who relinquishes a senior judgeship in the
4 manner provided in subsection 1 shall be paid a
5 retirement annuity that commences on the effective
6 date of the relinquishment and shall be based upon the
7 number of years the person served as a senior judge.
8 A person who serves six or more years as a senior
9 judge shall be paid a retirement annuity that is in an
10 amount equal to the amount of the annuity the person
11 is receiving on the effective date of the

12 relinquishment in lieu of an amount determined
13 according to section 602.9204. If the person serves
14 less than six years as a senior judge, the person
15 shall be paid a retirement annuity that is in an
16 amount equal to an amount determined according to
17 section 602.9107 added to an amount equal to the
18 number of years the person served as a senior judge,
19 divided by six, multiplied by the difference between
20 the amount of the annuity the person is receiving on
21 the effective date of the relinquishment and the
22 amount determined according to section 602.9107. A
23 person who is removed from a senior judgeship as
24 provided in subsection 2 shall be paid a retirement
25 annuity that commences on the effective date of the
26 removal and is in an amount determined according to
27 section 602.9107 in lieu of section 602.9204, and any
28 service and annuity of the person as a senior judge is
29 disregarded.””
30 4. By renumbering and correcting internal
31 references as necessary.

DONALD V. DOYLE
BILL PALMER
GEORGE R. KINLEY

S-5587

1 Amend House File 2455, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 13, line 13, by striking the words “state
4 public defender” and inserting the following: “county
5 attorney”.
6 2. Page 13, by striking lines 24 through 28.

JOE WELSH
HARRY SLIFE

S-5588

1 Amend House File 2417, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 “Section 100. Section 422.43, subsection 11,
6 unnumbered paragraph 3, as enacted by 1992 Iowa Acts,
7 Senate File 2116, section 406, is amended to read as
8 follows:
9 For purposes of this subsection, “consultant
10 services” means services provided, except as otherwise
11 stated in this paragraph, by a person who purports to

12 give expert or professional advice on any subject
 13 including, but not limited to, advice on audiovisual,
 14 business, computer and data processing, insurance,
 15 management, marketing, security, and weather and
 16 meteorology. "Consultant services" does not mean
 17 services provided by a person licensed, registered, or
 18 certified by boards listed in section 258A.1, or
 19 licensed under chapter 80A, 152A, 154C, 522, or 602,
 20 article 10, or registered under section 455G.18, if
 21 the services provided come within the purview of such
 22 person's license, registration, or certification."

23 2. Page 2, by inserting after line 9, the
 24 following:

25 "Sec. ____ . Section 100 of this Act, relating to
 26 groundwater professionals, being deemed of immediate
 27 importance, takes effect upon enactment."

28 3. Title page, line 1, by inserting after the
 29 word "Act" the following: "relating to groundwater
 30 professionals and".

31 4. Title page, line 4, by inserting after the
 32 word "fund" the following: "and providing an
 33 effective date".

EMIL HUSAK

S-5589

1 Amend the House amendment, S-5418, to Senate File
 2 2257, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, line 13, by inserting after the word
 5 "released." the following: "However, not more than
 6 twenty-five percent of the total number of the hen
 7 pheasants which are released shall be taken on a game
 8 preserve."

9 2. Page 1, by striking lines 15 through 20.

BERL PRIEBE

S-5590

1 Amend the House amendment, S-5556, to Senate File
 2 2249, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 2, by inserting after line 7 the
 5 following:

6 "Sec. ____ . Section 99D.12, subsection 1, Code
 7 Supplement 1991, is amended to read as follows:

8 1. In horse races the breakage shall be retained
 9 by the licensee to supplement purses for races

10 restricted to Iowa-foaled horses or to supplement
 11 purses won by Iowa-foaled horses by finishing first,
 12 second, third, or fourth in any other race. The purse
 13 supplements will be paid in proportion to the purse
 14 structure of the race. Two percent shall be deposited
 15 by the commission into a special fund to be known as
 16 the horse racing promotion fund. The commission each
 17 year shall approve a nonprofit organization to use
 18 moneys in the fund for research, education, and
 19 marketing of horse racing in the state, including
 20 public relations, and other promotional techniques.
 21 The nonprofit organization shall not engage in
 22 political activity. It shall be a condition of the
 23 allocation of funds that any organization receiving
 24 funds shall not expend the funds on political activity
 25 or on any attempt to influence legislation."
 26 2. By renumbering sections and internal
 27 references as necessary.

BERL PRIEBE

S-5591

1 Amend House File 2450, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 18, lines 6 and 7, by striking the words
 4 "six months months' or less duration." and inserting
 5 the following: "less than six months or less duration
 6 or one thousand and forty hours in a calendar year."
 7 2. Page 18, line 11, by inserting after the word
 8 "paragraph." the following: "Adjunct instructors are
 9 temporary employees for the purposes of this chapter.
 10 As used in this section, unless the context otherwise
 11 requires, "adjunct instructors" means instructors
 12 employed by a community college without a continuing
 13 contract, whose teaching load does not exceed one-half
 14 time for two full semesters or three full quarters per
 15 calendar year."
 16 3. By renumbering and correcting internal
 17 references as necessary.

JOHN KIBBIE
RICHARD F. DRAKE

S-5592

1 Amend the amendment, S-5475, to House File 2450, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking lines 5 and 6, and

5 inserting the following:

6 " ____ . Page 47, by striking lines 25 through 35,

7 and inserting the following:

8 "Sec. ____ . SENIOR JUDGES -- EFFECTIVE DATE --
9 IMPLEMENTATION.

10 1. Section 100 of this Act takes effect January 1,
11 1993.

12 2. Notwithstanding the amendments to section
13 602.9204 contained in section 100 of this Act, all
14 judges whose names are entered on the roster of senior
15 judges pursuant to section 602.9203, subsection 3, as
16 of December 31, 1992, and all persons who are retired
17 senior judges as of December 31, 1992, shall continue
18 to receive an annuity calculated pursuant to section
19 602.9204, Code 1991, and shall not be subject to the
20 amendments to that section contained in this Act.
21 This Act shall not be construed in a manner which
22 reduces benefits to persons who participated as senior
23 judges prior to January 1, 1993."

24 2. By renumbering as necessary.

JOHN KIBBIE
DONALD V. DOYLE
RICHARD F. DRAKE

S-5593

1 Amend Senate File 2280 as follows:

2 1. Page 10, by inserting after line 11 the
3 following:

4 "Sec. ____ . Section 97B.41, subsection 1, paragraph
5 b, subparagraph (11), Code 1991, is amended to read as
6 follows:

7 (11) (a) Commencing January 1, 1991 1993, for
8 each calendar year, the department shall increase the
9 covered wages limitation from the previous calendar
10 year by three thousand dollars if the annual actuarial
11 valuation of the assets and liabilities of the
12 retirement system indicates that the cost of the
13 increase in covered wages can be absorbed within the
14 employer and employee contribution rates in effect
15 under section 97B.11, subject to the restrictions in
16 subparagraph subdivision (b). However, covered wages
17 shall not exceed fifty-five thousand dollars for a
18 calendar year.

19 (b) Commencing January 1, 1993, an increase in the
20 covered wage limitation pursuant to this subparagraph
21 shall not take effect unless and until retired members
22 receive a cost-of-living adjustment for the same
23 calendar year, pursuant to section 97B.49, subsection

24 17. If a cost-of-living adjustment has gone into
 25 effect and the annual actuarial valuation of the
 26 retirement system in any year indicates that the cost
 27 of the increase in the covered wage limitation
 28 provided under this subparagraph and the increase in
 29 the monthly benefit formula provided in section
 30 97B.49, subsection 5, paragraph "b", cannot be
 31 absorbed within the employer and employee contribution
 32 rates in effect under section 97B.11, the department
 33 shall reduce the increase provided in this
 34 subparagraph by an amount sufficient to pay for the
 35 increase in the benefit percent. If a cost-of-living
 36 adjustment has gone into effect and the annual
 37 actuarial valuation of the retirement system indicates
 38 that the cost of the increase in the covered wage
 39 limitation and the increase in the monthly benefit
 40 formula can be absorbed within existing contribution
 41 rates, the department shall increase the covered wage
 42 limitation as provided in subparagraph subdivision
 43 (a)."

44 2. Page 21, lines 22 and 23, by striking the
 45 words and figure "unnumbered paragraph 1" and
 46 inserting the following: "paragraph b".

47 3. Page 21, by inserting before line 24 the
 48 following:

49 "b. (1) For each active or inactive vested member
 50 retiring on or after July 1, 1990, with four or more

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1 complete years of service, a monthly benefit shall be
 2 computed which is equal to one-twelfth of an amount
 3 equal to fifty-two percent of the three-year average
 4 covered wage multiplied by a fraction of years of
 5 service.

6 (2)".

7 4. Page 21, line 32, by inserting after the
 8 figure "97B.11" the following: ", subject to the
 9 restrictions contained in subparagraph (3)".

10 5. Page 21, by inserting after line 35 the
 11 following:

12 "(3) Commencing January 1, 1993, an increase in
 13 the percentage multiplier pursuant to this paragraph
 14 shall not go into effect unless and until retired
 15 members receive a cost-of-living adjustment for the
 16 same calendar year, pursuant to subsection 17. If a
 17 cost-of-living adjustment has gone into effect and the
 18 annual actuarial valuation of the retirement system in
 19 any year indicates that the full cost of the increase
 20 provided under this paragraph cannot be absorbed

21 within the employer and employee contribution rates in
 22 effect under section 97B.11, the department shall
 23 reduce the increase to a level which the department
 24 determines can be so absorbed. If a cost-of-living
 25 adjustment has gone into effect and the annual
 26 actuarial valuation of the retirement system indicates
 27 that the increase in the percentage multiplier can be
 28 absorbed within existing contribution rates, the
 29 department shall increase the percentage multiplier as
 30 provided in subparagraph (2)."

31 6. Page 22, line 1, by inserting before the word
 32 "Code" the following: "paragraph b,".

33 7. Page 22, lines 2 and 3, by striking the words
 34 "after new unnumbered paragraph 2".

35 8. Page 23, by inserting after line 32 the
 36 following:

37 "Sec. ____ . Section 97B.49, Code 1991, is amended
 38 by adding the following new subsection:

39 **NEW SUBSECTION.** 17. Commencing January 1, 1993,
 40 the department shall provide, in addition to any other
 41 benefits provided in this section, a cost-of-living
 42 adjustment for retired members, if the annual
 43 actuarial valuation of the retirement system for the
 44 year indicates that the cost of the adjustment or some
 45 portion thereof can be absorbed within the employer
 46 and employee contribution rates in effect under
 47 section 97B.11. The department shall select an
 48 appropriate method for calculating the cost-of-living
 49 adjustment. A cost-of-living adjustment under this
 50 subsection must take effect before any increase in the

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1 covered wage limitation pursuant to section 97B.41,
 2 subsection 1, paragraph "b", subparagraph (11), or any
 3 increase in the percentage multiplier pursuant to
 4 section 97B.49, subsection 5, paragraph "b", is
 5 implemented."

6 9. By renumbering and correcting internal
 7 references as necessary.

RICHARD RUNNING

S-5594

1 Amend the House amendment, S-5568, to Senate File
 2 2117, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by striking lines 14 through 17 and
 5 inserting the following:

6 "___ . The governmental services care advisory
7 committee shall review and evaluate procedures for the
8 implementation of a statewide network for the
9 electronic processing and payment of claims for health
10 care services. The committee shall seek input from
11 health care providers and other persons with expertise
12 in electronic health care claims processing in
13 conducting its review and evaluation."

RICHARD VARN

S-5595

1 Amend the House amendment, S-5499, to Senate File
2 2302, 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 striking lines 4 through 6 and
7 inserting the following: "action by a child which,
8 notwithstanding any age limitations contained in
9 section 236.2, would otherwise fall within the
10 definition of domestic"."

11 2. Page 1, by inserting after line 4 the
12 following:

13 "___ . Page 2, line 10, by inserting after the
14 word "together" the following: ", and the person
15 committing the assault is eighteen years of age or
16 older"."

17 3. Page 1, by inserting before line 10 the
18 following:

19 "___ . Page 2, line 15, by inserting after the
20 word "together" the following: ", and the person
21 committing the assault is eighteen years of age or
22 older"."

23 4. By renumbering and correcting internal
24 references as necessary.

RALPH ROSENBERG

S-5596

1 Amend the amendment, S-5528, to Senate File 2244,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 18, by striking the words "the
5 Iowa animal agriculture" and inserting the following:

6 "a swine producer from the Iowa animal agricultural
7 development".

JOHN E. SOORHOLTZ
DERRYL MCLAREN
BERL E. PRIEBE
EMIL J. HUSAK

S-5597

1 Amend the amendment, S-5528, to Senate File 2244,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 19 the
5 following:

6 "Sec. ____ . MORATORIUM. Notwithstanding section
7 172C.2, a cooperative association organized in this or
8 any other state, which is a processor as defined in
9 section 172C.1 controlling the manufacturing,
10 processing, or preparation of pork products derived
11 from swine, shall not, on or after the effective date
12 of this Act and until March 15, 1993, directly or
13 indirectly contract with a person to provide for the
14 care and feeding of swine in this state."

15 2. Page 1, line 24, by inserting after the word
16 "study" the following: "and a moratorium".

JOHN E. SOORHOLTZ
DERRYL MCLAREN
EMIL J. HUSAK
BERL E. PRIEBE

S-5598

1 Amend Senate File 2363 as follows:

2 1. Page 4, by inserting after line 9, the
3 following:

4 "____ . For the purposes of subsection 3, for the
5 fiscal year beginning July 1, 1992, and ending June
6 30, 1993, an advanced registered nurse practitioner
7 certified as a nurse-midwife shall be included in the
8 list of practitioners in section 135B.7, unnumbered
9 paragraph 2."

10 2. By renumbering as necessary.

MIKE CONNOLLY

S-5599

- 1 Amend House File 2455, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 13, by striking lines 6 through 32.
- 4 2. By striking page 18, line 16, through page 22,
- 5 line 29.
- 6 3. Renumber as necessary.

RICHARD RUNNING

S-5600

- 1 Amend House File 2455, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 8, line 28, by striking the figure
- 4 "643,998" and inserting the following: "673,998".

RICHARD RUNNING

S-5601

- 1 Amend House File 2455, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 26, by striking the figure "\$65"
- 4 and inserting the following: "\$25".
- 5 2. Page 3, by inserting after line 31, the
- 6 following:
- 7 " — The industrial commissioner shall study and
- 8 make written recommendations concerning options to
- 9 fund the division involving the assessment of all
- 10 employers relieved from the requirement of obtaining
- 11 insurance pursuant to section 87.11, all group self-
- 12 insured associations or plans authorized by section
- 13 87.4, and all insurance companies writing insurance
- 14 policies authorized by section 515.48, subsection 5,
- 15 paragraph "d". Recommendations made shall provide for
- 16 complete and total funding of the operations of the
- 17 division of industrial services and shall also provide
- 18 a plan of implementation and any legislative proposals
- 19 or actions necessary to implement the recommendations.
- 20 The report shall be provided in writing to the general
- 21 assembly and the legislative fiscal bureau no later
- 22 than January 20, 1993."
- 23 3. By renumbering as necessary.

RICHARD RUNNING

S-5602

1 Amend House File 2455, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, by striking lines 8 through 29 and
4 inserting the following:
5 "NEW SUBSECTION. 5A. The state public defender
6 shall".
7 2. Page 13, line 32, by striking the word and
8 figure "subsection 5B" and inserting the following:
9 "section 331.756, subsection 86,".
10 3. By striking page 18, line 16, through page 22,
11 line 11, and inserting the following:
12 "Sec. ____ . Section 331.756, Code 1991, is amended
13 by adding the following new subsections:
14 NEW SUBSECTION. 86. Establish and implement
15 recoupment and collection procedures in all indigent
16 defense cases which shall include, but not be limited
17 to, all of the following:
18 a. Petitioning the court to include the payment of
19 fines, court costs, and restitution of all or a
20 portion of attorney fees as a condition of probation
21 and to order the defendant to appear before the court
22 if these conditions have not been satisfied.
23 b. Petitioning the court for the imposition of a
24 civil judgment against the indigent defendant which
25 shall be assigned to private counsel for collection.
26 c. Petitioning the court for an assignment of
27 wages of the indigent defendant.
28 d. Assisting the department of revenue and finance
29 in the implementation of the setoff under section
30 421.17, subsection 25A, in regard to money owed to the
31 state for indigent defense services provided to the
32 indigent defendant.
33 NEW SUBSECTION. 87. Make a written report to the
34 state public defender within fifteen days of the end
35 of each calendar quarter of the amount of funds
36 recouped pursuant to subsection 86.
37 Sec. ____ . Section 421.17, Code Supplement 1991, is
38 amended by adding the following new subsection:
39 NEW SUBSECTION. 25A. To establish and maintain a
40 procedure to set off against a debtor's income tax
41 refund or rebate any debt which is due, owing, and
42 payable to the state as restitution of attorney fees
43 incurred as a result of services provided under
44 chapters 13B and 815, and section 232.141. The
45 procedure shall meet the following conditions:
46 a. Before setoff all outstanding tax liabilities
47 collectible by the department shall be satisfied
48 except that no portion of a refund or rebate shall be

49 credited against tax liabilities which are not yet
50 due.

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1 b. Before setoff the county attorney shall obtain
2 and forward to the department the full name and social
3 security number of the debtor. The department shall
4 cooperate in the exchange of relevant information with
5 the county attorney. However, only relevant
6 information required by the county attorney shall be
7 provided by the department. The information shall be
8 held in confidence and shall be used for purposes of
9 setoff only.

10 c. The county attorney shall, at least quarterly
11 and monthly if practicable, submit to the department
12 for setoff the debts described in this subsection,
13 which are at least fifty dollars.

14 d. Upon submission of a claim the department shall
15 notify the county attorney if the debtor is entitled
16 to a refund or rebate and of the amount of the refund
17 or rebate and the debtor's address on the income tax
18 return.

19 e. Upon notice of entitlement to a refund or
20 rebate the county attorney shall send written
21 notification to the debtor of the county attorney's
22 assertion of rights to all or a portion of the
23 debtor's refund or rebate and the entitlement to
24 recover the debt through the setoff procedure, the
25 basis of the assertion, the opportunity to request
26 that a joint income tax refund or rebate be divided
27 between spouses, and the debtor's opportunity to give
28 written notice of intent to contest the amount of the
29 claim. The county attorney shall send a copy of the
30 notice to the department.

31 f. Upon the request of a debtor or a debtor's
32 spouse to the county attorney, filed within fifteen
33 days from the mailing of the notice of entitlement to
34 a refund or rebate, and upon receipt of the full name
35 and social security number of the debtor's spouse, the
36 county attorney shall notify the department of the
37 request to divide a joint income tax refund or rebate.
38 The department shall upon receipt of the notice divide
39 a joint income tax refund or rebate between the debtor
40 and the debtor's spouse in proportion to each spouse's
41 net income as determined under section 422.7.

42 g. The department shall, after notice has been
43 sent to the debtor by the county attorney, set off the
44 debt against the debtor's income tax refund or rebate.
45 The department shall transfer at least quarterly and

46 monthly if practicable, the amount set off to the
47 general fund of the state, less an amount as provided
48 in paragraph "h". If the debtor gives timely written
49 notice of intent to contest the amount of the claim,
50 the department shall hold the refund or rebate until

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1 final determination of the correct amount of the
2 claim. The county attorney shall notify the debtor in
3 writing upon completion of setoff.

4 h. The department shall, prior to any transfer
5 pursuant to paragraph "g" and after application is
6 made by the county attorney as provided by the
7 department, transfer an amount to the county attorney
8 equal to the costs incurred by the county attorney as
9 shown in the application."

10 4. Page 22, lines 24 and 25, by striking the
11 words "the state public defender under subsection 21"
12 and inserting the following: "a county attorney under
13 subsection 25A".

14 5. Page 23, by inserting after line 21, the
15 following:

16 "Sec. ____ . The supreme court shall review the
17 indigency criteria and procedures used by district
18 court judges for reviewing attorney fee claims for
19 indigent defense in an effort to implement uniform
20 application of such criteria and procedures.

21 Sec. 101. PILOT PROJECT.

22 1. The state public defender shall establish a
23 two-year pilot project to contract with private
24 attorneys for the provision of legal services to
25 indigent persons in two counties, with such counties
26 to be determined by the chief justice of the supreme
27 court, pursuant to this section.

28 2. If the local public defender is unable to
29 handle a case, because of a conflict of interest or
30 overload of cases, or if a county is not served by a
31 local public defender, the court shall appoint other
32 counsel for the indigent person as follows:

33 a. Subject to paragraph "b", the court shall
34 appoint an attorney designated by the state public
35 defender as a contract attorney in the county to
36 handle the case. Appointment of contract attorneys
37 shall be on a rotational or equalizational basis,
38 while taking into consideration the experience of the
39 contract attorneys and the difficulty of the case.

40 b. If the court determines that the nature of the
41 charge or the complexity of the issues in a case
42 requires that an attorney, other than the attorney or

43 attorneys who have contracted with the state public
 44 defender, be appointed, the court may appoint a
 45 noncontract attorney that the court deems appropriate
 46 to provide legal services to the indigent person. If
 47 the court appoints a noncontract attorney under this
 48 paragraph, the court shall notify the state public
 49 defender in writing of the reasons for not appointing
 50 the attorney specified in the state public defender

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1 contract for legal services to indigent persons and
 2 submit a copy of the notification to the state public
 3 defender within five working days of the date of the
 4 appointment of other counsel.

5 3. This section is repealed June 30, 1994.

6 Sec. 102. REPORT.

7 1. The state public defender shall make a written
 8 report to the legislative fiscal bureau on or before
 9 January 10, 1994, concerning the pilot project
 10 established in section 101 of this Act. The report
 11 shall include the following information:

12 a. Type and number of cases, and the number of
 13 cases which proceed to trial, for which legal services
 14 are being provided under the pilot project.

15 b. The rate paid to the contract attorneys.

16 c. The total number of hours dedicated to
 17 providing the legal services.

18 d. The total cost incurred in providing the legal
 19 services.

20 2. The information collected pursuant to
 21 subsection 1 shall be provided to the indigent defense
 22 advisory commission established pursuant to section
 23 13B.2A, which shall review the information and make
 24 recommendations to the general assembly concerning the
 25 elimination or continuation of the use of contract
 26 attorneys in providing indigent defense. The
 27 recommendations shall be provided prior to March 1,
 28 1994."

29 6. Renumber as necessary.

RICHARD RUNNING

S-5603

1 Amend Senate File 2363 as follows:

2 1. Page 1, by inserting after line 35, the
 3 following:

4 "3. Nothing in this section shall be construed or
 5 is intended as, or shall imply, a grant of entitlement

6 for services to persons who are eligible for services
7 in accordance with the provisions of this section.
8 Any state obligation to provide services pursuant to
9 this section is limited to the extent of the funds
10 appropriated in this section."

ELAINE SZYMONIAK

S-5604

1 Amend the House amendment, S-5078, to Senate File
2 260, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 4, line 25, by striking the figure "1992"
5 and inserting the following: "1993".

ALVIN V. MILLER

S-5605

1 Amend House File 2205, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 6, by striking the figure "1995"
4 and inserting the following: "1994".
5 2. Page 1, line 19, by inserting after the word
6 "environment." the following: "During the period from
7 July 1, 1992, through June 30, 1994, the director
8 shall require an existing sanitary landfill to install
9 a leachate control system if the sanitary landfill has
10 not submitted a completed hydrogeological plan to the
11 department."
12 3. Page 3, by inserting after line 6, the
13 following:
14 "Sec. ____ . Section 455B.311, Code 1991, is amended
15 by adding the following new subsection:
16 NEW SUBSECTION. 3A. Grants shall not be awarded
17 to a city, county, or central planning agency if the
18 entity has not submitted a completed hydrogeological
19 plan to the department."
20 4. Page 3, line 24, by inserting after the word
21 "landfill" the following: "or to defray the costs of
22 closure of the sanitary landfill, the costs related to
23 the establishment of a transfer station, or the costs
24 of a hydrogeological plan."
25 5. By renumbering as necessary.

RALPH ROSENBERG

S-5606

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking everything after the
4 enacting clause and inserting the following:
5 "Section 1. NEW SECTION. 135.24 EMERGENCY
6 MEDICAL SERVICES - LEAD AGENCY.

7 The department shall be the lead agency responsible
8 for coordinating, regulating, and implementing the
9 provision of emergency medical services in this state.
10 Sec. 2. NEW SECTION. 357F.1 BOARD OF TRUSTEES.

11 A benefited emergency medical services district
12 shall be governed by a board of trustees consisting of
13 three members who shall serve overlapping, three-year
14 terms. Each trustee shall give bond in an amount to
15 be determined by the board of supervisors, the premium
16 for which shall be paid by the district of the
17 trustee. The members of the board of trustees shall
18 be elected at an election or, if there are
19 insufficient candidates for the office, appointed by
20 the board of supervisors from among the qualified
21 electors of the district. Notice of the election
22 shall be given by publication in a newspaper having
23 general circulation within the district. The notice
24 shall contain the date, time, and location of the
25 election. The elections shall be conducted in
26 accordance with chapter 49 when such provisions are
27 not in conflict with this chapter. The precinct
28 election officials shall be appointed by the board of
29 supervisors from among the qualified electors of the
30 district and shall serve without pay. Any vacancy on
31 the board shall be filled by appointment of the board
32 of supervisors for the unexpired term. If a benefited
33 emergency medical services district is located in more
34 than one county, joint action of the boards of
35 supervisors of the affected counties is required to
36 appoint the members of the board of trustees, to
37 determine the amount of bond, or to dissolve the
38 district as provided in this chapter.

39 Sec. 3. NEW SECTION. 357F.2 POWERS OF THE BOARD
40 OF TRUSTEES.

41 The board of trustees may purchase, own, rent, or
42 maintain emergency medical services apparatus or
43 equipment within the state or outside the territorial
44 jurisdiction and boundary limits of this state and
45 provide housing for such apparatus or equipment. The
46 board of trustees may contract with any public or
47 private agency under chapter 28E for the purpose of
48 providing emergency medical services under this

49 chapter.

50 Sec. 4. NEW SECTION. 357F.3 DISSOLUTION OF

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1 DISTRICT.

2 1. Upon petition of a number of registered voters
3 residing in a district at least equal to thirty-five
4 percent of the property taxpayers in the district, the
5 board of supervisors may dissolve a benefited
6 emergency medical services district and dispose of any
7 remaining property, the proceeds of which shall first
8 be applied against any outstanding obligation of the
9 district. Any remaining balance shall be applied as a
10 tax credit for the property owners of the district.
11 However, except as provided in subsection 2, if all or
12 a part of a district is annexed, the board of
13 supervisors may transfer the remaining property and
14 balance to the city which annexed the territory. The
15 board of supervisors shall continue to levy an annual
16 tax after the dissolution of a district, not to exceed
17 forty and one-half cents per thousand dollars of
18 assessed value of the taxable property of the
19 district, until all outstanding obligations of the
20 district are paid.

21 2. If a benefited emergency medical services
22 district is dissolved that has been providing
23 emergency medical services by contract, direct levy,
24 or combination of both, to a city within the district
25 for at least twenty years and the city's annual
26 payments by contract or levy for the emergency medical
27 services comprise seventy-five percent or more of the
28 district's annual budget, the board of supervisors, in
29 lieu of the disposal of property as provided in
30 subsection 1, shall transfer to the city all of the
31 district's real and personal property. The city shall
32 assume all of the outstanding obligations of the
33 district. If the district provides emergency medical
34 services outside of the city's boundaries, the city
35 shall continue to provide emergency medical services
36 to this area until it is assigned to another emergency
37 medical services district by the board of supervisors.
38 If the city continues the emergency medical services
39 outside its boundaries, the city shall certify to the
40 board of supervisors the cost of providing this
41 service, which shall be at the same rate as contained
42 in the budget for property within the city, but not
43 exceeding forty and one-half cents per thousand
44 dollars of assessed value of all taxable property in
45 the area. The tax shall be collected and allocated in

46 the same manner as other property taxes and paid to
47 the city.
48 Sec. 5. NEW SECTION. 357F.4 USE OF FEDERAL
49 REVENUE-SHARING FUNDS.
50 The board of supervisors may appropriate federal

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1 revenue-sharing funds to aid in providing emergency
2 medical services and equipment jointly with any other
3 public agency of this state to residents of such
4 county. The board of supervisors may use federal
5 revenue-sharing funds for providing other services and
6 equipment for use of the residents of the county. The
7 use of federal revenue-sharing funds shall be
8 consistent with federal law and rules promulgated
9 pursuant to such law.

10 Sec. 6. NEW SECTION. 357F.5 EXCHANGE OF
11 TERRITORY.

12 The trustees of a benefited emergency medical
13 services district may exchange territory with the
14 trustees of a township to provide emergency medical
15 services by agreement. The agreement shall provide
16 for the satisfaction of any outstanding obligation to
17 which the affected territory is subject, the
18 disposition of property affected by the exchange, the
19 effective date of the exchange, and any other matter
20 deemed necessary to carry out the exchange. The
21 agreement shall be filed with the county recorder and
22 auditor of each county in which the exchanged property,
23 is located.

24 Sec. 7. NEW SECTION. 357F.6 EMERGENCY MEDICAL
25 SERVICES DISTRICT INCLUDING A CITY -- BUDGET PAYMENT
26 OR SEPARATE LEVY.

27 1. A city that was part of a benefited emergency
28 medical services district prior to the city's
29 incorporation may continue to receive emergency
30 medical services from the district under a contract or
31 direct levy by the district. The annual amount paid
32 by the city to the benefited emergency medical
33 services district shall be included in the city's
34 annual budget and shall be a part of the city's
35 general fund tax levy.

36 2. An existing levy for emergency medical services
37 by a city shall be in lieu of a levy imposed by a
38 benefited emergency medical services district.

39 Sec. 8. NEW SECTION. 357F.7 DETACHMENT OF LAND
40 FROM DISTRICT.

41 The trustees of a township, after notice and a
42 public hearing, may withdraw the township or part of

43 the township from a benefited emergency medical
44 services district. Notice of the time, date and place
45 of the hearing shall be published at least two weeks
46 before the hearing in a newspaper having general
47 circulation within the township. The notice shall
48 also identify the area to be withdrawn. After the
49 hearing on the proposed withdrawal, the township
50 trustees, by majority vote, may withdraw the township

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1 or a part of the township from the benefited emergency
2 medical services district. If the township trustees
3 take final action to withdraw on or before March 1 of
4 a fiscal year, the effective date of the withdrawal is
5 the following July 1. However, if final action to
6 withdraw is taken after March 1, the withdrawal is not
7 effective until July 1 of the following calendar year.

8 Sec. 9. NEW SECTION. 422C.1 AUTHORIZATION --
9 ELECTION -- IMPOSITION AND REPEAL -- USE OF REVENUES.

10 1. A county board of supervisors at the request of
11 the board of trustees of a benefited emergency medical
12 services district may offer for voter approval any of
13 the following taxes or a combination of the following
14 taxes:

15 a. Local option income surtax.

16 b. An ad valorem property tax.

17 Revenues generated from these taxes shall be used
18 for emergency medical services as provided in section
19 422C.6.

20 2. The taxes for emergency medical services shall
21 only be imposed after an election at which a majority
22 of those voting on the question of imposing the tax or
23 combination of taxes specified in subsection 1,
24 paragraph "a" or "b" vote in favor of the question.
25 The question of imposing the tax or combination of the
26 taxes may be submitted at the regular city election, a
27 special election, or state general election. Notice
28 of the question shall be provided by publication at
29 least sixty days before the time of the election and
30 shall identify the tax or combination of taxes and the
31 rate or rates, as applicable. If a majority of those
32 voting on the question approve the imposition of the
33 tax or combination of taxes, the tax or combination of
34 taxes shall be imposed as follows:

35 a. A local option income surtax shall be imposed
36 for tax years beginning on or after January 1 of the
37 fiscal year in which the favorable election was held.

38 b. An ad valorem property tax shall be imposed for
39 the fiscal year in which the election was held.

40 3. Revenues received by the county from the taxes
41 imposed under this chapter shall be deposited into the
42 emergency medical services trust fund created pursuant
43 to section 422C.6 and shall be used as provided in
44 that section.

45 4. Any tax or combination of taxes imposed shall
46 be for a maximum period of five years.

47 Sec. 10. NEW SECTION. 422C.2 LOCAL INCOME
48 SURTAX.

49 A county may impose by ordinance a local income
50 surtax at the rate set by the board of supervisors, of

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1 up to one percent, on the state individual income tax
2 of each individual residing in the county at the end
3 of the individual's applicable tax year. The reason
4 for imposing the surtax and the amount needed shall be
5 set out in the ordinance. The surtax rate shall be
6 set to raise only the amount needed. For purposes of
7 this section, "state individual income tax" means the
8 tax computed under section 422.5, less the credits
9 allowed in sections 422.11A, 422.11B, 422.11C, 422.12,
10 and 422.12B.

11 Sec. 11. NEW SECTION. 422C.3 ADMINISTRATION.

12 A local income surtax shall be imposed January 1 of
13 the fiscal year in which the favorable election was
14 held for tax years beginning on or after January 1,
15 and is repealed as provided in section 422C.1,
16 subsection 4, as of December 31 for tax years
17 beginning after December 31.

18 The director of revenue and finance shall
19 administer the local income surtax as nearly as
20 possible in conjunction with the administration of
21 state income tax laws. The director shall provide on
22 the regular state tax forms for reporting local income
23 surtax.

24 An ordinance imposing a local income surtax shall
25 adopt by reference the applicable provisions of the
26 appropriate sections of chapter 422, division II. All
27 powers and requirements of the director in
28 administering the state income tax law apply to the
29 administration of a local income surtax, including but
30 not limited to, the provisions of sections 422.4,
31 422.20 to 422.31, 422.68, 422.70, and 422.72 to
32 422.75. Local officials shall confer with the
33 director of revenue and finance for assistance in
34 drafting the ordinance imposing a local income surtax.
35 A certified copy of the ordinance shall be filed with
36 the director as soon as possible after passage.

37 The director, in consultation with local officials,
38 shall collect and account for a local income surtax
39 and any interest and penalties. The director shall
40 credit local income surtax receipts and any interest
41 and penalties collected from returns filed on or
42 before November 1 of the calendar year following the
43 tax year for which the local income surtax is imposed
44 to a "local income surtax fund" established in the
45 office of the treasurer of state. All local income
46 surtax receipts and any interest and penalties
47 received or refunded from returns filed after November
48 1 of the calendar year following the tax year for
49 which the local income surtax is imposed shall be
50 deposited in or withdrawn from the state general fund

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1 and shall be considered part of the cost of
2 administering the local income surtax.
3 Sec. 12. NEW SECTION. 422C.4 PAYMENT TO LOCAL
4 GOVERNMENT - USE OF RECEIPTS.

5 1. On or before December 15, the director of
6 revenue and finance shall make an accounting of the
7 local income surtax receipts and any interest and
8 penalties collected from returns filed on or before
9 November 1 and shall certify to the treasurer of state
10 this amount collected. The treasurer of state shall
11 remit within fifteen days of the certification by the
12 director to each county which has imposed a local
13 income surtax the amount in the local income surtax
14 fund collected as a result of its surtax.

15 2. Local income surtax moneys received by a county
16 shall be deposited and used as provided in section
17 422C.6.

18 Sec. 13. NEW SECTION. 422C.5 PROPERTY TAX LEVY.

19 A county may levy an emergency medical services tax
20 at the rate set by the board of supervisors and
21 approved at the election as provided in section
22 422C.1, on all taxable property in the county for
23 fiscal years beginning with the fiscal year in which
24 the favorable election was held. The reason for
25 imposing the tax and the amount needed shall be set
26 out on the ballot. The rate shall be set so as to
27 raise only the amount needed. The levy is repealed
28 for subsequent fiscal years as provided in section
29 422C.1, subsection 4.

30 Sec. 14. NEW SECTION. 422C.6 EMERGENCY MEDICAL
31 SERVICES TRUST FUND.

32 1. A county authorized to impose a tax under this
33 chapter shall establish an emergency medical services

34 trust fund into which revenues received from the taxes
35 imposed shall be deposited. Moneys in the trust fund
36 shall be used for emergency medical services. In
37 addition, moneys in the fund may be used for the
38 purpose of matching federal or state funds for
39 education and training related to emergency medical
40 services.

41 2. A county may enter into chapter 28E agreements
42 with other counties in order to ensure adequate
43 coverage of the county's service area.

44 3. Costs which are eligible for emergency medical
45 services trust fund expenditures include, but are not
46 limited to:

47 a. Defibrillators.

48 b. Nondisposable essential ambulance equipment, as
49 defined by rule by the Iowa department of public
50 health.

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1 c. Communications pagers, radios, and base
2 repeaters.

3 d. Training in the use of emergency medical
4 services equipment.

5 e. Vehicles including, but not limited to,
6 ambulances, fire apparatus, boats, rescue/first
7 response vehicles, and snowmobiles.

8 f. Automotive parts.

9 g. Buildings.

10 h. Land.

11 Sec. 15. Section 911.1, Code Supplement 1991, is
12 amended to read as follows:

13 911.1 CRIMINAL PENALTY SURCHARGE ESTABLISHED.

14 A criminal penalty surcharge shall be levied
15 against certain law violators as provided in section
16 911.2, subsection 1. The surcharge shall be deposited
17 as provided in section 911.3, subsection 1, and shall
18 be used for the maintenance and improvement of
19 criminal justice programs, law enforcement efforts,
20 victim compensation, crime prevention, and improvement
21 of the professional training of personnel, and the
22 planning and support services of the criminal justice
23 system.

24 Sec. 16. Section 911.2, Code Supplement 1991, is
25 amended to read as follows:

26 911.2 SURCHARGE.

27 1. When a court imposes a fine or forfeiture for a
28 violation of a state law, or of a city or county
29 ordinance except an ordinance regulating the parking
30 of motor vehicles, the court shall assess an

31 additional penalty in the form of a surcharge equal to
32 thirty percent of the fine or forfeiture imposed.

33 2. In addition to the surcharge provided under
34 subsection 1, when a court imposes a fine for any of
35 the following violations, the court shall assess an
36 additional surcharge as follows:

37 a. Driving while intoxicated, under section
38 321J.2, fifteen dollars.

39 b. Failure to use child restraint devices under
40 section 321.446, fifteen dollars.

41 c. Failure to use seatbelts under section 321.445
42 or 321.446, fifteen dollars.

43 d. Reckless driving, under section 29B.106 or
44 321.277, fifteen dollars.

45 PARAGRAPH DIVIDED. In the event of multiple
46 offenses, the surcharge shall be based upon the total
47 amount of fines or forfeitures imposed for all
48 offenses. When a fine or forfeiture is suspended in
49 whole or in part, the surcharge shall be reduced in
50 proportion to the amount suspended.

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1 3. The surcharge is subject to the provisions of
2 chapter 909 governing the payment and collection of
3 fines, as provided in section 909.8.

4 Sec. 17. Section 911.3, Code Supplement 1991, is
5 amended to read as follows:

6 911.3 DISPOSITION OF SURCHARGE.

7 1. When a court assesses a surcharge under section
8 911.2, subsection 1, the clerk of the district court
9 shall transmit sixteen and two-thirds percent of the
10 surcharge collected to the treasurer of state to be
11 deposited in the fund established in section 912.14.
12 Ninety-four percent of the remainder of the surcharge
13 collected shall be transmitted to the treasurer of
14 state by the fifteenth day of the following month.
15 The treasurer of state shall deposit that money in the
16 general fund of the state. The clerk of the district
17 court shall transmit six percent of the remainder of
18 the surcharge to the county treasurer or shall remit
19 six percent of the remainder of the surcharge to the
20 city that was the plaintiff in any action for deposit
21 in the general fund of the city.

22 2. When a court assesses a surcharge under section
23 911.2, subsection 2, the clerk of the district court
24 shall transmit ninety percent of the surcharge
25 collected to the treasurer of state by the fifteenth
26 day of the following month. From the ninety percent
27 of the surcharge collected the treasurer shall deposit

28 the first one million dollars collected into the
 29 general fund of the state and any amount in excess of
 30 one million dollars into the emergency medical
 31 services education fund. The remaining ten percent
 32 shall be deposited with the state court
 33 administrator's office to be used to defray the costs
 34 of administering this section.

35 Sec. 18. NEW SECTION. 147B.1 EMERGENCY MEDICAL
 36 SERVICES EDUCATION FUND.

37 1. The emergency medical services education fund
 38 is created in the state treasury under the control of
 39 the department. Moneys to be deposited into the fund
 40 include, but are not limited to, the surcharge imposed
 41 under section 911.2, subsection 2, as provided in
 42 section 911.3, subsection 2, amounts appropriated by
 43 the general assembly, and other moneys available from
 44 federal or private sources which are to be used for
 45 purposes of this section. Funds remaining in the
 46 education fund at the end of each fiscal year shall
 47 not revert to the general fund but shall remain in the
 48 emergency medical services education fund,
 49 notwithstanding section 8.33. Interest or other
 50 income earned by the fund shall be deposited in the

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1 fund. The education fund is established to assist
 2 counties by providing moneys for grants to a county
 3 for the acquisition of equipment for emergency medical
 4 services and training in the use of such equipment and
 5 by providing grants to counties for education and
 6 training in the delivery of emergency medical
 7 services, as provided in this section and section
 8 422C.6. A county seeking funds under this section
 9 shall apply with the emergency medical services
 10 section of the department. The section or the
 11 department shall adopt rules concerning the
 12 application and awarding process and establish by rule
 13 criteria for the allocation of moneys in the education
 14 fund if those moneys are insufficient to meet the
 15 needs of the counties.

16 2. For purposes of this section the following
 17 shall apply:

18 a. "Education" means any of the following:

19 (1) Approved training which is received after
 20 becoming certified as an EMS provider to maintain
 21 skills and knowledge and to satisfy renewal of
 22 certification requirements. This includes emergency
 23 medical training for members of the general public.

24 (2) Training approved by the Iowa department of

25 public health which is obtained by a certified basic
26 emergency medical care provider to maintain, improve,
27 or expand relevant skills and knowledge and to satisfy
28 renewal of certification requirements.

29 (3) Training approved by the state board of
30 medical examiners which is obtained by a certified
31 advanced emergency medical care provider to maintain,
32 improve, or expand relevant skills and knowledge and
33 to satisfy renewal of certification requirements.

34 b. "EMS" means emergency medical services.

35 c. "EMS course" means a course for basic or
36 advanced emergency medical care personnel pursuant to
37 section 147.161 or section 147A.4, subsection 2.

38 d. "EMS provider" means basic or advanced
39 emergency medical care personnel, other health care
40 practitioners, or members of the general public
41 involved in the provision of emergency medical care.

42 e. "Training" means any of the following:

43 (1) EMS-related courses designed and intended for
44 EMS providers.

45 (2) A program provided by a community college or a
46 law enforcement academy approved by the Iowa
47 department of public health to conduct basic emergency
48 medical care training. Law enforcement academies
49 shall be limited to first responder training for law
50 enforcement trainees. Hospital-based training

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1 programs approved by the Iowa board of medical
2 examiners to train advanced emergency medical care
3 personnel may also receive approval from the
4 department to train basic emergency medical care
5 personnel.

6 (3) A program provided by a community college or
7 hospital approved by the state board of medical
8 examiners to conduct advanced emergency medical care
9 training.

10 f. "Training aid" means an item used in EMS
11 training and includes, but is not limited to: slides,
12 films, mannequins, emergency care devices, books, and
13 other items pertinent and necessary for training
14 purposes.

15 3. a. Costs which are eligible for emergency
16 medical services education fund expenditures include,
17 but are not limited to:

18 (1) Reimbursement of tuition, fees, and materials
19 following successful completion of an EMS course.
20 Practical examination fees may also be included.

21 (2) Payment of continuing education tuition, fees,

22 and materials. Emergency medical training for the
23 general public is an allowable expense.

24 (3) Payment for EMS training aids. The title to
25 any training aid purchased with these funds shall not
26 lie with the Iowa department of public health, but
27 shall be determined by the county board of supervisors
28 or their designee.

29 b. Costs which are not eligible for funding
30 include, but are not limited to, the following:

31 (1) Building and construction costs.

32 (2) Certification or recertification fees.

33 (3) Debt amortization.

34 (4) Land.

35 (5) Lodging.

36 (6) Meals, except when included in tuition for a
37 continuing education course.

38 (7) Nontraining-related equipment.

39 (8) Operating expenses.

40 (9) Personnel costs.

41 (10) Rent.

42 (11) Travel.

43 (12) Utilities.

44 (13) Vehicles.

45 (14) Written examination fees.

46 Sec. 19. The Iowa department of public health, in
47 conjunction with the regional EMS councils and county
48 EMS associations, shall develop a plan by July 1,
49 1993, to develop a process for establishing EMS
50 standards and for providing EMS education and training

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1 throughout the state with implementation of providing
2 EMS education and training to be completed by January
3 1, 2000."

4 2. Title page, by striking lines 2 and 3 and
5 inserting the following: "establishing the Iowa
6 department of public health as lead agency for
7 emergency medical services, authorizing a county to
8 impose a local option tax or combination of taxes to
9 provide local funding, imposing a surcharge on certain
10 motor vehicle violations, and authorizing the
11 establishment of benefited emergency medical services
12 districts."

ELAINE SZYMONIAK

S-5607

1 Amend House File 2205, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 7, the
4 following:

5 "Sec. ____ . NEW SECTION. 455B.306A LOCAL APPROVAL -
6 - RECYCLING PROGRAM.

7 The city council of a city or the county board of
8 supervisors of a county which provides for the final
9 disposal of solid waste by its residents pursuant to
10 section 455B.302 shall call a referendum to be
11 conducted regarding the question of the implementation
12 of a local curbside recycling program for its
13 residents. The city council or county board of
14 supervisors shall give notice of the referendum for a
15 period of not less than five days in the official
16 newspaper of the county, as selected by the county
17 board of supervisors pursuant to section 349.1, or the
18 official newspaper of the county in which the city is
19 located, and for a similar period in other newspapers
20 as the city council or county board of supervisors
21 prescribes. A referendum shall not be commenced prior
22 to five days after the last day of the period of
23 publication. The notice of referendum shall set forth
24 the period and places for voting regarding the
25 referendum.

26 At the close of the referendum period, the city
27 council or county board of supervisors shall count and
28 tabulate the ballots cast during the period. If the
29 majority of voters favor denial of approval, the
30 program shall not be established. If the majority of
31 voters favor approval, the program shall be
32 established.

33 This section does not abrogate the responsibility
34 of a city or a county to comply with state waste
35 reduction and recycling requirements pursuant to
36 section 455B.306 and chapter 455D."

37 2. By renumbering as necessary.

MIKE CONNOLLY

S-5608

1 Amend the House amendment, S-5528, to Senate File
2 2244, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 20 and 21.

BERL E. PRIEBE

HOUSE AMENDMENT TO
SENATE FILE 2197

S-5609

1 Amend Senate File 2197, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 13, the
4 following:

5 "Sec. ____ . Section 237.18, Code 1991, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 6. In conjunction with the
8 legislative fiscal bureau and in consultation with the
9 department of human services, supreme court, and
10 private foster care providers, develop and maintain an
11 evaluation program regarding citizen foster care
12 review programming. The evaluation program shall be
13 designed to evaluate the effectiveness of citizen
14 reviews in improving case permanency planning and
15 meeting case permanency planning goals, identify the
16 amount of time children spend in foster care
17 placements, and identify problem issues in the foster
18 care system. The state board shall submit an annual
19 evaluation report to the governor and the general
20 assembly."

21 2. Page 4, by striking lines 28 and 29, and
22 inserting the following: "child's placement shall
23 either attend the review or submit testimony as
24 requested by the local board or in accordance with a
25 written protocol jointly developed by the state board
26 and the department. Oral testimony may, upon".

27 3. Page 5, by striking lines 14 through 19, and
28 inserting the following:

29 "b. If the person or agency responsible for
30 services provided to the child disagrees with the
31 review findings or recommendations, the person or
32 agency shall respond during the review or submit a
33 statement to the local board and the court within ten
34 working days of receiving the local board's report.
35 The response shall explain the reasons the person or
36 agency disagrees with the board's findings or does not
37 plan to implement the board's recommendations."

38 4. By renumbering, relettering, or redesignating
39 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2298

S-5610

1 Amend Senate File 2298, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 4 and inserting the
4 following: "sawdust, hay, straw, paper, or other
5 materials used for bedding in the production".

6 2. Title page, by striking line 2 and inserting
7 the following: "paper, and other materials used for
8 bedding in agricultural production."

HOUSE AMENDMENT TO
SENATE FILE 2348

S-5611

1 Amend Senate File 2348, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 25, by inserting before the word
4 "In" the following: "a."

5 2. Page 1, by inserting after line 32, the
6 following:

7 "b. In addition to the funds appropriated in this
8 subsection for the fiscal year beginning July 1, 1992,
9 and ending June 30, 1993, and the moneys retained by
10 the attorney general pursuant to paragraph "a", the
11 attorney general shall provide up to \$10,000 in state
12 matching funds from moneys retained by the attorney
13 general from property forfeited pursuant to section
14 809.13, for the office of the prosecuting attorneys
15 training coordinator to use for continuation of the
16 domestic violence response enhancement program.

17 The domestic violence response enhancement program
18 shall include research, training, and other services
19 pertaining to the investigation and prosecution of
20 domestic abuse assault, as defined in section 708.2A.
21 The prosecuting attorneys training coordinator shall
22 cooperate and consult with the Iowa coalition against
23 domestic violence, the office of the attorney general,
24 the department of public safety, the Iowa law
25 enforcement academy, the division of criminal and
26 juvenile justice planning of the department of human
27 rights, and other public and private agencies in the
28 continuation of this program. Components of the
29 program shall include, but are not limited to, the
30 following:

31 (1) Updating and revising, as necessary, the

32 domestic abuse prosecution manual previously published
33 by the office of the prosecuting attorneys training
34 coordinator.

35 (2) Training events concerning pertinent laws,
36 policies, and procedures relating to domestic abuse
37 for prosecuting attorneys on either a regional or
38 statewide basis, which shall be open to peace officers
39 and other interested professionals.

40 (3) Preparing and distributing brochures to assist
41 victims of domestic violence in becoming fully advised
42 of their rights and services that are available to
43 victims.

44 (4) Studying the development and promulgation of
45 comprehensive enforcement and prosecution policies to
46 improve the criminal justice system response to, as
47 well as the just disposition of, domestic violence
48 matters.

49 (5) Coordinating the efforts of prosecuting
50 attorneys and domestic abuse victims' advocates or

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1 other victims' advocates, where available, and
2 facilitating the early provision of victim advocacy
3 services."

4 3. Page 5, line 16, by striking the figure
5 "15,589,728" and inserting the following:
6 "15,644,078".

7 4. Page 9, line 4, by striking the figure
8 "5,534,630" and inserting the following: "5,525,572".

9 5. Page 9, line 20, by striking the figure
10 "4,288,557" and inserting the following: "4,279,499".

11 6. Page 10, line 23, by striking the figure
12 "7,493,279" and inserting the following: "7,484,221".

13 7. Page 11, line 1, by striking the figure
14 "5,540,423" and inserting the following: "5,531,365".

15 8. Page 11, line 17, by striking the figure
16 "3,922,795" and inserting the following: "3,913,737".

17 9. Page 12, line 2, by striking the figure
18 "3,373,835" and inserting the following: "3,364,777".

19 10. Page 16, by inserting after line 10 the
20 following:

21 "Sec. ____ . **NEW SECTION. 2.12A LEGAL EXPENSES**
22 **REVIEWED BY THE COURT.**

23 If a member or members of the general assembly are
24 involved in court proceedings on behalf of the general
25 assembly, and are represented by an attorney who is
26 not an employee of the state, and the legislative
27 council determines that the reasonable expense of the
28 court proceedings, including reasonable attorneys'

29 fees, shall be paid from funds in the state treasury
 30 appropriated pursuant to section 2.12, at the
 31 conclusion of the court proceedings, the court shall
 32 review the fees charged to the state to determine if
 33 the fees are fair and reasonable. The legislative
 34 council shall not reimburse attorneys' fees in excess
 35 of those determined by the court to be fair and
 36 reasonable.

37 Sec. ____ . Section 13.3, Code 1991, is amended to
 38 read as follows:

39 13.3 DISQUALIFICATION -- SUBSTITUTE.

40 1. If, for any reason, the attorney general be
 41 disqualified from appearing in any action or
 42 proceeding, the executive council shall appoint some
 43 suitable person for that purpose and defray the
 44 reasonable expense thereof from any unappropriated
 45 funds in the state treasury. The department involved
 46 in the action or proceeding shall be requested to
 47 recommend a suitable person to represent it ~~the~~
 48 department and when the executive council concurs in
 49 the recommendation, the person recommended shall be
 50 appointed.

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1 2. If the governor or a department is represented
 2 by an attorney other than the attorney general in a
 3 court proceeding as provided in this section, at the
 4 conclusion of the court proceedings, the court shall
 5 review the fees charged to the state to determine if
 6 the fees are fair and reasonable. The executive
 7 council shall not reimburse attorneys' fees in excess
 8 of those determined by the court to be fair and
 9 reasonable."

10 11. Page 21, by inserting after line 10, the
 11 following:

12 "Sec. ____ . Section 618.13, Code 1991, is amended
 13 to read as follows:

14 618.13 PUBLICATION OF DOCKET IN CERTAIN COUNTIES.

15 When the petition provided for in rule of civil
 16 procedure 70 is filed with the clerk of the district
 17 court in a county of one hundred ninety-eight thousand
 18 population or over, the names of the parties plaintiff
 19 and defendant in such action, the description of the
 20 real estate involved, if any, except for quieting
 21 title, partition, and suits involving tax assessments,
 22 and the names of the attorneys for the plaintiff, and
 23 the docket number assigned to such case, may, in the
 24 event the majority of the judges of the judiciary
 25 district in which such county lies, so direct, be

26 published once in a daily newspaper having a general
 27 circulation in said county; such paper to be
 28 designated by a majority of the judges of the district
 29 court. Provided, that whenever thereafter such case
 30 is assigned for trial or any other pleadings are filed
 31 therein, or court action taken with reference thereto,
 32 except general orders of court for continuations, the
 33 title of such case and kind of pleading shall be
 34 published, and if it is in an assignment for trial it
 35 shall be carried in printed assignment from day to day
 36 until final disposition."

37 12. Page 21, by inserting after line 18, the
 38 following:

39 "Sec. ____ . Section 912.4, subsection 2, Code
 40 Supplement 1991, is amended to read as follows:
 41 2. A person is not eligible for compensation
 42 unless the crime was reported to the local police
 43 department or county sheriff department within
 44 seventy-two hours of its occurrence. If the crime
 45 cannot reasonably be reported within that time period,
 46 the crime shall have been reported within seventy-two
 47 hours of the time a report can reasonably be made.
 48 The department may waive this requirement if good
 49 cause is shown."

50 13. Page 21, by striking lines 19 through 31.

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- 1 14. Page 23, by striking lines 16 through 20 and
- 2 inserting the following: "actions and to civil
- 3 consumer fraud actions, being deemed of immediate".
- 4 15. By renumbering, relettering, or redesignating
- 5 and correcting internal references as necessary.

S-5612

- 1 Amend Senate File 2363 as follows:
- 2 1. Page 4, by striking line 10 through page 5,
- 3 line 4.

MARY KRAMER
 MARK R. HAGERLA
 LINN FUHRMAN
 DERRYL MCLAREN

S-5613

- 1 Amend the amendment, S-5412, to House File 681, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:

4 1. Page 1, line 28, by inserting after the word
 5 "program" the following: "or prohibited from being
 6 made confidential pursuant to federal or state law".

RALPH ROSENBERG

S-5614

1 Amend House File 2256, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 8, the
 4 following:

5 "Sec. ____ . Section 455D.9, subsection 3, Code
 6 1991, is amended to read as follows:

7 3. The department shall develop rules which define
 8 yard waste and provide for the safe and proper method
 9 of composting. The rules adopted for a composting
 10 facility shall require that prior to the issuance of a
 11 permit for a composting facility, the facility shall
 12 submit an economic impact statement to the department.
 13 For the purpose of this subsection, "economic impact
 14 statement" means an estimate of the economic impact of
 15 the siting of a composting facility at a specific
 16 location on affected property owners."
 17 2. By renumbering as necessary.

JIM RIORDAN
 BERL E. PRIEBE

S-5615

1 Amend Senate File 2363 as follows:

2 1. Page 4, by striking lines 11 through 15, and
 3 inserting the following: "There is appropriated from
 4 moneys collected by the division of insurance pursuant
 5 to section 505.7, subsection 3, from the amount
 6 collected in excess of \$310,815, to the division of
 7 insurance for the fiscal year beginning July 1, 1992,
 8 and ending June 30, 1993, the following amount, or so
 9 much thereof as is necessary to be used for the
 10 purposes designated:"

11 2. Page 4, line 16, by inserting after the word
 12 "grant" the following: ", by the division,".

13 3. Page 5, by inserting after line 4, the
 14 following:

15 "The grant recipient shall cooperate with the
 16 division in establishing the center. The division
 17 shall perform ongoing evaluation of the activities of
 18 the center and shall make recommendations to the grant

19 recipient regarding improved effectiveness of the
20 activities of the center."

ELAINE SZYMONIAK

S-5616

1 Amend House File 2256, as amended, passed, and re-
2 printed by the House as follows:

3 1. Page 1, line 18, by inserting after the word
4 "located." the following: "The requirements of this
5 section do not apply to the expansion of an existing
6 sanitary landfill owned by a private agency which
7 disposes of waste which the agency generates on
8 property owned by the agency."

BEVERLY A. HANNON

S-5617

1 Amend House File 2362 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 10, by inserting after the word
4 "equipment," the following: "tire retreading
5 products, equipment, or services,".

RICHARD F. DRAKE
JACK RIFE

S-5618

1 Amend House File 2205, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 35, the
4 following:

5 "Sec. ____ . Section 455B.306, subsection 3, Code
6 1991, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. e. The extent to which the city,
9 county, or private agency will incorporate or has
10 incorporated the waste management hierarchy of the
11 state solid waste management policy and the basis for
12 not incorporating any elements of the waste management
13 hierarchy."

14 2. Page 2, by inserting after line 7, the
15 following:

16 "Sec. ____ . Section 455B.306, Code 1991, is amended
17 by adding the following new subsections:

18 NEW SUBSECTION. 8. If a city, county, or private
19 agency does not incorporate the elements of the solid

20 waste hierarchy of the state solid waste management
 21 policy in a proposed initial or adopted comprehensive
 22 plan, the city council or county board of supervisors
 23 governing the city or county in which the sanitary
 24 landfill is proposed to be located or is located shall
 25 hold a public hearing to address the basis for not
 26 including any of the elements in the plan.
 27 NEW SUBSECTION. 9. A city council or county board
 28 of supervisors governing the area in which a sanitary
 29 disposal project is proposed to be located or is
 30 located shall hold a public hearing to address the
 31 issue of including or not including local curbside
 32 recycling in the comprehensive plan."
 33 3. By renumbering as necessary.

BEVERLY A. HANNON

S-5619

1 Amend amendment, S-5606, to House File 2400, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 7, line 37, by striking the word
 5 "Driving" and inserting the following: "Operating a
 6 motor vehicle".

ELAINE SZYMONIAK

S-5620

1 Amend House File 2412, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 11.6, subsection 1, unnumbered
 6 paragraph 1, Code Supplement 1991, is amended to read
 7 as follows:
 8 The financial condition and transactions of all
 9 cities and city offices, counties, county hospitals
 10 organized under chapters 347 and 347A, memorial
 11 hospitals organized under chapter 37, entities
 12 organized under chapter 28E having gross receipts in
 13 excess of one hundred thousand dollars in a fiscal
 14 year, merged areas, area education agencies, and all
 15 school offices in school districts, shall be examined
 16 at least once each year, except that cities having a
 17 population of seven hundred or more but less than two
 18 thousand shall be examined at least once every four
 19 years, and cities having a population of less than
 20 seven hundred may be examined as otherwise provided in

21 this section. The examination shall cover the fiscal
 22 year next preceding the year in which the audit is
 23 conducted. The examination of school offices shall
 24 include an audit of all school funds, the certified
 25 annual financial report, and the certified enrollment
 26 as provided in section 257.11. Examinations of
 27 community colleges shall include an audit of eligible
 28 and noneligible contact hours as defined in section
 29 286A.2. Eligible and noneligible contact hours and
 30 the any differences in certified enrollment shall be
 31 certified reported to the department of management.
 32 Sec. ____ . Section 257.6, subsection 1, Code 1991,
 33 is amended by adding the following new unnumbered
 34 paragraph:

35 **NEW UNNUMBERED PARAGRAPH.** The department of
 36 management shall adjust the enrollment of the school
 37 district for the audit year based upon reports filed
 38 under section 11.6, and shall further adjust the
 39 budget of the second year succeeding the audit year
 40 for the property tax and state aid portions of the
 41 reported differences in enrollments for the year
 42 succeeding the audit year."

WALLY HORN

S-5621

- 1 Amend Senate File 2352 as follows:
- 2 1. Page 2, by striking lines 3 through 13 and
- 3 inserting the following: "amount of fine, if such be
- 4 the sentence, within the following limits:
- 5 a. For a simple misdemeanor, imprisonment not to
- 6 exceed thirty days, or a fine of at least fifty
- 7 dollars but not to exceed one hundred dollars.
- 8 b. For a serious misdemeanor, imprisonment not to
- 9 exceed one year, or a fine of at least two hundred
- 10 fifty dollars but not to exceed one thousand dollars,
- 11 or both."
- 12 2. Page 2, lines 16 and 17, by striking the words
- 13 "or, There shall be" and inserting the following:
- 14 "or".
- 15 3. Page 2, line 18, by striking the words "or
- 16 both" and inserting the following: "or both".

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5622

1 Amend the House amendment, S-5512, to Senate File
2 2061, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 through 22 and
5 inserting the following:

6 "____. Page 1, line 12, by inserting after the
7 word "vehicle," the following: "designed to compact
8 and transport solid waste and".

9 ____ . Page 1, line 14, by inserting after the word
10 "load" the following: "if the load is compacted to
11 the extent that it cannot be easily dismantled or
12 divided."."

EUGENE FRAISE
DON E. GETTINGS

S-5623

1 Amend the amendment, S-5410, to House File 2452, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking lines 14 through 24 and
5 inserting the following:

6 "Sec. ____ . Section 232.2, subsection 6, Code
7 Supplement 1991, is amended by adding the following
8 new paragraph:

9 NEW PARAGRAPH. o. Who is voluntarily absent
10 without permission from the child's home or placement
11 for a period of time exceeding one week, or who is
12 voluntarily absent without permission from the child's
13 home or placement for a period of time exceeding
14 twenty-four hours on each of three or more separate
15 occasions in a three-month period, and whose health,
16 safety, and welfare are at risk."

17 2. By striking page 3, line 38, through page 5,
18 line 23, and inserting the following:

19 "Sec. ____ . Section 232.102, subsection 6, Code
20 Supplement 1991, is amended to read as follows:

21 6. The child shall not be placed in the state
22 training school. Moreover, a child who is a child in
23 need of assistance solely due to the fact that the
24 child falls within the definition as set forth in
25 section 232.2, subsection 6, paragraph "o", shall not
26 be placed in the state training school, the Iowa
27 juvenile home, or any residential treatment facility."

28 3. Page 5, by inserting before line 24 the
29 following:

30 "Sec. ____ . Section 232.116, subsection 1,

31 paragraph d, subparagraph (2), Code 1991, is amended
32 to read as follows:

33 (2) The custody of the child has been transferred
34 removed from the physical custody of the child's
35 parents for placement pursuant to section 232.102 and
36 the placement has lasted for a period of at least six
37 consecutive months.

38 Sec. ____ . Section 232.116, subsection 1, paragraph
39 e, subparagraph (3), Code 1991, is amended to read as
40 follows:

41 (3) The custody of the child has been transferred
42 removed from the physical custody of the child's
43 parents for placement pursuant to section 232.102 for
44 at least twelve of the last eighteen months, or for
45 the last twelve consecutive months and any trial
46 period at home has been less than thirty days.

47 Sec. ____ . Section 232.116, subsection 1, paragraph
48 g, subparagraph (3), Code 1991, is amended to read as
49 follows:

50 (3) The custody of the child has been transferred

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1 removed from the physical custody of the child's
2 parents for placement pursuant to section 232.102 for
3 at least six months of the last twelve months, or for
4 the last six consecutive months and any trial period
5 at home has been less than thirty days.”

6 4. Page 5, by inserting before line 24 the fol-
7 lowing:

8 “Sec. ____ . Section 237.3, Code 1991, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 8. The department, in
11 consultation with the judicial department, the
12 division of criminal and juvenile justice planning of
13 the department of human rights, residential treatment
14 providers, the foster care provider association, and
15 other parties which may be affected, shall review the
16 licensing rules pertaining to residential treatment
17 facilities, and examine whether the rules allow the
18 facilities to accept and provide effective treatment
19 to juveniles with serious problems who might not
20 otherwise be placed in those facilities.”

21 5. Page 7, line 9, by inserting after the word
22 “person” the following: “who is sixteen years of age
23 or older but under the age of twenty-one, and who is”.

24 6. Page 7, line 20, by inserting after the word
25 “established” the following: “in those judicial
26 districts where the chief judge of the judicial
27 district authorizes participation in the program”.

28 7. Page 7, line 25, by inserting after the word
29 "defendant" the following: "who is sixteen years of
30 age or older but under the age of twenty-one".
31 8. Page 7, line 49, by striking the word "shall"
32 and inserting the following: "may".
33 9. Page 8, lines 1 and 2, by striking the words
34 "In addition, the program coordinator shall ensure"
35 and inserting the following: "The program coordinator
36 shall monitor".
37 10. Page 9, by inserting after line 14 the
38 following:
39 "Sec. ____ . Section 910A.14, subsections 1 and 2,
40 Code 1991, are amended to read as follows:
41 1. A court may, upon its own motion or upon motion
42 of any party, order that the testimony of a ~~child~~
43 minor, as defined in section ~~702.5~~ 599.1, be taken in
44 a room other than the courtroom and be televised by
45 closed circuit equipment in the courtroom to be viewed
46 by the court. Only the judge, parties, counsel,
47 persons necessary to operate the equipment, and any
48 person whose presence, in the opinion of the court,
49 would contribute to the welfare and well-being of the
50 ~~child~~ minor may be present in the room with the ~~child~~

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1 minor during the child's minor's testimony. In
2 addition, upon a finding of necessity, the court may
3 allow the testimony of a victim or witness with a
4 mental illness, mental retardation, or other
5 developmental disability to be taken as provided in
6 this subsection, regardless of the age of the victim
7 or witness.
8 2. The court may, upon its own motion or upon
9 motion of a party, order that the testimony of a ~~child~~
10 minor, as defined in section ~~702.5~~ 599.1, be taken by
11 recorded deposition for use at trial, pursuant to rule
12 of criminal procedure 12(2)(b). In addition to
13 requiring that such testimony be recorded by
14 stenographic means, the court may on motion and
15 hearing, and upon a finding that the ~~child~~ minor is
16 unavailable as provided in Iowa rules of evidence
17 804(a), order the videotaping of the ~~child's~~ minor's
18 testimony for viewing in the courtroom by the court.
19 The videotaping shall comply with the provisions of
20 rule of criminal procedure 12(2)(b), and shall be
21 admissible as evidence in the trial of the cause. In
22 addition, upon a finding of necessity, the court may
23 allow the testimony of a victim or witness with a
24 mental illness, mental retardation, or other

25 developmental disability to be taken as provided in
 26 this subsection, regardless of the age of the victim
 27 or witness."

28 11. Page 9, by inserting after line 14 the
 29 following:

30 "Sec. ____ . Section 910A.15, unnumbered paragraph
 31 1, Code 1991, is amended to read as follows:

32 A prosecuting witness who is a child, as defined in
 33 section 702.5 under the age of eighteen, in a case
 34 involving a violation of chapter 709 or section 726.2,
 35 726.3, 726.6, or 728.12, is entitled to have the
 36 witness's interests represented by a guardian ad litem
 37 at all stages of the proceedings arising from such
 38 violation. The guardian ad litem shall be a
 39 practicing attorney and shall be designated by the
 40 court after due consideration is given to the desires
 41 and needs of the child and the compatibility of the
 42 child and the child's interests with the prospective
 43 guardian ad litem. If a guardian ad litem has
 44 previously been appointed for the child in a
 45 proceeding under chapter 232 or a proceeding in which
 46 the juvenile court has waived jurisdiction under
 47 section 232.45, the court shall appoint the same
 48 guardian ad litem under this section. The guardian ad
 49 litem shall receive notice of and may attend all
 50 depositions, hearings and trial proceedings to support

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1 the child and advocate for the protection of the child
 2 but shall not be allowed to separately introduce
 3 evidence or to directly examine or cross-examine
 4 witnesses. However, the guardian ad litem shall file
 5 reports to the court as required by the court."

6 12. Page 9, by inserting before line 17 the
 7 following:

8 "Sec. ____ . Section 232.8, Code Supplement 1991, is
 9 amended by adding the following new subsection:

10 NEW SUBSECTION. 6. The supreme court shall
 11 prescribe rules under section 602.4202 to resolve
 12 jurisdictional and venue issues when juveniles who are
 13 placed in another court's jurisdiction are alleged to
 14 have committed subsequent delinquent acts."

15 13. Page 9, by striking lines 19 through 26 and
 16 inserting the following:

17 "NEW SUBSECTION. 7. The juvenile court shall
 18 retain jurisdiction over persons who attain their
 19 eighteenth birthday, as necessary to effectuate the
 20 provisions of sections 232.50 and 232.52 through
 21 232.54 pertaining to the youthful offender program,

22 for a period of up to three years beyond the de-
23 linquent's eighteenth birthday."

24 14. Page 10, by striking lines 6 through 15 and
25 inserting the following:

26 "NEW PARAGRAPH. e. There is probable cause to
27 believe that the child has committed a delinquent act
28 involving possession with intent to deliver any of the
29 following controlled substances:

30 (1) A mixture or substance containing cocaine
31 base, also known as crack cocaine, and if the act was
32 committed by an adult, it would be a violation of
33 section 204.401, subsection 1, paragraph "a",
34 subparagraph (3), paragraph "b", subparagraph (3), or
35 paragraph "c", subparagraph (3).

36 (2) A mixture or substance containing cocaine, its
37 salts, optical and geometric isomers, and salts of
38 isomers, and if the act was committed by an adult, it
39 would be a violation of section 204.401, subsection 1,
40 paragraph "a", subparagraph (2), subparagraph
41 subdivision (b), paragraph "b", subparagraph (2),
42 subparagraph subdivision (b), or paragraph "c", sub-
43 paragraph (2), subparagraph subdivision (b).

44 (3) A mixture or substance containing
45 methamphetamine, its salts, isomers, and salts of
46 isomers, and if the act was committed by an adult, it
47 would be a violation of section 204.401, subsection 1,
48 paragraph "c", subparagraph (6)."

49 15. By striking page 10, line 16, through page
50 11, line 33, and inserting the following:

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1 "Sec. ____ . Section 232.50, Code 1991, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 5. If a child is sixteen years of
4 age or older, at the dispositional hearing, the court
5 shall determine if jurisdiction of the child should be
6 extended beyond the age of eighteen. Extended
7 jurisdiction determinations shall be consistent with
8 the rules and provisions of the youthful offender
9 program as set forth in sections 234.50 through
10 234.53. Subject to the other limitations contained in
11 this subsection, the court may extend jurisdiction for
12 participation in the youthful offender program upon
13 finding each of the following:

14 a. The child is sixteen years of age or older and
15 would qualify for placement at the state training
16 school pursuant to section 232.52, subsection 2,
17 paragraph "e".

18 b. The child falls within the other qualifications

19 and limitations of the youthful offender program
20 pursuant to section 234.53.

21 c. Participation in the youthful offender program
22 is necessary for the rehabilitation of the child.

23 Upon finding each of the factors listed in
24 paragraphs "a" through "c", the court shall provide
25 equal access to the youthful offender program.

26 Sec. ____ . Section 232.52, subsection 2, paragraph
27 d, Code Supplement 1991, is amended by adding the
28 following new subparagraph:

29 NEW SUBPARAGRAPH. (4) The department of human
30 services for purposes of placement at a youthful
31 offender program facility established pursuant to
32 section 234.53. In addition to making each of the
33 findings specified in section 232.50, subsection 5,
34 prior to transferring custody for placement in a
35 youthful offender program facility, the court must
36 find that the delinquent meets the qualifications for
37 placement in such a facility pursuant to section
38 234.53, subsection 6.

39 Sec. ____ . Section 232.52, Code Supplement 1991, is
40 amended by adding the following new subsection:

41 NEW SUBSECTION. 10. If the court has determined
42 that jurisdiction of the delinquent is to be extended
43 beyond the age of eighteen pursuant to section 232.50,
44 subsection 5, or section 232.54, subsection 7, for
45 participation in the youthful offender program, any of
46 the dispositions provided in this section may be
47 ordered. All conditions and requirements affecting
48 court orders, dispositions, or dispositional reviews
49 in this section shall apply to an order or proceeding
50 involving a person over whom jurisdiction has been

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1 extended for participation in the youthful offender
2 program."

3 16. Page 11, by striking lines 34 through 48 and
4 inserting the following:

5 "Sec. ____ . Section 232.53, subsection 2, Code
6 1991, is amended to read as follows:"

7 17. Page 11, line 49, by inserting after the word
8 "provided" the following: "in subsection 5".

9 18. Page 12, by striking lines 8 and 9 and
10 inserting the following: "otherwise provided in
11 extending jurisdiction for participation in the
12 youthful offender program pursuant to section 232.50,
13 subsection 5, or section 232.54.".

14 19. Page 12, by striking lines 15 through 50 and
15 inserting the following:

16 "Sec. ____ . Section 232.53, Code 1991, is amended
17 by adding the following new subsection:
18 NEW SUBSECTION. 5. Notwithstanding any other
19 provision of this section or any other law to the
20 contrary, a disposition over a person as to whom the
21 court has extended its jurisdiction pursuant to
22 section 232.50, subsection 5, or section 232.54,
23 subsection 7, for participation in the youthful
24 offender program, may remain in effect for a period of
25 up to three years from the person's eighteenth
26 birthday, unless the time period would be in excess of
27 the maximum possible duration of the sentence which
28 may be imposed on an adult for the commission of the
29 act which the person has been found by the court to
30 have committed."

31 20. By striking page 13, line 1, through page 14,
32 line 45, and inserting the following:

33 "Sec. ____ . Section 232.54, Code 1991, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 7. Upon application of a juvenile
36 court officer, the department, a person or agency to
37 whom custody has been transferred, the child who is
38 the subject of the order, or upon its own motion, the
39 court may order the jurisdiction of the child to be
40 extended beyond the person's eighteenth birthday in
41 order for the person to participate in the youthful
42 offender program, and may continue or modify the
43 current dispositional order or enter a substituted
44 dispositional order. The court shall not grant the
45 application unless the court finds each of the
46 criteria established in section 232.50, subsection 5.
47 The continued or modified dispositional order or
48 substituted dispositional order shall follow the
49 qualifications, conditions, and limitations set forth
50 in section 232.53, subsection 5, and sections 232.50

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1 through 232.53. Notice shall be afforded all parties,
2 and a hearing shall be held at the request of any
3 party or upon the court's own motion."

4 21. Page 15, line 23, by striking the word "five"
5 and inserting the following: "nine members, with five
6 voting".

7 22. Page 15, by inserting after line 39 the fol-
8 lowing:

9 "The nonvoting members of the advisory committee
10 shall be two state representatives, one appointed by
11 the speaker of the house of representatives and one by
12 the minority leader of the house, and two state

13 senators, one appointed by the majority leader of the
14 senate and one by the minority leader of the senate.”

15 23. Page 15, line 41, by inserting before the
16 word “members” the following: “voting”.

17 24. Page 15, line 42, by inserting after the word
18 “terms” the following: “and nonvoting members shall
19 be appointed for two-year terms”.

20 25. Page 15, line 50, by inserting before the
21 word “members” the following: “voting”.

22 26. Page 16, line 1, by striking the word
23 “Members” and inserting the following: “Voting
24 members”.

25 27. Page 16, line 4, by inserting after the
26 figure “7E.6.” the following: “Nonvoting members
27 shall be paid their actual and necessary expenses from
28 the funds appropriated under section 2.12.”

29 28. Page 16, line 8, by inserting before the word
30 “members” the following: “voting”.

31 29. Page 16, by striking lines 38 through 43 and
32 inserting the following:

33 2. The youthful offender advisory committee shall
34 establish a youthful offender program. The youthful
35 offender program shall be designed to meet the needs
36 of one hundred four youthful offenders, with a limit
37 of thirteen youthful defenders from each judicial
38 district, on or before October 1, 1993, until April 1,
39 1995. After April 1, 1995, the youthful offender
40 program shall be designed to meet the needs of eighty
41 youthful offenders, with a limit of ten youthful
42 offenders from each judicial district.”

43 30. Page 16, by striking lines 47 through 50 and
44 inserting the following: “youthful offenders having a
45 dual diagnosis.”

46 31. Page 17, by striking lines 1 through 20 and
47 inserting the following:

48 “4. The advisory committee may establish youthful
49 offender program facilities in more than one location,
50 and may include public and private facilities. The

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1 department of human services shall assist the advisory
2 committee by issuing requests for proposals and
3 entering into contracts with other state agencies,
4 political subdivisions, or others, including private
5 individuals or entities, to establish youthful
6 offender program facilities, as determined necessary
7 by the advisory committee. In addition, if the
8 advisory committee determines that a youthful offender
9 program facility should be operated by the department

10 of human services, and a facility is available to meet
11 the needs of the youthful offender program as designed
12 by the advisory committee, the department of human
13 services shall operate a youthful offender program
14 facility and include the youthful offender program
15 facility in the department's budget proposals."

16 32. Page 17, by striking lines 21 through 23 and
17 inserting the following:

18 "5. If the court orders a youth adjudicated as
19 delinquent placed in a youthful offender program
20 facility, the youth may be transferred originally to
21 the diagnosis and".

22 33. Page 17, line 29, by inserting after the word
23 "facility" the following: "or file a motion with the
24 court to modify the dispositional order".

25 34. Page 17, by inserting after line 29 the
26 following:

27 "6. a. The court shall not order a person under
28 the age of eighteen placed in a youthful offender
29 program facility unless the child meets the
30 qualification and limitations specified in this
31 section, and the court finds each of the following:

32 (1) Placement in the youthful offender program
33 facility is necessary for the rehabilitation of the
34 child.

35 (2) Placement in the youthful offender program
36 facility is in the best interests of the child and the
37 community.

38 b. In making the determination as to whether a
39 child should be placed in a youthful offender program
40 facility pursuant to paragraph "a", the court shall
41 examine the following factors:

42 (1) The nature of the delinquent act and the
43 circumstances under which it was committed.

44 (2) The nature and extent of the child's prior
45 contacts with juvenile authorities, including past
46 efforts of such authorities to treat and rehabilitate
47 the child and the response to such efforts.

48 (3) The programs, facilities, and personnel
49 available in the youthful offender program facilities
50 as opposed to other programs, facilities, and

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1 personnel available to the juvenile court for
2 rehabilitation and treatment of the child.

3 c. The court shall not order a person eighteen
4 years of age or older to a youthful offender program
5 facility unless the person meets the qualifications
6 and limitations specified in this section, other

7 measures taken have been inadequate to rehabilitate
8 the person, and the court determines that placement in
9 the youthful offender program facility is necessary
10 for the rehabilitation of the person.

11 7. The advisory committee shall establish specific
12 guidelines for the youthful offender program
13 facilities to utilize in working with the court to
14 provide follow-up services, transitional services,
15 supervision, and after care for persons released from
16 the facilities."

17 35. Page 23, by striking line 36 and inserting
18 the following: "pilot project as one of the youthful
19 offender facilities provided for in section 234.53."

20 36. Page 23, by striking lines 37 through 43 and
21 inserting the following: "The advisory committee
22 shall establish the boot camp pilot project to meet
23 the needs of up to twenty-four of the youthful
24 offenders."

25 37. Page 24, line 7, by striking the word "shall"
26 and inserting the following: "may".

27 38. Page 24, line 12, by inserting after the word
28 "project." the following: "However, the department
29 shall not place youthful offenders in the boot camp
30 pilot project if the offenders have a chemical
31 dependency as defined in section 125.2."

32 39. Page 24, by inserting after line 39 the
33 following:

34 "e. For the nonvoting legislative members, on
35 April 30, 1993."

36 40. Page 24, by inserting after line 45 the
37 following:

38 "Sec. ____ . IMPLEMENTATION AND EFFECTIVE DATE
39 CONCERNING YOUTHFUL OFFENDER PROVISIONS.

40 1. The sections of Division II of this Act which
41 amend section 232.8 by adding a new subsection 7, and
42 amend sections 232.50, 232.52, 232.53, and 232.54,
43 which provide procedures for the juvenile court to
44 order persons to participate in the youthful offender
45 program, take effect July 1, 1993.

46 2. Although the provisions cited in subsection 1
47 take effect July 1, 1993, the court shall not utilize
48 these sections unless the youthful offender program is
49 established as provided in section 234.53, subsection
50 2."

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1 41. By striking page 25, line 33, through page
2 26, line 10; and inserting the following:

3 "5. The plan shall include proposed guidelines for

4 the sharing of information by case management teams,
 5 consisting of designated representatives of various
 6 state and local agencies and political subdivisions to
 7 coordinate the delivery of services to juveniles under
 8 the jurisdiction of the juvenile court. The
 9 guidelines shall be developed to structure and improve
 10 the information sharing procedures of case management
 11 teams established pursuant to any applicable state or
 12 federal law or approved by the juvenile court with
 13 respect to a juvenile who is the recipient of the case
 14 management team services. The plan shall also contain
 15 proposals for changes in state laws or rules to
 16 facilitate the exchange of information among members
 17 of case management teams.
 18 6. The division shall submit a report on the
 19 plan".
 20 42. By renumbering and correcting internal
 21 references as necessary.

COMMITTEE ON APPROPRIATIONS
 LEONARD BOSWELL, Chairperson

S-5624

1 Amend House File 2465, 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 "DEPARTMENT OF EDUCATION
 6 Section 1. There is appropriated from the general
 7 fund of the state to the department of education for
 8 the fiscal year beginning July 1, 1992, and ending
 9 June 30, 1993, the following amounts, or so much
 10 thereof as may be necessary, to be used for the
 11 purposes designated:

12 1. GENERAL ADMINISTRATION

13 For salaries, support, maintenance, miscellaneous
 14 purposes, and for not more than the following full-
 15 time equivalent positions:

16	\$ 4,813,000
17	FTEs 107.00

18 2. VOCATIONAL EDUCATION ADMINISTRATION

19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:

22	\$ 704,000
23	FTEs 26.45

24 3. VOCATIONAL REHABILITATION DIVISION

25 a. For salaries, support, maintenance,
 26 miscellaneous purposes, and for not more than the

27 following full-time equivalent positions:

28 \$ 3,459,000
 29 FTEs 307.50

30 b. For matching funds for programs to enable
 31 severely physically or mentally disabled persons to
 32 function more independently, including salaries and
 33 support, and for not more than the following full-time
 34 equivalent positions:

35 \$ 20,611
 36 FTEs 1.50

37 4. CORRECTIONS EDUCATION PROGRAM

38 For educational programs at state penal
 39 institutions:

40 \$ 1,948,000

41 5. SCHOOL FOOD SERVICE

42 For use as state matching funds for federal
 43 programs which shall be disbursed according to federal
 44 regulations, including salaries, support, maintenance,
 45 miscellaneous purposes, and for not more than the
 46 following full-time equivalent positions:

47 \$ 2,809,000
 48 FTEs 16.00

49 6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

50 To provide funds for costs of providing textbooks

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1 to each resident pupil who attends a nonpublic school
 2 as authorized by section 301.1. The funding is
 3 limited to \$20 per pupil and shall not exceed the
 4 comparable services offered to resident public school
 5 pupils:

6 \$ 580,000

7 7. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

8 To assist a vocational agriculture youth
 9 organization sponsored by the schools to support the
 10 foundation established by that vocational agriculture
 11 youth organization:

12 \$ 52,000

13 8. COMMUNITY COLLEGES

14 Notwithstanding chapter 286A, for general state
 15 financial aid, including general financial aid to
 16 merged areas in lieu of personal property tax
 17 replacement payments under section 427A.13, to merged
 18 areas as defined in section 280A.2, for vocational
 19 education programs in accordance with chapters 258 and
 20 280A, to purchase instructional equipment for
 21 vocational and technical courses of instruction in
 22 community colleges, and for salary increases:

23 \$ 89,880,369

24 The funds appropriated in this subsection shall be
25 allocated as follows:

26	a. Merged Area I	\$ 4,206,487
27	b. Merged Area II	\$ 5,074,870
28	c. Merged Area III	\$ 4,893,849
29	d. Merged Area IV	\$ 2,304,140
30	e. Merged Area V	\$ 4,879,078
31	f. Merged Area VI	\$ 4,573,621
32	g. Merged Area VII	\$ 6,282,377
33	h. Merged Area IX	\$ 7,896,127
34	i. Merged Area X	\$ 12,205,095
35	j. Merged Area XI	\$ 13,267,249
36	k. Merged Area XII	\$ 5,176,348
37	l. Merged Area XIII	\$ 5,326,625
38	m. Merged Area XIV	\$ 2,357,483
39	n. Merged Area XV	\$ 7,306,418
40	o. Merged Area XVI	\$ 4,130,602

41 Sec. 2. There is appropriated from the general
42 fund of the state to the department of education for
43 the fiscal year beginning July 1, 1993, and ending
44 June 30, 1994, the following amounts, or so much
45 thereof as is necessary, to be used for the purposes
46 designated:

47 1. Notwithstanding chapter 286A for state
48 financial aid, including general financial aid to
49 merged areas in lieu of personal property tax
50 replacement payments under section 427A.13, to merged

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1 areas to be accrued as income and used for
2 expenditures incurred by the community colleges during
3 the fiscal year beginning July 1, 1992, and ending
4 June 30, 1993:

5 \$ 16,450,231

6 The funds appropriated in this section shall be
7 allocated as follows:

8	a. Merged Area I	\$ 777,072
9	b. Merged Area II	\$ 930,993
10	c. Merged Area III	\$ 894,475
11	d. Merged Area IV	\$ 423,103
12	e. Merged Area V	\$ 897,586
13	f. Merged Area VI	\$ 836,461
14	g. Merged Area VII	\$ 1,152,178
15	h. Merged Area IX	\$ 1,446,020
16	i. Merged Area X	\$ 2,232,424
17	j. Merged Area XI	\$ 2,414,311
18	k. Merged Area XII	\$ 948,649
19	l. Merged Area XIII	\$ 974,188
20	m. Merged Area XIV	\$ 431,773

21	n. Merged Area XV	\$ 1,335,675
22	o. Merged Area XVI	\$ 755,323
23	2. Funds appropriated by this section shall be	
24	allocated pursuant to this section and paid on or	
25	about August 15, 1993.	
26	Sec. 3. There is appropriated from the general	
27	fund of the state to the department of education for	
28	the fiscal year beginning July 1, 1992, and ending	
29	June 30, 1993, the following amounts, or so much	
30	thereof as is necessary, to be used for the purposes	
31	designated:	
32	1. For general financial aid to merged areas in	
33	lieu of personal property tax replacement payments	
34	under section 427A.13 to be accrued as income and used	
35	for expenditures incurred by the community colleges	
36	during the fiscal year beginning July 1, 1991, and	
37	ending June 30, 1992:	
38	.....	\$ 343,308
39	The funds appropriated in this subsection shall be	
40	allocated as follows:	
41	a. Merged Area I	\$ 27,015
42	b. Merged Area II	\$ 20,967
43	c. Merged Area III	\$ 14,053
44	d. Merged Area IV	\$ 9,601
45	e. Merged Area V	\$ 24,896
46	f. Merged Area VI	\$ 14,311
47	g. Merged Area VII	\$ 24,001
48	h. Merged Area IX	\$ 28,653
49	i. Merged Area X	\$ 40,294
50	j. Merged Area XI	\$ 59,072

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1	k. Merged Area XII	\$ 19,157
2	l. Merged Area XIII	\$ 16,988
3	m. Merged Area XIV	\$ 8,635
4	n. Merged Area XV	\$ 22,816
5	o. Merged Area XVI	\$ 12,849
6	2. Funds appropriated in subsection 1 shall be	
7	allocated pursuant to this section and paid on or	
8	about August 15, 1992.	
9	Sec. 4. Notwithstanding the appropriation provided	
10	in section 294A.25, subsection 1, there is	
11	appropriated from the general fund of the state to the	
12	department of education for the fiscal year beginning	
13	July 1, 1992, and ending June 30, 1993, the following	
14	amount, or so much thereof as may be necessary, to be	
15	used for the purpose designated and for not more than	
16	the following full-time equivalent position:	
17	1. Notwithstanding section 294A.25, for the	

18 educational excellence program:

19 \$ 92,297,891
 20 FTEs 1.00

21 2. To supplement the appropriation in section

22 294A.25 for phase II:

23 \$ 1,309,031

24 Sec. 5. Notwithstanding the standing

25 appropriations in section 279.51 for the fiscal year

26 beginning July 1, 1992, and ending June 30, 1993, the

27 amount appropriated from the general fund of the state

28 to the department of education pursuant to that

29 section for the following designated purposes shall

30 not exceed the following amounts for programs for at-

31 risk children under section 279.51, subsection 1:

32 \$ 10,727,640

33 During the fiscal year beginning July 1, 1992, the

34 funds appropriated in this section will be allocated

35 in the same manner as allocated in 1991 Iowa Acts,

36 chapter 267, section 205.

37 Sec. 6. There is appropriated from the general

38 fund of the state to the department of education for

39 the fiscal year beginning July 1, 1992, and ending

40 June 30, 1993, the following amount, or so much

41 thereof as may be necessary, to be used for the

42 purpose designated:

43 For expenditures incurred by school districts

44 during the previous fiscal year for vocational

45 education aid to secondary schools:

46 \$ 3,483,000

47 Funds appropriated in this section shall be used

48 for expenditures made by school districts to meet the

49 standards set in sections 256.11, 258.4, and 280A.23

50 as a result of the enactment of 1989 Iowa Acts,

Page 5

1 chapter 278. Funds shall be used as reimbursement for

2 vocational education expenditures made by secondary

3 schools in the manner provided by the department of

4 education for implementation of the standards set in

5 1989 Iowa Acts, chapter 278. The department shall

6 inform school districts by July 1, 1991, of the

7 criteria for reimbursement with funds appropriated

8 under this section.

9 Sec. 7. There is appropriated from the general

10 fund of the state to the department of education for

11 the fiscal year beginning July 1, 1993, and ending

12 June 30, 1994, the following amount, or so much

13 thereof as may be necessary, to be used for the

14 purpose designated:

15 For expenditures incurred by school districts
16 during the previous fiscal year for vocational
17 education aid to secondary schools:

18 \$ 3,483,000

19 Funds appropriated in this section shall be used
20 for expenditures made by school districts to meet the
21 standards set in sections 256.11, 258.4, and 280A.23
22 as a result of the enactment of 1989 Iowa Acts,
23 chapter 278. Funds shall be used as reimbursement for
24 vocational education expenditures made by secondary
25 schools in the manner provided by the department of
26 education for implementation of the standards set in
27 1989 Iowa Acts, chapter 278.

28 COLLEGE STUDENT AID COMMISSION

29 Sec. 8. There is appropriated from the general
30 fund of the state to the college student aid
31 commission for the fiscal year beginning July 1, 1992,
32 and ending June 30, 1993, the following amounts, or so
33 much thereof as may be necessary, to be used for the
34 purposes designated:

35 1. GENERAL ADMINISTRATION

36 For salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-
38 time equivalent positions:

39 \$ 333,000

40 FTEs 7.80

41 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
42 SCIENCES

43 For grants to seniors and for forgivable loans to
44 freshmen and sophomores and juniors, who are Iowa
45 students attending the university of osteopathic
46 medicine and health sciences, under the grant program
47 pursuant to section 261.18 and the forgivable loan
48 program pursuant to section 261.19A:

49 \$ 387,000

50 3. STUDENT AID PROGRAMS

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1 For payments to students for student aid programs:

2 \$ 1,500,000

3 From the moneys appropriated in this subsection,
4 \$1,425,651 shall be expended for an Iowa grant
5 program, with funds to be allocated to institutions
6 pursuant to section 261.93A. The remainder shall be
7 allocated for the graduate student financial
8 assistance program.

9 It is the intent of the general assembly that the
10 college student aid commission reduce the maximum
11 grant and average grant under the state tuition grant

12 program while maintaining the same number of qualified
13 students receiving grants in the fiscal year beginning
14 July 1, 1992, and ending June 30, 1993, as were
15 provided in the previous fiscal year.

16 Sec. 9. There is appropriated from the loan
17 reserve account to the college student aid commission
18 for the fiscal year beginning July 1, 1992, and ending
19 June 30, 1993, the following amount, or so much
20 thereof as may be necessary, to be used for the
21 purposes designated:

22 For operating costs of the Stafford loan program
23 including salaries, support, maintenance,
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:

26 \$ 3,894,741
27 FTEs 36.52

28 STATE BOARD OF REGENTS

29 Sec. 10. There is appropriated from the general
30 fund of the state to the state board of regents for
31 the fiscal year beginning July 1, 1992, and ending
32 June 30, 1993, the following amounts, or so much
33 thereof as may be necessary, to be used for the
34 purposes designated:

35 1. OFFICE OF STATE BOARD OF REGENTS

36 a. For salaries, support, maintenance,
37 miscellaneous purposes, and for not more than the
38 following full-time equivalent positions:

39 \$ 1,075,000
40 FTEs 17.63

41 The moneys provided in this paragraph shall not be
42 augmented by reimbursements from the institutions
43 under the control of the state board of regents for
44 the funding of the office of the state board of
45 regents.

46 b. For allocation by the state board of regents to
47 the state university of Iowa, the Iowa state
48 university of science and technology, and the
49 university of northern Iowa to reimburse the
50 institutions for deficiencies in their operating funds

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1 resulting from the pledging of tuitions, student fees
2 and charges, and institutional income to finance the
3 cost of providing academic and administrative
4 buildings and facilities and utility services at the
5 institutions:

6 \$ 22,927,000

7 c. For funds to be allocated to the southwest Iowa
8 graduate studies center:

9	.....	\$	35,000
10	d. For funds to be allocated to the siouxland		
11	interstate metropolitan planning council for the		
12	tristate graduate center under section 262.9,		
13	subsection 21:		
14	.....	\$	68,000
15	e. For funds to be allocated to the quad-cities		
16	graduate studies center:		
17	.....	\$	145,000
18	2. STATE UNIVERSITY OF IOWA		
19	a. General university, including lakeside		
20	laboratory		
21	For salaries, support, maintenance, equipment,		
22	miscellaneous purposes, and for not more than the		
23	following full-time equivalent positions:		
24	.....	\$	167,993,000
25	.....	FTEs	3,962.27
26	b. University hospitals		
27	For salaries, support, maintenance, equipment,		
28	miscellaneous purposes, and for not more than the		
29	following full-time equivalent positions for medical		
30	and surgical treatment of indigent patients as		
31	provided in chapter 255:		
32	.....	\$	27,359,000
33	.....	FTEs	5,364.14
34	Funds appropriated in this paragraph shall not be		
35	used to perform abortions except medically necessary		
36	abortions, and shall not be used to operate the early		
37	termination of pregnancy clinic except for the		
38	performance of medically necessary abortions. For the		
39	purpose of this paragraph, an abortion is the		
40	purposeful interruption of pregnancy with the		
41	intention other than to produce a live-born infant or		
42	to remove a dead fetus, and a medically necessary		
43	abortion is one performed under one of the following		
44	conditions:		
45	(1) The attending physician certifies that		
46	continuing the pregnancy would endanger the life of		
47	the pregnant woman.		
48	(2) The attending physician certifies that the		
49	fetus is physically deformed, mentally deficient, or		
50	afflicted with a congenital illness.		

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- 1 (3) The pregnancy is the result of a rape which is
- 2 reported within 45 days of the incident to a law
- 3 enforcement agency or public or private health agency
- 4 which may include a family physician.
- 5 (4) The pregnancy is the result of incest which is

6 reported within 150 days of the incident to a law
7 enforcement agency or public or private health agency
8 which may include a family physician.

9 (5) The abortion is a spontaneous abortion,
10 commonly known as a miscarriage, wherein not all of
11 the products of conception are expelled.

12 The total quota allocated to the counties for
13 indigent patients for the fiscal year commencing July
14 1, 1992, shall not be lower than the total quota
15 allocated to the counties for the fiscal year
16 commencing July 1, 1991. The total quota shall be
17 allocated among the counties on the basis of the 1990
18 census pursuant to section 255.16.

19 c. Psychiatric hospital

20 For salaries, support, maintenance, equipment,
21 miscellaneous purposes, and for not more than the
22 following full-time equivalent positions and for the
23 care, treatment, and maintenance of committed and
24 voluntary public patients:

25 \$ 6,517,000
26 FTEs 284.00

27 d. Hospital-school

28 For salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-
30 time equivalent positions:

31 \$ 5,133,000
32 FTEs 165.49

33 e. Oakdale campus

34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:

37 \$ 2,653,000
38 FTEs 64.48

39 f. State hygienic laboratory

40 For salaries, support, maintenance, miscellaneous
41 purposes, and for not more than the following full-
42 time equivalent positions:

43 \$ 2,820,000
44 FTEs 100.93

45 g. Family practice program

46 For allocation by the dean of the college of
47 medicine, with approval of the advisory board, to
48 qualified participants, to carry out chapter 148D for
49 the family practice program, including salaries and
50 support, and for not more than the following full-time

1 equivalent positions:
2 \$ 1,694,000

3	.....	FTEs	161.44
4	h. Child health care services		
5	For specialized child health care services,		
6	including childhood cancer diagnostic and treatment		
7	network programs, rural comprehensive care for		
8	hemophilia patients, and Iowa high-risk infant follow-		
9	up program, including salaries and support, and for		
10	not more than the following full-time equivalent		
11	positions:		
12	.....	\$	402,000
13	.....	FTEs	11.16
14	i. Agricultural health and safety programs		
15	For agricultural health and safety programs:		
16	.....	\$	238,000
17	.....	FTEs	3.30
18	j. Statewide tumor registry		
19	For the statewide tumor registry and for not more		
20	than the following full-time equivalent positions:		
21	.....	\$	181,000
22	.....	FTEs	3.44
23	k. Substance abuse consortium		
24	For funds to be allocated to the Iowa consortium		
25	for substance abuse research and evaluation:		
26	.....	\$	58,000
27	.....	FTEs	1.50
28	l. Center for biocatalysis		
29	For the center for biocatalysis:		
30	.....	\$	1,304,874
31	m. National advanced driving simulator		
32	For the national advanced driving simulator:		
33	.....	\$	233,138
34	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
35	a. General university		
36	For salaries, support, maintenance, equipment,		
37	miscellaneous purposes, and for not more than the		
38	following full-time equivalent positions:		
39	.....	\$	136,764,000
40	.....	FTEs	3,612.45
41	b. Agricultural experiment station		
42	For salaries, support, maintenance, miscellaneous		
43	purposes, and for not more than the following full-		
44	time equivalent positions:		
45	.....	\$	23,701,380
46	.....	FTEs	481.43
47	Of the funds appropriated in this lettered		
48	paragraph, \$281,601 shall be used by the school of		
49	veterinary medicine for livestock disease research		
50	consistent with the recommendation of the livestock		

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1 health advisory council required by chapter 267.
2 c. Cooperative extension service in agriculture
3 and home economics
4 For salaries, support, maintenance, miscellaneous
5 purposes, and for not more than the following full-
6 time equivalent positions:
7 \$ 16,037,000
8 FTEs 446.07
9 Of the funds appropriated in this lettered
10 paragraph, \$24,187 shall be expended for a child farm
11 safety program.
12 d. Fire service education
13 For salaries and support and for not more than the
14 following full-time equivalent positions:
15 \$ 397,000
16 FTEs 11.66
17 e. Leopold center
18 For agricultural research grants at Iowa state
19 university under section 266.39B:
20 \$ 572,000
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 \$ 57,388,829
26 FTEs 1,382.93
27 b. Recycling and reuse center:
28 \$ 257,138
29 5. STATE SCHOOL FOR THE DEAF
30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions:
33 \$ 5,734,000
34 FTEs 122.99
35 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
36 For salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-
38 time equivalent positions:
39 \$ 3,161,000
40 FTEs 89.75
41 7. TUITION AND TRANSPORTATION COSTS
42 For payment to local school boards for the tuition
43 and transportation costs of students residing in the
44 Iowa braille and sight saving school and the state
45 school for the deaf pursuant to section 262.43 and for
46 payment of certain clothing and transportation costs
47 for students at these schools pursuant to section
48 270.5:

49 \$ 7,000
 50 Sec. 11. Reallocations of sums received under

Page 11

1 section 10, subsections 2, 3, 4, 5, and 6, of this
 2 Act, including sums received for salaries, shall be
 3 reported on a quarterly basis to the co-chairpersons
 4 and ranking members of the legislative fiscal
 5 committee and the joint education appropriations
 6 subcommittee.

7 Sec. 12. For the fiscal year beginning July 1,
 8 1992, the state board of regents may use notes, bonds,
 9 or other evidences of indebtedness issued under
 10 section 262.48 to finance projects that will result in
 11 energy cost savings in an amount that will cause the
 12 state board to recover the cost of the projects within
 13 an average of six years.

14 Sec. 13. The department of human services shall
 15 implement a supplemental disproportionate share
 16 adjustment applicable to state-owned acute care
 17 hospitals with more than five hundred beds and shall
 18 reimburse qualifying hospitals pursuant to that
 19 adjustment with a supplemental amount for services
 20 provided medical assistance recipients. For the
 21 purposes of this section, state funds from the college
 22 of medicine's medical service plan shall be made
 23 available to university hospitals by the college of
 24 medicine of the state university of Iowa. The
 25 adjustment shall generate payments intended to equal
 26 the state appropriation made to a qualifying hospital
 27 for treatment of indigent patients as provided in
 28 chapter 255, plus the funds provided by the college of
 29 medicine to the university hospitals in accordance
 30 with this section. To the extent of the supplemental
 31 disproportionate share adjustment payments, a
 32 qualifying hospital shall, on the first day of each
 33 month, transfer to the department of human services an
 34 amount equal to the estimated supplemental payments
 35 that will be made by the department to the qualifying
 36 hospital in that month. The aggregate amounts for a
 37 fiscal year shall not exceed the state appropriation
 38 made to the qualifying hospital for treatment of
 39 indigent patients as provided in chapter 255, plus the
 40 funds provided by the college of medicine to the
 41 university hospitals in accordance with this section.
 42 The amount to be transferred shall be adjusted to
 43 reflect any variance between the estimated and actual
 44 supplemental payments made in prior months. The
 45 department of human services shall deposit the portion

46 of these funds equal to the state share in the
 47 department's medical assistance account and transfer
 48 the balance to the state GAAP escrow account created
 49 in section 422.69, subsection 3. To the extent that
 50 state funds appropriated to a qualifying hospital for

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1 the treatment of indigent patients as provided in
 2 chapter 255, plus the funds provided by the college of
 3 medicine to the university hospitals in accordance
 4 with this section, have been transferred to the
 5 department of human services as a result of these
 6 supplemental disproportionate share payments made to
 7 the qualifying hospital, the department shall not,
 8 directly or indirectly, recoup the supplemental
 9 disproportionate share adjustment payments made to a
 10 qualifying hospital for any reason, unless an
 11 equivalent amount of the funds transferred to the
 12 department of human services by a qualifying hospital
 13 pursuant to this provision is transferred to the
 14 qualifying hospital by the department. The department
 15 of human services shall, in any compilation of data or
 16 other report distributed to the public concerning
 17 payments to providers under the medical assistance
 18 program, set forth reimbursements to a qualifying
 19 hospital through the supplemental disproportionate
 20 share adjustment as a separate item and shall not
 21 include such payments in the amounts otherwise
 22 reported as the reimbursement to a qualifying hospital
 23 for services to medical assistance recipients.
 24 For purposes of this section, "supplemental
 25 disproportionate share payment" means a supplemental
 26 payment amount paid for medical assistance to a
 27 hospital qualifying for that payment under this
 28 section.

29 DEPARTMENT OF CULTURAL AFFAIRS

30 Sec. 14. There is appropriated from the general
 31 fund of the state to the department of cultural
 32 affairs for the fiscal year beginning July 1, 1992,
 33 and ending June 30, 1993, the following amounts, or so
 34 much thereof as is necessary, to be used for the
 35 purposes designated:

36 1. ARTS DIVISION

37 For salaries, support, maintenance, miscellaneous
 38 purposes, including funds to match federal grants, for
 39 areawide arts and cultural service organizations which
 40 meet the requirements of chapter 303C, and for not
 41 more than the following full-time equivalent
 42 positions:

43	.....	\$	997,000
44	.....	FTEs	11.00
45	2. HISTORICAL DIVISION		
46	For salaries, support, maintenance, miscellaneous		
47	purposes, and for not more than the following full-		
48	time equivalent positions:		
49	\$	2,332,000
50	FTEs	62.50

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1 Of the funds appropriated in this subsection, the
 2 division shall allocate \$10,000 for the operating and
 3 maintenance costs of the Plum Grove residence of
 4 former Governor Lucas.

5 **3. LIBRARY DIVISION**

6 a. For salaries, support, maintenance,
 7 miscellaneous purposes, and for not more than the
 8 following full-time equivalent positions:

9	\$	1,899,000
10	FTEs	49.50

11 b. For purposes of the state library:

12	\$	1,027,000
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13 The amount appropriated in this paragraph
 14 represents the amount of state aid that would have
 15 gone to the regional library system if the system had
 16 not been eliminated by repeal in this Act.

17 **4. ADMINISTRATION**

18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-
 20 time equivalent position:

21	.....	\$	56,000
22	.....	FTEs	1.00

23 The accounting responsibilities of the department
 24 of cultural affairs shall be assumed and performed by
 25 the department of management.

26 **5. COMMUNITY CULTURAL GRANTS**

27 For planning and programming for the community
 28 cultural grants program established under section
 29 303.3:

30	\$	528,000
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31 **6. PUBLIC BROADCASTING DIVISION**

32 For salaries, support, maintenance, capital
 33 expenditures, miscellaneous purposes, and for not more
 34 than the following full-time equivalent positions:

35	.....	\$	5,959,000
36	.....	FTEs	96.00

37 Sec. 15. Any moneys contained in the artist
 38 endowment fund shall revert and be transferred to the
 39 general fund of the state on June 30, 1992.

40 Sec. 16. Notwithstanding section 8.33, funds
41 appropriated in 1991 Iowa Acts, chapter 267, section
42 210, subsection 1, paragraph "b", remaining
43 unencumbered or unobligated on June 30, 1992, 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 10, subsection 1, paragraph "b", of this
47 Act during the fiscal year beginning July 1, 1992, and
48 ending June 30, 1993.
49 Sec. 17. Notwithstanding section 261.20, of the
50 unencumbered or unobligated moneys in the scholarship

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1 and tuition grant reserve fund, \$317,542 shall be
2 distributed under the Iowa tuition grants, the Iowa
3 scholarship program, vocational-technical tuition
4 grant program, and the work-study program by the
5 college student aid commission, in amounts
6 proportionate to the amounts of funds appropriated to
7 the college student aid commission for the programs by
8 the general assembly for the fiscal year beginning
9 July 1, 1992, and ending June 30, 1993.

10 Sec. 18. Notwithstanding sections 302.1 and
11 302.1A, for the fiscal year beginning July 1, 1992,
12 and ending June 30, 1993, the portion of the interest
13 earned on the permanent school fund that is not
14 transferred to the credit of the first in the nation
15 in education foundation and not transferred to the
16 credit of the national center for gifted and talented
17 education shall be credited as a payment by the
18 historical division of the department of cultural
19 affairs of the principal and interest due on moneys
20 loaned to the historical division under section
21 303.18.

22 Sec. 19. 1992 Iowa Acts, Senate File 2116, section
23 100, subsection 8, is amended to read as follows:
24 8. Appropriations made to school corporations in
25 chapter 257 for state aid to school districts and
26 ~~chapter 286A~~ in 1991 Iowa Acts, chapter 267, section
27 201, subsections 9 and 10, for state aid to area
28 schools merged areas shall not be reduced under
29 subsection 1.

30 Sec. 20. Notwithstanding sections 303.1, 303.1A,
31 303.2, 303.2A, 303.7, 303.8, 303.17, 303.87, and
32 303.94, the duties, responsibilities, and rulemaking
33 authority of the director of the department of
34 cultural affairs, and the responsibilities of the
35 administrative section, other than accounting, of the
36 department of cultural affairs, are transferred to the

37 office of the secretary of state. The position of
38 director and the positions within the administrative
39 office, except for the fiscal officer, shall be vacant
40 as of July 1, 1992. Appointment authority granted to
41 the director of the department of cultural affairs is
42 transferred to the governor, subject to senate
43 confirmation. The office of the fiscal officer, for
44 the department of cultural affairs, shall be located
45 in the department of management.

46 Sec. 21. Section 8.29, unnumbered paragraph 4,
47 Code 1991, is amended to read as follows:

48 The state board of regents, with the approval of
49 the director of the department of management, shall
50 establish a uniform budgeting and accounting system

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1 for the institutions of higher education under its
2 control, and shall require each of the institutions of
3 higher education to begin operating under the uniform
4 system not later than June 30, ~~1976~~ 1994.

5 Sec. 22. Section 12.30, subsection 1, paragraph a,
6 Code 1991, is amended to read as follows:

7 a. "Authority" means a department, or public or
8 quasi-public instrumentality of the state including,
9 but not limited to, the authority created under
10 chapter 175, 175A, 220, 261A, or 307B, ~~or 442A~~, which
11 has the power to issue obligations, except that
12 "authority" does not include the state board of
13 regents or the Iowa finance authority to the extent it
14 acts pursuant to chapter 280A.

15 Sec. 23. Section 25A.2, subsection 5, Code 1991,
16 is amended to read as follows:

17 5. "State agency" includes all executive
18 departments, agencies, boards, bureaus, and
19 commissions of the state of Iowa, and corporations
20 whose primary function is to act as, and while acting
21 as, instrumentalities or agencies of the state of
22 Iowa, whether or not authorized to sue and be sued in
23 their own names. This definition does not include a
24 contractor with the state of Iowa. Soil and water
25 conservation districts as defined in section 467A.3,
26 subsection 1, and judicial district departments of
27 correctional services as established in section 905.2;
28 and regional boards of library trustees as defined in
29 ~~chapter 303B~~, are state agencies for purposes of this
30 chapter.

31 Sec. 24. Section 39.21, subsection 1, Code 1991,
32 is amended by striking the subsection.

33 Sec. 25. Section 43.18, unnumbered paragraph 4,

34 Code Supplement 1991, is amended to read as follows:

35 I am further aware that section 43.20, subsection
36 4, unnumbered paragraph 3, does not apply to the
37 offices of county agricultural extension council; or
38 soil and water conservation district commission; or
39 regional library board of trustees.

40 Sec. 26. Section 43.67, unnumbered paragraph 4,
41 Code Supplement 1991, is amended to read as follows:

42 I am further aware that section 49.41 does not
43 apply to the offices of county agricultural extension
44 council; or soil and water conservation district
45 commission; or regional library board of trustees.

46 Sec. 27. Section 44.3, subsection 2, unnumbered
47 paragraph 4, Code Supplement 1991, is amended to read
48 as follows:

49 I am further aware that section 49.41 does not
50 apply to the offices of county agricultural extension

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1 council; or soil and water conservation district
2 commission; or regional library board of trustees.

3 Sec. 28. Section 45.3, unnumbered paragraph 5,
4 Code Supplement 1991, is amended to read as follows:

5 I am further aware that section 49.41 does not
6 apply to the offices of county agricultural extension
7 council; or soil and water conservation district
8 commission; or regional library board of trustees.

9 Sec. 29. Section 49.41, unnumbered paragraph 6,
10 Code Supplement 1991, is amended to read as follows:

11 This section does not apply to the following public
12 offices: county agricultural extension council; or
13 soil and water conservation district commission; or
14 regional library board of trustees.

15 Sec. 30. Section 261.25, subsections 1, 2, and 3,
16 Code Supplement 1991, are amended to read as follows:

17 1. There is appropriated from the general fund of
18 the state to the commission for each fiscal year the
19 sum of thirty-two million four hundred eighty thirty
20 million seven hundred twenty-seven thousand dollars
21 for tuition grants.

22 2. There is appropriated from the general fund of
23 the state to the commission for each fiscal year the
24 sum of eight hundred thirteen seven hundred seventy-
25 nine thousand dollars for scholarships.

26 3. There is appropriated from the general fund of
27 the state to the commission for each fiscal year the
28 sum of one million three hundred fifteen two hundred
29 sixty-one thousand dollars for vocational-technical
30 tuition grants.

31 Sec. 31. Section 261.38, subsection 7, Code
 32 Supplement 1991, is amended to read as follows:
 33 7. The commission may expend funds in the reserve
 34 account to and enter into agreements which with the
 35 Iowa student loan liquidity corporation in order to
 36 increase access for students to a education loan
 37 program for guaranteed loans which are not subsidized
 38 by the federal government programs that the commission
 39 determines meet the education needs of Iowa residents.
 40 The agreements shall permit the establishment,
 41 funding, and operation of alternative education loan
 42 programs, as described in section 144(b)(1)(B) of the
 43 Internal Revenue Code of 1986 as amended, as defined
 44 in section 422.3, in addition to programs permitted
 45 under the federal Higher Education Act of 1965. In
 46 accordance with those agreements, the Iowa student
 47 loan liquidity corporation may issue bonds, notes, or
 48 other obligations to the public and others for the
 49 purpose of funding the alternative education loan
 50 programs. This authority to issue such bonds, notes,

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1 or other obligations shall be in addition to the
 2 authority established in the articles of incorporation
 3 and bylaws of the Iowa student loan liquidity
 4 corporation.
 5 Bonds, notes, or other obligations issued by the
 6 Iowa student loan liquidity corporation are not an
 7 obligation of this state or any political subdivision
 8 of this state within the meaning of any constitutional
 9 or statutory debt limitations, but are special
 10 obligations of the Iowa student loan liquidity
 11 corporation, and the corporation shall not pledge the
 12 credit or taxing power of this state or any political
 13 subdivision of this state, or make its debts payable
 14 out of any of the moneys except those of the
 15 corporation.

16 Sec. 32. Section 261.85, unnumbered paragraph 1,
 17 Code Supplement 1991, is amended to read as follows:

18 There is appropriated from the general fund of the
 19 state to the commission for each fiscal year the sum
 20 of three million eighty-five two million nine hundred
 21 fifty-eight thousand dollars for the work-study
 22 program.

23 Sec. 33. **NEW SECTION. 262.34A BID REQUESTS.**

24 The state board of regents shall request bids and
 25 proposals for materials, products, supplies,
 26 provisions, and other needed articles to be purchased
 27 at public expense, from Iowa state industries as

28 defined in section 246.802, subsection 2, when the
 29 articles are available in the requested quantity and
 30 at comparable prices and quality.

31 Sec. 34. NEW SECTION. 262.34B STUDENT FEES --
 32 CATEGORIES -- APPROVAL.

33 1. By the semester which commences in the fall of
 34 1993, fees charged to students enrolled at those
 35 universities under the control of the board of regents
 36 enumerated in section 262.7, subsections 1 through 3,
 37 shall be of one of the following two types:

38 a. Fees charged for purposes of acquisition or
 39 construction of self-liquidating and revenue-producing
 40 buildings and facilities under sections 262.44 through
 41 262.53 and acquiring, purchasing, leasing, or
 42 constructing buildings and facilities under chapter
 43 262A.

44 b. Fees charged for purposes of funding other
 45 student and student-related activities.

46 2. A fee under subsection 1, paragraph "a", that
 47 is proposed to be charged during or for an academic
 48 period which occurs on or after the first day of the
 49 semester which occurs in the fall of 1993, shall be
 50 permitted to be charged, increased, and expended in

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1 the manner provided under section 262.9, subsection
 2 18. Fees that are of the type specified under
 3 subsection 1, paragraph "b", shall be charged,
 4 increased, and expended only in the following manner:
 5 The amount of any proposed fee charge or increase,
 6 and the proposed allocations of the total amount of
 7 the fees at each of the universities shall be
 8 determined by a student fee committee, which shall
 9 consist of five students and five university
 10 employees. The five student members of the student
 11 fee committee of each university shall be appointed by
 12 the recognized student government organization of each
 13 university. The five university employees shall be
 14 appointed by the president of the university. The
 15 proposed amount and allocation of fees shall be
 16 presented by the student fee committee to the student
 17 government organization and the president of the
 18 affected university for review no later than April 15
 19 of the year which includes the subsequent academic
 20 period in which the proposed fee charge or increase or
 21 proposed allocation will take effect. The student
 22 government organization shall take action to approve
 23 or disapprove the proposed amount and allocation no
 24 later than the last meeting of the organization during

25 the spring semester which immediately precedes the
26 semester in which the amount will begin to be charged
27 or any of the allocations will take effect. Action
28 shall occur, however, no later than the last day of
29 classes of the spring semester which immediately
30 precedes the semester in which the amount will begin
31 to be charged or any of the allocations will take
32 effect. Once action on the proposal has been taken by
33 the student government organization, the proposal
34 shall be forwarded to the president of the institution
35 for review and the state board of regents for approval
36 at the time provided under section 262.9, subsection
37 18. If no agreement as to the amount of a charge or
38 an increase or the allocation of fees can be reached,
39 the student government organization and the president
40 of the affected university shall submit their
41 proposals to the state board of regents for
42 consideration. The state board of regents shall make
43 the final decision on a charge or increase in fees or
44 allocation of fees. The state board of regents shall
45 forward a copy of each proposal to the chairpersons
46 and ranking members of the joint education
47 appropriations subcommittee.

48 Sec. 35. Section 267.5, subsection 3, Code 1991,
49 is amended to read as follows:

50 3. Make recommendations to the Iowa State

Page 19

1 University college of veterinary medicine concerning
2 the application of funds appropriated by this chapter
3 to the college of veterinary medicine. The Iowa State
4 University college of veterinary medicine shall not
5 expend any of the funds appropriated by this chapter
6 until the recommendation of the council concerning
7 that appropriation is adopted or sixty days following
8 the effective date of the appropriation, whichever is
9 earlier.

10 Sec. 36. Section 275.1, unnumbered paragraph 1,
11 Code 1991, is amended to read as follows:

12 It is the policy of the state to encourage
13 economical and efficient school districts which will
14 ensure an equal educational opportunity to all
15 children of the state. All areas of the state shall
16 be in school districts maintaining kindergarten and
17 twelve grades. If a school district ceases to
18 maintain kindergarten and twelve grades except as
19 otherwise provided in section 28E.9, 256.13, 280.15,
20 282.7, subsection 1 or subsections 1 and 3, or 282.8,
21 it shall reorganize within six months or the state

22 board shall attach the school district not maintaining
23 kindergarten and twelve grades to one or more adjacent
24 districts. Voluntary reorganizations under this
25 chapter shall be commenced only if the affected school
26 districts are contiguous or marginally adjacent to one
27 another. A reorganized district shall meet the
28 requirements of section 275.3.

29 Sec. 37. Section 275.1, Code 1991, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 4. "Marginally adjacent district"
32 or "marginally adjacent territory" means a district or
33 territory which is separated from a second district or
34 territory by property which is part of a third school
35 district which completely surrounds one of the two
36 districts.

37 Sec. 38. Section 275.4, unnumbered paragraph 2,
38 Code 1991, is amended to read as follows:

39 In addition, the area education agency board shall
40 consult with the commissioner of public instruction
41 director of the department of education in the
42 development of surveys and plans. The commissioner of
43 public instruction director of the department of
44 education shall provide assistance to the area
45 education agency boards as requested and shall advise
46 the area education agency boards concerning plans of
47 contiguous area education agencies and the
48 reorganization policies adopted by the state board of
49 public instruction education.

50 Sec. 39. Section 275.11; Code 1991, is amended to

Page 20

1 read as follows:

2 275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.

3 Subject to the approval of the area education
4 agency board, contiguous or marginally adjacent
5 territory located in two or more school districts may
6 be united into a single district in the manner
7 provided in sections 275.12 to 275.22 hereof.

8 Sec. 40. Section 275.23A, subsection 1, Code 1991,
9 is amended to read as follows:

10 1. School districts which have directors who
11 represent director districts as provided in section
12 275.12, subsection 2, paragraphs "b" through "e",
13 shall be divided into director districts on the basis
14 of population as determined from the most recent
15 federal decennial census. The director districts
16 shall be as nearly equal as practicable to the ideal
17 population for the districts as determined by dividing
18 the number of director districts to be established

19 into the population of the school district. The
20 director districts shall be composed of contiguous or
21 marginally adjacent territory as compact as
22 practicable.

23 Sec. 41. Section 280A.50, unnumbered paragraph 1,
24 Code 1991, is amended to read as follows:

25 The department of education shall provide for the
26 establishment of a staff development account in the
27 office of treasurer of state for purposes of providing
28 moneys to community colleges for staff development.
29 There is appropriated from the general fund of the
30 state to the department of education on July 1 of each
31 fiscal year beginning July 1, ~~1992~~ 1993, for crediting
32 to the staff development account for each budget year
33 an amount equal to an amount which is five-tenths of
34 one percent of the total state general aid generated
35 under chapter 286A for all community colleges during
36 the base year. In the fiscal years succeeding June
37 30, ~~1993~~ 1994, an additional five-tenths of one
38 percent shall be added to the percent multiplier, used
39 to determine the appropriation in this section, until
40 that percent multiplier reaches four percent. Once
41 the percent multiplier has reached the four percent
42 level, it shall remain at that level for purposes of
43 calculating the amount to be appropriated in
44 succeeding fiscal years. Moneys appropriated by the
45 general assembly to the department of education for
46 the purpose of the staff development program shall be
47 paid to community colleges upon approval by the
48 department of education of an application submitted by
49 a community college. Funds shall be distributed to a
50 community college based upon the proportion that a

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1 college's state general aid paid for the base year
2 bears to the total state general aid paid that year to
3 all community colleges.

4 Sec. 42. Section 286A.14A, unnumbered paragraph 1,
5 Code Supplement 1991, is amended to read as follows:

6 The department of education shall provide for the
7 establishment of a community college excellence 2000
8 account in the office of the treasurer of state for
9 deposit of moneys appropriated to the account for
10 purposes of funding quality instructional centers and
11 program and administrative sharing agreements under
12 sections 280A.45 and 280A.46. There is appropriated
13 from the general fund of the state to the department
14 of education for the fiscal year beginning July 1,
15 ~~1992~~ 1993, an amount equal to two and five-tenths

16 percent of the total state general aid generated for
17 all community colleges during the budget year under
18 this chapter for deposit in the community college
19 excellence 2000 account. In the next succeeding two
20 fiscal years, the percent multiplier shall be
21 increased in equal increments until the multiplier
22 reaches seven and one-half percent of the total state
23 general aid generated for all community colleges
24 during the budget year.

25 Sec. 43. Section 294A.25, Code 1991, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 5A. Commencing with the fiscal
28 year beginning July 1, 1992, the amount of two hundred
29 fifty thousand dollars from phase III moneys for
30 support of school transformation pilot projects
31 administered by the department of education.

32 Sec. 44. Section 303.2, subsection 3, paragraph e,
33 Code Supplement 1991, is amended to read as follows:

34 e. Shall develop and adopt, ~~in conjunction with~~
35 ~~the Iowa regional library system~~, long-range plans for
36 the continued improvement of library services in the
37 state. To insure that the concerns of all types of
38 libraries are addressed, the division shall establish
39 a long-range planning committee to review and evaluate
40 progress and report findings and recommendations to
41 the division ~~and to the trustees of the Iowa regional~~
42 ~~library system at an annual meeting.~~

43 Sec. 45. Section 303.2, subsection 3, paragraph f,
44 Code Supplement 1991, is amended by striking the
45 paragraph.

46 Sec. 46. Section 303.92, subsection 3, paragraph
47 c, Code 1991, is amended to read as follows:

48 c. Shall establish and administer standards for
49 state agency libraries; ~~the Iowa regional library~~
50 ~~system~~; and public libraries.

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1 Sec. 47. Section 453.1, subsection 1, Code 1991,
2 is amended to read as follows:

3 1. All funds held in the hands of the following
4 officers or institutions shall be deposited in one or
5 more depositories first approved by the appropriate
6 governing body as indicated: For the treasurer of
7 state, by the executive council; for judicial officers
8 and court employees, by the supreme court; for the
9 county treasurer, recorder, auditor, and sheriff, by
10 the board of supervisors; for the city treasurer or
11 other designated financial officer of a city, by the
12 city council; for the county public hospital or merged

13 area hospital, by the board of hospital trustees; for
14 a memorial hospital, by the memorial hospital
15 commission; for a school corporation, by the board of
16 school directors; for a city utility or combined
17 utility system established under chapter 388, by the
18 utility board; for a regional library established
19 under chapter 303B, by the regional board of library
20 trustees; and for an electric power agency as defined
21 in section 28F.2, by the governing body of the
22 electric power agency. However, the treasurer of
23 state and the treasurer of each political subdivision
24 or the designated financial officer of a city shall
25 invest all funds not needed for current operating
26 expenses in time certificates of deposit in approved
27 depositories pursuant to this chapter or in
28 investments permitted by section 452.10. The list of
29 public depositories and the amounts severally
30 deposited in the depositories are matters of public
31 record. This subsection does not limit the definition
32 of "public funds" contained in subsection 2.

33 Sec. 48. CATEGORIZING OF FEES. The state board of
34 regents, no later than the semester which begins in
35 the fall of 1992, shall group the student activity fee
36 portion of tuition charged at the three state
37 universities under the board's control into the
38 following two categories:

39 1. Fees charged for purposes of acquisition or
40 construction of self-liquidating and revenue-producing
41 buildings and facilities under sections 262.44 through
42 262.53, and acquiring, purchasing, leasing, or
43 constructing buildings and facilities under chapter
44 262A.

45 2. Fees charged for purposes of funding other
46 student and student-related activities and services.

47 Sec. 49. Section 267.8, Code Supplement 1991, is
48 repealed.

49 Sec. 50. Sections 261.19 and 275.59, Code 1991,
50 are repealed.

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1 Sec. 51. Chapters 303B and 442A, Code 1991, are
2 repealed.

3 Sec. 52. 1991 Iowa Acts, chapter 267, sections 203
4 and 207, are repealed.

5 Sec. 53. RETROACTIVE APPLICABILITY. Section 19 of
6 this Act is retroactive to March 10, 1992.

7 Sec. 54. EFFECTIVE DATES.

8 1. Section 13 of this Act takes effect October 1,
9 1992.

10 2. Sections 15, 16, 34, and 48 of this Act, being
11 deemed of immediate importance, take effect upon
12 enactment.”

COMMITTEE ON APPROPRIATIONS
LEONARD L. BOSWELL, Chairperson

S-5625

- 1 Amend Senate File 2363 as follows:
2 1. By striking page 2, line 24, through page 4,
3 line 9, and inserting the following:
4 “Sec. . **NEW SECTION. 135.106 IOWA HEALTHY**
5 **START PROGRAM -- ESTABLISHED.**
6 1. The Iowa department of public health shall
7 establish an Iowa healthy start program to provide
8 services to families and children during the prenatal
9 through preschool years. The program shall be
10 designed to promote optimal child development, improve
11 family coping skills and functioning, and promote
12 positive parenting skills and intrafamilial
13 interaction, with the goal of prevention of child
14 abuse and neglect.
15 2. The program shall include the following
16 components which shall be developed and implemented to
17 provide for coordination of services to the greatest
18 extent possible:
19 a. An infant mortality and morbidity prevention
20 program.
21 b. A prenatal to preschool family and child
22 protection services program.
23 3. The infant mortality and morbidity prevention
24 program shall include, but is not limited to, the
25 following components:
26 a. The establishment of pilot projects, through
27 the awarding of grants, in three counties of the state
28 which have areas with the state's highest infant
29 mortality rates, to identify barriers to positive
30 birth outcomes, to encourage collaboration and
31 cooperation among providers of health care, social
32 services, and other services to pregnant women and
33 infants, and to encourage pregnant women and women of
34 childbearing years to seek health care and other
35 services which result in positive birth outcomes.
36 b. The establishment of a resource mothers program
37 to provide pregnant and postpartum women with
38 individual guidance, information, and access to health
39 care. As used in this section, “resource mothers
40 program” means a community outreach program which
41 provides for home visits by women who have experience

42 as mothers and who have knowledge of health care
43 services, social services, or related fields of
44 services and who provide pregnant and postpartum women
45 with information and access to health care and other
46 services necessary for positive birth outcomes.
47 4. The prenatal to preschool family and child
48 protection services program shall be developed and
49 implemented by the recipient of a grant awarded by the
50 department and shall include but is not limited to all

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1 of the following components:
2 a. Systematic hospital-based screening for the
3 highest percent of high-risk families of newborns in
4 specific geographic areas. The systematic hospital-
5 based screening component shall provide that a
6 resource mother identifies hospital admissions data
7 for childbirths to determine high-risk families, based
8 upon risk indicators developed by rule of the
9 department. The woman who is a member of a family
10 which is identified to be at high-risk shall be
11 interviewed by the resource mother to encourage the
12 woman to accept services including but not limited to
13 home visits, support services, and instruction in
14 child care and development.
15 b. Community-based home visiting family support
16 services. Following identification of a family as
17 high-risk and acceptance of a family of services under
18 the program, the resource mother shall initiate home
19 visits to assess the needs of the family and to refer
20 the family to appropriate services.
21 c. Individualization of the intensity of services
22 based upon the family's need and level of risk. The
23 resource mother shall assess the specific needs of the
24 participating family to ensure appropriate access to
25 services and necessary frequency of services.
26 d. Linkage to a "medical home". The resource
27 mother shall assist participating families in the
28 selection of a primary care provider in order to
29 promote preventive health care and positive child
30 development. The resource mother assigned to a family
31 shall track the scheduling and completion of and the
32 provision of transportation to health care visits.
33 The resource mother shall also review the results of
34 health care visits and coordinate future visits or
35 referrals to necessary services.
36 e. Coordination of a range of health and social
37 services for at-risk families, including the provision
38 of the appropriate levels or types of immunizations to

39 children participating in the program.

40 f. Continuous follow-up with the family until the
41 identified child reaches age three, except in the case
42 of high-risk families in which case the follow-up
43 shall continue to age four.

44 g. A structured training program in the dynamics
45 of abuse and neglect. The grant recipient shall
46 provide a training program to establish uniform
47 standards for service delivery.

48 h. Provision of crisis child care through
49 utilization of existing child care services to
50 participants in the program.

Page 3

1 i. Evaluation of the program, including an
2 evaluation of the effects on the reduction in risk
3 factors for the participants, an evaluation of the
4 services provided, and recommendations for changes in
5 or expansion of the program.

6 j. To the extent possible, private party, third
7 party, and medical assistance including the early
8 preventive screening, diagnosis, and treatment (EPSDT)
9 program, shall be utilized as a reimbursement to
10 defray the costs of services provided.

11 5. The department shall adopt rules to establish
12 and implement the healthy start program which address
13 all of the following:

14 a. The entering of an interagency agreement with
15 the department of human services by which the
16 department may refer a family at high-risk, based upon
17 reports to the department of human services, of the
18 need for services.

19 b. The criteria for the awarding of a grant for
20 the development and implementation of the infant
21 mortality and morbidity prevention pilot program and
22 for the development and implementation of the prenatal
23 to preschool family and child protection services
24 program.

25 c. The components required of a grant applicant
26 for inclusion in an infant mortality and morbidity
27 prevention pilot program proposal and in a prenatal to
28 preschool family and child protection services program
29 proposal.

30 d. Establishment of risk indicators to be used in
31 the systematic hospital-based screening component of
32 the prenatal to preschool family and child protection
33 services program.

34 e. Designation of the areas of the counties
35 selected for implementation of the infant mortality

36 and morbidity prevention pilot program which have the
37 highest infant mortality rate based on census tracts.

38 f. Designation, in cooperation with the grant
39 recipient, of the counties of the state for
40 implementation of the prenatal to preschool family and
41 child protection services program.

42 Sec. ____ . INFANT MORTALITY AND MORBIDITY
43 PREVENTION PILOT PROJECT. The Iowa department of
44 public health shall award grants to establish an
45 infant mortality and morbidity prevention pilot
46 project beginning October 1, 1992, and ending June 30,
47 1995, in the designated areas of Polk, Scott, and
48 Woodbury counties. The recipient of a grant shall
49 establish a resource mothers program or coordinate
50 existing resource mothers programs in the targeted

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1 areas and shall do all of the following:

2 1. Identify barriers to positive birth outcomes
3 and encourage cooperation in the targeted area to
4 reduce infant mortality and morbidity.

5 2. Develop an inventory of existing community
6 resources, including both public and private
7 organizations, which are designed to reduce infant
8 mortality.

9 3. Collaborate with local chambers of commerce,
10 businesses, and civic organizations, including both
11 public and private organizations, to establish a
12 coupon bonus program for pregnant women residing in
13 the targeted area to encourage the pregnant women to
14 seek prenatal care and to encourage mothers of
15 children through one year of age to utilize the early
16 periodic screening, diagnosis, and treatment program.
17 The coupon bonus program shall provide for the
18 validation of coupons by health care providers,
19 following the provision of prenatal care or care
20 provided to a child through one year of age, which may
21 be exchanged for the provision of goods or services by
22 sponsors within the community.

23 Sec. ____ . PRENATAL TO PRESCHOOL FAMILY AND CHILD
24 PROTECTION SERVICES PROGRAM.

25 1. The Iowa department of public health shall
26 develop a program for the awarding of a grant to a
27 statewide child abuse prevention organization for the
28 development and implementation of the prenatal to
29 preschool family and child protection services program
30 to be implemented beginning October 1, 1992, and
31 ending October 1, 1995, in at least three urban and
32 three rural counties, three of which shall be

33 coordinated with the existing infant mortality and
 34 morbidity programs in Polk, Scott, and Woodbury
 35 counties, and all of which shall be implemented
 36 through the use of existing nonprofit home health
 37 programs. The department shall make requests for
 38 proposals applications available to any organization
 39 requesting an application by August 1, 1992, and shall
 40 require the completed application to be returned to
 41 the department by September 1, 1992.

42 2. The department shall adopt rules which
 43 establish the criteria for the awarding of a grant to
 44 an applicant. The criteria shall include but are not
 45 limited to the required match of one dollar provided
 46 by the organization for each two dollars provided by
 47 the state.

48 3. A grant recipient shall do all of the
 49 following:

50 a. Implement the proposed program by October 1,

Page 5

1 1992.

2 b. Coordinate the program with the infant
 3 mortality and morbidity prevention programs in
 4 existence in Polk, Scott, and Woodbury counties.

5 c. To the maximum extent possible, utilize
 6 existing programs and services necessary for
 7 implementation of the program.

8 d. Utilize nonprofit home health programs in the
 9 development and implementation of the program.

10 4. The Iowa department of public health shall
 11 submit an evaluation of the program, by January 15,
 12 annually, to the governor and the general assembly.

13 Sec. ____ . APPROPRIATION -- INFANT MORTALITY AND
 14 MORBIDITY -- HEALTHY START PROGRAM. There is
 15 appropriated from the general fund of the state to the
 16 Iowa department of public health, for the fiscal year
 17 beginning July 1, 1992, and ending June 30, 1993, the
 18 following amount, or so much thereof as is necessary,
 19 for the purposes designated:

20 \$ 590,000.

21 1. Of the moneys appropriated in this section, not
 22 more than \$115,000 shall be used to award grants to
 23 establish infant mortality and morbidity prevention
 24 pilot projects in Polk, Scott, and Woodbury counties
 25 in the areas designated by the Iowa department of
 26 public health as areas with the highest infant
 27 mortality rates. Of the amount appropriated, not more
 28 than 15 percent shall be used for administrative
 29 expenses.

30 2. Of the moneys appropriated in this section, not
 31 more than \$300,000 shall be used to award a grant to a
 32 statewide child abuse prevention organization for the
 33 development and implementation of the prenatal to
 34 preschool family and child protection services program
 35 to be implemented beginning October 1, 1992.

36 3. Of the moneys appropriated in this section, not
 37 more than \$25,000 shall be used for departmental staff
 38 support of a multidisciplinary team conducting
 39 research concerning the causes of individual infant
 40 deaths in the state. Funding of the multidisciplinary
 41 team concerning an individual case shall be used
 42 solely for research purposes.

43 4. Of the moneys appropriated under this section,
 44 not more than \$150,000 shall be used to increase the
 45 use of mid-level practitioners to improve access to
 46 prenatal health care. The funds shall be used to
 47 issue three \$50,000 grants to hospitals, public health
 48 programs, or maternal health clinics to develop
 49 programs to provide services to pregnant women,
 50 utilizing nurse midwives with hospital privileges and

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- 1 physician support, in areas of the state with
- 2 insufficient availability of obstetrical services.”
- 3 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5626

1 Amend House File 2256, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 8, the
 4 following:

5 “Sec. ____ . Section 455D.9, subsection 3, Code
 6 1991, is amended to read as follows:

7 3. The department shall develop rules which define
 8 yard waste and provide for the safe and proper method
 9 of composting. The rules adopted for a composting
 10 facility to be located on property owned by an
 11 applicant for a permit prior to July 1, 1992, when the
 12 property is located within twenty miles of a
 13 metropolitan area of two hundred fifty thousand or
 14 more, shall require that prior to the issuance of a
 15 permit for a composting facility, the applicant shall
 16 submit an economic impact statement to the department.
 17 For the purpose of this subsection, “economic impact
 18 statement” means an estimate of the economic impact of

- 19 the siting of a composting facility at a specific
20 location on affected property owners."
21 2. By renumbering as necessary.

JIM RIORDAN

S-5627

- 1 Amend House File 2362 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by inserting after line 21 the
4 following:
5 "___ The franchisee falsifies books and records
6 of account with respect to the operations of the
7 franchised business."
8 2. By relettering as necessary.

JIM LIND

S-5628

- 1 Amend House File 2362 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, line 8, by striking the words "the
4 same".
5 2. Page 12, line 9, by striking the word
6 "provision" and inserting the following:
7 "provisions".
8 3. Page 12, by striking lines 10 through 12 and
9 inserting the following: "enforcement of the
10 provisions is similar to that imposed on other
11 franchisees of the franchisor."

JIM LIND

S-5629

- 1 Amend House File 2205 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 6 the
4 following:
5 "Sec. ___. Section 455B.310, subsection 10, Code
6 Supplement 1991, is amended by striking the subsection
7 and inserting the following:
8 10. a. Notwithstanding the tonnage fee schedule
9 prescribed under subsection 2, foundry sand used by a
10 sanitary landfill as daily cover, road base, or berm
11 material or for other purposes defined as beneficial
12 use by rule of the department, is exempt from
13 imposition of the tonnage fee imposed under this

14 section.

15 b. Sanitary landfills shall use foundry sand for
16 beneficial use as defined by rule of the department as
17 a replacement for earthen material, if the foundry
18 sand is generated by a foundry located within the
19 state and if the foundry sand is provided to the
20 sanitary landfill at no cost to the sanitary landfill.

21 c. Beginning on or after July 1, 1994, foundry
22 sand disposed of at a sanitary landfill is subject to
23 the tonnage fee prescribed pursuant to subsection 2."

24 2. By renumbering as necessary.

BEVERLY A. HANNON
RALPH ROSENBERG

S-5630

1 Amend amendment, S-5624, to House File 2465 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 16, by inserting after line 14 the
5 following:

6 "Sec. ____ . Section 261.17, subsections 1 and 4,
7 and subsection 6, paragraph b, Code 1991, are amended
8 to read as follows:

9 1. A vocational-technical tuition grant may be
10 awarded to any resident of Iowa who is admitted and in
11 attendance as a full-time student in a vocational-
12 technical or career option program at a community
13 college or an eligible course of study at a qualified
14 proprietary school in the state, and who establishes
15 financial need.

16 4. A vocational-technical tuition grant shall be
17 awarded on an annual basis, requiring reapplication by
18 the student for each year. Payments under the grant
19 shall be allocated equally among the semesters or
20 quarters of the year upon certification by the
21 institution that the student is in full-time
22 attendance in a vocational-technical or career option
23 program, as defined under rules of the department of
24 education, or an eligible course of study at a
25 qualified proprietary school, as defined under rules
26 of the commission. If the student discontinues
27 attendance before the end of any term after receiving
28 payment of the grant, the entire amount of any refund
29 due that student, up to the amount of any payments
30 made under the annual grant, shall be paid by the
31 institution to the state.

32 b. Adopt rules for determining financial need,
33 defining residence for the purposes of this section,

34 defining eligibility requirements for courses of study
35 at qualified proprietary schools, setting standards
36 for qualified proprietary schools under this section,
37 processing and approving applications for grants and
38 determining priority for grants.
39 Sec. ____ . Section 261.17, Code 1991, is amended by
40 adding the following new subsections:
41 NEW SUBSECTION. 7. Rules adopted by the
42 commission which define eligibility requirements for
43 courses of study at qualified proprietary schools
44 shall include, but are not limited to, a requirement
45 that the course of study lead to the awarding of a
46 degree, diploma, or license.
47 NEW SUBSECTION. 8. Rules adopted by the
48 commission which set standards for qualification of
49 proprietary schools under this section shall include,
50 but are not limited to, a requirement that the school

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1 comply with the provisions of sections 714.23 and
2 714.25 and that the school is accredited by a
3 nationally recognized accrediting agency.””
4 2. By numbering, renumbering, redesignating, and
5 correcting internal references as necessary.

MIKE CONNOLLY

S-5631

1 Amend House File 2456, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 3, by striking lines 18 and 19 and
4 inserting the following: “subsection 3. A producer
5 shall not be certified or retain certification, unless
6 both of the following requirements are satisfied.”
7 2. Page 3, line 22, by inserting after the word
8 “five” the following: “but not more than fifteen”.
9 3. Page 3, by striking lines 23 through 26.
10 4. Page 3, by striking lines 32 through 35 and
11 inserting the following: “produced. In order to
12 qualify for the”.
13 5. Page 4, line 34, by striking the word
14 “claimants” and inserting the following: “certified
15 producers”.
16 6. Page 5, line 9, by striking the word
17 “claimants” and inserting the following: “certified
18 producers”.

19 7. Page 6, by striking lines 19 through 22 and
20 inserting the following: "computation period."

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-5632

1 Amend House File 2362, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by striking lines 8 and 9.
4 2. Page 6, by striking lines 3 through 5 and in-
5 serting the following: "voting power in the
6 franchise."
7 3. Page 6, line 12, by striking the word "thirty"
8 and inserting the following: "sixty".
9 4. Page 6, line 34, by striking the word "thirty"
10 and inserting the following: "sixty".
11 5. Page 7, line 4, by striking the word "thirty-
12 day" and inserting the following: "sixty-day".
13 6. Page 10, by striking lines 21 and 22, and
14 inserting the following: "independent appraiser shall
15 be final and binding, and subject to judicial review
16 under chapter 679A."
17 7. Page 11, by striking line 2 and inserting the
18 following: "appraiser shall be final and binding, and
19 subject to judicial reivev under chapter 679A."
20 8. Page 11, line 21, by inserting after the word
21 "days" the following: "or more than ninety days".
22 9. By renumbering as necessary.

AL STURGEON
JIM KERSTEN
RICHARD VARN
JOHN JENSEN
PAT DELUHERY

S-5633

1 Amend House File 2362, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by striking lines 17 through 24.
4 2. Page 9, line 34, by striking the word
5 "either".
6 3. Page 10, by striking lines 1 and 2, and
7 inserting the following: ". For the purposes of this
8 section, "unreasonable".
9 4. By striking page 10, line 28 through page 11,
10 line 2.
11 5. Page 13, line 5, by inserting after the word

12 "franchisee" the following: "or if the franchisor is
 13 otherwise altering its method of doing business to
 14 accommodate changes in economic or market
 15 circumstances and such alterations are applied
 16 nondiscriminatorily".
 17 6. By renumbering as necessary.

WILMER RENSINK

S-5634

1 Amend Senate File 2352 as follows:
 2 1. Page 1, line 32, by inserting after the word
 3 "penalty" the following: "or scheduled fine".

DONALD V. DOYLE
 LINN FUHRMAN

S-5635

1 Amend House File 2362, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, lines 11 and 12, by striking the words
 4 ", either express or implied,".
 5 2. Page 2, line 12, by striking the words "direct
 6 or indirect".
 7 3. Page 3, by striking lines 8 and 9.
 8 4. By renumbering as necessary.

WILMER RENSINK

S-5636

1 Amend House File 2362, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 11 the
 4 following:
 5 "___ Franchise also does not include a contract
 6 or agreement which does all of the following:
 7 (1) A person authorizes another to use trademark,
 8 service mark, trade name, logotype, advertisement, or
 9 another commercial symbol of the person in connection
 10 with a business.
 11 (2) The person does not offer significant
 12 assistance in connection with the operation of that
 13 business.
 14 (3) The person does not impose a significant
 15 degree of control over the operation of the business."
 16 2. Page 3, line 11, by inserting after the word
 17 "business" the following: "where the sales volume,

18 measured in dollars, from the use of the plan or
19 system would represent no less than seventy-five
20 percent of the total sales volume".

- 21 3. Page 4, line 7, by striking the words "or
22 existing franchise" and inserting the following:
23 "franchise, and an existing franchise upon renewal,
24 modification, or replacement after July 1, 1992,".
25 4. By renumbering as necessary.

WILMER RENSINK

S-5637

1 Amend House File 2362 as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 11, by striking line 4 and inserting the
4 following: "injunction pursuant to Iowa rule of civil
5 procedure 321 to prevent irreparable injury from".

WILMER RENSINK
DONALD V. DOYLE

S-5638

1 Amend House File 2362, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 1, line 16, by inserting after the word
4 "fee" the following: "of five hundred dollars or
5 more".
6 2. Page 1, by striking lines 18 through 21 and
7 inserting the following:
8 "(c) Allows the franchise business to be
9 identified with a trademark, service mark, or trade
10 name."
11 3. Page 2, line 12, by striking the words "direct
12 or indirect".
13 4. Page 5, line 22, by striking the words "a
14 proposal" and inserting the following: "a notice as
15 required in subsection 6".
16 5. Page 5, by striking lines 29 and 30, and
17 inserting the following: "franchisor for expenses
18 attributable to the transfer."
19 6. Page 6, lines 13 and 14, by striking the words
20 "on request from the franchisor".
21 7. Page 6, line 14, by inserting after the word
22 "writing" the following: "the terms of the proposed
23 transfer and".

- 24 8. Page 7, by striking lines 17 through 24.
- 25 9. By renumbering as necessary.

WILMER RENSINK

S-5639

- 1 Amend House File 2362, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, line 12, by inserting after the word
- 4 "circumstances." the following: "Under any
- 5 circumstances, three defaults in any one-year period
- 6 is deemed to be good cause to terminate."
- 7 2. Page 12, by striking lines 24 through 28 and
- 8 inserting the following: "any of the following
- 9 apply:".
- 10 3. Page 12, line 29, by striking the letter "a."
- 11 and inserting the following: "1."
- 12 4. Page 12, line 33, by striking the letter "b."
- 13 and inserting the following: "2."
- 14 5. Page 13, line 3, by striking the letter "c."
- 15 and inserting the following: "3."
- 16 6. Page 13, line 8, by inserting after the words
- 17 "franchisees of the franchisor" the following: ", and
- 18 the franchisee has been notified of the franchisor's
- 19 intent not to renew at least six months prior to the
- 20 expiration date or any extension of the franchise
- 21 agreement".

WILMER RENSINK

S-5640

- 1 Amend House File 2462, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by striking lines 14 through 18 and
- 4 inserting the following:
- 5 "The department shall plan for and initiate a long-
- 6 term process for the continuous improvement of the
- 7 services provided to the citizens of Iowa using the
- 8 principles of total quality management."
- 9 2. By striking page 1, line 35 through page 2,
- 10 line 2, and inserting the following: "positions:".
- 11 3. Page 2, line 3, by striking the figure
- 12 "2,705,555", and inserting the following:
- 13 "2,505,555".
- 14 4. Page 2, by striking lines 11 through 15 and
- 15 inserting the following: "the administration of the
- 16 targeted small business program:
- 17 \$ 273,000".

18 5. Page 2, by inserting after line 26 the
19 following:

20 "___ . Regionally based business outreach program
21 To implement the regionally based business outreach
22 program:

23 \$ 318,000".

24 6. Page 3, by striking lines 2 through 15 and
25 inserting the following:

26 "___ . Small business investment company
27 capitalization

28 For transfer to the treasurer of state for the
29 purpose of facilitating the organization and private
30 capitalization of the small business investment
31 company under sections 28.162 through 28.164. If the
32 small business investment company for which the funds
33 are to be used is not organized within eighteen months
34 of the effective date of this Act, unused funds shall
35 revert to the general fund of the state:

36 \$ 200,000".

37 7. Page 4, by striking lines 19 through 24.

38 8. Page 5, line 29, by striking the figure
39 "14.97" and inserting the following: "17.77".

40 9. Page 6, by inserting after line 13 the
41 following:

42 "Notwithstanding section 8.33, pursuant to 1990
43 Iowa Acts, chapter 1255, section 37, subsection 1, as
44 amended by 1991 Iowa Acts, chapter 260, section 1001,
45 the department may use up to \$200,000 for a welcome
46 center project based upon the department's
47 prioritization report, dated December 1991, and moneys
48 committed to grantees under contract that remain
49 unexpended on June 30 of any fiscal year shall not
50 revert to any fund but shall be available for

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1 expenditure for purposes of the contract during the
2 succeeding fiscal year."

3 10. Page 8, by inserting after line 2 the
4 following:

5 "Sec. ___ . There is appropriated from use tax
6 receipts collected under chapter 423 prior to deposit
7 in the road use tax fund, to the department of
8 economic development for the fiscal year beginning
9 July 1, 1992, and ending June 30, 1993, the following
10 amount, or so much thereof as may be necessary, to be
11 used for the operation of the interstate welcome
12 center system:

13 \$ 41,586".

14 11. Page 8, by striking lines 10 and 11 and

15 inserting the following: "the remainder of the Iowa
16 community development loan fund available during the
17 fiscal year beginning July 1, 1992, and ending June
18 30, 1993, whichever is greater, to be transferred only
19 to".

20 12. Page 10, line 2, by striking the figure
21 "4.00" and inserting the following: "6.00".

22 13. Page 10, line 13, by inserting after the word
23 "development," the following: "\$96,750 shall be
24 allocated to the peace institute, and".

25 14. Page 10, line 20, by striking the figure
26 "750,000", and inserting the following: "846,750".

27 15. By striking page 10, line 33 through page 11,
28 line 29, and inserting the following: "technology:

29 \$ 3,000,000".

30 16. Page 12, by inserting after line 2 the
31 following:

32 "Sec. ____ . There is appropriated from the general
33 fund of the state to the university of northern Iowa
34 for the fiscal year beginning July 1, 1992, and ending
35 June 30, 1993, the following amounts, or so much
36 thereof as is necessary, to be used for the purposes
37 designated:

38 For funding the decision-making institute:
39 \$ 600,000

40 For funding the applied technology program:
41 \$ 225,000".

42 17. Page 12, by inserting before line 3 the
43 following:

44 "Sec. ____ . Section 15.108, Code Supplement 1991,
45 is amended by adding the following new subsections:
46 NEW SUBSECTION. 10. ECONOMIC DEVELOPMENT PLANNING
47 AND RESEARCH ACTIVITIES. To provide leadership and
48 support for economic and community development
49 activities statewide. To carry out this
50 responsibility, the department may establish a

Page 3

1 research center for economic development programs and
2 services whose duties may include but are not limited
3 to the following:

4 a. Implementation of a comprehensive statewide
5 economic development planning process and provision of
6 leadership, coordination, and support to regional and
7 local economic and community planning efforts.

8 b. Coordination of the delivery of economic and
9 community development programs with other local,
10 regional, state, federal, and private sector programs
11 and activities.

12 c. Collection and analysis of data and
 13 information, development of databases and performing
 14 research to keep abreast of Iowa's present economic
 15 base, changing market demands, and emerging trends,
 16 including identification of targeted markets and
 17 development of marketing strategies.

18 d. Provision of access to databases to facilitate
 19 sales and exports by Iowa businesses.

20 e. Establishment of a database of community and
 21 economic information to aid local regional and
 22 statewide economic development and service delivery
 23 efforts.

24 **NEW SUBSECTION. 11. REGIONALLY BASED BUSINESS**

25 **OUTREACH PROGRAM.** To create and stimulate economic
 26 opportunity for entrepreneurs and existing businesses
 27 in the state by providing outreach, assistance, and
 28 support and to coordinate economic development
 29 services and programs for individuals, businesses, and
 30 communities. To carry out this responsibility the
 31 department may establish a regionally based business
 32 outreach program to:

33 a. Identify business needs that can be served by
 34 programs of the department.

35 b. Assure that there is equal access statewide to
 36 a basic set of programs and services to assist
 37 business.

38 c. Develop partnerships and better coordination
 39 between statewide and regional service providers.

40 d. Offer a regionally based outreach opportunity
 41 for existing business.

42 e. Utilize a statewide network for business
 43 assistance to provide a mechanism for regular
 44 coordination statewide among service providers.

45 f. Promote cooperative efforts among business
 46 assistance service providers."

47 18. Page 13, by inserting after line 34, the
 48 following:

49 "Sec. ____ . Section 15.303, Code 1991, is amended
 50 by striking the section and inserting in lieu thereof

Page 4

1 the following:

2 15.303 REGIONALLY BASED BUSINESS OUTREACH PROGRAM
 3 -- AUTHORITY OF THE DIRECTOR.

4 The director has the authority in regard to the
 5 regionally based business outreach program to do any
 6 of the following:

7 1. Contract with each community college for the
 8 employment of a business outreach specialist to be

9 located within a regional business and industry
10 services center who is to be part of a statewide
11 network for business assistance coordinated by the
12 department.

13 2. Establish regional coordinating councils to
14 coordinate the regional delivery of economic
15 development programs and services to businesses and to
16 establish and adopt the policy and work plan for the
17 business outreach specialist.

18 3. Cooperate with the councils of governments,
19 community colleges, small business development
20 centers, the center for industrial research and
21 service, the Iowa quality coalition, and other public
22 and private service providers in the state to
23 coordinate the delivery of economic development and
24 community development programs and services to avoid
25 duplication in the delivery of such programs and
26 services.

27 4. Adopt policies for the monitoring and
28 enforcement of contracts awarded to community colleges
29 to carry out the purposes of this program. The
30 department may withhold the disbursement of funds for
31 failure to achieve milestones established in the
32 contracts.

33 5. Provide leadership and support in the
34 development and implementation of statewide, regional,
35 and local economic and community development planning
36 efforts.

37 6. Provide information and data to Iowa
38 businesses, communities, and individuals through a
39 central registry.

40 7. Provide coordination, assistance, and support
41 for the operation of regional coordinating councils
42 and for the regionally based business outreach
43 program.

44 Sec. ____ . Section 15.305, Code 1991, is amended by
45 striking the section and inserting in lieu thereof the
46 following:

47 **15.305 REGIONAL COORDINATING COUNCILS -- DUTIES.**

48 1. For purposes of establishing regional business
49 and industry services centers, the state is divided
50 into fifteen regions identical to the boundaries for

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1 the community colleges under chapter 280A. However,
2 for purposes of the regional business and industry
3 services centers, one or more community colleges may
4 enter into an agreement that all businesses within a
5 county shall be served by the community college that

6 serves the county seat. Each region shall establish a
7 regional coordinating council.

8 2. Membership of the regional coordinating council
9 shall consist of at least twelve members who shall be
10 representative of education, government, business and
11 industry, labor, professional developers, and service
12 organizations in the merged area. Private sector
13 representation shall comprise at least one-half of the
14 membership and shall include at least one member who
15 is a professional developer in the region. Service
16 providers serving a substantial portion of the merged
17 area may have a representative on the regional
18 coordinating council. The appointment and terms of
19 office of the members shall be governed by bylaws
20 adopted by each regional coordinating council.

21 3. A director, officer, employee, member, trustee,
22 or volunteer, of a regional coordinating council is
23 not liable for the debts or obligations of the
24 regional coordinating council and a director, officer,
25 employee, member, trustee, or volunteer is not
26 personally liable for a claim based upon an act or
27 omission of the person performed in the discharge of
28 the person's duties, except for acts or omissions
29 which involve intentional misconduct or known
30 violation of the law, or for a transaction from which
31 the person derives an improper personal benefit.

32 4. The regional coordinating councils shall do all
33 of the following:

34 a. Adopt a multiyear regional business assistance
35 work plan to guide the operation of the business
36 outreach specialist in the delivery of programs and
37 services to businesses in the region and provide
38 annual updates. The work plan may include other
39 activities specifically designed to meet the needs of
40 businesses in the region. The regional coordinating
41 council shall consult with service providers within
42 the region in the preparation and adoption of the work
43 plan and may contract with one or more service
44 providers in its preparation. The work plan shall be
45 submitted to the department and to the president of
46 the community college or the president's designee for
47 review and comment before the adoption of the work
48 plan by the regional coordinating council. Before the
49 release of any state funds by the department to the
50 community college for operation of a regional business

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1 and industry outreach program, the work plan shall be
2 approved by the department.

3 b. Evaluate and monitor the operation of the
4 regional business and industry outreach program to
5 implement the goals and objectives established in the
6 work plan to deliver economic development programs and
7 services to businesses in the region. The regional
8 coordinating council shall report at least quarterly
9 to the president of the community college or the
10 president's designee and to the department of economic
11 development on the operation of the program. The
12 department shall review and consider the report prior
13 to disbursing funds to the community college.

14 c. Cooperate with the department to promote local,
15 regional, and statewide service delivery systems and
16 to coordinate the delivery of economic development
17 programs and services to businesses in the region.
18 The regional coordinating council may recommend to the
19 department of economic development plans to better
20 coordinate the delivery of services in the region and
21 to avoid duplication of services.

22 d. Elect annually a representative to serve on the
23 advisory council established by the department to
24 provide input on the review and update of the state's
25 economic development strategic plan.

26 e. Conduct a biennial inventory of business
27 assistance service providers to businesses within the
28 region and provide information about available
29 technical services to the department.

30 f. Meet at least quarterly with the board of
31 directors or their designees of the community college,
32 any councils of governments serving a substantial
33 portion of the region, and representatives of any
34 small business development center, incubator, area
35 quality council, professional developers in the
36 region, and the center for industrial research and
37 service serving the region to share information,
38 develop plans and programs, and coordinate the
39 delivery of services within the region.

40 Sec. ____ . Section 15.307, Code 1991; is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 **15.307 REGIONALLY BASED BUSINESS OUTREACH PROGRAM.**

44 1. The director of the department of economic
45 development is authorized to contract with each
46 community college for employment of a business
47 outreach specialist within a business services center
48 to work with existing business within the region to
49 determine company needs and provide access or referral
50 to services, or if services are not readily accessible

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1 within the region, to coordinate with other service
2 providers to determine how services should be accessed
3 or provided. The contract shall include but is not
4 limited to the following:
5 a. Procedures for development and adoption of a
6 regional work plan by the regional coordinating
7 council to be implemented by the community college to
8 guide the activities of the business outreach
9 specialist.
10 b. Criteria for employment and evaluation of the
11 business outreach specialist to implement the
12 provisions of the contract in the region. The
13 contract shall include responsibilities and duties of
14 the specialist and other personnel, wage and benefit
15 provisions, and performance measures related to
16 carrying out the provisions of the contract.
17 c. An annual budget for operation of the program
18 and activities agreed to in the contract including
19 provisions related to the transfer of funds to the
20 community college or its designee, as agreed upon by
21 the president of the community college and the
22 director. The budget shall reflect the work plan of
23 the regional coordinating council to implement the
24 intent and purposes of the contract.
25 d. Performance measures for quarterly and annual
26 evaluation of the program and activities agreed to in
27 the contract.
28 2. The duties of the business outreach specialist
29 shall include the activities listed in this section
30 and may include other programs and activities agreed
31 to in the contract. The business outreach specialist
32 shall do all of the following:
33 a. Provide outreach and visitation to
34 entrepreneurs and businesses, including data
35 collection for the business database, needs
36 identification, and information delivery.
37 b. Function as a clearinghouse and referral center
38 for information on business assistance programs and
39 services. The business outreach specialist shall
40 serve as a liaison between businesses in the region,
41 the department, and other business assistance service
42 providers. The specialist shall provide follow-up on
43 referrals.
44 c. Maintain ongoing communication with other
45 business assistance service providers in the region
46 and coordinate the delivery of programs and services
47 between the service providers and businesses. The
48 specialist shall cooperate with other service

49 providers in the region and statewide to be part of a
50 statewide network established by the department to

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1 create and promote entrepreneurship, business
2 retention, business development, and business
3 expansion.

4 d. Assist the regional coordinating council in
5 preparing and implementing the annual regional
6 business assistance work plan and inventory of
7 business assistance service providers.

8 e. Provide the regional link for the database and
9 information systems of the department. In providing
10 the regional link, the specialist shall do all of the
11 following:

12 (1) Implement and utilize the department's
13 databases to facilitate trade opportunities for
14 businesses in the region, including updating
15 information, and providing trade lead data.

16 (2) Provide information and referral to
17 individuals and businesses about available programs
18 and services.

19 (3) Provide other information and data concerning
20 businesses in the region to the department or other
21 sources.

22 f. Perform other related duties and
23 responsibilities as agreed upon in the contract."

24 19. Page 22, by inserting after line 6, the
25 following:

26 "Sec. ____ . Section 28.156, Code 1991, is amended
27 by adding the following new subsection:

28 **NEW SUBSECTION.** 6. Carry out the duties
29 authorized in section 28.166 regarding the
30 manufacturing technology network and adopt rules
31 pursuant to chapter 17A to implement the program.

32 Sec. ____ . Section 28.158, subsection 1, Code 1991,
33 is amended by adding the following new paragraph:

34 **NEW PARAGRAPH.** g. For the manufacturing
35 technology network.

36 Sec. ____ . **NEW SECTION.** 28.165 PURPOSE – INTENT.

37 The purposes of the manufacturing technology
38 network are:

39 1. To create and stimulate economic opportunity by
40 providing technical assistance to individual industry
41 or to industrial sectors in this state.

42 2. To assist in the identification of
43 opportunities for modernization and increased
44 competitiveness of individual industry or industrial
45 sectors.

- 46 3. To assure statewide access to industrial
47 technology programs and services.
48 4. To provide specific programs for individual
49 industry or industrial sectors by:
50 a. Developing partnerships and coordination

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1 between statewide and regional providers of services
2 for modernization and increased competitiveness for
3 Iowa industry.

4 b. Establishing an industrial contact outreach
5 program to evaluate the need for technical services
6 and implementing an industrial needs assessment
7 database.

8 c. Collaborating with a network of specialized
9 technology resource sites throughout the state.

10 5. To facilitate the transfer of university
11 research that is available for commercial application
12 to individual industry or industrial sectors.

13 Sec. ____ . **NEW SECTION. 28.166 REGIONALLY BASED
14 MANUFACTURING TECHNOLOGY NETWORK.**

15 1. The executive director of the foundation may
16 contract with one or more community colleges for
17 employment of an industrial technology outreach
18 specialist within a regional business and industry
19 services center to work with individual industry or
20 industrial sectors to determine company needs and
21 provide technical assistance or referral to services,
22 or to coordinate with other service providers to
23 determine how services should be accessed or provided.
24 The contract shall include but is not limited to the
25 following:

26 a. The establishment of an industrial technology
27 outreach program that will identify needs of
28 individual industry or industrial sectors.

29 b. Criteria for assuring access to programs and
30 services to assist individual industry or industrial
31 sectors.

32 c. An annual budget for operation of the program
33 and activities agreed to in the contract including
34 provisions related to the transfer of funds to the
35 community college, as agreed upon by the president of
36 the community college and the executive director.

37 d. Performance measures for quarterly and annual
38 evaluation of the program and activities agreed to in
39 the contract. The foundation may withhold the
40 disbursement of funds for failure to achieve criteria
41 established in the contract.

42 e. The duties of the industrial technology

43 outreach specialist.

44 2. The foundation may provide or contract for the
45 delivery of technical services to individual industry
46 or industrial sectors."

47 20. Page 22, by inserting after line 12, the
48 following:

49 "Sec. ____ . Section 15.306, Code 1991, is
50 repealed."

Page 10

1 21. Page 24, line 31, by striking the word
2 "association" and inserting the following:
3 "administration".

4 22. Page 26, by inserting after line 2, the
5 following:

6 "Sec. ____ . All loan repayments under the rural
7 community 2000 program shall be transferred to the
8 Iowa finance authority housing improvement fund under
9 section 220.100."

10 23. Title page, line 4, by inserting after the
11 word "technology" the following: ", the university of
12 northern Iowa, replacing the Iowa economic development
13 network with a regionally based business outreach
14 program, establishing a manufacturing technology
15 network under the Wallace technology transfer
16 foundation, and providing for economic development
17 planning and research activities by the department of
18 economic development."

19 24. By renumbering, relettering, or redesignating
20 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
LEONARD BOSWELL, Chairperson

S-5641

1 Amend the amendment, S-5624, to House File 2465, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 15, by inserting after line 14 the
5 following:

6 "Sec. ____ . Section 18.136, subsection 3, Code
7 1991, is amended to read as follows:

8 3. The financing for the procurement costs for the
9 entirety of Part I of the system, and the video, data,
10 and voice capacity for state agencies for Part II and
11 Part III of the system, shall be provided by the
12 state. The financing for the procurement costs for
13 Part II of the system shall be provided eighty percent

14 from the state and twenty percent from the community
15 colleges for the areas in which Part II of the system
16 is located. The basis for the state match is eighty
17 percent of a single interactive video and interactive
18 audio for Parts I and II of the system, and such data
19 and voice capacity as is necessary. The financing for
20 the procurement and maintenance costs for Part III of
21 the system shall be provided eighty percent from the
22 state and twenty percent from the local school boards
23 of the areas which receive transmissions from the
24 system. The local school boards may meet all or part
25 of the match requirements of Part III of the system
26 through a cooperative arrangement with community
27 colleges. The basis for the state match is eighty
28 percent of a single interactive audio and one-way
29 video for Part III of the system, and such data and
30 voice capacity as is necessary. The local school
31 boards and community colleges may meet the match
32 requirements for Part II and Part III of the system
33 from funds they have already spent for their systems,
34 from funds available in the school budget, or from
35 funds received from other nonstate sources. In the
36 case of existing systems, in order to upgrade
37 facilities to the specifications of the state
38 communications network, the local school boards and
39 community colleges, in lieu of a cash match, may meet
40 the match requirements from funds they have already
41 spent for their systems provided that the state match
42 does not exceed the lesser of eighty percent of the
43 total cost of the upgraded system or eighty percent of
44 the replacement cost of the system. The
45 communications equipment funds used as a match by a
46 community college shall be calculated based on
47 verified expenditures for capital, equipment,
48 hardware, and software for long-distance learning
49 technologies, including both audio and visual
50 transmission. The communications equipment used as a

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1 match shall not subsequently be used as a match by
2 another educational entity or for another part of the
3 system. A local school board may request the school
4 budget review committee to adjust the allowable growth
5 for the school district so that the resulting increase
6 in budget could be used for the match. A local school
7 board may also elect not to become part of the system.
8 Such election shall be made on an annual basis. State
9 matching funds shall not be provided for Part III of
10 the system until Part I and Part II of the system have

- 11 been completed.”
12 2. By numbering, renumbering, redesignating, and
13 correcting internal references as necessary.

LEONARD L. BOSWELL
MICHAEL E. GRONSTAL

S-5642

- 1 Amend Senate File 2362 as follows:
2 1. Page 1, line 10, by inserting after the figure
3 “1993.” the following:
4 “Businesses involved in the manufacturing and use
5 of packaging products or food service items, shall
6 establish ten recycling programs in the state to
7 increase the recycling of packaging products or food
8 service items. The recycling programs shall include
9 collection systems at participating locations and a
10 central processing facility or equipment in the county
11 in which the project is operated. Additionally, if
12 transportation of the processed material is not
13 provided by the business operating the recycling
14 program, transportation shall be subsidized by the
15 business operating the program. There shall be at
16 least one recycling program in each congressional
17 district.
18 PARAGRAPH DIVIDED.”
19 2. Page 1, line 11, by inserting after the figure
20 “1995,” the following: “and if the recycling programs
21 are not established by January 1, 1993, and are not in
22 operation for at least one year by January 1, 1995.”.

RALPH ROSENBERG
LARRY MURPHY

S-5643

- 1 Amend Senate Joint Resolution 2008 as follows:
2 1. Page 1, line 7, by striking the words
3 “government and each local government”.
4 2. Page 1, line 9, by striking the words “Each
5 government’s” and inserting the following: “The
6 state’s”.
7 3. Page 1, by striking lines 15 through 17, and
8 inserting the following: “The “base year” is the”.
9 4. Page 1, lines 33 and 34, by striking the words
10 “, and the local limits include.”.
11 5. Page 2, line 1, by striking the words “a
12 government’s” and inserting the following: “the
13 state’s”.

- 14 6. Page 2, line 4, by striking the words "A
15 government's" and inserting the following: "The
16 state's".
- 17 7. Page 2, lines 5 and 6, by striking the words
18 "that government's" and inserting the following: "the
19 state's".
- 20 8. Page 2, line 16, by striking the words "Each
21 government's" and inserting the following: "The
22 state's".
- 23 9. Page 2, line 22, by striking the words "a
24 government's" and inserting the following: "the
25 state's".
- 26 10. By striking page 2, line 28, through page 3,
27 line 3.
- 28 11. Page 3, by striking lines 7 through 9 and
29 inserting the following: "amount of the necessary net
30 cost increase."
- 31 12. Page 3, line 10, by striking the words "Any
32 state or local government" and inserting the
33 following: "Any state".
- 34 13. Page 3, line 15, by striking the words "and
35 local governments".
- 36 14. Page 4, by striking line 4, and inserting the
37 following: "The adjustment for population".
- 38 15. Page 4, line 14, by striking the words "and
39 local governments".
- 40 16. Page 4, line 21, by striking the words "A
41 government which" and inserting the following: "If
42 the state".
- 43 17. Page 4, line 22, by inserting after the
44 figure "XIII" the following: ", the state".
- 45 18. Page 4, by striking lines 25 through 31, and
46 inserting the following: "and operations of the
47 state."
- 48 19. Page 4, line 32, by striking the words "a
49 government" and inserting the following: "the state".
- 50 20. Page 5, line 1, by striking the words "each

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- 1 government" and inserting the following: "the state".
- 2 21. Page 5, line 5, by striking the words "and
3 local governments".
- 4 22. Title page, lines 3 and 4, by striking the
5 words "and local governments".
- 6 23. By renumbering as necessary.

MAGGIE TINSMAN
MARY KRAMER
HARRY SLIFE

ELAINE SZYMONIAK
LARRY MURPHY
RALPH ROSENBERG

HOUSE AMENDMENT TO
SENATE FILE 2355

S-5644

1 Amend Senate File 2355, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking line 8 and inserting the
4 following:

5 "..... \$ 46,478,137".

6 2. Page 1, line 28, by inserting after the word
7 "the" the following: "Iowa Self-employed Household
8 Incentive Program (ISHIP)".

9 3. Page 2, by inserting after line 6 the
10 following:

11 "___ . Notwithstanding section 239.6, the
12 department is not required to reconsider eligibility
13 of aid to dependent children recipients every six
14 months if a federal waiver is granted."

15 4. Page 2, by inserting after line 6, the
16 following:

17 "___ . The department shall apply for a waiver of
18 federal requirements, if necessary, and shall adopt
19 rules pursuant to chapter 17A to implement the
20 provisions of this subsection. The department shall
21 require that if a recipient received aid to dependent
22 children in another state within one year prior to
23 establishing eligibility for assistance in this state,
24 the requirements of this subsection shall apply for
25 one year from the date the recipient's eligibility for
26 assistance is determined. Using the family size for
27 which the recipient's eligibility for assistance is
28 determined in this state, the department shall compare
29 the grant amount the recipient would be paid in the
30 other state with the grant amount paid in this state
31 for that family size. For the one-year period, the
32 recipient's grant amount shall be based upon the
33 lesser of the two amounts."

34 5. Page 3, by striking line 5 and inserting the
35 following:

36 "..... \$ 276,675,611".

37 6. Page 3, line 9, by inserting after the word
38 "life" the following: "or health".

39 7. Page 7, lines 20 and 21, by striking the words
40 "the medically needy program" and inserting the
41 following: "who are eligible for the medically needy

42 program without a spend down requirement”.

43 8. Page 7, by inserting after line 24, the

44 following:

45 “ —. The department of human services shall work
46 cooperatively with the department of elder affairs and
47 the area agencies on aging to expedite and improve the
48 assessment and eligibility determination process used
49 for the medical assistance home and community-based
50 waiver program for the elderly.”

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1 9. By striking page 7, line 25 through page 8,

2 line 9 and inserting the following:

3 “ —. It is the intent of the general assembly
4 that copayments shall not be charged to recipients for
5 services which are mandatory under federal
6 requirements for the medical assistance program.

7 —. The department shall actively pursue the
8 potential to fund child welfare services under the
9 early and periodic screening, diagnosis, and treatment
10 (EPSDT) option of the medical assistance program. If
11 the funding is implemented, the department may
12 transfer moneys appropriated in this Act for foster
13 care or home-based services as necessary to pay the
14 nonfederal costs of services reimbursed under EPSDT
15 which are provided to children who would otherwise
16 receive services paid under those appropriations. The
17 department may adopt emergency rules to implement the
18 provisions of this subsection.

19 —. Except as otherwise provided in the
20 appropriation made in this Act for enhanced mental
21 health, mental retardation, and developmental
22 disabilities services, if a medical assistance
23 recipient is receiving care which is reimbursed under
24 a federally approved home and community-based services
25 waiver but would otherwise be approved for care in an
26 intermediate care facility for the mentally retarded,
27 the recipient's county of legal settlement shall
28 reimburse the department on a monthly basis for the
29 portion of the recipient's cost of care which is not
30 paid from federal funds.

31 —. The department shall apply to the federal
32 government for medical assistance waivers as necessary
33 to provide a day treatment program for children with
34 severe psychiatric and behavioral disorders. The
35 department may adopt emergency rules to implement the
36 provisions of this subsection.”

37 10. Page 8, by inserting before line 10 the fol-

38 lowing:

39 "___ . Administrative rules adopted by the
 40 department establishing intermediate care facility for
 41 the mentally retarded (ICFMR) standards relating to
 42 family scale and size, location, and community
 43 inclusion, including, but not limited to, rules
 44 adopted pursuant to 1991 Iowa Acts, chapter 267,
 45 section 103, subsection 5, and Senate File 2311, as
 46 enacted by the Seventy-fourth General Assembly, 1992
 47 Session, shall not prohibit any ICFMR with eight beds
 48 or less."

49 11. Page 9, line 15, by inserting after the word
 50 "income." the following: "The department shall adopt

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1 emergency rules to implement the provisions of this
 2 subsection."

3 12. Page 11, line 27, by inserting after the word
 4 "centers." the following: "However, any reimbursement
 5 increase provided under this subsection shall not
 6 cause the provider's reimbursement rate to exceed the
 7 provider's actual and allowable cost plus the
 8 inflationary increase authorized in the section of
 9 this Act relating to provider reimbursement. The
 10 department may adopt emergency rules to implement the
 11 provisions of this subsection."

12 13. Page 12, line 14, by inserting after the word
 13 "home" the following: "or adult day care".

14 14. Page 12, line 30, by striking the figure
 15 "4,076,896" and inserting the following: "4,058,896".

16 15. Page 13, line 18, by striking the words "may
 17 be used either" and inserting the following: "shall
 18 be used".

19 16. Page 13, line 19, by striking the words "or
 20 the JOBS program".

21 17. Page 13, line 24, by striking the word
 22 "renew" and inserting the following: "increase".

23 18. Page 13, line 25, by striking the words "an
 24 annual" and inserting the following: "the fiscal year
 25 1991-1992".

26 19. Page 14, by striking line 9 and inserting the
 27 following:

28 " \$ 3,757,260".

29 20. Page 14, by striking lines 17 through 25 and
 30 inserting the following: "employees together can
 31 reasonably be expected to maintain or increase net
 32 state revenue at or beyond the budgeted level. If the
 33 director adds additional employees, the".

34 21. Page 15, line 6, by inserting after the word
 35 "bureau." the following: "If a statute enacted by the

36 Seventy-fourth General Assembly, 1992 Session,
37 authorizes the department to charge an annual cost
38 recovery fee to nonpublic assistance users of child
39 support recovery services, the fee may be deducted
40 from support paid in fiscal year 1992-1993, unless the
41 user elects to pay the fee directly. The department
42 shall continue to provide child support recovery
43 services to persons who were notified during fiscal
44 year 1991-1992 that services would not be continued if
45 an annual cost recovery fee was not paid."

46 22. Page 18, by inserting after line 15 the
47 following:

48 "___ . Investigate the efforts used by other states
49 to return children who have been placed out-of-state,
50 including any training programs.

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1 ___ . Investigate the potential of using funding
2 currently expended for children placed out-of-state as
3 matching funding for services in this state in order
4 to retain those children in this state.

5 ___ . Investigate the potential of using medical
6 assistance funding available under section 1915a of
7 the federal Social Security Act in decategorization
8 counties as a model for developing a flexible
9 financing system."

10 23. Page 18, lines 18 and 19 by striking the
11 words "children, youth, and families" and inserting
12 the following: "adult, children, and family
13 services".

14 24. Page 18, by striking lines 23 through 27 and
15 inserting the following:

16 "___ . A juvenile court judge or referee appointed
17 by the chief justice.

18 ___ . A juvenile court officer appointed by the
19 chief justice."

20 25. Page 19, by inserting after line 8 the
21 following:

22 "___ . A member of the general assembly appointed
23 by the legislative council."

24 26. Page 20, by striking line 4 and inserting the
25 following:

26 "..... \$ 42,942,651

27 ___ . a. For fiscal year 1992-1993, the statewide
28 target, as provided for in section 232.143, if enacted
29 by the Seventy-fourth General Assembly, 1992 Session,
30 for the average number of children placed in group
31 foster care in any day of the fiscal year, shall be
32 1,405.

33 b. In each quarter of the fiscal year, the
34 department shall compare the actual number of group
35 foster care placements in a region and the targets
36 allocated to the region for that quarter. The
37 department shall develop a methodology to provide,
38 within the funds allocated in this subsection, fiscal
39 incentives to regions which have reduced the number or
40 length of group foster care placements below the
41 targeted levels. The fiscal incentives shall be used
42 by a region to maintain or further the region's
43 reduction in the number or length of group foster care
44 placements.

45 c. The department shall report quarterly to the
46 legislative fiscal bureau concerning the status of
47 each region's efforts to limit the number of group
48 foster care placements in accordance with the regional
49 plan established pursuant to section 232.143.

50 d. It is the intent of the general assembly that

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1 the average reimbursement rates paid for placement of
2 children out-of-state shall not exceed the maximum
3 reimbursement rate paid to providers in this state."

4 27. Page 20, line 11, by striking the word and
5 figures "October 1, 1992" and inserting the following:
6 "April 1, 1993".

7 28. Page 20, by striking lines 23 through 33.

8 29. Page 21, line 8, by inserting after the
9 figure "1992." the following: "The department may
10 adopt emergency rules relating to program standards
11 for therapeutic foster care."

12 30. Page 21, by striking lines 9 through 27.

13 31. Page 22, line 11, by striking the words
14 "services and notwithstanding" and inserting the
15 following: "services. Notwithstanding".

16 32. Page 23, line 6, by striking the words "due
17 to" and inserting the following: "in excess of the
18 amount budgeted for".

19 33. Page 23, line 10, by inserting after the
20 figure "7." the following: "Notwithstanding any
21 provision of law to the contrary, any state funding
22 identified as saved in excess of the amount budgeted
23 for the federal financial participation shall be
24 considered encumbered, for the purposes of this
25 subsection, at the time of identification."

26 34. By striking page 23, line 11 through page 24,
27 line 19.

28 35. Page 24, line 29, by striking the word
29 "system" and inserting the following: "department".

30 36. Page 25, by inserting after line 3 the

31 following:

32 "Sec. ____ . GROUP FOSTER CARE ALTERNATIVES. There

33 is appropriated from the general fund of the state to
34 the department of human services for the fiscal year
35 beginning July 1, 1992, and ending June 30, 1993, the
36 following amount, or so much thereof as is necessary,
37 to be used for the purposes designated:

38 For programming alternatives to group foster care,
39 in accordance with the provisions of this section:

40 \$ 4,142,127

41 1. The department shall allocate up to \$1,050,000
42 of the funds appropriated in this section among the
43 department's regions to be used for wrap-around
44 services. The moneys shall be used by each region to
45 reduce the number or length of group foster care
46 placements ordered by that region. For the purposes
47 of this subsection, "wrap-around services" means
48 coordinated, highly individualized, and community-
49 based services directed to the basic human needs of a
50 child and child's family which are developed and

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1 approved by an interdisciplinary team and focused upon
2 the strengths of the child and the child's family.

3 The department may transfer funds allocated in this
4 subsection in addition to other funds appropriated in
5 this Act that are used to provide wrap-around
6 services.

7 2. Of the funds appropriated in this section, up
8 to \$987,393 may be used to develop and maintain the
9 state's implementation of the national adoption and
10 foster care information system pursuant to the
11 requirements of Pub. L. No. 99-509. In developing the
12 system the department shall involve representatives of
13 the court, service providers, advocates, and other
14 persons interested in the adoption process.

15 3. Of the funds appropriated in this section, up
16 to \$150,000 may be used to contract to develop a
17 statewide system for recruiting, retaining, and
18 supporting foster care families consistent with the
19 recommendation of the department's family foster care
20 advisory committee. The department shall involve the
21 family foster care advisory committee in developing a
22 request for proposals for the contract. The committee
23 shall also be involved in reviewing proposals,
24 overseeing the work of the contractor, and further
25 defining needs in the system. The department shall
26 also involve the committee in seeking new financial

27 support for enhancing the family foster care system,
28 including government and foundation grants. The
29 department may adopt emergency rules to implement the
30 provisions of this subsection.

31 4. The department shall utilize the reasonable
32 efforts model court project in continuing training
33 seminars for child welfare practitioners throughout
34 the state on the use of reasonable efforts to prevent
35 or eliminate the need for removal of a child from the
36 child's home. In addition, the department shall draw
37 upon the reasonable efforts model court project in
38 working with the judicial department to provide
39 ongoing instruction and technical assistance in
40 selected counties in the state concerning application
41 of reasonable efforts. Counties shall be selected by
42 targeting those with a high rate of placing children
43 outside the children's homes. The recipients of
44 technical assistance shall include court officials,
45 department of human services referral workers, and
46 child welfare service providers. Trainers shall
47 include respected peers and colleagues of the training
48 recipients. The department shall use up to \$80,000 of
49 the funds appropriated in this section for the
50 contract. The department shall seek assistance from

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1 the national conference of state legislatures and
2 private foundations in implementing the provisions of
3 this subsection.

4 5. Of the funds appropriated in this section, up
5 to \$1,000,000 is allocated for continued foster care
6 services to a child who is 18 years of age or older in
7 accordance with the provisions of section 234.35,
8 subsection 4, paragraph "c", if enacted by the
9 Seventy-fourth General Assembly, 1992 Session. The
10 department shall distribute the moneys allocated in
11 this subsection to the departmental regions based on
12 each region's proportion of the total number of
13 children placed in foster care on March 31, 1992, who,
14 during the fiscal year beginning July 1, 1992, would
15 no longer be eligible for foster care due to age.

16 6. The provisions of this section and of the
17 appropriation for foster care in this Act constitute a
18 significant change in state policy involving child
19 welfare. In order to determine whether the change in
20 policy has the intended effect and to provide
21 information for future decision making, adequate
22 information is required. During the fiscal period of
23 this appropriation, the department shall track those

24 out-of-home placements of children in which the state
25 or a county is financially involved. The department,
26 in coordination with the legislative fiscal bureau and
27 the judicial department, shall develop a system for
28 providing the tracking information. The tracking
29 information shall be provided in a manner by which it
30 can be determined whether the limitations on group
31 foster care enacted by the Seventy-fourth General
32 Assembly, 1992 Session, have resulted in increased use
33 of out-of-home placements of children other than group
34 foster care. The tracking information shall be
35 submitted quarterly to the governor, the chairpersons
36 and ranking members of the joint human services
37 appropriations subcommittee, and the legislative
38 fiscal bureau and shall include all of the following
39 information for each departmental region:
40 a. The number of placements of children within
41 each of the following age ranges: 0 through 5; 6
42 through 10; 11 through 15; and 16 through 21.
43 b. The number of children placed in each of the
44 following: family foster care, residential foster
45 care, state training school, Iowa juvenile home,
46 psychiatric medical institutions for children (PMICs),
47 residential substance abuse treatment programs,
48 hospitals for acute psychiatric care, state mental
49 health institutes, shelter care, juvenile detention,
50 adult correctional facilities, state hospital-schools,

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1 intermediate care facilities for the mentally retarded
2 (ICF/MR), residential care facilities for the mentally
3 retarded (RCF/MR)."

4 37. Page 25, line 10, by striking the words "The
5 contractor must be" and inserting the following: "In
6 selecting a vendor, the department shall give
7 preference to a vendor who is".

8 38. Page 25, line 16, by inserting after the word
9 "benefits." the following: "Notwithstanding section
10 217.30 and section 232.2, subsection 11, and any other
11 provision of law to the contrary, the custodian of a
12 child in foster care may release medical, mental
13 health, substance abuse, or any other information
14 necessary only to determine the child's eligibility
15 for SSI benefits, and may sign releases for the
16 information. In any release of information made
17 pursuant to this subsection, confidentiality shall be
18 maintained to the maximum extent possible."

19 39. Page 26, line 23, by inserting after the word
20 "section." the following: "The department may adopt

21 emergency rules to implement the provisions of this
22 paragraph.

23 ____ . Of the funds appropriated in this section, up
24 to \$3,027,717 shall be used for family-centered
25 services for families with children with mental
26 retardation or other developmental disability who
27 would otherwise be placed in group foster care or are
28 currently placed in group foster care. The department
29 may adopt emergency rules to implement the provisions
30 of this subsection."

31 40. Page 26, line 29, by inserting after the word
32 "programs," the following: "on the condition that
33 family planning services are funded."

34 41. Page 29, line 26, by inserting after the word
35 "law," the following: "Reimbursement rates for
36 providers of court-ordered evaluation and treatment
37 services paid under section 232.141, subsection 4,
38 shall be negotiated with providers by each judicial
39 district's planning group."

40 42. Page 33, line 7, by inserting after the word
41 "may" the following: "expend the excess amounts to".

42 43. Page 33, line 14, by striking the words
43 "appropriated in this section" and inserting the
44 following: "reimbursed to the Iowa veterans home
45 pursuant to paragraph "a".

46 44. Page 33, by inserting after line 19 the
47 following:

48 "c. The first \$2,372,481 of reimbursements
49 received from a source other than the state, as a
50 result of the Iowa veterans home reclassifying 147

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1 beds under the medical assistance program and opening
2 previously closed beds, shall be retained by the home
3 and used for costs associated with the
4 reclassification and reopening of the beds. The
5 moneys retained by the home pursuant to this paragraph
6 are in addition to state funds appropriated to the
7 home in this section."

8 45. Page 34, by inserting after line 19 the
9 following:

10 ____ . As part of the discharge planning process at
11 the state mental health institutes, the department
12 shall provide assistance in obtaining eligibility for
13 federal supplemental security income (SSI) to those
14 individuals whose care at a state mental health
15 institute is the financial responsibility of the
16 state."

17 46. By striking page 37, line 6 through page 44,

18 line 33 and inserting the following:

19 "Sec. ____ . MH/MR/DD STATE CASES -- NON-MH/MR/DD
20 LOCAL PURCHASES. There is appropriated from the
21 general fund of the state to the department of human
22 services for the fiscal year beginning July 1, 1992,
23 and ending June 30, 1993, the following amount, or so
24 much thereof as is necessary, to be used for the
25 purposes designated:

26 For purchase of local mental health, mental
27 retardation, and developmental disabilities services
28 where the client has no established county of legal
29 settlement and for allocation to the various counties
30 for the purchase of local services not related to
31 mental health, mental retardation, or developmental
32 disabilities:

33 \$ 4,982,213

34 Sec. ____ . MENTAL HEALTH -- MENTAL RETARDATION --
35 DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES. There
36 is appropriated from the general fund of the state to
37 the department of human services for the fiscal year
38 beginning July 1, 1992, and ending June 30, 1993, the
39 following amount, or so much thereof as is necessary,
40 to be used for the purpose designated:

41 For mental health, mental retardation, and
42 developmental disabilities community services in
43 accordance with the provisions of this Act:

44 \$ 29,503,279

45 1. Of the funds appropriated in this section,
46 \$1,912,335, or so much thereof as is necessary, is
47 allocated to reimburse eligible counties for their
48 expenditures for services provided to persons with
49 mental retardation, a developmental disability, or
50 chronic mental illness during the fiscal year

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1 beginning July 1, 1991, and ending June 30, 1992, in
2 accordance with 1991 Iowa Acts, chapter 267, section
3 128. The amount of reimbursement due a county
4 pursuant to this section shall be determined in
5 accordance with the formula provided in 1991 Iowa
6 Acts, chapter 267, section 128, subsection 5, after
7 revising the formula to apply to the fiscal year
8 beginning July 1, 1991.

9 2. a. Of the funds appropriated in this section,
10 \$13,038,776 is allocated for distribution to counties
11 for local purchase of services for persons with mental
12 illness or mental retardation or other developmental
13 disability.

14 b. The funds allocated in this subsection shall be

15 expended by counties in accordance with eligibility
16 guidelines established in the department's rules
17 outlining general provisions for service
18 administration. Services eligible for payment with
19 funds allocated in this subsection are limited to any
20 of the following which are provided in accordance with
21 the department's administrative rules for the
22 services: community supervised apartment living
23 arrangements, residential services for adults,
24 sheltered work, supported employment, supported work
25 training, transportation, and work activity.

26 c. In purchasing services with funds allocated in
27 this subsection, a county shall designate a person to
28 provide for eligibility determination and development
29 of a case plan for individuals for whom the services
30 are purchased. The designated person shall be a
31 medical assistance case manager serving the person's
32 county of residence. If an individual does not have a
33 case manager, the individual's eligibility shall be
34 determined by a social services caseworker of the
35 department serving the individual's county of
36 residence. The case plan shall be developed in
37 accordance with the department's rules outlining
38 general provisions for service administration.

39 d. Services purchased with funds allocated in this
40 subsection must be the result of a referral by the
41 person who identified the services in developing the
42 individual's case plan.

43 e. Services purchased with funds allocated in this
44 subsection must be under a purchase of service
45 contract established in accordance with the
46 department's administrative rules for purchase of
47 service.

48 f. The funds provided by this subsection shall be
49 allocated to each county as follows:

50 (1) Fifty percent based upon the county's

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1 proportion of the state's population of persons with
2 an annual income which is equal to or less than the
3 poverty guideline established by the federal office of
4 management and budget.

5 (2) Fifty percent based upon the amount provided
6 to the county for local purchase services under the
7 federal social services block grant in the fiscal year
8 beginning July 1, 1991.

9 g. Each county shall submit to the department a
10 plan for funding of the services eligible for payment
11 under this subsection. The plan may provide for

12 allocation of the funds for one or more of the
13 eligible services. The plan shall identify the
14 funding amount the county allocates for each service
15 and the time period for which the funding will be
16 available. Only those services which have funding
17 allocated in the plan are eligible for payment with
18 funds provided in this subsection.

19 h. A county shall provide advance notice to the
20 individual receiving services, the service provider,
21 and the person responsible for developing the case
22 plan of the date the county determines that funding
23 will no longer be available for a service.

24 i. Moneys allocated to a county pursuant to
25 paragraph "f" shall be provided to the county as
26 claims are submitted to the state.

27 j. The moneys provided under this subsection do
28 not establish an entitlement to the services funded
29 under this subsection.

30 3. Of the funds appropriated in this section,
31 \$14,522,168 shall be deposited in the state mental
32 health, mental retardation, and developmental
33 disabilities community services fund, if the fund is
34 created by the Seventy-fourth General Assembly, 1992
35 Session. If the fund is not created, the moneys shall
36 be deposited in the state community mental health and
37 mental retardation services fund and allocated as
38 provided in this section. The moneys deposited shall
39 be allocated to counties for funding of community-
40 based mental health, mental retardation, and
41 developmental disabilities services in accordance with
42 rules adopted by the department for this purpose. The
43 moneys shall be allocated to a county as follows:

44 a. Fifty percent based upon the county's
45 proportion of the state's population of persons with
46 an annual income which is equal to or less than the
47 poverty guideline established by the federal office of
48 management and budget.

49 b. Fifty percent based upon the county's
50 proportion of the state's general population.

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1 4. Of the funds appropriated in this section,
2 \$30,000 shall be transferred to the governor's
3 planning council for developmental disabilities for
4 use in contracting to continue operating a
5 computerized information and referral project for
6 Iowans with developmental disabilities and their
7 families.

8 5. The department may adopt emergency rules to

9 implement the provisions of this section.

10 6. The department shall submit quarterly reports
11 concerning each population served and each service
12 funded in this section to the chairpersons and ranking
13 members of the joint human services appropriations
14 subcommittee and the legislative fiscal bureau.

15 Sec. ____ ENHANCED MENTAL HEALTH - MENTAL
16 RETARDATION - DEVELOPMENTAL DISABILITIES SERVICES.

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, 1992, and ending June
20 30, 1993, the following amount, or so much thereof as
21 is necessary, to be used for the purpose designated:

22 For the enhanced mental health, mental retardation,
23 and developmental disabilities services under the
24 medical assistance program:

25 \$ 4,946,160

26 1. For purposes of this section, "enhanced mental
27 health, mental retardation, and developmental
28 disabilities services" means day treatment, partial
29 hospitalization, and case management provided to
30 medical assistance-eligible individuals with mental
31 retardation, developmental disabilities including a
32 brain injury as defined in section 135.22, or chronic
33 mental illness.

34 2. The state shall pay the nonfederal share of the
35 costs of case management provided to adults, day
36 treatment, and partial hospitalization provided under
37 the medical assistance program. Funding for case
38 management services shall be limited to persons with
39 mental retardation, a developmental disability, or
40 chronic mental illness. The state shall pay the
41 nonfederal share of costs for case management services
42 provided to persons 18 and under who are served in a
43 medical assistance home and community-based waiver
44 program for persons with mental retardation.

45 3. Medical assistance funding for case management
46 services for eligible persons 18 years of age and
47 under shall also be provided to persons residing in
48 counties with decategorization projects, provided
49 these projects have included these persons in their
50 service plan and the decategorization project county

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1 is willing to provide the nonfederal share of costs.

2 4. This section does not relieve the county from
3 any other funding obligations required by law,
4 including but not limited to the obligations in
5 section 222.60.

6 5. For the purposes of this section only, persons
7 with mental disorders resulting from Alzheimer's
8 disease or substance abuse shall not be considered
9 chronically mentally ill.

10 6. If the department has contracted with a county
11 or a consortium of counties to be the provider of case
12 management services, the department is responsible for
13 any costs included within the unit rate for case
14 management services which are disallowed for
15 reimbursement pursuant to Title XIX of the federal
16 Social Security Act by the federal health care
17 financing administration. If certain costs are
18 disallowed due to requirements or preferences of a
19 particular county in the provision of case management
20 services, the county shall be responsible for the
21 disallowed costs."

22 47. Page 45, by striking lines 16 and 17 and
23 inserting the following:

24 "..... \$ 37,844,444
25 FTEs 2,180.50".

26 48. Page 48, by striking lines 3 and 4 and
27 inserting the following:

28 "..... \$ 9,218,882
29 FTEs 359.01".

30 49. Page 49, by inserting after line 33 the
31 following:

32 "The department shall complete all of the following
33 requirements relating to implementation of the X-PERT
34 system:

35 1. Complete an assessment of the relative
36 appropriateness and cost-effectiveness of the various
37 options for developing the X-PERT system. The
38 assessment shall include an evaluation of the relative
39 merits of using various computer hardware platforms
40 including, but not limited to, mainframe computers,
41 distributed processing, and personal microcomputers.
42 The department shall utilize experts and resources
43 from the private sector and shall ensure that the
44 assessment is independent of influence from potential
45 system vendors. The department shall report to the
46 chairpersons and ranking members of the joint human
47 services appropriations subcommittee and the
48 legislative fiscal bureau no later than October 1,
49 1992.

50 2. Complete a detailed work plan designed to

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1 ensure that the X-PERT system is fully tested and
2 implemented by July 1, 1994. The work plan shall

3 contain an assessment of the fiscal and staff
4 resources required to meet this time frame and the
5 availability of these resources. The work plan shall
6 be completed on or before September 1, 1992.
7 3. Develop, in cooperation with the legislative
8 fiscal bureau, a methodology for measuring costs and
9 savings resulting from the development and
10 implementation of the X-PERT system. The methodology
11 shall provide for separate measurement of both actual
12 reductions in expenditures and avoidance of increased
13 expenditures. The department shall implement the
14 methodology during the development of the system and
15 shall report quarterly regarding implementation of the
16 methodology to the chairpersons and ranking members of
17 the joint human services appropriations subcommittee
18 and the legislative fiscal bureau."

19 50. Page 51 by inserting after line 6 the
20 following:

21 "___ . Federally qualified health centers shall be
22 reimbursed at 100 percent of reasonable costs as
23 determined by the department in accordance with
24 federal requirements."

25 51. Page 52, by inserting after line 3 the
26 following:

27 "___ . For the fiscal year beginning July 1, 1992,
28 the maximum reimbursement rates for social services
29 providers other than child day care providers shall
30 not be increased over the rates in effect on June 30,
31 1991. The provisions of this subsection do not revise
32 in any manner the maximum reimbursement rates paid to
33 social service providers in the fiscal year beginning
34 July 1, 1991.

35 ___ . The department may adopt emergency rules to
36 implement the provisions of this section."

37 52. Page 54, line 4, by inserting after the word
38 "located." the following: "Notwithstanding any other
39 provision of law to the contrary, the department may
40 close an institution under the authority of the
41 department or a unit within an institution if the
42 closing is necessary due to budget reductions made
43 pursuant to an executive order issued under section
44 8.31. Any contract providing for a private entity to
45 utilize a portion of a state institution or to assume
46 responsibilities performed by an employee of the state
47 shall require that the private entity pay wages and
48 provide benefits to the private entity's employees
49 working in the state-owned facilities which are at
50 least equal to wages and benefits paid to state

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1 employees doing comparable work.”

2 53. Page 54, by inserting after line 4, the
3 following:

4 “Sec. ____ . Section 135C.2, subsection 5, paragraph
5 b, Code Supplement 1991, is amended to read as
6 follows:

7 b. A facility must be located in an area zoned for
8 single or multiple-family housing or in an
9 unincorporated area and must be constructed in
10 compliance with applicable local housing codes
11 requirements and the rules adopted for the special
12 classification by the state fire marshal in accordance
13 with the concept of the least restrictive environment
14 for the facility residents. The rules adopted by the
15 state fire marshal for the special classification
16 shall be no more restrictive than the rules adopted by
17 the state fire marshal for demonstration waiver
18 project facilities pursuant to 1986 Iowa Acts, chapter
19 1246, section 206, subsection 2. Local housing codes
20 requirements shall not be more restrictive than the
21 rules adopted for the special classification by the
22 state fire marshal and the state building code
23 requirements for single or multiple-family housing.”

24 54. Page 54, by inserting after line 4, the
25 following:

26 “Sec. ____ . NEW SECTION. 148E.1 DEFINITIONS.

27 As used in this chapter, unless the context
28 otherwise requires:

29 1. “Acupuncture” means promoting, maintaining, or
30 restoring health based on traditional oriental medical
31 concepts of treating specific areas of the human body,
32 known as acupuncture points or meridians, by
33 performing any of the following practices:

34 a. Inserting acupuncture needles.

35 b. Moxibustion.

36 c. Applying manual, thermal, or electrical
37 stimulation or any other secondary therapeutic
38 technique.

39 2. “Acupuncturist” means a person who is engaged
40 in the practice of acupuncture.

41 3. “Board” means the board of medical examiners
42 established in chapter 147.

43 4. “Department” means the Iowa department of
44 public health.

45 Sec. ____ . NEW SECTION. 148E.2 REGISTRATION AND
46 RENEWAL REQUIRED.

47 A person shall not engage in the practice of
48 acupuncture unless the person has registered with the

49 board and received a certificate of registration
50 pursuant to this chapter. Registration shall be

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1 renewed annually. The board shall charge a fee for
2 renewal.

3 Sec. ____ NEW SECTION. 148E.3 REGISTRATION
4 REQUIREMENTS AND RECIPROCAL AGREEMENTS.

5 1. A person shall be registered as an
6 acupuncturist and issued a certificate of registration
7 by the board, if the person does all of the following:

8 a. Submits a completed application form as
9 provided by the board and the application fee as
10 required by the board.

11 b. Successfully completes and passes the
12 certification and examination process of the national
13 commission for the certification of acupuncture.

14 c. Successfully completes a training program which
15 conforms to standards established by the national
16 commission for the certification of acupuncture.

17 2. The board may register a person as an
18 acupuncturist and issue a certificate of registration
19 based upon a reciprocal agreement pursuant to chapter
20 147.

21 Sec. ____ NEW SECTION. 148E.4 DISPLAY OF
22 CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

23 An acupuncturist shall display the certificate of
24 registration issued pursuant to section 148E.3 in a
25 conspicuous place in the acupuncturist's place of
26 business. An acupuncturist shall provide to each
27 patient upon initial contact with the patient the
28 following information in written form:

29 1. The name, business address, and business phone
30 number of the acupuncturist.

31 2. A fee schedule.

32 3. A listing of the acupuncturist's education,
33 experience, degrees, certificates, or credentials
34 related to acupuncture awarded by professional
35 acupuncture organizations, the length of time required
36 to obtain the degrees or credentials, and experience.

37 4. A statement indicating any license,
38 certificate, or registration in a health care
39 occupation which was revoked by any local, state, or
40 national health care agency.

41 5. A statement that the acupuncturist is complying
42 with rules adopted by the department or the board,
43 including a statement that only presterilized,
44 disposable needles are used by the acupuncturist.

45 6. A statement indicating that the practice of

46 acupuncture is regulated by the department.
47 Sec. ____ . NEW SECTION. 148E.5 USE AND DISPOSAL
48 OF NEEDLES.
49 An acupuncturist shall use only presterilized,
50 disposable needles, and shall provide for adequate

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1 disposal of used needles.
2 Sec. ____ . NEW SECTION. 148E.6 REVOCATION OR
3 SUSPENSION OF CERTIFICATE AND REGISTRATION.
4 In addition to the grounds for revocation or
5 suspension referred to in section 147.55, the
6 registration and certificate of registration to
7 practice acupuncture shall be revoked or suspended
8 when the acupuncturist is guilty of any of the
9 following acts or offenses:
10 1. Failure to provide information as required in
11 section 148E.4 or provision of false information to
12 patients.
13 2. Acceptance of remuneration for referral of a
14 patient to other health professionals.
15 3. Offering of or giving of remuneration for the
16 referral of patients, not including paid
17 advertisements or marketing services.
18 4. Failure to comply with this chapter, rules
19 adopted pursuant to this chapter, or applicable
20 provisions of chapter 147.
21 5. Engaging in sexual activity or genital contact
22 with a patient while acting or purporting to act
23 within the scope of practice, whether or not the
24 patient consented to the sexual activity or genital
25 contact.
26 6. Disclosure of confidential information
27 regarding the patient.
28 Sec. ____ . NEW SECTION. 148E.8 ACCIDENT AND
29 HEALTH INSURANCE COVERAGE.
30 This chapter shall not be construed to require
31 accident and health insurance coverage for acupuncture
32 services under an existing or future contract or
33 policy for insurance issued or issued for delivery in
34 this state, unless otherwise provided by the contract
35 or policy.
36 Sec. ____ . NEW SECTION. 148E.9 SCOPE OF CHAPTER.
37 This chapter does not apply to a person otherwise
38 licensed to practice medicine and surgery, osteopathy,
39 osteopathic medicine and surgery, podiatry, or
40 dentistry.
41 Sec. ____ . NEW SECTION. 148E.10 STANDARD OF CARE.
42 A person registered under this chapter shall be

43 held to the same standard of care as a person licensed
 44 to practice medicine and surgery, osteopathy, or
 45 osteopathic medicine and surgery.
 46 Sec. ____ . NEW SECTION. 148E.11 EVALUATION OF
 47 CONDITION REQUIRED.
 48 A person registered under this chapter shall not
 49 engage in the performance of acupuncture upon another
 50 person until the person's condition has been evaluated

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1 by a person licensed to practice medicine and surgery,
 2 osteopathy, osteopathic medicine and surgery,
 3 podiatry, or dentistry.
 4 Sec. ____ . Section 147.1, subsections 2 and 3, Code
 5 Supplement 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, mental health counselor, ~~or~~ social
 16 worker, or acupuncturist means a person licensed or
 17 certified under this title.
 18 3. "Profession" means medicine and surgery,
 19 podiatry, osteopathy, osteopathic medicine and
 20 surgery, practice as a physician assistant,
 21 psychology, chiropractic, nursing, dentistry, dental
 22 hygiene, optometry, speech pathology, audiology,
 23 pharmacy, physical therapy, occupational therapy,
 24 cosmetology, barbering, mortuary science, marital and
 25 family therapy, mental health counseling, social work,
 26 ~~or dietetics, or acupuncture.~~
 27 Sec. ____ . Section 147.13, subsection 1, Code
 28 Supplement 1991, is amended to read as follows:
 29 1. For medicine and surgery, ~~and osteopathy, and~~
 30 ~~osteopathic medicine and surgery, and acupuncture.~~
 31 medical examiners.
 32 Sec. ____ . Section 147.74, Code Supplement 1991, is
 33 amended by adding the following new subsection after
 34 subsection 16 and renumbering the remaining
 35 subsection:
 36 NEW SUBSECTION. 17. An acupuncturist registered
 37 under chapter 148E may use the words "registered
 38 acupuncturist" after the person's name.
 39 Sec. ____ . Section 147.80, Code Supplement 1991, is

40 amended by adding the following new subsection after
 41 subsection 23 and renumbering the remaining
 42 subsections:
 43 NEW SUBSECTION. 24. Registration to practice
 44 acupuncture, registration to practice acupuncture
 45 under a reciprocal agreement, or renewal of
 46 registration to practice acupuncture."
 47 55. Page 54, by inserting after line 4 the
 48 following:
 49 "Sec. ____ . Section 226.7, Code 1991, is amended by
 50 striking the section and inserting in lieu thereof the

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1 following:
 2 226.7 ALTERNATE PLACEMENT.
 3 If a patient is committed to a state mental health
 4 institute by the district court, the mental health
 5 institute shall admit the patient at the time of
 6 commitment or locate an alternate placement for the
 7 patient until the state mental health institute is
 8 able to admit the patient."
 9 56. Page 54, by striking lines 5 through 25.
 10 57. Title page, line 3, by inserting before the
 11 word "providing" the following: "including other
 12 provisions involving health care and".
 13 58. By renumbering, relettering, or redesignating
 14 and correcting internal references as necessary.

S-5645

1 Amend the House amendment, S-5512, to Senate File
 2 2061, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 22 and
 5 inserting the following:
 6 " ____ . Page 1, line 12, by inserting after the
 7 word "vehicle," the following: "designed to compact
 8 and transport solid waste and".
 9 ____ . Page 1, line 14, by inserting after the word
 10 "load" the following: "if the load is compacted to
 11 the extent that it cannot be easily dismantled or
 12 divided,".
 13 ____ . Page 1, line 17, by inserting after the word
 14 "landfill" the following: "and "compacted solid
 15 waste" shall be considered to be an indivisible
 16 load"."

EUGENE FRAISE
 DON E. GETTINGS

S-5646

1 Amend the amendment, S-5488, to House File 2454, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking line 11 and inserting the
5 following: "the ratio of number of employees per
6 supervisor for executive branch".

FLORENCE BUHR
LEONARD L. BOSWELL

S-5647

1 Amend House File 2449, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 3, by striking the words "or
4 rental".
5 2. Page 1, by striking line 4 and inserting the
6 following: "prescription drugs, as defined in chapter
7 155A, except devices, if".
8 3. Page 1, by striking lines 17 through 35 and
9 inserting the following:
10 "Sec. ____ . Section 422.45, subsections 14, 15, and
11 16, Code Supplement 1991, are amended by striking the
12 subsections.
13 Sec. ____ . Section 2 of this Act is retroactively
14 applicable to January 1, 1987."
15 4. Title page, by striking lines 1 through 4 and
16 inserting the following: "An Act relating to the
17 exemption of prescription drugs and certain other
18 drugs and devices from the state sales and use tax and
19 providing a retroactive applicability date."
20 5. By renumbering, relettering, and redesignating
21 as necessary.

WILLIAM W. DIELEMAN
WILLIAM PALMER

S-5648

1 Amend House File 2382, as passed by the House, as
2 follows:
3 1: Page 1, by inserting after line 17 the
4 following:
5 "Sec. ____ . WILDLIFE DAMAGE CONTROL. The
6 department of natural resources and the department of
7 agriculture and land stewardship shall cooperate with
8 the extension office of Iowa state university, the
9 United States department of agriculture, and Iowa's

10 commercial agriculture producers to develop and
11 implement a wildlife damage management policy. The
12 goal of this policy shall be to control wildlife,
13 including deer and predators, which interfere with
14 agricultural production, and to reduce damage or
15 injury to property involved in agricultural
16 production. The policy shall emphasize integrating
17 and applying practical methods of prevention and
18 management to minimize wildlife damage. The policy
19 may incorporate habitat modification, local population
20 reduction, or any combination of these depending on
21 the characteristics of the specific damage problem,
22 but shall not allow an animal or an animal's habitat
23 to be destroyed only because the animal belongs to a
24 particular species."

25 2. Title page, line 2, by inserting after the
26 word "penalty" the following: ", and relating to
27 wildlife damage control".

H. KAY HEDGE
BERL E. PRIEBE
JAMES R. RIORDAN

S-5649

1 Amend House File 2462, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, line 30, by inserting after the word
4 "centers" the following: ", on the condition that at
5 the expiration of the current lease, each small
6 business development center, to the extent possible,
7 shall colocate with a regional business and industrial
8 services center".

9 2. Page 10, by inserting after line 31, the
10 following:

11 "At the expiration of the current lease, each small
12 business development center shall report to the fiscal
13 committee of the legislative council and the
14 legislative fiscal bureau the date of expiration of
15 the current lease, whether or not the center has
16 relocated and the new address of the center, the terms
17 of the new lease, and any other relevant information."

MARY E. KRAMER
ALLEN BORLAUG

S-5650

1 Amend amendment, S-5624, to House File 2465, as
2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 20, by inserting after line 22 the

5 following:

6 "Sec. ____ . Section 280.23, as enacted by 1992 Iowa

7 Acts, House File 2415, section 1, is amended by adding

8 the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. This section does not
10 apply to a person specifically employed by a public
11 school district or an accredited nonpublic school for
12 purposes of performing health services."

13 2. By renumbering as necessary.

WALLY HORN

S-5651

1 Amend House File 2462, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 20, by inserting after line 10 the

4 following:

5 "Sec. ____ . Section 18B.5, Code Supplement 1991, is

6 amended by adding the following new subsection:

7 NEW SUBSECTION. 1A. The board shall also include

8 two senators and two representatives, two from each

9 party, as ex officio, nonvoting members of the board."

10 2. By renumbering as necessary.

MARY KRAMER
HARRY G. SLIFE
ALLEN BORLAUG

S-5652

1 Amend the amendment, S-5624, to House File 2465, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 11, line 21, by striking the word "from"

5 and inserting the following: "allocated to".

6 2. Page 11, line 22, by striking the words

7 "medicine's medical service plan" and inserting the

8 following: "medicine".

9 3. Page 11, by striking lines 32 and 33 and

10 inserting the following: "qualifying hospital shall,

11 after receipt of the funds, transfer to the department

12 of human services an".

13 4. Page 12, line 14, by inserting after the words

14 "by the department." the following: "The university

15 hospitals shall restore to the college of medicine an

16 amount equal to the funds provided to the university

17 hospitals by the college of medicine in accordance
18 with this section."

RICHARD J. VARN

S-5653

1 Amend the amendment, S-5624, to House File 2465, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 16, by inserting after line 14, the
5 following:

6 "Sec. 200. Section 257.16, unnumbered paragraph 2,
7 Code Supplement 1991, is amended to read as follows:

8 All state aids paid under this chapter, unless
9 otherwise stated, shall be paid in monthly
10 installments beginning on September 15 of a budget
11 year and ending on or about June 15 of the budget year
12 and the installments shall be as nearly equal as
13 possible as determined by the department of
14 management, taking into consideration the relative
15 budget and cash position of the state resources.
16 However, the state aid paid to school districts under
17 section 257.13 shall be paid in monthly installments
18 beginning on December 15 and ending on or about June
19 15 of a budget year."

20 2. Page 23, line 10, by inserting after the
21 figure "16," the following: "200".

22 3. By numbering, renumbering, redesignating, and
23 correcting internal references as necessary.

RICHARD J. VARN

S-5654

1 Amend amendment, S-5624, to House File 2465, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 21, by inserting after line 50 the
5 following:

6 "Sec. 100. Section 321.376, subsections 1 and 3,
7 Code Supplement 1991, are amended to read as follows:

8 1. The driver of a school bus shall hold a school
9 bus driver's permit issued annually by the department
10 of education and a driver's license issued by the
11 department valid for the operation of the school bus.
12 The department of education shall charge a fee for the
13 issuance of a school bus driver's permit in the amount
14 of five dollars, which shall be deposited in the
15 general school bus passenger safety fund of the state

16 which is created in the state treasury under the
17 control of the department of education. All funds
18 deposited into the school bus passenger safety fund
19 are appropriated and made available to the department
20 of education. Notwithstanding section 8.33, any
21 balance in the fund on June 30 of any fiscal year
22 shall not revert to the general fund of the state. A
23 person holding a temporary restricted license issued
24 under chapter 321J shall be prohibited from operating
25 a school bus. The department shall revoke or refuse
26 to issue a permit to any person who, after notice and
27 opportunity for hearing, is determined to have
28 committed any of the acts proscribed under section
29 321.375, subsection 2. The department of education
30 shall recommend, and the state board of education
31 shall adopt under chapter 17A, rules and procedures
32 for the revocation and issuance of permits to persons.
33 Rules and procedures adopted shall include, but are
34 not limited to, provisions for the revocation of, or
35 refusal to issue, permits to persons who are
36 determined to have committed any of the acts
37 proscribed under section 321.375, subsection 2.
38 3. The department of education shall submit an
39 annual budget request, separately from the
40 department's annual operating budget request, in an
41 amount not to exceed the amount collected by the
42 department for the issuance of annual school bus
43 driver permits. Funds requested deposited in the
44 school bus safety fund shall be designated for
45 purposes of establishing and conducting approved
46 courses of instruction for school bus drivers and for
47 school bus passenger safety programs. The department
48 shall recommend rules for adoption by the state board
49 of education relating to the assessment and collection
50 of funds from the school bus driver fee and relating

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1 to distribution of funds for approved courses of
2 instruction."

3 2. Page 23, line 10, by inserting after the
4 figure "34," the following: "100,"

5 3. By renumbering as necessary.

RICHARD J. VARN

S-5655

1 Amend House File 2462, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 7, by striking lines 15 through 33.
- 4 2. By renumbering as necessary.

RAY TAYLOR
PAUL D. PATE

S-5656

- 1 Amend the amendment, S-5640, to House File 2462, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, line 7, by inserting after the word
- 5 "college" the following: " , except for merged area I,
- 6 whose services shall be contracted with the east
- 7 central intergovernmental association."

MICHAEL CONNOLLY
JOE J. WELSH
JAMES R. RIORDAN
LEONARD L. BOSWELL

S-5657

- 1 Amend House File 2205, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 3, by inserting after line 6 the fol-
- 4 lowing:
- 5 "Sec. ____ . Section 455B.310, subsection 10, Code
- 6 Supplement 1991, is amended by striking the subsection
- 7 and inserting in lieu thereof the following:
- 8 10. a. Notwithstanding the tonnage fee schedule
- 9 prescribed under subsection 2, foundry sand used by a
- 10 sanitary landfill as daily cover, road base, or berm
- 11 material or for other purposes defined as beneficial
- 12 uses by rule of the department is exempt from
- 13 imposition of the tonnage fee imposed under this
- 14 section.
- 15 b. Sanitary landfills shall use foundry sand for
- 16 beneficial uses as defined by rule of the department
- 17 as a replacement for earthen material, if the foundry
- 18 sand is generated by a foundry located within the
- 19 state and if the foundry sand is provided to the
- 20 sanitary landfill at no cost to the sanitary
- 21 landfill."
- 22 2. By renumbering as necessary.

JIM LIND
EMIL J. HUSAK
HARRY SLIFE
JOHN P. KIBBIE

RICHARD F. DRAKE
DON GETTINGS

S-5658

- 1 Amend the amendment, S-5640, to House File 2462, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by striking lines 5 through 8, and
5 inserting the following:
6 "Sec. ____ . There is appropriated from the general
7 fund, from moneys which would otherwise be
8 appropriated to the peace institute, to the department
9 of".
10 2. Page 2, line 23, by striking the figure
11 "96,750" and inserting the following: "55,164".

BERL E. PRIEBE
JIM KERSTEN
RICHARD F. DRAKE
JIM LIND

S-5659

- 1 Amend the amendment, S-5640, to House File 2462, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by striking lines 5 through 7, and
5 inserting the following:
6 "Sec. ____ . There is appropriated from the general
7 fund, from moneys which would otherwise be
8 appropriated to the peace institute, to the department
9 of".
10 2. Page 2, line 23, by striking the figure
11 "96,750" and inserting the following: "55,164".

BERL E. PRIEBE
JIM KERSTEN
RICHARD F. DRAKE
JIM LIND

S-5660

- 1 Amend Senate File 2352 as follows:
2 1. Page 2, by inserting after line 22 the
3 following:
4 "Sec. ____ . NEW SECTION. 909.7A PAYMENT IN
5 INSTALLMENTS OR ON A FIXED FUTURE DATE -- INSTALLMENT
6 FEE AND INTEREST.
7 The general assembly hereby finds that the

8 structured fines system of imposing fines has been
9 successfully utilized in several countries of Europe
10 and in the states of New York and Arizona. The
11 general assembly further finds that a fine imposed as
12 a criminal sanction should be proportionate to the
13 severity of the offense and should equally impact
14 individuals of differing financial resources, and that
15 the sentencing of a criminal defendant pursuant to a
16 structured fines program, in which fine amounts for
17 some or all offenses are calculated and imposed
18 according to the nature of the offense and the
19 offender's financial resources, is not contrary to any
20 existing provision of law. The general assembly
21 further finds that the implementation of a structured
22 fines pilot program within this state could serve as a
23 test for a fairer method of dispensing criminal
24 justice and could increase the overall amount of
25 criminal fines collected from offenders, reduce the
26 volume of delinquent and unpaid fines, reduce the
27 number of offenders sentenced to formal probation, and
28 help to alleviate the overcrowded conditions at the
29 penal institutions within the state.

30 If the district court orders a fine imposed
31 pursuant to this chapter, the criminal penalty
32 surcharge imposed pursuant to chapter 911, or court
33 costs assessed pursuant to chapter 602, to be paid in
34 installments or at a fixed date in the future, the
35 court shall do all of the following:

36 1. Impose a time payment fee in the amount of ten
37 dollars.

38 2. Impose interest charges on the unsatisfied
39 judgment at the rate provided in section 535.3 for
40 court judgments."

JOHN A. PETERSON

S-5661

1 Amend the House amendment, S-5644, to Senate File
2 2355, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 15, line 40, by inserting after the word
5 "acupuncture" the following: "in accordance with
6 rules defining the scope of practice adopted by the
7 board".

8 2. Page 16, by striking lines 11 through 16 and
9 inserting the following:

10 "b. Presents evidence of the successful completion
11 of a certification and examination process approved by
12 the board.

13 c. Presents evidence of the successful completion
 14 of a training program approved by the board.”
 15 3. Page 16, by inserting after line 20, the
 16 following:
 17 “3. The board may establish necessary achievement
 18 levels on all examinations for a passing grade and may
 19 adopt rules relating to examinations.”
 20 4. Page 17, by inserting after line 27 the
 21 following:
 22 “7. Any other acts or offenses in violation of
 23 rules of the board.”

ELAINE SZYMONIAK

S-5662

1 Amend the committee amendment, S-5621 to Senate
 2 File 2352 as follows:
 3 1. Page 1, by inserting after line 16, the
 4 following:
 5 “— . Page 2, by inserting after line 22 the
 6 following:
 7 “Sec. — . NEW SECTION. 909.7A PAYMENT IN
 8 INSTALLMENTS OR ON A FIXED FUTURE DATE -- INSTALLMENT
 9 FEE AND INTEREST.
 10 The general assembly hereby finds that the
 11 structured fines system of imposing fines has been
 12 successfully utilized in several countries of Europe
 13 and in the states of New York and Arizona. The
 14 general assembly further finds that a fine imposed as
 15 a criminal sanction should be proportionate to the
 16 severity of the offense and should equally impact
 17 individuals of differing financial resources, and that
 18 the sentencing of a criminal defendant pursuant to a
 19 structured fines program, in which fine amounts for
 20 some or all offenses are calculated and imposed
 21 according to the nature of the offense and the
 22 offender's financial resources, is not contrary to any
 23 existing provision of law. The general assembly
 24 further finds that the implementation of a structured
 25 fines pilot program within this state could serve as a
 26 test for a fairer method of dispensing criminal
 27 justice and could increase the overall amount of
 28 criminal fines collected from offenders, reduce the
 29 volume of delinquent and unpaid fines, reduce the
 30 number of offenders sentenced to formal probation, and
 31 help to alleviate the overcrowded conditions at the
 32 penal institutions within the state.
 33 Notwithstanding the amount of any minimum fine
 34 specified, if the district court orders a fine imposed

35 pursuant to this chapter, the criminal penalty
 36 surcharge imposed pursuant to chapter 911, or court
 37 costs assessed pursuant to chapter 602, to be paid in
 38 installments or at a fixed date in the future, the
 39 court shall do all of the following:

40 1. Impose a time payment fee in the amount of ten
 41 dollars.

42 2. Impose interest charges on the unsatisfied
 43 judgment at the rate provided in section 535.3 for
 44 court judgments.””

JOHN A. PETERSON

HOUSE AMENDMENT TO
 SENATE FILE 2345

S-5663

1 Amend Senate File 2345, as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 2, by striking lines 28 through 32.

4 2. Page 3, line 1, by striking the words “The
 5 study”.

6 3. Page 3, by striking lines 2 through 5 and
 7 inserting the following: “The”.

8 4. Page 3, by striking lines 24 and 25, and
 9 inserting the following: “included within the Iowa
 10 public employees’ retirement system pursuant to
 11 chapter 97B.”

12 5. Page 5, by striking lines 7 through 10.

13 6. Page 14, line 4, by striking the words and
 14 figures “, effective July 1, 1992,”.

15 7. Page 14, line 7, by striking the word “order”
 16 and inserting the following: “initiate any action
 17 regarding”.

18 8. Page 14, line 9, by striking the word “Any”.

19 9. Page 14, by striking lines 10 and 11 and
 20 inserting the following: “The moratorium shall go
 21 into effect as of the effective date of this Act.”.

22 10. Page 14, by inserting before line 12, the
 23 following:

24 “Sec. ____ . Section 2.45, Code 1991, is amended by
 25 adding the following new subsection:

26 **NEW SUBSECTION.** 5. The transportation policy
 27 review committee which shall be composed of eight
 28 members consisting of the chairpersons or their
 29 designated committee members and the ranking minority
 30 party members or their designated committee members of
 31 the house and senate transportation standing
 32 committees and the house and senate joint

33 transportation and safety appropriations
34 subcommittees. The transportation policy review
35 committee shall meet at least two times, but not more
36 than four times per year, in conjunction with the
37 state transportation commission, and shall exchange
38 information and discuss state policy concerns
39 affecting transportation related issues.

40 Sec. ____ . Section 29A.27, unnumbered paragraph 1,
41 Code 1991, is amended to read as follows:

42 Officers and enlisted persons while in active state
43 service shall receive the same pay, per diem, and
44 allowances as are paid for the same rank or grade for
45 service in the armed forces of the United States.
46 However, a person shall not be paid at a base rate of
47 pay of less than fifty seventy-five dollars per
48 calendar day of active state service.

49 Sec. ____ . Section 29A.28, Code 1991, is amended to
50 read as follows:

Page 2

1 29A.28 LEAVE OF ABSENCE OF CIVIL EMPLOYEES.

2 All officers and employees of the state, ~~or a~~
3 ~~subdivision thereof of the state~~, or a municipality,
4 other than employees employed temporarily for six
5 months or less, who are members of the national guard,
6 organized reserves, or any component part of the
7 military, naval, or air forces or nurse corps of this
8 state or nation, or who are or may be otherwise
9 inducted into the military service of this state or of
10 the United States, shall, when ordered by proper
11 authority to active state or federal service, be
12 entitled to a leave of absence from ~~such the~~ civil
13 employment for the period of ~~such the~~ active state or
14 federal service, without loss of status or efficiency
15 rating, and without loss of pay during the first
16 thirty working days of ~~such the~~ leave of absence.
17 During a leave of absence, an employee shall be
18 charged for the actual time off rounded to the nearest
19 hour. Thirty working days is equivalent to two
20 hundred forty hours. However, during the first thirty
21 days of a leave of absence, a public employer shall
22 pay a public officer or employee ordered to active
23 federal or state service only for the amount of pay by
24 which the pay normally received for civil employment
25 exceeds the pay received for military service. During
26 a military leave of absence, a public officer or
27 employee may retain all health, disability, life, or
28 other insurance benefits which the public officer or
29 employee received when called to active state or

30 federal service and at the same cost, if any, at which
 31 the insurance benefits are provided to other full-time
 32 public officers or employees by the public employer.
 33 During a leave of absence, a public officer or
 34 employee shall be credited for the purpose of
 35 calculating retirement benefits for public civil
 36 employment with the full amount of pay which the
 37 officer or employee would have received from civil
 38 employment if the officer or employee had not been
 39 called to active state or federal service. The proper
 40 appointing authority may make a temporary appointment
 41 to fill any vacancy created by such the leave of
 42 absence.

43 Sec. ____ . Section 29A.57, subsection 3, Code 1991,
 44 is amended by adding the following new paragraph:
 45 NEW PARAGRAPH. d. Grant a temporary or permanent
 46 easement with or without monetary consideration for
 47 utility or public highway purposes if granting the
 48 easement will not adversely affect use of the real
 49 estate for military purposes."

50 11. Page 16, by inserting after line 10, the

Page 3

1 following:

2 "Sec. ____ . Section 309.10, unnumbered paragraph 2,
 3 Code Supplement 1991, is amended to read as follows:

4 A county shall not use farm-to-market road funds as
 5 described in this section unless the total funds that
 6 the county transferred or provided during the prior
 7 fiscal year pursuant to section 331.429, subsection 1,
 8 paragraphs "a", "b", "d", and "e", are at least
 9 seventy-five percent of the sum of the following for
 10 the fiscal year ending June 30, 1993, eighty percent
 11 of the sum of the following for the fiscal year ending
 12 June 30, 1994, eighty-five percent of the sum of the
 13 following for the fiscal year ending June 30, 1995,
 14 and ninety percent of the sum of the following for
 15 each fiscal year beginning on or after July 1, 1995:

16 Sec. ____ . Section 312.2, subsection 8, unnumbered
 17 paragraph 1, Code Supplement 1991, is amended to read
 18 as follows:

19 The treasurer of state, before making any
 20 allotments to counties under this section, shall
 21 reduce the allotment to a county for the secondary
 22 road fund by the amount by which the total funds that
 23 the county transferred or provided during the prior
 24 fiscal year under section 331.429, subsection 1,
 25 paragraphs "a", "b", "d", and "e", are less than
 26 seventy-five percent of the sum of the following for

27 the fiscal year ending June 30, 1993, eighty percent
 28 of the sum of the following for the fiscal year ending
 29 June 30, 1994, eighty-five percent of the sum of the
 30 following for the fiscal year ending June 30, 1995,
 31 and ninety percent of the sum of the following for
 32 each fiscal year beginning on or after July 1, 1995:".

33 12. Page 17, by inserting after line 21 the
 34 following:

35 "Sec. ____ . Section 313.4, subsection 4, unnumbered
 36 paragraph 1, Code 1991, is amended to read as follows:
 37 Such fund is appropriated and shall be used by the
 38 department to provide energy and for the operation and
 39 maintenance of those primary road freeway lighting
 40 systems within the corporate boundaries of cities
 41 including energy and maintenance costs associated with
 42 interchange conflict lighting on existing and future
 43 freeway and expressway segments constructed to
 44 interstate standards."

45 13. Page 17, by inserting after line 28, the
 46 following:

47 "Sec. ____ . Section 321.152, subsection 1, Code
 48 Supplement 1991, is amended to read as follows:
 49 1. Four ~~and one-quarter~~ percent of the total
 50 collection for each annual or semiannual vehicle

Page 4

1 registration and each duplicate registration card or
 2 plate issued."

3 14. Page 19, by inserting after line 13 the
 4 following:

5 "Sec. ____ . NEW SECTION. 441.73 LITIGATION
 6 EXPENSE FUND.

7 1. A litigation expense fund is created in the
 8 state treasury. The litigation expense fund shall be
 9 used for the payment of litigation expenses incurred
 10 by the state to defend property valuations established
 11 by the director of revenue and finance pursuant to
 12 section 428.24 and chapters 430A, 433, 434, 436, 437,
 13 and 438.

14 2. A committee is established to administer the
 15 litigation expense fund created pursuant to subsection
 16 1. The committee shall consist of the director of the
 17 department of management, the attorney general, and
 18 the director of revenue and finance who shall serve as
 19 chairperson of the committee. The committee shall
 20 report its actions to the legislative council
 21 regarding decisions about appeals and transfers of
 22 funds.

23 3. The committee shall transfer for the fiscal

24 year beginning July 1, 1992, and each fiscal year
 25 thereafter, from funds established in sections 405A.8,
 26 425.1, and 426.1, an amount necessary to pay
 27 litigation expenses. However, the amount of funds
 28 transferred to the litigation expense fund for the
 29 fiscal year beginning July 1, 1992, shall not exceed
 30 three hundred fifty thousand dollars and the amount of
 31 the fund for the succeeding fiscal years shall not
 32 exceed seven hundred thousand dollars. The committee
 33 shall determine annually the proportionate amounts to
 34 be transferred from the three separate funds."

35 15. Page 20, by striking line 7.

36 16. Page 20, by inserting before line 8 the
 37 following:

38 "Sec. ____ . Chapter 307D, Code 1991, is repealed."

39 17. Page 20, line 8, by inserting after the word
 40 "Sections" the following: "11,".

41 18. Page 20, by inserting after line 9, the
 42 following:

43 "Sec. ____ . Sections 18 and 19 of this Act take
 44 effect on July 1, 1993."

45 19. Title page, line 5, by inserting after the
 46 words "road fund" the following: "and creating a
 47 litigation fund and making appropriations".

48 20. By renumbering, relettering, or redesignating
 49 and correcting internal references as necessary.

S-5664

1 Amend House File 2454, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the
 4 following:

5 "Section 100. Section 279.46, Code 1991, is
 6 amended to read as follows:

7 279.46 RETIREMENT INCENTIVES -- TAX.

8 The board of directors of a school district ~~may~~
 9 shall adopt a program for payment of a monetary bonus,
 10 continuation of health or medical insurance coverage,
 11 or other incentives for encouraging its employees to
 12 retire before the normal retirement date as defined in
 13 chapter 97B. The program is available only to
 14 employees ~~between fifty-nine and sixty-five~~ fifty-five
 15 years of age or older who notify the board of
 16 directors prior to March 1 of the fiscal year that
 17 they intend to retire not later than the next
 18 following June 30. An employee retiring under this
 19 section shall apply for a retirement allowance under
 20 chapter 97B or chapter 294. If the total estimated
 21 accumulated cost to a school district of the health or

22 medical insurance coverage, bonus, or other incentives
23 for employees who retire under this section does not
24 exceed the estimated savings in salaries and benefits
25 for employees who replace the employees who retire
26 under the program, the board may include in the
27 district management levy an amount to pay the costs of
28 the program provided in this section.

29 Sec. 101. PARTICIPATION IN HEALTH OR MEDICAL
30 INSURANCE PROGRAMS BY RETIREES AGE FIFTY-FIVE OR
31 OLDER.

32 1. As used in this section, unless the context
33 otherwise requires:

34 a. "Health or medical insurance program" means a
35 health or medical group insurance plan for employees
36 of the state.

37 b. "Member" means a member of the Iowa public
38 employees' retirement system or the Iowa department of
39 public safety peace officers' retirement, accident,
40 and disability system, who at the date of termination
41 of employment is receiving full health or medical
42 insurance benefits pursuant to a health or medical
43 insurance program in which the state makes
44 contributions, and is not receiving disability
45 payments under the state employees' disability
46 insurance program.

47 2. A member with at least twenty years of
48 membership service who retires on or after May 15,
49 1992, and before May 15, 1993, who applies to receive
50 retirement benefits under this Act prior to May 15,

Page 2

1 1993, who has attained at least the age of fifty-five
2 at the time of retirement, and who was a participant
3 in a health or medical insurance program in which the
4 state makes contributions at the time of retirement,
5 may continue to participate in the health or medical
6 insurance program in which the member is enrolled on
7 April 1, 1992, as authorized by law. However, a
8 member may choose to participate in a health or
9 medical insurance program after April 1, 1992, which
10 incurs less cost to the state. Notwithstanding any
11 other provision of law to the contrary, the state
12 shall continue to pay the employer's portion of the
13 premium at the cost existing at the time of retirement
14 under the program for the retiree until the retiree
15 discontinues participation in the program. Any
16 additional premium costs for coverage incurred after
17 the time of retirement shall be paid by the retiree.
18 However, in order to have the state continue to pay

19 the employer's portion of the premium, the member must
20 send written notification to the department of
21 personnel at any time prior to March 15, 1993, of the
22 intent to retire and the anticipated date of
23 retirement.

24 3. If a member continues participation in a health
25 or medical insurance program and the state pays
26 premiums as authorized in subsection 2, the member is
27 not eligible to accept further employment in which the
28 state or a political subdivision of the state is the
29 employer.

30 4. A state department shall not be required to
31 delete more than its proportionate share of all
32 general fund full-time equivalent positions vacated
33 due to the incentive for retirement established in
34 subsection 2. All positions vacated by a member
35 exercising the rights established in subsection 2
36 shall be deleted, and the savings, as determined by
37 the department of management, shall revert to the
38 general fund of the state in a manner specified by the
39 department of management, except that the portion of
40 the savings which represents the cost of the
41 employer's portion of a member's premium payable under
42 this section shall not revert but shall be transferred
43 to the department of personnel to defray the costs of
44 implementing this section. However, if an affected
45 department determines that the vacancy may be
46 detrimental to critical services provided to the
47 public, the affected department may, with the approval
48 of the department of management, exchange the vacancy
49 with a position or positions determined by the
50 department of management to be of an equal value, and

Page 3

1 delete that position or positions. If a position is
2 not available for exchange, the department may, with
3 the approval of the director of the department of
4 management, retain and fill the vacancy. It is the
5 intent of the general assembly that retirement taken
6 pursuant to this section be used to eliminate the
7 greatest number of employment positions as is
8 feasible. The department of management shall report
9 to the legislative fiscal bureau and the fiscal
10 committee of the legislative council the number of
11 vacancies retained and filled pursuant to this
12 subsection."

13 2. Page 2, by inserting after line 13 the
14 following:

15 "3. PRIORITIES IN IMPLEMENTATION. In

16 implementation of this section, priority shall be
 17 given to elimination or reduction of middle management
 18 employee positions. In addition, prior to the
 19 elimination of employee positions other than middle
 20 management positions or positions eliminated due to
 21 early retirement, priority shall be given to
 22 elimination or deferral by executive branch agencies
 23 of purchases and out-of-state travel.

24 The department of management shall report quarterly
 25 to the fiscal committee of the legislative council and
 26 to the legislative fiscal bureau regarding out-of-
 27 state travel authorized by executive branch agencies
 28 including a listing by agency of personnel authorized
 29 to travel, and the cost and purpose of the travel
 30 authorized."

31 3. Page 2, by inserting before line 33, the
 32 following:

33 "Sec. ____ . EFFECTIVE DATE. Sections 100 and 101
 34 of this Act, being deemed of immediate importance,
 35 take effect upon enactment."

36 4. By renumbering and correcting internal
 37 references as necessary.

WALLY HORN

S-5665

1 Amend the House amendment, S-5644, to Senate File
 2 2355, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 14, line 38, by striking the words
 5 "Notwithstanding any other".

6 2. Page 14, by striking lines 39 through 43.

7 3. Page 14, line 44, by striking the figure
 8 "8.31."

MARK R. HAGERLA

S-5666

1 Amend the amendment, S-5664, to House File 2454 as
 2 amended, passed, and reprinted by the House as
 3 follows:

4 1, Page 1, line 46, by inserting after the word
 5 "program" the following: ", and who is not a member
 6 of the general assembly".

BILL HUTCHINS

S-5667

- 1 Amend the House amendment, S-5644, to Senate File
- 2 2355, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 15 through 33.
- 5 2. Page 19, by striking line 9.
- 6 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-5668

- 1 Amend House File 2456, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 10, by striking the figure
- 4 "423.24" and inserting the following: "159A.9".
- 5 2. By striking page 2, line 34 through page 3,
- 6 line 3, and inserting the following: "account.
- 7 Moneys appropriated for a state fiscal year to the
- 8 ethanol production incentive account which remain
- 9 unobligated and unencumbered on July 31 of the
- 10 following fiscal year shall revert to the general fund
- 11 of the state as provided in section 159A.9."
- 12 3. By striking page 6, line 23 through page 7,
- 13 line 3 and inserting the following:
- 14 "Sec. ____ . NEW SECTION. 159A.9 APPROPRIATIONS.
- 15 There is appropriated from the general fund of the
- 16 state to the office for deposit in the ethanol
- 17 production incentive account one million dollars each
- 18 quarter for each fiscal year beginning July 1, 1993,
- 19 July 1, 1994, July 1, 1995, July 1, 1996, and July 1,
- 20 1997. Moneys deposited according to this section are
- 21 a continuing appropriation for expenditure under
- 22 section 159A.8. Moneys deposited during a state
- 23 fiscal year to the ethanol production incentive
- 24 account which remain unobligated and unencumbered on
- 25 July 31 of the following state fiscal year shall
- 26 revert to the general fund of the state."
- 27 4. Page 8, line 20, by striking the word and
- 28 figure "Section 159A.8" and inserting the following:
- 29 "Sections 159A.8 and 159A.9".
- 30 5. Page 8, line 20, by striking the word "is" and
- 31 inserting the following: "are".
- 32 6. Page 8, by striking lines 23 and 24.
- 33 7. Page 8, line 31, by striking the words "road
- 34 use tax" and inserting the following: "general".
- 35 8. By renumbering as necessary.

RICHARD F. DRAKE

S-5669

- 1 Amend House File 2454, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 13, the
- 4 following:
- 5 "3. REGENTS INSTITUTIONS INCLUDED. For purposes
- 6 of this section, "executive branch agency" includes
- 7 institutions governed by the state board of regents as
- 8 enumerated in section 262.7."

RICHARD VARN

S-5670

- 1 Amend the House amendment, S-5644, to Senate File
- 2 2355, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 14, line 44, by striking the words "Any
- 5 contract providing for a private entity to".
- 6 2. By striking page 14, line 45, through page 15,
- 7 line 1.

LEONARD L. BOSWELL

S-5671

- 1 Amend the amendment, S-5664, to House File 2454 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 28 and 29 and
- 5 inserting the following: "the program provided in
- 6 this section."
- 7 ____ . Page 1, by inserting before line 1, the
- 8 following:
- 9 "Sec. 101. PARTICIPATION IN HEALTH OR MEDICAL".

JOHN W. JENSEN

S-5672

- 1 Amend the amendment, S-5644, to House File 2454, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, lines 8 and 9, by striking the words
- 5 "may shall" and inserting the following: "may".

JOHN W. JENSEN

S-5673

1 Amend the House amendment, S-5644, to Senate File
2 2355, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 14, by striking line 24 and inserting the
5 following: "federal requirements.

6 ____ . The department shall review and utilize small
7 area analysis to identify differences in utilization
8 of physician and hospital services. Within funds
9 appropriated, the department shall seek to revise
10 reimbursement methodologies for providers and shall
11 seek to equalize reimbursement rates between
12 providers. In addition, the department shall identify
13 incentives to reward efficient, effective, and quality
14 care."

15 2. By renumbering as necessary.

MAGGIE TINSMAN
JIM LIND
JIM RIORDAN
BEVERLY HANNON

S-5674

1 Amend the House amendment, S-5644, to Senate File
2 2355, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by striking lines 31 through 33 and
5 inserting the following:

6 "____ . The department shall develop program
7 standards, admission criteria, and reimbursement rates
8 which are consistent with the day treatment needs of
9 children and adolescents with".

10 2. Page 3, by striking lines 19 and 20.

11 3. Page 4, by striking line 26 and inserting the
12 following:

13 "..... \$ 47,584,778".

14 4. Page 4, by striking line 32 and inserting the
15 following: "1,405. The department may adopt
16 emergency rules in order to implement the provisions
17 of this subsection on July 1, 1992."

18 5. Page 5, by striking line 12 and inserting the
19 following:

20 "____ . Page 21, line 15, by inserting after the
21 word "adoption" the following: "and foster care".

22 ____ . Page 21, line 16, by striking the figure
23 "150,000" and inserting the following: "104,625".

24 6. Page 5, by striking lines 26 and 27 and
25 inserting the following:

- 26 " ____ . By striking page 23, line 23, through page
27 24, line 2 and inserting the following:
28 " ____ . The department shall draw from the
29 reasonable efforts model court project in continuing
30 training seminars for child welfare practitioners".
31 " ____ . Page 24, line 16, by striking the figure
32 "80,000" and inserting the following: "63,160"."
33 7. Page 5, by striking lines 30 through 41 and
34 inserting the following:
35 " ____ . Page 25, by striking lines 1 through 3 and
36 inserting the following: "may use up to \$110,530 of
37 the funds appropriated in this section.
38 ____ . The department shall allocate up to
39 \$1,050,000".
40 8. By striking page 6, line 6, through page 7,
41 line 4, and inserting the following: "services. The
42 department may adopt emergency rules to implement the
43 provisions of this subsection.
44 ____ . Of the funds appropriated in this section,
45 up".
46 9. Page 7, line 15, by inserting after the word
47 "age." the following: "The department may adopt
48 emergency rules to implement the provisions of this
49 subsection."
50 10. Page 7, line 16, by striking the figure "6"

Page 2

- 1 and inserting the following: " ____".
2 11. Page 9, by inserting after line 33 the
3 following:
4 "The department may adopt emergency rules relating
5 to eligibility, services, and reimbursement rates in
6 implementing the provisions of this section."
7 12. Page 10, line 22, by inserting after the word
8 "services:" the following: "administrative support
9 for volunteers, adult day care, adult support, family-
10 centered services,".
11 13. Page 11, by inserting after line 29 the
12 following:
13 "k. The county of residence shall pay for services
14 provided under this subsection. That county may seek
15 reimbursement from the county of legal settlement in
16 accordance with applicable law. If a person receiving
17 services under this subsection has no county of legal
18 settlement, the state shall pay for the services. The
19 rate of payment for services provided under this
20 subsection shall be in accordance with the
21 department's rules for purchase of services and law
22 relating to reimbursement of social services

23 providers.”

24 14. Page 11, line 41, by inserting after the word

25 “disabilities” the following: “, including a brain

26 injury as defined in section 135.22.”

27 15. Page 12, by striking lines 1 through 7 and

28 inserting the following:

29 “4. Of the funds appropriated in this section,

30 \$30,000 shall be used to support the Iowa compass

31 program providing computerized information and

32 referral services for Iowans with disabilities and

33 their families.”

34 16. Page 12, line 10, by striking the words

35 “quarterly reports” and inserting the following: “an

36 annual report”.

37 17. Page 12, lines 31 and 32, by striking the

38 words “including a brain injury as defined in section

39 135.22”.

40 18. Page 13, by striking line 28 and inserting

41 the following:

42 “ \$ 8,718,822”.

43 19. By striking page 13, line 50 through page 14,

44 line 2 and inserting the following:

45 “2. Complete a detailed work plan for the full

46 development, testing, pilot implementation, and full

47 implementation of the X-PERT system by August 1, 1994.

48 The work plan shall”.

49 20. Page 14, by inserting after line 36 the

50 following:

Page 3

1 “ ____ . Page 52, by striking lines 4 through 21.”

2 21. By striking page 18, line 49, through page

3 19, line 8, and inserting the following:

4 “Sec. ____ . Section 226.7, Code 1991, is amended by

5 adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. If the district court

7 commits a patient to a state mental health institute

8 and a bed for the patient is not available, the

9 institute shall assist the court in locating an

10 alternative placement for the patient.”

11 22. By renumbering, relettering, and correcting

12 internal references as necessary.

ELAINE SZYMONIAK

S-5675

1 Amend the committee amendment, S-5621 to Senate

2 File 2352 as follows:

3 1. Page 1, by inserting after line 16, the
4 following:

5 "___ . Page 2, by inserting after line 22 the
6 following:

7 "Sec. ___ . NEW SECTION. 909.7A PAYMENT IN
8 INSTALLMENTS OR ON A FIXED FUTURE DATE -- INSTALLMENT
9 FEE AND INTEREST.

10 The general assembly hereby finds that the
11 structured fines system of imposing fines has been
12 successfully utilized in several countries of Europe
13 and in the states of New York and Arizona. The
14 general assembly further finds that a fine imposed as
15 a criminal sanction should be proportionate to the
16 severity of the offense and should equally impact
17 individuals of differing financial resources, and that
18 the sentencing of a criminal defendant pursuant to a
19 structured fines program, in which fine amounts for
20 some or all offenses are calculated and imposed
21 according to the nature of the offense and the
22 offender's financial resources, is not contrary to any
23 existing provision of law. The general assembly
24 further finds that the implementation of a structured
25 fines pilot program within this state could serve as a
26 test for a fairer method of dispensing criminal
27 justice and could increase the overall amount of
28 criminal fines collected from offenders, reduce the
29 volume of delinquent and unpaid fines, reduce the
30 number of offenders sentenced to formal probation, and
31 help to alleviate the overcrowded conditions at the
32 penal institutions within the state.

33 Notwithstanding the amount of any minimum fine
34 specified, if the court orders a fine imposed pursuant
35 to this chapter, the criminal penalty surcharge
36 imposed pursuant to chapter 911, or court costs
37 assessed pursuant to chapter 602, to be paid in
38 installments or at a fixed date in the future, the
39 court shall do all of the following:

40 1. Impose a time payment fee in the amount of ten
41 dollars.

42 2. Impose interest charges on the unsatisfied
43 judgment at the rate provided in section 535.3 for
44 court judgments."

LINN FUHRMAN

S-5676

1 Amend the House amendment, S-5644, to Senate File
2 2355, as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. Page 2, by striking lines 19 through 30.
- 5 2. Page 4, line 26, by striking the figure
- 6 "42,942,651" and inserting the following:
- 7 "52,947,599".
- 8 3. By striking page 9, line 17, through page 13,
- 9 line 21, and inserting the following:
- 10 "____. Page 41, by striking lines 13 and 14 and
- 11 inserting the following: "incurred under this
- 12 subsection. However, the state's financial liability
- 13 for the costs of care, which is provided under a
- 14 federally approved home and community-based waiver and
- 15 which would otherwise be approved for provision in an
- 16 intermediate care facility for the mentally retarded,
- 17 is limited to \$2,082,086. When the state's financial
- 18 liability limit for the waiver cost has been reached,
- 19 any amount of the"."
- 20 4. Page 13, by striking lines 26 through 29 and
- 21 inserting the following:
- 22 "____. Page 48, by striking line 4 and inserting
- 23 the following:
- 24 "..... FTEs 355.01".
- 25 5. By renumbering as necessary.

JIM RIORDAN
MAGGIE TINSMAN
BEVERLY A. HANNON
EMIL J. HUSAK
WILMER RENSINK
LARRY MURPHY
BERL E. PRIEBE

S-5677

- 1 Amend Senate Joint Resolution 2008 as follows:
- 2 1. Page 2, by inserting after line 7 the follow-
- 3 ing:
- 4 "SEC. ____ . A local government's revenue limit may
- 5 be increased for a single fiscal year in an amount
- 6 determined by the local government governing body if
- 7 the increase is approved by at least three-fourths
- 8 vote of the members of the local government governing
- 9 body."
- 10 2. By renumbering, relettering, and redesignating
- 11 as necessary.

JIM KERSTEN
DERRYL MCLAREN
HARRY SLIFE
JOHN W. JENSEN

RICHARD VANDE HOEF
SHELDON RITTMER

S-5678

- 1 Amend the amendment, S-5664, to House File 2454, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, lines 8 and 9, by striking the words
5 "may shall" and inserting the following: "may".

JOHN W. JENSEN

HOUSE AMENDMENT TO
SENATE FILE 2347

S-5679

- 1 Amend Senate File 2347, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 25, by striking the figure
4 "70,000" and inserting the following: "47,207".
5 2. By striking page 1, line 26 through page 2,
6 line 2.
7 3. Page 2, line 5, by striking the figure
8 "731,140" and inserting the following: "658,419".
9 4. Page 2, line 15, by striking the figure
10 "54.20" and inserting the following: "52.20".
11 5. Page 2, line 29, by striking the figure
12 "3,407,044" and inserting the following: "3,607,044".
13 6. Page 2, by inserting after line 30, the
14 following:
15 "Of the amount appropriated to the regulatory
16 division under this paragraph "a", \$1,350,000 and
17 35.00 FTEs shall be allocated to the grain warehouse
18 bureau."
19 7. Page 3, by striking lines 8 and 9.
20 8. Page 3, line 24, by striking the figure
21 "5,000,784" and inserting the following: "4,900,784".
22 9. Page 3, line 26, by striking the figure
23 "330,000" and inserting the following: "230,000".
24 10. Page 4, line 5, by striking the word "Ten"
25 and inserting the following: "Five".
26 11. Page 4, line 6, by striking the figure "50"
27 and inserting the following: "60".
28 12. Page 4, line 25, by striking the figure "30"
29 and inserting the following: "50".
30 13. Page 5, by striking lines 2 through 11.
31 14. Page 6, by striking line 9 and inserting the
32 following:

33 " . . . ADMINISTRATIVE AND SUPPORT SERVICES".

34 15. Page 7, by striking lines 12 through 18.

35 16. Page 7, by striking lines 29 and 30 and
 36 inserting the following: "the expenditure derives
 37 from contributions made by a private entity, or a
 38 grant or moneys received from the federal government
 39 and is".

40 17. Page 8, by inserting after line 10 the
 41 following:

42 " . . . For purposes of maintaining and developing
 43 boating facilities and access to public waters by the
 44 parks and preserves division:

45 \$ 435,375

46 " . . . For deposit in the state fish and game
 47 protection fund for maintenance of boating access on
 48 lands managed by the fish and wildlife division:

49 \$ 145,125".

50 18. Page 8, by striking lines 13 through 15 and

Page 2

1 inserting the following: "section 324.79".

2 19. Page 8, by striking lines 17 through 35.

3 20. Page 9, by inserting after line 25, the
 4 following:

5 "Sec. . . . NOTICE TO GOLF COURSES. Unless an
 6 agreement is reached by the department of natural
 7 resources with a private organization to provide
 8 funding for the notice to be made pursuant to this
 9 section, there is appropriated from the general fund
 10 of the state to the department of natural resources
 11 for the fiscal year beginning July 1, 1992, and ending
 12 June 30, 1993, the following amount, or so much
 13 thereof as is necessary, to be used for the mailing of
 14 a notice to all public and private golf courses
 15 concerning the liability limitations relating to
 16 persons golfing and golf facilities as provided in
 17 section 668B.1:

18 \$ 375".

19 21. By striking page 9, line 26 through page 10,
 20 line 12.

21 22. Page 10, line 19, by striking the figure
 22 "5,000,000" and inserting the following:
 23 "11,100,000".

24 23. By striking page 10, line 20 through page 13,
 25 line 30.

26 24. By striking page 13, line 31 through page 14,
 27 line 4.

28 25. Page 15, by inserting after line 12 the
 29 following:

30 "Sec. ____ . FEASIBILITY STUDY. The department of
31 natural resources shall coordinate a feasibility study
32 of the creation of an artificial recreational lake
33 located at the clear creek watershed near Rhodes in
34 Marshall county. The civil and construction
35 engineering department of Iowa state university shall
36 assist the department in the collection and evaluation
37 of pertinent technical data. The department shall
38 report its findings to the natural resource commission
39 and the general assembly on or before January 1,
40 1994."

41 26. By striking page 15, line 25 through page 16,
42 line 1, and inserting the following:

43 "Sec. ____ . DIFFERENTIAL TONNAGE FEE FOR FOUNDRY
44 MATERIAL.

45 1. Notwithstanding section 455B.310, subsection
46 10, for the fiscal year beginning July 1, 1992, and
47 ending June 30, 1993, the tonnage fee is one dollar
48 and fifty cents for each ton of foundry material which
49 is not more than forty percent of the total amount of
50 foundry material deposited at a permitted sanitary

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1 landfill for daily cover by any one source, regardless
2 of whether the foundry material is".

3 27. Page 16, line 3, by inserting after the word
4 "off-site." the following: "The fees collected
5 pursuant to this subsection shall be deposited into
6 the groundwater protection fund established pursuant
7 to section 455E.11. Of each fee collected fifty cents
8 shall be used as provided in section 455E.11,
9 subsection 2, paragraph "a", subparagraph (8), and one
10 dollar shall be used as provided in section 455E.11,
11 subsection 2, paragraph "a", subparagraph (9).

12 2. The amount of foundry material deposited at the
13 sanitary landfill which is greater than forty percent
14 of the total amount deposited by any one source is
15 subject to the tonnage fee imposed in section
16 455B.310, subsection 2. The fees collected pursuant
17 to this subsection shall be appropriated as provided
18 in section 455B.310, subsection 2."

19 28. Page 16, by inserting after line 4 the
20 following:

21 "Sec. ____ . ZERO-BASE BUDGET PROPOSAL. The parks
22 and preserves division of the department of natural
23 resources shall submit a zero-base budget proposal for
24 the fiscal year beginning July 1, 1993, and ending
25 June 30, 1994, to the joint appropriations
26 subcommittee on agriculture and natural resources by

27 January 15, 1993.

28 Sec. ____ . DEPARTMENTAL STUDY. The department of
29 agriculture and land stewardship shall conduct a study
30 regarding animals in commercial establishments,
31 including but not limited to, minimum standards of
32 care; the regulation, certification, and licensing of
33 persons under chapter 162; the sale of the animals;
34 and protections for consumers purchasing the animals.
35 The department shall submit a report to the general
36 assembly by January 15, 1993. The report shall
37 contain findings of the study and recommendations for
38 legislative action."

39 29. Page 16, by striking lines 20 through 26.

40 30. Page 18, line 3, by striking the word
41 "division" and inserting the following: "division
42 department".

43 31. Page 21, by inserting after line 10, the
44 following:

45 "Sec. ____ . Section 214.3, subsection 1, Code 1991,
46 is amended to read as follows:

47 1. The license for inspection of a commercial
48 weighing and measuring device shall expire on December
49 31 of each year, and for a motor vehicle fuel pump on
50 June 30 of each year. The amount of the fee due for

Page 4

1 each license shall be as provided in subsection 3,
2 except that the fee for a motor vehicle fuel pump
3 shall be ~~three~~ four dollars and fifty cents if paid
4 within one month from the date the license is due.

5 Sec. ____ . Section 214.3, subsection 3, paragraphs
6 a through e, Code 1991, are amended to read as
7 follows:

8 a. Class S-III.

9 (1) Railroad track scales, ~~seventy-one~~ one hundred
10 six dollars and fifty cents.

11 (2) Other scales.

12 (a) 500 to 1,000 pounds capacity, ~~eleven~~ sixteen
13 dollars and fifty cents.

14 (b) 1,001 to 30,000 pounds capacity, ~~twenty-one~~
15 thirty-one dollars and fifty cents.

16 (c) 30,001 to 50,000 pounds capacity, ~~forty-one~~
17 sixty-one dollars and fifty cents.

18 (d) 50,001 pounds capacity or more, ~~fifty-six~~
19 eighty-four dollars.

20 (3) A minimum fee of ~~thirty-one~~ forty-six dollars
21 and fifty cents shall be charged for each vehicle or
22 livestock scale.

23 b. Class S-II and S-III, ~~six~~ nine dollars.

- 24 (1) Bench scale, ~~six~~ nine dollars.
 25 (2) Counter scale, ~~six~~ nine dollars.
 26 (3) Portable platform scale, ~~six~~ nine dollars.
 27 (4) Livestock monorail scale, ~~six~~ nine dollars.
 28 (5) Single animal scale, ~~six~~ nine dollars.
 29 (6) Grain test scale, ~~six~~ nine dollars.
 30 (7) Precious metal and gems scale, ~~six~~ nine
 31 dollars.
 32 (8) Postal scale, ~~six~~ nine dollars.
 33 c. (1) Grain moisture meters, ~~sixteen~~ twenty-four
 34 dollars.
 35 (2) Additional meters at the same location, ~~eleven~~
 36 sixteen dollars and fifty cents.
 37 d. Class M-I. One hundred-gallon prover.
 38 (1) Bulk meters, ~~six~~ nine dollars.
 39 (2) Bulk liquid petroleum gas meters, ~~thirty-five~~
 40 fifty-two dollars and fifty cents.
 41 (3) Bulk refined fuel meters, ~~six~~ nine dollars.
 42 (4) Mass flow meters, ~~six~~ nine dollars.
 43 e. Class M-II. Five-gallon prover.
 44 (1) Slow flow meters, ~~six~~ nine dollars.
 45 (2) Retail motor vehicle fuel pump, ~~six~~ nine
 46 dollars.
 47 Sec. ____ . Section 215.2, subsections 1 and 2, Code
 48 1991, are amended to read as follows:
 49 1. Class S, scales, ~~fifty~~ seventy-five dollars per
 50 hour.

Page 5

- 1 2. Class M, meters, ~~thirty-five~~ fifty-two dollars
 2 and fifty cents per hour.
 3 Sec. ____ . Section 215.17, Code 1991, is amended to
 4 read as follows:
 5 215.17 TEST WEIGHTS TO BE USED.
 6 ~~Any A person, firm or corporation~~ engaged in scale
 7 repair work for hire shall use only test weights
 8 sealed by the department in determining the
 9 effectiveness of repair work and ~~said~~ the test weights
 10 shall be sealed as to their accuracy once each year.
 11 ~~Provided, however, that it shall be unlawful for such~~
 12 ~~However, a person to~~ shall not claim to be an official
 13 scale inspector ~~or to~~ and shall not use ~~said~~ the test
 14 weights except to determine the accuracy of scale
 15 repair work done by the person and the person shall
 16 not be entitled to ~~no~~ a fee for their use. A fee
 17 shall be charged and collected at time of inspection
 18 for the inspection of such weights as follows:
 19 All weights up to and including 25 pounds \$ ~~.75~~ 1.10 each
 20 All weights

21	<u>Over twenty-five pounds capacity.</u>	
22	up to and including 50 pounds	1.50 <u>2.25</u> each
23	Over 50 pounds capacity, up to and	
24	including 100 pounds	2.00 <u>3.00</u> each
25	Over 100 pounds capacity, up to	
26	and including 500 pounds	3.00 <u>4.50</u> each
27	Over 500 pounds capacity, up to	
28	and including 1,000 pounds	5.00 <u>7.50</u> each
29	The fee for all tank calibrations shall be as	
30	follows:	
31	100 gallons up to and including 300	
32	gallons	\$ 3.00 <u>4.50</u>
33	301 gallons up to and including 500	
34	gallons	5.00 <u>7.50</u>
35	501 gallons up to and including 1,000	
36	gallons	7.50 <u>11.25</u>
37	1,001 gallons up to and including 2,000	
38	gallons	10.00 <u>15.00</u>
39	2,001 gallons up to and including 3,000	
40	gallons	12.00 <u>18.00</u>
41	3,001 gallons up to and including 4,000	
42	gallons	14.00 <u>21.00</u>
43	4,001 gallons up to and including 5,000	
44	gallons	16.00 <u>24.00</u>
45	5,001 gallons up to and including 6,000	
46	gallons	18.00 <u>27.00</u>
47	6,001 gallons up to and including 7,000	
48	gallons	20.00 <u>30.00</u>
49	7,001 gallons and up	25.00 <u>37.50</u>
50	No calibration with <u>Calibration shall not be</u>	

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1 required of ~~any~~ a tank which is not used for the
 2 purpose of measuring, or which is equipped with a
 3 meter, ~~nor shall~~ and vehicle tanks loaded from meters
 4 and carrying a printed ticket showing gallonage shall
 5 not be required to be calibrated.
 6 Sec. ____ . Section 215A.9, unnumbered paragraph 2,
 7 Code 1991, is amended to read as follows:
 8 A fee of ~~ten~~ fifteen dollars shall be charged for
 9 each device subject to reinspection under section
 10 215A.5. All moneys received by the department under
 11 the provisions of this chapter shall be handled in the
 12 same manner as "repayment receipts" as defined in
 13 chapter 8, and shall be used for the administration
 14 and enforcement of the provisions of this chapter."
 15 32. By striking page 21, line 31 through page 22,
 16 line 2.
 17 33. Page 22, by inserting after line 4 the

18 following:

19 "Sec. ____ . Section 455A.7, subsection 1, paragraph
20 j, Code Supplement 1991, is amended to read as
21 follows:

22 j. Office of the director which has
23 responsibilities for administering the department,
24 including information dissemination, education, and
25 government liaison services."

26 34. Page 22, by striking lines 5 through 33.

27 35. Page 22, by inserting before line 34, the
28 following:

29 "Sec. ____ . Section 542.1, Code 1991, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 10. "Good cause" means that the
32 department has cause to believe that the net worth or
33 current asset to current liability ratio of a grain
34 dealer presents a danger to sellers with whom the
35 grain dealer does business, based on evidence of any
36 of the following:

37 a. The making of a payment by use of a financial
38 instrument which is a check, share draft, draft, or
39 written order on a financial institution, and a
40 financial institution refuses payment on the
41 instrument because of insufficient funds in a grain
42 dealer's account.

43 b. A violation of recordkeeping requirements
44 provided in this chapter or rules adopted pursuant to
45 this chapter by the department.

46 c. A substantial risk of loss to the grain
47 depositors and sellers indemnity fund caused by the
48 possible insolvency of the grain dealer based on a
49 statistical model provided in section 542.22.

50 Sec. ____ . Section 542.3, subsection 4, paragraph

Page 7

1 b, Code 1991, is amended to read as follows:

2 b. The grain dealer shall submit, as required by
3 the department, a financial statement that is
4 accompanied by an unqualified opinion based upon an
5 audit performed by a certified public accountant
6 licensed in this state. However, the department may
7 accept a qualification in an opinion that is
8 unavoidable by any audit procedure that is permitted
9 under generally accepted accounting principles. An
10 opinion that is qualified because of a limited audit
11 procedure or because the scope of an audit is limited
12 shall not be accepted by the department. The
13 department shall not require that a grain dealer
14 submit more than one such unqualified opinion per

15 year. The grain dealer, except as provided in section
16 542.15, may elect; ~~however~~, to submit a financial
17 statement that is accompanied by the report of a
18 certified public accountant licensed in this state
19 that is based upon a review performed by the certified
20 public accountant in lieu of the audited financial
21 statement specified in this paragraph. However, at
22 any time the department may require a financial
23 statement that is accompanied by the report of a
24 certified public accountant licensed in this state
25 that is based upon a review performed by a certified
26 public accountant if the department has good cause to
27 believe that the net worth or current asset to current
28 liability ratio of a licensee presents a danger to
29 producers or sellers with whom the licensee deals.
30 "Good cause" means that the department has evidence
31 that the licensee issued checks on insufficient funds;
32 evidence of a quality or quantity shortage in a
33 warehouse facility; or evidence of violations of
34 recordkeeping requirements. If a grain dealer making
35 the election engages in credit sale contracts, the
36 grain dealer shall also comply with the provisions of
37 section 542.15, subsection 8.

38 Sec. ____ . Section 542.3, subsection 5, paragraph
39 b, Code 1991, is amended to read as follows:

40 b. The grain dealer shall submit, as required by
41 the department, a financial statement that is
42 accompanied by an unqualified opinion based upon an
43 audit performed by a certified public accountant
44 licensed in this state. However, the department may
45 accept a qualification in an opinion that is
46 unavoidable by any audit procedure that is permitted
47 under generally accepted accounting principles. An
48 opinion that is qualified because of a limited audit
49 procedure or because the scope of an audit is limited
50 shall not be accepted by the department. The

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1 department shall not require that a grain dealer
2 submit more than one such unqualified opinion per
3 year. The grain dealer may elect, however, to submit
4 a financial statement that is accompanied by the
5 report of a certified public accountant licensed in
6 this state that is based upon a review performed by
7 the certified public accountant in lieu of the audited
8 financial statement specified in this paragraph.
9 However, at any time the department may require a
10 financial statement that is accompanied by the report
11 of a certified public accountant licensed in this

12 state that is based upon a review performed by a
13 certified public accountant if the department has good
14 cause to believe that the net worth or current asset
15 to current liability ratio of a licensee presents a
16 danger to producers or sellers with whom the licensee
17 deals. "Good cause" means that the department has
18 evidence that the licensee issued checks on
19 insufficient funds, evidence of a quality or quantity
20 shortage in a warehouse facility, or evidence of
21 violations of recordkeeping requirements. If a grain
22 dealer making the election engages in credit sale
23 contracts, the grain dealer shall also comply with the
24 provisions of section 542.15, subsection 8.

25 Sec. ____ . Section 542.5, unnumbered paragraph 1,
26 Code 1991, is amended to read as follows:

27 Upon the filing of the application and compliance
28 with the terms and conditions of this chapter and
29 rules of the department, the department shall issue a
30 license to the applicant. The license shall terminate
31 on at the thirtieth of June of each year end of the
32 third calendar month following the close of the grain
33 dealer's fiscal year. A grain dealer's license may be
34 renewed annually by the filing of a renewal fee and a
35 renewal application on a form prescribed by the
36 department. An application for renewal shall be
37 received by the department on or before the thirtieth
38 of June end of the third calendar month following the
39 close of the grain dealer's fiscal year. A grain
40 dealer license which has terminated may be reinstated
41 by the department upon receipt of a proper renewal
42 application, the renewal fee, and the reinstatement
43 fee as provided in section 542.6 if filed within
44 thirty days from the date of termination of the grain
45 dealer license. The department may cancel a license
46 upon request of the licensee unless a complaint or
47 information is filed against the licensee alleging a
48 violation of a provision of this chapter. Fees for
49 licenses issued for less than a full year shall be
50 prorated from the date of the application.

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1 Sec. ____ . Section 542.6, subsection 1, Code 1991,
2 is amended to read as follows:

3 1. For the issuance or renewal of a license for a
4 grain dealer required under section 542.3, and for any
5 inspection of a grain dealer, the fee shall be
6 determined on the basis of dollar volume of all
7 bushels of grain purchased during the grain dealer's
8 previous calendar fiscal year as follows according to

9 the grain dealer's financial statement required in
10 section 542.3. The fee shall be calculated according
11 to the following schedule:

12 a. If the total number of bushels purchased is one
13 hundred thirty-five thousand dollars or less, the
14 license fee is forty eighty-seven dollars and the
15 inspection fee is fifty one hundred nine dollars.

16 b. If the total number of bushels purchased is
17 more than one hundred thirty-five thousand dollars,
18 but not more than seven two hundred fifty thousand
19 dollars, the license fee is seventy one hundred fifty-
20 two dollars and the inspection fee is seventy-five one
21 hundred sixty-three dollars.

22 c. If the total number of bushels purchased is
23 more than seven two hundred fifty thousand dollars,
24 but not more than one million five hundred thousand
25 dollars, the license fee is one two hundred seventeen
26 dollars and the inspection fee is one two hundred
27 fifteen fifty dollars.

28 d. If the total number of bushels purchased is
29 more than one million five hundred thousand dollars,
30 but not more than three one million dollars, the
31 license fee is one three hundred seventy-five eighty
32 dollars and the inspection fee is one three hundred
33 fifty twenty-five dollars.

34 e. If the total number of bushels purchased is
35 more than three one million dollars, but not more than
36 four one million seven eight hundred fifty thousand
37 dollars, the license fee is three six hundred fifty-
38 one dollars and the inspection fee is one four hundred
39 eighty-five one dollars.

40 f. If the total number of bushels purchased is
41 more than four one million seven eight hundred fifty
42 thousand dollars, but not more than nine three million
43 five two hundred thousand dollars, the license fee is
44 four nine hundred twenty-five twenty-two dollars and
45 the inspection fee is two four hundred twenty-five
46 eighty-eight dollars.

47 g. If the total number of bushels purchased is
48 more than nine three million five two hundred thousand
49 dollars, the license fee is five one thousand two
50 hundred seventy-five forty-eight dollars and the

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1 inspection fee is two five hundred sixty-five seventy-
2 five dollars.

3 If the applicant did not purchase grain in the

4 applicant's previous calendar fiscal year, the

5 applicant will shall pay the fee specified in

6 paragraph "a". If during the license period
7 licensee's fiscal year the total number of bushels of
8 grain actually purchased exceeds one hundred thirty-
9 five thousand dollars, the licensee shall notify the
10 department and the license and inspection fee shall be
11 adjusted accordingly. Subsequent adjustments shall be
12 made as necessary. An applicant may elect licensing
13 in any category of this subsection. New Fees for new
14 licenses issued for less than a full year shall be
15 prorated from the date of application.

16 Sec. ____ . Section 542.9, unnumbered paragraph 1,
17 Code 1991, is amended to read as follows:

18 The department may inspect the premises used by any
19 grain dealer in the conduct of the dealer's business
20 at any time, and the books, accounts, records, and
21 papers of every grain dealer which pertain to grain
22 purchases are subject to inspection by the department
23 during ordinary business hours. The department shall
24 cause the business premises and books, accounts,
25 records, and papers of every grain dealer to be
26 inspected not less than at least once during each
27 twelve-month eighteen-month period; but not more than
28 four times in a twenty-four month period without good
29 cause justification. The department shall prioritize
30 inspections based on the system provided in section
31 542.22. The department may use a risk rating produced
32 by a statistical model provided in section 542.22 as
33 justification to conduct an inspection. The
34 transporter of grain in transit shall possess bills of
35 lading or other documents covering the grain, and
36 shall present them to any law enforcement officer or
37 to a person designated as an enforcement officer under
38 section 542.13 on demand. If there is good cause
39 justification to believe that a person is engaged
40 without a license in the business of a grain dealer in
41 this state, the department may inspect the books,
42 papers, and records of the person which pertain to
43 grain purchases.

44 Sec. ____ . Section 542.11, subsection 4, Code 1991,
45 is amended to read as follows:

46 4. A person in violation of this chapter, or a in
47 violation of chapter 714 or 715A involving, which
48 violation involves the business of a grain dealer, is
49 subject to prosecution by the county attorney in the
50 county where the business is located. However, if the

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1 county attorney fails to initiate prosecution within
2 thirty days and upon request by the department, the

3 attorney general may initiate and carry out the
4 prosecution in cooperation, if possible, with the
5 county attorney. The person in violation may be
6 restrained by an injunction in an action brought by
7 the department or the attorney general upon request by
8 the department.

9 Sec. ____ . **NEW SECTION. 542.12A LIEN ON GRAIN**

10 **DEALER ASSETS.**

11 1. A statutory lien is imposed on all grain dealer
12 assets in favor of sellers who have surrendered
13 warehouse receipts or other written evidence of
14 ownership as part of a grain sale transaction or who
15 possess written evidence of the sale of grain to a
16 grain dealer, without receiving full payment for the
17 grain.

18 2. "Grain dealer assets" includes proceeds
19 received or due a grain dealer upon the sale,
20 including exchange, collection, or other disposition,
21 of grain sold by the grain dealer. As used in this
22 section, "proceeds" means noncash and cash proceeds as
23 provided in section 554.9306. "Grain dealer assets"
24 also includes any other funds or property of the grain
25 dealer which can be directly traced as being from the
26 sale of grain by the grain dealer, or which were
27 utilized in the business operation of the grain
28 dealer. A court, upon petition by an affected party,
29 may order that claimed grain dealer assets are not
30 grain dealer assets as defined in this section. The
31 burden of proof shall be upon the petitioner to
32 establish that the assets are not grain dealer assets
33 as defined in this section.

34 3. The lien shall arise at the time of surrender
35 of warehouse receipts or other written evidence of
36 ownership as part of a grain sale transaction or the
37 time of delivery of the grain for sale, and shall
38 terminate when the liability of the grain dealer to
39 the seller has been discharged. The lien of all
40 sellers is hereby assigned to the Iowa grain indemnity
41 fund board, on behalf of the grain depositors and
42 sellers indemnity fund.

43 4. To perfect the lien, the Iowa grain indemnity
44 fund board must file a lien statement with the office
45 of the secretary of state. The lien statement is
46 valid only if filed on or after the date of suspension
47 but not later than sixty days after the incurrence
48 date as provided in section 543A.6. The lien
49 statement shall disclose the name of the grain dealer,
50 the address of the dealer's principal place of

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1 business, a description of identifiable grain dealer
2 assets, and the amount of the lien. The lien amount
3 shall be the board's estimate of the final cost of
4 reimbursing the grain depositors and sellers indemnity
5 fund for the payment of claims against the fund
6 resulting from the breach of the grain dealer's
7 obligations. The board shall correct the amount not
8 later than one hundred eighty days following the
9 incurrence date. A court, upon petition by an
10 affected person, may correct the amount. The board
11 shall have the burden of proving that the amount is an
12 accurate estimate.

13 5. The Iowa grain indemnity fund board shall upon
14 written demand of the grain dealer file a termination
15 statement with the secretary of state, if the license
16 of the grain dealer is not revoked, terminated, or
17 canceled after one hundred eighty days from the date
18 that the lien is perfected. Upon filing the
19 termination statement, the lien becomes unperfected.
20 The board shall also deliver a copy of the termination
21 statement to the grain dealer.

22 6. The secretary of state shall note the filing of
23 a lien statement under this section in a manner
24 provided by chapter 554, the uniform commercial code.
25 The secretary shall note the filing of a termination
26 statement with the lien statement.

27 7. A lien perfected under this section is superior
28 to an interest which is perfected subsequent to the
29 time the lien statement is filed with the secretary of
30 state, except liens arising under chapters 570 through
31 571.

32 8. If the grain dealer is also licensed under
33 chapter 543, and in the event the department is
34 appointed as a receiver under section 543.3, assets
35 under the authority of the receiver are free from this
36 statutory lien. However, if there are receivership
37 assets in excess of those necessary to fully reimburse
38 depositors, the perfected lien will attach to those
39 excess assets.

40 9. The board may enforce the lien in the manner
41 provided in chapter 554, article 9, part 5, for the
42 enforcement of security interests. If, upon
43 enforcement of the lien, the lien amount is satisfied
44 in full without exhaustion of the grain dealer assets,
45 the remaining assets shall be returned to the grain
46 dealer or, if there are competing claims to those
47 remaining assets by other creditors, shall place those
48 assets in the custody of the district court and

49 implead the known creditors.
50 For purposes of enforcement of the lien, the board

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1 is deemed to be the secured party and the grain dealer
2 is deemed to be the debtor, and each has the
3 respective rights and duties of a secured party and a
4 debtor as provided in chapter 554, article 9, part 5.
5 If a right or duty under chapter 554, article 9, part
6 5, is contingent upon the existence of express
7 language in a security agreement, or may be waived by
8 express language in a security agreement, the
9 requisite language is deemed not to exist for purposes
10 of enforcement of the lien created by this section.
11 10. Actions relating to this section shall be
12 brought in the district court in the county in which
13 the grain dealer's primary place of business is
14 located or in Polk county.

15 Sec. ____ . Section 542.15, subsection 7, Code 1991,
16 is amended by striking the subsection and inserting in
17 lieu thereof the following:

18 7. a. A grain dealer shall not purchase grain on
19 credit-sale contract during any time period in which
20 the grain dealer fails to maintain fifty cents of net
21 worth for each outstanding bushel of grain purchased
22 under credit. The grain dealer may maintain a
23 deficiency bond or an irrevocable letter of credit in
24 the amount of two thousand dollars for each one
25 thousand dollars or fraction thereof of deficiency in
26 net worth.

27 b. A grain dealer holding a federal or state
28 warehouse license who does not have a sufficient
29 quantity or quality of grain to satisfy the warehouse
30 operator's obligations based on an examination by the
31 department or the United States department of
32 agriculture shall not purchase grain on credit-sale
33 contract to correct the shortage of grain.

34 c. A grain dealer must meet at least one of the
35 following conditions:

36 (1) The grain dealer's last financial statement
37 required to be submitted to the department pursuant to
38 section 542.3 is accompanied by an unqualified opinion
39 based upon an audit performed by a certified public
40 accountant licensed in this state.

41 (2) The grain dealer files a bond with the
42 department in the amount of one hundred thousand
43 dollars payable to the department. The bond shall be
44 used to indemnify sellers for losses resulting from a
45 breach of a credit-sale contract as provided by rules

46 adopted by the department. The rules shall include,
47 but are not limited to, procedures and criteria for
48 providing notice, filing claims, valuing losses, and
49 paying claims. The bond provided in this paragraph
50 shall be in addition to any other bond required in

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1 this chapter.

2 A bond filed with the department under this
3 paragraph shall not be canceled by the issuer on less
4 than ninety days notice by certified mail to the
5 department and the principal. When the department
6 receives notice from an issuer that it has canceled
7 the bond, the department shall automatically suspend
8 the grain dealer's license if a replacement bond is
9 not received by the department within sixty days of
10 the issuance of the notice of cancellation. The
11 department shall cause an inspection of the licensed
12 grain dealer immediately at the end of the sixty-day
13 period. If a replacement bond is not filed within
14 another thirty days following the suspension, the
15 grain dealer license shall be automatically revoked.
16 When a license is revoked, the department shall
17 provide notice of the revocation by ordinary mail to
18 the last known address of each holder of an
19 outstanding credit-sale contract and all known
20 sellers.

21 Sec. ____ . Section 542.15, Code 1991, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 7A. The department may adopt
24 rules to suspend the right of a grain dealer to
25 purchase grain by credit-sale contract based on any of
26 the following conditions:

27 a. The grain dealer holding a federal or state
28 warehouse license does not have a sufficient quantity
29 or quality of grain to satisfy the warehouse
30 operator's obligations based on an examination by the
31 department or the United States department of
32 agriculture.

33 b. The grain dealer holding a state or federal
34 warehouse license issues back to the grain dealer a
35 warehouse receipt for purposes of providing
36 collateral, if the grain which is the subject of the
37 warehouse receipt was purchased on credit and is
38 unpaid for by the grain dealer.

39 c. The grain dealer fails to maintain requirements
40 relating to net worth or fails to maintain a ratio of
41 current assets to current liabilities, as required in
42 section 542.3.

- 43 d. The grain dealer violates this section.
44 e. The grain dealer's total liabilities are
45 greater than seventy-five percent of the grain
46 dealer's total assets.
47 f. The grain dealer has made payment by use of a
48 financial instrument which is a check, share draft,
49 draft, or written order on a financial institution,
50 and a financial institution refuses payment on the

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1 instrument because of insufficient funds in a grain
2 dealer's account.

3 g. The department discovers that a grain dealer
4 has delayed payment for grain purchased since the
5 department last inspected the grain dealer pursuant to
6 section 542.9.

7 Sec. —. NEW SECTION. 542.22 PRIORITIZATION OF
8 INSPECTIONS OF GRAIN DEALERS.

9 The department shall develop a system to prioritize
10 the inspections of grain dealers provided in section
11 542.9. The system of prioritization shall be computed
12 each year based on the risk of loss to the grain
13 depositors and sellers indemnity fund caused by the
14 possible insolvency of the grain dealer. The
15 department shall compute the risk by utilizing an
16 available statistical model to measure the financial
17 condition of grain dealers, and especially grain
18 dealers who execute credit-sale contracts. Procedures
19 for utilizing the statistical model shall be adopted
20 by department rules. The statistical model shall be
21 used to provide risk ratings. A risk rating shall be
22 used as a factor by the department to prioritize its
23 inspection schedule. The department may use a risk
24 rating produced by the statistical model as
25 justification to inspect the grain dealer at any time.
26 A substantial risk of loss to the grain depositors and
27 sellers indemnity fund caused by the possible
28 insolvency of the grain dealer based on the
29 statistical model shall be good cause.

30 Sec. —. Section 543.1, Code 1991, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 7A. "Good cause" means that the
33 department has cause to believe that the net worth or
34 current asset to current liability ratio of a
35 warehouse operator presents a danger to depositors
36 with whom the warehouse operator does business, based
37 on evidence of any of the following:

38 a. The making of a payment by use of a financial
39 instrument which is a check, share draft, draft, or

40 written order on a financial institution, and a
41 financial institution refuses payment on the
42 instrument because of insufficient funds in the
43 warehouse operator's account.
44 b. A violation of recordkeeping requirements
45 provided in this chapter or rules adopted pursuant to
46 this chapter by the department.
47 c. A quality or quantity shortage in the warehouse
48 facility.
49 d. A high risk of loss to the grain depositors and
50 sellers indemnity fund caused by the possible

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1 insolvency of the warehouse operator based on a
2 statistical model provided in section 543.40.
3 Sec. ____ . Section 543.2, unnumbered paragraph 1,
4 Code 1991, is amended to read as follows:
5 The department may exercise general supervision
6 over the storage, warehousing, classifying according
7 to grade or otherwise, weighing, and certification of
8 agricultural products. The department may inspect or
9 cause to be inspected any warehouse. Inspections may
10 be made at times and for purposes as the department
11 determines. Except as provided in section 543.6, the
12 department shall cause every licensed warehouse and
13 its contents to be inspected once in every twelve-
14 month period. The department shall prioritize
15 inspections based on the system provided in section
16 543.40. The department may require the filing of
17 reports relating to a warehouse or its operation. If
18 upon inspection a deficiency is found to exist as to
19 the quantity or quality of agricultural products
20 stored, as indicated on the warehouse operator's books
21 and records according to official grain standards, the
22 department may require an employee of the department
23 to remain at the licensed warehouse and supervise all
24 operations involving agricultural products stored
25 there under this chapter until the deficiency is
26 corrected. The charge for the cost of maintaining an
27 employee of the department at a warehouse to supervise
28 the correction of a deficiency is one hundred fifty
29 dollars per day."

30 36. Page 23, by striking lines 13 through 24.

31 37. Page 23, by inserting after line 24 the
32 following:

33 "Sec. ____ . NEW SECTION. 668B.1 LIABILITY OF
34 PERSON ENGAGING IN THE ACTIVITY OF GOLFING.

35 A participant engaging in the activity of golfing
36 is presumed to have assumed the risk of any injury

37 resulting from the participant's own acts or the acts
38 of another participant which are directly related to
39 the normal golfing activity and which occur on or near
40 the golf course. A participant unintentionally
41 causing an injury as a result of that participant's
42 golfing activity is not liable unless the injury is
43 the result of the willful or reckless behavior of the
44 participant. A person providing the premises where
45 participants engage in the activity of golfing is not
46 liable for an injury which occurs as the result of
47 normal golfing activity unless the person knew or
48 should have known that there was a condition on the
49 premises which involved an unreasonable risk of injury
50 to any participant.

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1 For purposes of this section "participant" includes
2 the individual engaging in the activity of golf and
3 any other individual who enters the premises where
4 such activity occurs."

5 38. Page 23, by inserting before line 25, the
6 following:

7 "Sec. ____ . Section 543.6, subsection 4, paragraph
8 b, Code 1991, is amended to read as follows:

9 b. The warehouse operator shall submit, as
10 required by the department, a financial statement that
11 is accompanied by an unqualified opinion based upon an
12 audit performed by a certified public accountant
13 licensed in this state. However, the department may
14 accept a qualification in an opinion that is
15 unavoidable by any audit procedure that is permitted
16 under generally accepted accounting principles. An
17 opinion that is qualified because of a limited audit
18 procedure or because the scope of an audit is limited
19 shall not be accepted by the department. The
20 department shall not require that a warehouse operator
21 submit more than one such unqualified opinion per
22 year. The warehouse operator may elect, however, to
23 submit a financial statement that is accompanied by
24 the report of a certified public accountant licensed
25 in this state that is based upon a review performed by
26 the certified public accountant in lieu of the audited
27 financial statement specified in this paragraph.
28 However, at any time the department may require a
29 financial statement that is accompanied by the report
30 of a certified public accountant licensed in this
31 state that is based upon a review performed by a
32 certified public accountant if the department has good
33 cause to believe that the net worth or current asset

34 to current liability ratio of a licensee presents a
 35 danger to producers or sellers with whom the licensee
 36 deals. "Good cause" means that the department has
 37 evidence that the licensee issued checks on
 38 insufficient funds, evidence of a quality or quantity
 39 shortage in a warehouse facility, or evidence of
 40 violations of recordkeeping requirements:

41 Sec. ____ . Section 543.6, subsection 5, paragraph
 42 b, Code 1991, is amended to read as follows:

43 b. The warehouse operator shall submit, as
 44 required by the department, a financial statement that
 45 is accompanied by an unqualified opinion based upon an
 46 audit performed by a certified public accountant
 47 licensed in this state. However, the department may
 48 accept a qualification in an opinion that is
 49 unavoidable by any audit procedure that is permitted
 50 under generally accepted accounting principles. An

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1 opinion that is qualified because of a limited audit
 2 procedure or because the scope of an audit is limited
 3 shall not be accepted by the department. The
 4 department shall not require that a warehouse operator
 5 submit more than one such unqualified opinion per
 6 year. The warehouse operator may elect, however, to
 7 submit a financial statement that is accompanied by
 8 the report of a certified public accountant licensed
 9 in this state that is based upon a review performed by
 10 the certified public accountant in lieu of the audited
 11 financial statement specified in this paragraph.
 12 However, at any time the department may require a
 13 financial statement that is accompanied by the report
 14 of a certified public accountant licensed in this
 15 state that is based upon a review performed by a
 16 certified public accountant if the department has good
 17 cause to believe that the net worth or current asset
 18 to current liability ratio of a licensee presents a
 19 danger to producers or sellers with whom the licensee
 20 deals. "Good cause" means that the department has
 21 evidence that the licensee issued checks on
 22 insufficient funds, evidence of a quality or quantity
 23 shortage in a warehouse facility, or evidence of
 24 violations of recordkeeping requirements:

25 Sec. ____ . NEW SECTION. 543.12A LIEN ON WAREHOUSE
 26 OPERATOR ASSETS.

27 1. A statutory lien is imposed on all warehouse
 28 operator assets in favor of depositors possessing
 29 warehouse receipts covering grain stored by the
 30 warehouse operator and depositors with written

31 evidence of ownership other than warehouse receipts
32 disclosing a storage obligation of a warehouse
33 operator.
34 2. "Warehouse operator assets" includes proceeds
35 received or due a warehouse operator upon the sale,
36 including exchange, collection, or other disposition,
37 of grain sold by the warehouse operator. As used in
38 this section, "proceeds" means noncash and cash
39 proceeds as provided in section 554.9306. "Warehouse
40 operator assets" also includes storage payments
41 received or due to a warehouse operator, grain owned
42 by the warehouse operator, and any other funds or
43 property of the warehouse operator which can be
44 directly traced as being from the sale of grain by the
45 warehouse operator, or which were utilized in the
46 business operation of the warehouse operator. A
47 court, upon petition by an affected party, may order
48 that claimed warehouse operator assets are not
49 warehouse operator assets as defined in this section.
50 The burden of proof shall be upon the petitioner to

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1 establish that the assets are not warehouse operator
2 assets as defined in this section.

3 3. The lien shall arise at the commencement of the
4 storage obligation, and shall terminate when the
5 liability of the warehouse operator to the depositor
6 has been discharged. The lien of all depositors is
7 hereby assigned to the Iowa grain indemnity fund
8 board, on behalf of the grain depositors and sellers
9 indemnity fund.

10 4. To perfect the lien, the Iowa grain indemnity
11 fund board must file a lien statement with the office
12 of the secretary of state. The lien statement is
13 valid only if filed on or after the date of suspension
14 but not later than sixty days after the incurrence
15 date as provided in section 543A.6. The lien
16 statement shall disclose the name of the warehouse
17 operator, the address of the warehouse operator's
18 principal place of business, a description of
19 identifiable warehouse operator assets, and the amount
20 of the lien. The lien amount shall be the board's
21 estimate of the final cost of reimbursing the grain
22 depositors and sellers indemnity fund for the payment
23 of claims made against the fund resulting from the
24 breach of the warehouse operator's obligations. The
25 board shall correct the amount not later than one
26 hundred eighty days following the incurrence date. A
27 court, upon petition by an affected person, may

28 correct the amount. The board shall have the burden
29 of proving that the amount is an accurate estimate.
30 5. The Iowa grain indemnity fund board shall upon
31 written demand of the warehouse operator file a
32 termination statement with the secretary of state, if
33 the license of the warehouse operator is not revoked,
34 terminated, or canceled after one hundred eighty days
35 from the date that the lien is perfected. Upon filing
36 the termination statement, the lien becomes
37 unperfected. The board shall also deliver a copy of
38 the termination statement to the warehouse operator.
39 6. The secretary of state shall note the filing of
40 a lien statement under this section in a manner
41 provided by chapter 554, the uniform commercial code.
42 The secretary shall note the filing of a termination
43 statement with the lien statement.
44 7. A lien perfected under this section is superior
45 to a lien or security interest which attaches
46 subsequent to the time the lien statement is filed
47 with the secretary of state, except liens arising
48 under chapters 570 through 571.
49 8. In the event the department is appointed as a
50 receiver under section 543.3, assets under the

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1 authority of the receiver are free from this statutory
2 lien. However, if there are receivership assets in
3 excess of those necessary to fully reimburse
4 depositors, the perfected lien will attach to those
5 excess assets.
6 9. The Iowa grain indemnity fund board may enforce
7 the lien in the manner provided in chapter 554,
8 article 9, part 5, for the enforcement of security
9 interests. If, upon enforcement of the lien, the lien
10 amount is satisfied in full without exhaustion of the
11 warehouse operator assets, the remaining assets shall
12 be returned to the warehouse operator or, if there are
13 competing claims to those remaining assets by other
14 creditors, those assets shall be placed in the custody
15 of the district court and the known creditors
16 impleaded.
17 For purposes of enforcement of the lien, the board
18 is deemed to be the secured party and the warehouse
19 operator is deemed to be the debtor, and each has the
20 respective rights and duties of a secured party and a
21 debtor as provided in chapter 554, article 9, part 5.
22 If a right or duty under chapter 554, article 9, part
23 5, is contingent upon the existence of express
24 language in a security agreement, or may be waived by

25 express language in a security agreement, the
26 requisite language is deemed not to exist for purposes
27 of enforcement of the lien created by this section.

28 10. Actions relating to this section shall be
29 brought in the district court in the county in which
30 the warehouse operator's primary place of business is
31 located or in Polk county.

32 Sec. ____ . Section 543.17, Code 1991, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 6A. A licensed warehouse operator
35 who does not have a sufficient quantity or quality of
36 grain to satisfy the warehouse operator's obligations
37 based on an examination by the department shall not
38 purchase grain on credit-sale contract to correct the
39 shortage of grain. A licensed warehouse operator
40 shall not issue a warehouse receipt for purposes of
41 providing collateral, if the grain which is the
42 subject of the warehouse receipt was purchased by
43 credit-sale contract and is unpaid for by the
44 warehouse operator.

45 Sec. ____ . Section 543.17, subsection 7, Code 1991,
46 is amended to read as follows:

47 7. Every licensed warehouse operator shall, on or
48 before July 1 of each year, send a statement for each
49 holder of a warehouse receipt covering grain held for
50 more than one year at that warehouse to the holder's

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1 last known address. The statement shall show the
2 amount of all grain held pursuant to warehouse receipt
3 for such warehouse receipt holder and the amount of
4 any storage charges held by the licensed warehouse
5 operator against that grain. However, a licensed
6 warehouse operator need not prepare this annual
7 statement for a holder of a warehouse receipt, if the
8 licensed warehouse operator prepares such statements
9 monthly, quarterly or for any other period more
10 frequent than annually. ~~Failure~~ The failure to
11 prepare a statement required by this subsection is a
12 simple misdemeanor.

13 PARAGRAPH DIVIDED. Violation of this section shall
14 not constitute grounds for suspension, revocation, or
15 modification of the license of anyone licensed under
16 this chapter.

17 Sec. ____ . Section 543.33, subsection 1, paragraphs
18 a through g, Code 1991, are amended to read as
19 follows:

20 a. If the total storage capacity is one hundred
21 thousand bushels or less, the fee is ~~thirty-five~~

22 seventy-six dollars.

23 b. If the total storage capacity is more than one
24 hundred thousand bushels, but not more than seven
25 hundred fifty thousand bushels, the fee is ~~seventy-~~
26 five one hundred sixty-three dollars.

27 c. If the total storage capacity is more than
28 seven hundred fifty thousand bushels, but not more
29 than one million five hundred thousand bushels, the
30 fee is ~~one two hundred fifteen~~ fifty dollars.

31 d. If the total storage capacity is more than one
32 million five hundred thousand bushels, but not more
33 than three million bushels, the fee is ~~one three~~
34 hundred fifty twenty-five dollars.

35 e. If the total storage capacity is more than
36 three million bushels, but not more than four million
37 seven hundred fifty thousand bushels, the fee is ~~one~~
38 four hundred eighty-five one dollars.

39 f. If the total storage capacity is more than four
40 million seven hundred fifty thousand bushels, but not
41 more than nine million five hundred thousand bushels,
42 the fee is ~~two four hundred twenty-five~~ eighty-eight
43 dollars.

44 g. If the total storage capacity is more than nine
45 million five hundred thousand bushels, the fee is ~~two~~
46 five hundred sixty-five seventy-five dollars.

47 Sec. ____ . Section 543.36, subsection 4, Code 1991,
48 is amended to read as follows:

49 4. A person in violation of this chapter, or a in
50 violation of chapter 714 or 715A involving, which

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1 violation involves the business of a warehouse
2 operator, is subject to prosecution by the county
3 attorney in the county where the business is located.
4 However, if the county attorney fails to initiate
5 prosecution within thirty days, and upon request by
6 the department, the attorney general may initiate and
7 carry out the prosecution in cooperation, if possible,
8 with the county attorney. The person in violation may
9 be restrained by injunction in an action brought by
10 the department or the attorney general upon request by
11 the department.

12 Sec. ____ . Section 543.37, Code 1991, is amended to
13 read as follows:

14 543.37 FAILURE TO PAY FEE.

15 Failure to pay the annual license fee provided for
16 in section 543.33 on or before June 30 of the year for
17 which due the end of the third calendar month
18 following the close of the licensee's fiscal year

19 shall cause a license to terminate. A warehouse
20 license which has terminated may be reinstated by the
21 department upon receipt of a proper renewal
22 application, the renewal fee, and the reinstatement
23 fee as provided for in section 543.33, if filed within
24 thirty days from the date of termination of the
25 warehouse license. The department may cancel the
26 license upon request of the licensee unless a
27 complaint or information is filed against the licensee
28 alleging a violation of a provision of this chapter.

29 Sec. ____ . NEW SECTION. 543.40 PRIORITIZATION OF
30 INSPECTIONS OF WAREHOUSE OPERATORS.

31 The department shall develop a system to prioritize
32 the inspections of warehouse operators provided in
33 section 543.2. The system of prioritization shall be
34 computed each year based on the risk of loss to the
35 grain depositors and sellers indemnity fund caused by
36 the possible insolvency of the warehouse operator.
37 The department shall compute the risk by utilizing an
38 available statistical model to measure the financial
39 condition of warehouse operators. Procedures for
40 utilizing the statistical model shall be adopted by
41 department rules. The statistical model shall be used
42 to provide risk ratings. A risk rating shall be used
43 as a factor by the department to prioritize its
44 inspection schedule. The department may inspect a
45 warehouse operator at any time based on a risk of loss
46 to the fund according to the risk rating. A
47 substantial risk of loss to the grain depositors and
48 sellers indemnity fund caused by the possible
49 insolvency of the warehouse operator based on the
50 statistical model shall be good cause.

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1 Sec. ____ . NEW SECTION. 543A.5A LIEN ON
2 LICENSEE'S ASSETS.

3 The board may enforce a lien attached to assets
4 held by a licensee under chapter 542 or 543. The lien
5 shall be perfected and enforced pursuant to section
6 542.12A or 543.12A.

7 Sec. ____ . Section 554.9407, subsection 3, Code
8 1991, is amended by adding the following new
9 unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. Upon written request,
11 the filing officer shall issue a certificate showing
12 whether there is on file on the date and hour stated,
13 an effective financing statement, lien statement, or
14 termination statement under chapter 542 or 543 naming
15 a grain dealer or warehouse operator as a debtor, the

16 address of the grain dealer's or warehouse operator's
17 principal place of business, and the grain indemnity
18 fund board as secured creditor, identifiable grain
19 proceeds subject to the lien, and the amount of the
20 lien. The uniform fee for a certificate is five
21 dollars if the request for the certificate is on a
22 form conforming to standards prescribed by the
23 secretary of state, or the fee is six dollars if the
24 request is not on a form conforming to the standards.

25 Sec. ____ . Section 715A.2, subsection 2, paragraph
26 a, Code 1991, is amended to read as follows:

27 a. Forgery is a class "D" felony if the writing is
28 or purports to be part of an issue of money,
29 securities, postage or revenue stamps, or other
30 instruments issued by the government, or part of an
31 issue of stock, bonds, credit-sale contracts as
32 defined in section 542.1, or other instruments
33 representing interests in or claims against any
34 property or enterprise, or a check, draft, or other
35 writing which ostensibly evidences an obligation of
36 the person who has purportedly executed it or
37 authorized its execution.

38 Sec. ____ . TRANSITION PERIOD. There shall be a
39 transition period for implementing and enforcing
40 provisions of this Act relating to any license period
41 as provided in sections 542.5 and 543.37 as amended by
42 this Act. Within the transition period, the
43 department of agriculture and land stewardship may
44 issue or renew licenses under chapter 542 or 543 for a
45 period less than twelve consecutive months. The
46 department shall prorate the fees charged for issuing
47 or renewing the licenses for a period of less than
48 twelve consecutive months. The transition period
49 shall terminate on June 30, 1993.

50 Sec. ____ . DATES OF APPLICABILITY. The liens

Page 24

1 established in sections 542.12A and 543.12A are
2 applicable and enforceable against all grain dealer
3 and warehouse operator licensees with an incurrence
4 date on or after July 1, 1992."

5 39. Page 23, by inserting after line 28, the
6 following:

7 "Sec. ____ . REPEALS.

8 1. Section 428.35, Code 1991, is repealed.

9 2. Section 542.21, Code 1991, is repealed."

10 40. Title page, line 2, by striking the words
11 "and statutory" and inserting the following: "
12 providing for fees, providing for statutory".

13 41. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

S-5680

1 Amend the House amendment, S-5644, to Senate File
2 2355, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by striking lines 1 through 3 and
5 inserting the following:
6 " ____ . Page 8, by striking lines 5 through 9 and
7 inserting the following: "licensed physician, the
8 department shall review the feasibility of providing
9 medical assistance reimbursement for the diagnostic
10 services necessary to provide the low back pain
11 treatment services, as a means of encouraging
12 utilization of cost-effective treatment and reducing
13 medical assistance costs.

14 ____ . It is the intent of the general assembly".

15 2. By renumbering as necessary.

RICHARD V. RUNNING
BEVERLY HANNON
WALLY E. HORN
JIM KERSTEN

S-5681

1 Amend the House amendment, S-5644, to Senate File
2 2355, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 17, by striking lines 37 through 40 and
5 inserting the following:
6 "This chapter does not apply to a person who is
7 licensed as a physician as defined in section 135.1 or
8 as a dentist."

9 2. Page 18, by striking lines 1 through 3 and
10 inserting the following: "by a physician as defined
11 in section 135.1 or a dentist."

RICHARD V. RUNNING
BEVERLY HANNON
WALLY E. HORN
JIM KERSTEN

S-5682

1 Amend Senate File 2359 as follows:

2 1. Page 23, line 13, by inserting after the word
3 "ordered." the following: "If the existence of the

4 complaint is disclosed by the complainant, the board
 5 shall, within seven days of the disclosure, make a
 6 determination as to whether there is probable cause to
 7 believe that a violation of this chapter, chapter 56,
 8 or the rules of the board has occurred."

MAGGIE TINSMAN
 JIM KERSTEN
 H. KAY HEDGE
 RICHARD F. DRAKE

S-5683

1 Amend the House amendment, S-5644, to Senate File
 2 2355, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 37 and 38.
 5 2. By renumbering as necessary.

RICHARD RUNNING
 WILMER RENSINK
 GEORGE R. KINLEY
 BERL E. PRIEBE
 JIM LIND
 WILLIAM D. PALMER
 DERRYL MCLAREN
 WILLIAM W. DIELEMAN
 RICHARD VANDE HOEF
 JOHN W. JENSEN
 DONALD V. DOYLE
 JOHN P. KIBBIE
 JOE J. WELSH
 PAUL D. PATE
 JOHN A. PETERSON
 ALVIN V. MILLER
 ALLEN BORLAUG
 JACK W. HESTER
 H. KAY HEDGE
 DON E. GETTINGS
 EUGENE S. FRAISE
 EMIL J. HUSAK
 MARK R. HAGERLA
 LARRY MURPHY
 JAMES B. KERSTEN
 DALE L. TIEDEN

S-5684

1 Amend the House amendment, S-5644, to Senate File
 2 2355, as amended, passed, and reprinted by the Senate,

3 as follows:

- 4 1. Page 17, lines 46 and 47, by striking the
5 words "EVALUATION OF CONDITION" and inserting the
6 following: "PRESCRIPTION OR REFERRAL".
7 2. Page 17, line 50 through page 18, line 1, by
8 striking the words "until the person's condition has
9 been evaluated by" and inserting the following:
10 "without a prescription or referral from".

RICHARD VARN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2455

S-5685

- 1 Amend the Senate amendment, H-5818, to House File
2 2455, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. Page 1, by striking lines 3 through 23.
5 2. Page 1, by striking lines 30 through 36, and
6 inserting the following: "be surveyed during the
7 fiscal year shall contribute forty percent of the cost
8 of completing the community surveys."
9 3. Page 1, line 41, by striking the words "the
10 assessment of".
11 4. Page 2, by striking lines 7 through 13 and
12 inserting the following:
13 " — . Page 6, line 20, by striking the figure
14 "3.50" and inserting the following: "4.00".
15 — . Page 6, by inserting after line 20, the
16 following:
17 "It is the intent of the general assembly that the
18 state foster care review board continue to conduct
19 business on a voluntary basis. If the appropriation
20 made in this subsection is not sufficient to fund an
21 administrator for the state board, personnel in the
22 sixth judicial district shall provide administrative
23 assistance to the state board. The funds appropriated
24 for the foster care program shall be used first to
25 fully fund the program in the sixth judicial district
26 and second to implement local board reviews in the
27 eighth judicial district.""
28 5. Page 4, by inserting after line 16 the follow-
29 ing:
30 " — . Page 18, by inserting after line 15 the
31 following:
32 "Sec. — . Section 331.756, subsection 5, Code
33 1991, is amended to read as follows:

34 5. Enforce all forfeited bonds and recognizances
 35 and prosecute all proceedings necessary for the,
 36 recovery of debts, revenues, moneys, fines, penalties,
 37 restitution of court-appointed attorney fees or
 38 expense of a public defender, and forfeitures accruing
 39 to the state or the county or to a school district or
 40 road district in the county, and all suits in the
 41 county against public service corporations which are
 42 brought in the name of the state. To assist in this
 43 duty, the county attorney may procure professional
 44 collection services provided by persons or
 45 organizations which are generally considered to have
 46 knowledge and special abilities which are not
 47 generally available to state or local government or
 48 may designate another county official or agency to
 49 assist with collection efforts.
 50 If professional collection services are procured,

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1 the county attorney shall enter on the appropriate
 2 record of the clerk of the district court an
 3 indication of the satisfaction of each obligation to
 4 the full extent of all moneys collected in
 5 satisfaction of that obligation, including all fees
 6 and compensation retained by the collection service
 7 incident to the collection and not paid into the
 8 office of the clerk.
 9 Before a county attorney designates another county
 10 official or agency to assist with collection of debts,
 11 revenues, moneys, fines, penalties, restitution of
 12 court-appointed attorney fees or expense of a public
 13 defender, and forfeitures, the board of supervisors of
 14 the county must approve the designation.
 15 Notwithstanding the disposition provisions of sections
 16 602.8106 and 911.3, the county may retain up to
 17 thirty-five percent of all moneys collected, excluding
 18 amounts collected for victim restitution, as
 19 compensation for collection services. The county
 20 attorney shall enter on the appropriate record of the
 21 clerk of the district court an indication of the
 22 satisfaction of each obligation, including the amount
 23 retained by the county for collection services and not
 24 paid into the office of the clerk.”
 25 6. By striking page 4, line 19, through page 6,
 26 line 16, and inserting the following:
 27 ““Sec. ____ . Section 331.756, Code 1991, is amended
 28 by adding the following new subsections:
 29 NEW SUBSECTION. 64A. Assist the department of
 30 revenue and finance in the implementation of the

31 setoff under section 421.17, subsection 25, in regard
32 to moneys owed to the state.

33 NEW SUBSECTION. 64B. Make a written report to the
34 department of inspections and appeals within fifteen
35 days of the end of each calendar quarter of the amount
36 of funds which were owed to the state for indigent
37 defense services and which were recouped pursuant to
38 subsection 5 or 64A.

39 Sec. ____ . Section 421.17, subsection 25, Code
40 Supplement 1991, is amended to read as follows:

41 25. To establish and maintain a procedure to set
42 off against a debtor's income tax refund or rebate any
43 debt which is in the form of a liquidated sum due,
44 owing, and payable to the clerk of the district court
45 as a criminal fine, civil penalty, surcharge, or court
46 costs, or restitution of attorney fees incurred as a
47 result of services provided under chapters 13B and
48 815, and section 232.141. The procedure shall meet
49 the following conditions:

50 a. Before setoff all outstanding tax liabilities

Page 3

1 collectible by the department shall be satisfied
2 except that no portion of a refund or rebate shall be
3 credited against tax liabilities which are not yet
4 due.

5 b. Before setoff the clerk of the district court
6 county attorney shall obtain and forward to the
7 department the full name and social security number of
8 the debtor. The department shall cooperate in the
9 exchange of relevant information with the clerk county
10 attorney. However, only relevant information required
11 by the clerk county attorney shall be provided by the
12 department. The information shall be held in
13 confidence and shall be used for purposes of setoff
14 only.

15 c. The clerk shall, at least quarterly and monthly
16 if practicable, county attorney, on the first day of
17 February and August of each calendar year, shall
18 submit to the department for setoff the debts
19 described in this subsection, which are at least fifty
20 dollars.

21 d. Upon submission of a claim the department shall
22 notify the clerk county attorney if the debtor is
23 entitled to a refund or rebate and of the amount of
24 the refund or rebate and the debtor's address on the
25 income tax return.

26 e. Upon notice of entitlement to a refund or
27 rebate the clerk county attorney shall send written

28 notification to the debtor of the clerk's county
29 attorney's assertion of rights to all or a portion of
30 the debtor's refund or rebate and the entitlement to
31 recover the debt through the setoff procedure, the
32 basis of the assertion, the opportunity to request
33 that a joint income tax refund or rebate be divided
34 between spouses, and the debtor's opportunity to give
35 written notice of intent to contest the amount of the
36 claim. The clerk county attorney shall send a copy of
37 the notice to the department.

38 f. Upon the request of a debtor or a debtor's
39 spouse to the clerk county attorney, filed within
40 fifteen days from the mailing of the notice of
41 entitlement to a refund or rebate, and upon receipt of
42 the full name and social security number of the
43 debtor's spouse, the clerk county attorney shall
44 notify the department of the request to divide a joint
45 income tax refund or rebate. The department shall
46 upon receipt of the notice divide a joint income tax
47 refund or rebate between the debtor and the debtor's
48 spouse in proportion to each spouse's net income as
49 determined under section 422.7.

50 g. The department shall, after notice has been

Page 4

1 sent to the debtor by the clerk county attorney, set
2 off the debt against the debtor's income tax refund or
3 rebate. The department shall transfer at least
4 quarterly and monthly if practicable, sixty-five
5 percent of the amount set off to the clerk treasurer
6 of state for deposit in the general fund of the state.
7 The remaining thirty-five percent shall be remitted to
8 the county and deposited in the general fund of the
9 county. If the debtor gives timely written notice of
10 intent to contest the amount of the claim, the
11 department shall hold the refund or rebate until final
12 determination of the correct amount of the claim. The
13 clerk county attorney shall notify the debtor in
14 writing upon completion of setoff."

15 7. Page 6, by striking lines 17 through 20 and
16 inserting the following:

17 "___ . Page 22, by striking lines 23 through 25
18 and inserting the following: "a clerk of the district
19 court county attorney under subsection 25, and last
20 priority shall be given"."

21 8. Page 6, line 48, by striking the word
22 "implement" and inserting the following:
23 "implemented".

24 9. Page 6, by inserting after line 48 the fol-

25 lowing:

26 "Sec. ____ . Section 910.2, Code 1991, is amended to

27 read as follows:

28 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
29 ORDERED BY SENTENCING COURT.

30 In all criminal cases except simple misdemeanors
31 under chapter 321, in which there is a plea of guilty,
32 verdict of guilty, or special verdict upon which a
33 judgment of conviction is rendered, the sentencing
34 court shall order that restitution be made by each
35 offender to the victims of the offender's criminal
36 activities and, if the court so orders and to the
37 extent that the offender is reasonably able to ~~do so~~
38 pay, for crime victim assistance reimbursement, court
39 costs, court-appointed attorney's fees or the expense
40 of a public defender when applicable. However,
41 victims shall be paid in full before restitution is
42 paid for crime victim assistance reimbursement, court
43 costs, court-appointed attorney's fees or for the
44 expense of a public defender. In structuring a plan
45 of restitution, the court shall provide for payments
46 in the following order of priority: victim, crime
47 victim assistance reimbursement, court costs, and
48 court-appointed attorney's fees or the expense of a
49 public defender. When the offender is not reasonably
50 able to pay all or a part of the crime victim

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1 assistance reimbursement, court costs, court-appointed
2 attorney's fees or the expense of a public defender,
3 the court may require the offender in lieu of that
4 portion of the crime victim assistance reimbursement,
5 court costs, court-appointed attorney's fees, or
6 expense of a public defender for which the offender is
7 not reasonably able to pay, to perform a needed public
8 service for a governmental agency or for a private,
9 nonprofit agency which provides a service to the
10 youth, elderly or poor of the community. When
11 community service is ordered, the court shall set a
12 specific number of hours of service to be performed by
13 the offender. The judicial district department of
14 correctional services shall provide for the assignment
15 of the offender to a public agency or private
16 nonprofit agency to perform the required service.
17 Sec. ____ . NEW SECTION. 910.7A JUDGMENT -- EN-
18 FORCEMENT.
19 1. An order requiring an offender to pay
20 restitution constitutes a judgment and lien against
21 all property of a liable defendant for the amount the

22 defendant is obligated to pay under the order and may
 23 be recorded in any office for the filing of liens
 24 against real or personal property.

25 2. A judgment of restitution may be enforced by
 26 the state, a victim entitled under the order to
 27 receive restitution, a deceased victim's estate, or
 28 any other beneficiary of the judgment in the same
 29 manner as a civil judgment."

30 10. Page 6, by inserting after line 48 the
 31 following:

32 "Sec. ____ . Sections 123.24 and 123.53, section
 33 455C.2, subsection 1, and section 455C.3, subsection
 34 5, as amended in this Act, take effect September 1,
 35 1992."

36 11. Page 7, line 3, by striking the figure and
 37 word "~~36, and~~" and inserting the following: "~~36, and~~".

38 12. Page 7, line 4, by striking the word "July"
 39 and inserting the following: "July September".

40 13. Page 7, line 11, by inserting after the word
 41 "procedures." the following: "This review shall be
 42 completed no later than January 1, 1993."

43 14. By renumbering, relettering, or redesignating
 44 and correcting internal references as necessary.

S-5686

1 Amend the House amendment, S-5644, to Senate File
 2 2355, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 5, by inserting after line 6 the
 5 following:

6 "____ . Page 20, by inserting after line 18 the
 7 following:

8 "____ . Of the funds appropriated in this section,
 9 at least \$5,000,000 shall be paid for foster care
 10 placements ordered by the court pursuant to chapter
 11 232. The chief justice of the supreme court shall
 12 allocate the moneys provided in this subsection among
 13 the judicial districts as necessary to best meet the
 14 needs of children for foster care.""

15 2. By renumbering as necessary.

AL STURGEON

S-5687

1 Amend Senate File 2360 as follows:

2 1. Page 1, by striking line 33 and inserting the
 3 following: "registered with the commission and
 4 voluntarily agreed to limit campaign expenditures

5 pursuant to section 56.34."

6 2. Page 2, by striking line 23 and inserting the
7 following: "sections: 43.31 and 49.53A."

8 3. Page 2, by striking lines 24 through 29 and
9 inserting the following:

10 "Sample ballots printed for primary elections
11 pursuant to section 43.30 and for general elections
12 pursuant to section 49.53 shall indicate under the
13 name of each candidate for an eligible office whether
14 the candidate agreed or did not agree to a restricted
15 campaign."

16 4. Page 4, line 31, by inserting after the word
17 "hours" the following: "of receipt of notice given
18 pursuant to subsection 1".

19 5. Page 5, line 25, by striking the words "the
20 executive secretary or".

21 6. Page 5, line 27, by striking the words
22 "executive secretary or".

23 7. Page 5, line 30, by inserting after the word
24 "county" the following: "district court".

25 8. Page 5, line 31, by striking the word
26 "raising" and inserting the following: "increase or
27 elimination".

28 9. Page 7, by striking lines 5 through 7 and
29 inserting the following:

30 "2. Mileage expenses of the candidate, at a rate
31 determined pursuant to section 2.10, are not subject
32 to the expenditure limits of section 56.35."

33 10. Page 7, line 12, by inserting after the word
34 "felony" the following: ", but is only subject to a
35 fine and is not subject to imprisonment,
36 notwithstanding the provisions of section 902.9".

37 11. Page 7, line 17, by striking the figure
38 "43.29A" and inserting the following: "43.31".

39 12. Page 7, line 18, by inserting after the word
40 "ON" the following: "SAMPLE".

41 13. Page 7, line 19, by inserting before the word
42 "ballot" the following: "sample".

43 14. Page 7, line 26, by inserting before the word
44 "ballot" the following: "sample".

45 15. Page 7, line 29, by inserting before the word
46 "ballot" the following: "sample".

47 16. Page 8, line 21, by striking the figure
48 "49.31A" and inserting the following: "49.53A".

49 17. Page 8, line 22, by inserting after the word
50 "ON" the following: "SAMPLE".

Page 2

- 1 18. Page 8, line 23, by striking the word
- 2 "ballot" and inserting the following: "sample ballot
- 3 published as part of the notice pursuant to section
- 4 49.53".
- 5 19. Page 8, line 30, by inserting before the word
- 6 "ballot" the following: "sample".
- 7 20. Page 8, line 33, by inserting before the word
- 8 "ballot" the following: "sample".
- 9 21. By striking page 9, line 29 through page 10,
- 10 line 9.

COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chairperson

S-5688

- 1 Amend the House amendment, S-5512, to Senate File
- 2 2061, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 22 and
- 5 inserting the following:
- 6 " ____ . Page 1, line 12, by inserting after the
- 7 word "vehicle," the following: "designed to compact
- 8 and transport solid waste and".
- 9 ____ . Page 1, line 14, by inserting after the word
- 10 "load" the following: ", if the load is
- 11 indivisible".
- 12 ____ . Page 1, line 17, by inserting after the word
- 13 "landfill" the following: "and solid waste which has
- 14 been compacted shall be considered to be an
- 15 indivisible load".

EUGENE FRAISE
DON E. GETTINGS

S-5689

- 1 Amend the Committee amendment, S-5621, to Senate
- 2 File 2352 as follows:
- 3 1. Page 1, by inserting after line 16 the follow-
- 4 ing:
- 5 " ____ . Page 2, by inserting after line 22 the fol-
- 6 lowing:
- 7 "Sec. ____ . NEW SECTION. 909.7A PAYMENT IN
- 8 INSTALLMENTS OR ON A FIXED FUTURE DATE -- INSTALLMENT
- 9 FEE AND INTEREST.
- 10 1. Notwithstanding the amount of any minimum fine
- 11 specified, in order to provide a fairer method of

12 dispensing criminal justice and increase the overall
 13 amount of criminal fines collected from offenders, the
 14 court may order a fine imposed pursuant to this
 15 chapter, the criminal penalty surcharge imposed
 16 pursuant to chapter 911, or court costs assessed
 17 pursuant to chapter 602, to be paid in installments or
 18 require full payment at a fixed date in the future.

19 2. If the court orders that a fine, surcharge, or
 20 court costs be structured or paid at a fixed future
 21 date, the court shall do all of the following:

22 a. Impose a time payment fee not to exceed ten
 23 dollars.

24 b. Impose interest charges on the unsatisfied
 25 judgment at the rate provided in section 535.3 for
 26 court judgments.””

27 2. By renumbering as necessary.

LINN FUHRMAN
 JOHN A. PETERSON
 AL STURGEON
 RICHARD J. VARN

S-5690

1 Amend the House amendment, S-5499, to Senate File
 2 2302, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by striking lines 7 through 9.

5 2. Page 1, by striking lines 10 through 21.

6 3. Page 1, by inserting before line 22 the
 7 following:

8 “ — . Page 2, by inserting after line 15 the
 9 following:

10 “e. The assault is between persons who have been
 11 family or household members together in the past.””

12 4. Page 1, by inserting before line 22 the
 13 following:

14 “ — . Page 2, by inserting after line 15 the
 15 following:

16 “f. The assault is between persons who are
 17 currently, or previously have been, involved together
 18 in a dating or courtship relationship, regardless of
 19 whether they are currently or have previously resided
 20 together, and the person committing the assault is
 21 eighteen years of age or older. In determining
 22 whether a dating or courtship relationship exists or
 23 previously existed, consideration shall be given to
 24 factors including, but not limited to, the length of
 25 time the relationship has existed, the nature of the
 26 relationship, the frequency and nature of the

27 interaction of the parties, the degree of intimacy
28 between the parties, whether there has been any
29 statement of commitment, whether the relationship has
30 been continuous or sporadic, and, if the relationship
31 has been terminated by either party, the length of
32 time since the relationship was terminated. The
33 determination shall not be based solely upon the
34 presence or absence of traditional indications or
35 symbols of commitment exchanged by the parties.”

36 5. Page 1, by inserting after line 23 the
37 following:

38 “___ . Page 3, by inserting before line 16 the
39 following:

40 “Sec. ___ . Section 236.12, subsection 2, Code
41 Supplement 1991, is amended by adding the following
42 new paragraph:

43 NEW PARAGRAPH. e. The mandatory arrest provisions
44 of paragraphs “b”, “c”, and “d” shall not apply to
45 situations which fall within the definition of
46 domestic abuse solely because of a dating or courtship
47 relationship as provided in section 236.2, subsection
48 2, paragraph “f”.”

49 6. Page 1, by inserting after line 23 the
50 following:

Page 2

1 “___ . Page 3, by inserting before line 16 the
2 following:

3 “Sec. ___ . Section 236.14, subsection 2,
4 unnumbered paragraph 1, Code Supplement 1991, is
5 amended to read as follows:

6 When a person arrested for a domestic abuse
7 assault, or taken into custody for contempt
8 proceedings pursuant to section 236.11, is brought
9 before a magistrate and the magistrate finds probable
10 cause to believe that domestic abuse or a violation of
11 an order or consent agreement has occurred and that
12 the presence of the alleged abuser in the victim's
13 residence poses a threat to the safety of the alleged
14 victim, persons residing with the alleged victim, or
15 members of the alleged victim's immediate family, the
16 magistrate shall enter an order which shall require
17 the alleged abuser to have no contact with the alleged
18 victim, persons residing with the alleged victim, or
19 members of the alleged victim's immediate family, and
20 to refrain from harassing the alleged victim, persons
21 residing with the alleged victim, or members of the
22 alleged victim's immediate family, in addition to any
23 other conditions of release determined and imposed by

24 the magistrate under section 811.2. A no-contact
25 order requiring the alleged abuser to have no contact
26 with the alleged victim's children shall prevail over
27 any existing order awarding custody or visitation
28 rights, which may be in conflict with the no-contact
29 order. As used in this subsection, unless the context
30 otherwise requires, "domestic abuse assault" means
31 domestic abuse assault as defined in section 708.2A,
32 except that it shall also include a first offense for
33 an assault which is domestic abuse due to a dating or
34 courtship relationship, as set forth in section 236.2,
35 subsection 2, paragraph "f", which is otherwise
36 excluded from the definition of domestic abuse assault
37 in section 708.2A."

38 7. Page 1, by inserting before line 24 the
39 following:

40 " ____ . Page 4, by inserting after line 16 the
41 following:

42 "Sec. ____ . Section 708.2, Code 1991, is amended by
43 adding the following new subsection:

44 **NEW SUBSECTION. 5.** If assault charges are brought
45 pursuant to this section, the court shall make a
46 finding as to whether the defendant and the victim are
47 or have been involved in a dating or courtship
48 relationship as provided in section 236.2, subsection
49 2, paragraph "f".

50 Sec. ____ . Section 708.2A, subsection 1, Code

Page 3

1 Supplement 1991, is amended to read as follows:
2 1. For the purposes of this chapter, "domestic
3 abuse assault" means an assault, as defined in section
4 708.1, which is domestic abuse as defined in section
5 236.2. However, "domestic abuse assault" does not
6 include an assault which is domestic abuse solely
7 because of the definition set forth in section 236.2,
8 subsection 2, paragraph "f", due to a dating or
9 courtship relationship, unless the defendant has at
10 any time prior to the current proceeding been
11 convicted for, received a deferred judgment for, or
12 pled guilty to assault pursuant to section 708.2 and
13 the court has made a finding pursuant to section
14 708.2, subsection 5. A subsequent assault by the
15 defendant which is domestic abuse due to a dating or
16 courtship relationship as provided in section 236.2,
17 subsection 2, paragraph "f", shall constitute domestic
18 abuse assault, regardless of whether the defendant
19 commits the assault upon the same or a different
20 victim.

21 Sec. ____ . Section 708.2A, subsection 3, unnumbered
22 paragraph 2, Code Supplement 1991, is amended to read
23 as follows:

24 A conviction for, deferred judgment for, or plea of
25 guilty to, a violation of this section which occurred
26 more than six years prior to the date of the violation
27 charged shall not be considered in determining that
28 the violation charged is a second or subsequent
29 offense pursuant to this subsection. For the purpose
30 of determining if a violation charged is a second or
31 subsequent offense, deferred judgments issued pursuant
32 to section 907.3 for violations of section 708.2 or
33 this section, which were issued on domestic abuse
34 assaults, and convictions or the equivalent of
35 deferred judgments for violations in any other states
36 under statutes substantially corresponding to this
37 section shall be counted as previous offenses.

38 However, a conviction for, deferred judgment for, or
39 plea of guilty of a violation of section 708.2 which
40 is domestic abuse solely because of the presence of a
41 dating or courtship relationship in accordance with a
42 finding pursuant to section 708.2, subsection 5, and
43 which does not fall within the definition of domestic
44 abuse assault in subsection 1 of this section, shall
45 not be included as a previous domestic abuse assault.
46 Once the defendant receives a conviction for, deferred
47 judgment for, or enters a plea of guilty to a
48 violation of section 708.2 in which a finding of a
49 dating or courtship relationship is found pursuant to
50 section 708.2, subsection 5, any subsequent conviction

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1 for, deferred judgment for, or plea of guilty to a
2 violation of section 708.2, involving a finding
3 pursuant to section 708.2, subsection 5, shall be
4 included as a previous domestic abuse assault. The
5 courts shall judicially notice the statutes of other
6 states which define offenses substantially equivalent
7 to the offenses defined in this section and can
8 therefore be considered corresponding statutes. Each
9 previous violation on which conviction or deferral of
10 judgment was entered prior to the date of the offense
11 charged shall be considered and counted as a separate
12 previous offense. An offense shall be considered a
13 prior offense for the purposes of this subsection
14 regardless of whether it was committed upon the same
15 victim."

16 ____ . Page 4, line 35, by inserting after the word
17 "section." the following: "A deferred judgment or

18 sentence for an assault pursuant to section 708.2
19 which involves a finding of a dating or courtship
20 relationship pursuant to section 708.2, subsection 5,
21 and which does not fall within the definition of
22 domestic abuse assault provided in subsection 1, shall
23 not be considered a deferred judgment or sentence on a
24 domestic abuse assault for the purposes of this
25 subsection. However, a deferred judgment or sentence
26 for an assault pursuant to section 708.2 which
27 involves a finding under section 708.2, subsection 5,
28 and which would fall within the definition of domestic
29 abuse assault in subsection 1 due to a prior assault
30 involving a finding pursuant to section 708.2,
31 subsection 5, shall be considered a deferred judgment
32 or sentence on a domestic abuse assault for the
33 purposes of this subsection."

34 . Page 5, by inserting after line 3 the
35 following:

36 "Sec. ____ . Section 708.2B, Code Supplement 1991,
37 is amended to read as follows:

38 708.2B TREATMENT OF DOMESTIC ABUSE OFFENDERS.

39 As used in this section, "district department"
40 means a judicial district department of correctional
41 services, established pursuant to section 905.2. A
42 person convicted of, or receiving a deferred judgment
43 for, domestic abuse assault shall report to the
44 district department in order to participate in a
45 batterers' treatment program for domestic abuse
46 offenders. A person convicted of or receiving a
47 deferred judgment for an assault pursuant to section
48 708.2 which involves a finding of a dating or
49 courtship relationship pursuant to section 708.2,
50 subsection 5, and which does not fall within the

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1 definition of domestic abuse assault provided in
2 section 708.2A, subsection 1, shall not be considered
3 a domestic abuse assault and shall not require the
4 person to participate in a batterers' treatment
5 program. However, a person convicted of or receiving
6 a deferred judgment for an assault pursuant to section
7 708.2 which involves a finding under section 708.2,
8 subsection 5, and which would fall within the
9 definition of domestic abuse assault in section
10 708.2A, subsection 1, due to a prior assault involving
11 a finding pursuant to section 708.2, subsection 5,
12 shall be considered a domestic abuse assault and shall
13 require the person to participate in a batterers'
14 treatment program. Participation in the batterers'

15 treatment program shall not require a person to be
16 placed on probation, but a person on probation may
17 participate in the program. The district departments
18 may contract for services in completing the duties
19 relating to the batterers' treatment programs. The
20 district departments shall assess the fees for
21 participation in the program, and shall either collect
22 or contract for the collection of the fees to recoup
23 the costs of treatment, but may waive the fee or
24 collect a lesser amount upon a showing of cause. The
25 fees shall be used by each of the district departments
26 or contract service providers for the establishment,
27 administration, coordination, and provision of direct
28 services of the batterers' treatment programs."'
29 8. By renumbering as necessary.

RICHARD VARN

S-5691

1. Amend House File 2454, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 100. Section 279.46, Code 1991, is
6 amended to read as follows:
7 279.46 RETIREMENT INCENTIVES -- TAX.
8 The board of directors of a school district ~~may~~
9 shall adopt a program for payment of a monetary bonus,
10 continuation of health or medical insurance coverage,
11 or other incentives for encouraging its employees to
12 retire before the normal retirement date as defined in
13 chapter 97B. The program is available only to
14 employees ~~between fifty-nine and sixty-five~~ fifty-five
15 years of age or older who notify the board of
16 directors prior to March 1 of the fiscal year that
17 they intend to retire not later than the next
18 following June 30. An employee retiring under this
19 section shall apply for a retirement allowance under
20 chapter 97B or chapter 294. If the total estimated
21 accumulated cost to a school district of the health or
22 medical insurance coverage, bonus, or other incentives
23 for employees who retire under this section does not
24 exceed the estimated savings in salaries and benefits
25 for employees who replace the employees who retire
26 under the program, the board may include in the
27 district management levy an amount to pay the costs of
28 the program provided in this section.
29 Sec. 101. Section 279.46, Code 1991, is amended to
30 read as follows:

31 279.46 RETIREMENT INCENTIVES -- TAX.
32 The board of directors of a school district may
33 adopt a program for payment of a monetary bonus,
34 continuation of health or medical insurance coverage,
35 or other incentives for encouraging its employees to
36 retire before the normal retirement date as defined in
37 chapter 97B. The program is available only to
38 employees ~~between fifty-nine and sixty-five~~ fifty-five
39 years of age or older who notify the board of
40 directors prior to March 1 of the fiscal year that
41 they intend to retire not later than the next
42 following June 30. An employee retiring under this
43 section shall apply for a retirement allowance under
44 chapter 97B or chapter 294. If the total estimated
45 accumulated cost to a school district of the health or
46 medical insurance coverage, bonus, or other incentives
47 for employees who retire under this section does not
48 exceed the estimated savings in salaries and benefits
49 for employees who replace the employees who retire
50 under the program, the board may include in the

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1 district management levy an amount to pay the costs of
2 the program provided in this section.
3 Sec. 102. PARTICIPATION IN HEALTH OR MEDICAL
4 INSURANCE PROGRAMS BY RETIREES AGE FIFTY-FIVE OR
5 OLDER.
6 1. As used in this section, unless the context
7 otherwise requires:
8 a. "Health or medical insurance program" means a
9 health or medical group insurance plan for employees
10 of the state.
11 b. "Member" means a member of the Iowa public
12 employees' retirement system or the Iowa department of
13 public safety peace officers' retirement, accident,
14 and disability system, who at the date of termination
15 of employment is receiving full health or medical
16 insurance benefits pursuant to a health or medical
17 insurance program in which the state makes
18 contributions, and is not receiving disability
19 payments under the state employees' disability
20 insurance program.
21 2. A member with at least twenty years of
22 membership service who retires on or after May 15,
23 1992, and before May 15, 1993, who applies to receive
24 retirement benefits under this Act prior to May 15,
25 1993, who has attained at least the age of fifty-five
26 at the time of retirement, and who was a participant
27 in a health or medical insurance program in which the

28 state makes contributions at the time of retirement,
29 may continue to participate in the health or medical
30 insurance program in which the member is enrolled on
31 April 1, 1992, as authorized by law. However, a
32 member may choose to participate in a health or
33 medical insurance program after April 1, 1992, which
34 incurs less cost to the state. Notwithstanding any
35 other provision of law to the contrary, the state
36 shall continue to pay the employer's portion of the
37 premium at the cost existing at the time of retirement
38 under the program for the retiree until the retiree
39 discontinues participation in the program. Any
40 additional premium costs for coverage incurred after
41 the time of retirement shall be paid by the retiree.
42 However, in order to have the state continue to pay
43 the employer's portion of the premium, the member must
44 send written notification to the department of
45 personnel at any time prior to March 15, 1993, of the
46 intent to retire and the anticipated date of
47 retirement.
48 3. If a member continues participation in a health
49 or medical insurance program and the state pays
50 premiums as authorized in subsection 2, the member is

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1 not eligible to accept further employment in which the
2 state or a political subdivision of the state is the
3 employer.
4 4. A state department shall not be required to
5 delete more than its proportionate share of all
6 general fund full-time equivalent positions vacated
7 due to the incentive for retirement established in
8 subsection 2. All positions vacated by a member
9 exercising the rights established in subsection 2
10 shall be deleted, and the savings, as determined by
11 the department of management, shall revert to the
12 general fund of the state in a manner specified by the
13 department of management, except that the portion of
14 the savings which represents the cost of the
15 employer's portion of a member's premium payable under
16 this section shall not revert but shall be transferred
17 to the department of personnel to defray the costs of
18 implementing this section. However, if an affected
19 department determines that the vacancy may be
20 detrimental to critical services provided to the
21 public, the affected department may, with the approval
22 of the department of management, exchange the vacancy
23 with a position or positions determined by the
24 department of management to be of an equal value, and

25 delete that position or positions. If a position is
 26 not available for exchange, the department may, with
 27 the approval of the director of the department of
 28 management, retain and fill the vacancy. It is the
 29 intent of the general assembly that retirement taken
 30 pursuant to this section be used to eliminate the
 31 greatest number of employment positions as is
 32 feasible. The department of management shall report
 33 to the legislative fiscal bureau and the fiscal
 34 committee of the legislative council the number of
 35 vacancies retained and filled pursuant to this
 36 subsection."

37 2. Page 2, by inserting after line 13 the
 38 following:

39 "3. PRIORITIES IN IMPLEMENTATION. In
 40 implementation of this section, priority shall be
 41 given to elimination or reduction of middle management
 42 employee positions. In addition, prior to the
 43 elimination of employee positions other than middle
 44 management positions or positions eliminated due to
 45 early retirement, priority shall be given to
 46 elimination or deferral by executive branch agencies
 47 of purchases and out-of-state travel.

48 The department of management shall report quarterly
 49 to the fiscal committee of the legislative council and
 50 to the legislative fiscal bureau regarding out-of-

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1 state travel authorized by executive branch agencies
 2 including a listing by agency of personnel authorized
 3 to travel, and the cost and purpose of the travel
 4 authorized."

5 3. Page 2, by inserting before line 33, the
 6 following:

7 "Sec. ____ . REPEAL. Section 100 is repealed
 8 effective May 15, 1993.

9 Sec. ____ . EFFECTIVE DATES Sections 100 and 102
 10 of this Act, being deemed of immediate importance,
 11 take effect upon enactment. Section 101 is effective
 12 May 15, 1993."

13 4. By renumbering and correcting internal
 14 references as necessary.

WALLY HORN

S-5692

1 Amend the House amendment, S-5663, to Senate File
 2 2345, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 3, by inserting after line 46, the
5 following:

6 "Sec. ____ . Section 321.124, subsection 3,
7 paragraph h, Code 1991, as enacted by 1992 Iowa Acts,
8 Senate File 2346, section 2, is amended to read as
9 follows:

10 h. For multipurpose vehicles, in accordance with
11 the following:

12 (1) Two hundred dollars for registration for the
13 first and second model years.

14 (2) One hundred seventy-five dollars for
15 registration for the third and fourth model years.

16 (3) One hundred fifty dollars for registration for
17 the fifth model year.

18 (4) Seventy-five dollars for registration for the
19 sixth model year.

20 (5) Fifty-five dollars for registration for each
21 succeeding model year.

22 (6) The annual registration fee for a multipurpose
23 vehicle which is used to transport a handicapped
24 person who is either the owner or a member of the
25 owner's household shall be seventy-five dollars for
26 the first through fifth model years and shall be
27 fifty-five dollars for each model year thereafter. To
28 qualify under this subparagraph, the owner must be on
29 a fixed income and must have certification from a
30 physician that the handicapped person would not be
31 able to travel in a vehicle other than a multipurpose
32 vehicle."

JOHN A. PETERSON

S-5693

1 Amend the House amendment, S-5644, to Senate File
2 2355, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 14, by striking line 37.

5 2. Page 14, line 38, by striking the words

6 "'located." the following:"

LEONARD L. BOSWELL
ELAINE SZYMONIAK

S-5694

1 Amend the amendment, S-5691, to House File 2454 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1, Page 2, line 20, by inserting after the word
5 "program" the following: ", and who is not a member
6 of the general assembly".

BILL HUTCHINS

S-5695

1 Amend the House amendment, S-5663, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 10 and 11 and
5 inserting the following: "public employees'
6 retirement system as members of a protection
7 occupation under section 97B.49, subsection 16,
8 paragraph "d"."

9 2. Page 1, by inserting after line 23, the
10 following:

11 "Sec. 100. The state department of transportation
12 shall sell all aircraft in the state aircraft pool.
13 The first two hundred fifty thousand dollars of money
14 derived from the sale of the aircraft shall be
15 deposited in the litigation expense fund established
16 under section 441.73. Any remaining moneys shall be
17 deposited in the state GAAP escrow account established
18 under section 422.69, subsection 3. Any unencumbered
19 moneys existing in the state aircraft revolving fund
20 shall be transferred to the general fund of the state.
21 The sale of aircraft in the state's aircraft pool
22 shall be completed by June 30, 1992."

23 3. By striking page 1, line 49 through page 2,
24 line 42.

25 4. Page 4, by striking lines 23 through 34 and
26 inserting the following: "For the fiscal year
27 beginning July 1, 1992, two hundred fifty thousand
28 dollars from the sale of the state aircraft pool shall
29 be deposited in the litigation expense fund
30 established under this section."

31 5. Page 4, by striking line 35.

32 6. Page 4, by inserting after line 37, the
33 following:

34 "Sec. 101. Section 328.56, Code 1991, is
35 repealed."

36 7. Page 4, by striking lines 39 and 40 and
37 inserting the following:

38 "Page 20, by striking line 8 and inserting
39 the following:

40 "Sec. ____ . Sections 11, 24, 26, 100, and 101 of.
41 this Act, being deemed of".

DON E. GETTINGS

HOUSE AMENDMENT TO
SENATE FILE 2148

S-5696

1 Amend Senate File 2148 as follows:
2 1. Page 1, by inserting after line 15, the
3 following:
4 "The department of agriculture and land
5 stewardship, the department of commerce, and the Iowa
6 department of public health shall each adopt rules
7 pursuant to chapter 17A which provide for the
8 allocation of fees and costs collected pursuant to
9 this section to the board under its jurisdiction
10 collecting the fees and costs. The fees and costs
11 shall be considered repayment receipts as defined in
12 section 8.2."

HOUSE AMENDMENT TO
SENATE FILE 2167

S-5697

1 Amend Senate File 2167, 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. LEGISLATIVE INTENT. The general
6 assembly finds that research in child development
7 shows that the single most important factor in success
8 in school and life is the involvement of parents in
9 their children's education in order to meet the goal
10 that every child in Iowa will be ready for school. It
11 is the intent of the general assembly to ensure that
12 all children are ready for school and that parents
13 have the opportunity to learn about the developmental
14 needs of young children and values which will benefit
15 the children and society at large. These values
16 include, but are not limited to, self-discipline,
17 responsibility for oneself, hard work, kindness,
18 honesty, respect for authority, and respect for the
19 views of others. It is also the intent of the general
20 assembly to provide access to appropriate health care
21 from birth through age five."
22 2. Page 1, line 21, by striking the word "first-"

23 time”.

24 3. Page 1, line 23, by striking the word “three”
25 and inserting the following: “five”.

26 4. Page 1, by inserting after line 33 the
27 following:

28 “A family support program shall meet multicultural
29 nonsexist guidelines. The program shall encourage
30 parents to be aware of practices that may affect
31 equitable development of children. The program shall
32 include parents in the planning, implementation, and
33 evaluation of the program. A program shall be
34 designed to meet the needs of the residents of the
35 participating district and may use unique approaches
36 to provide for those needs. The goals of a family
37 support program shall include, but are not limited to,
38 the following:

39 a. Family involvement as a key component of school
40 improvement with an emphasis on communication and
41 active family participation in family support
42 programming.

43 b. Family participation in the planning and
44 decision-making process for the program and
45 encouragement of long-term parental involvement in
46 their children’s education.

47 c. Meeting the educational and developmental needs
48 of expectant parents and parents of young children.

49 d. Developmentally appropriate activities for
50 children that include those skills necessary for

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1 adaptation to both the home and school environments.”

2 5. Page 1, by striking lines 34 and 35 and
3 inserting the following:

4 “2. The department of education shall develop
5 guidelines for family support programs. Program
6 components may include, but are not limited to, all of
7 the following:”

8 6. Page 2, by striking line 1.

9 7. Page 2, line 2, by inserting after the word
10 “Instruction” the following: “, techniques,”.

11 8. Page 2, line 3, by inserting after the word
12 “mental,” the following: “character,”.

13 9. Page 2, line 5, by inserting after the word
14 “Instruction” the following: “, techniques,”.

15 10. Page 2, line 6, by striking the words
16 “providing for” and inserting the following:
17 “assisting in”.

18 11. Page 2, by striking line 8 and inserting the
19 following:

- 20 "c. Assistance to parents about learning".
- 21 12. Page 2, line 9, by inserting after the word
- 22 "for" the following: "both".
- 23 13. Page 2, by striking lines 25 through 32.
- 24 14. By striking page 3, line 29 through page 4,
- 25 line 8, and inserting the following:
- 26 "Sec. ____ . NEW SECTION. 256A.5 DISTRICT ADVISORY
- 27 COMMITTEES.
- 28 The board of directors of a school district shall
- 29 appoint an advisory committee for each family support
- 30 program. The members shall include participating
- 31 parents and members of the community which
- 32 participates in the program, such as members of the
- 33 district's local early childhood education committees
- 34 and".
- 35 15. Page 4, line 17, by striking the word
- 36 "council" and inserting the following: "committee".
- 37 16. Page 4, line 19, by striking the word "four"
- 38 and inserting the following: "six".
- 39 17. Page 4, line 20, by striking the word
- 40 "council" and inserting the following: "committee".
- 41 18. Page 4, by inserting after line 22 the
- 42 following:
- 43 "The child development coordinating council shall
- 44 develop a resource directory of parent involvement
- 45 programs to assist districts in planning family
- 46 support programs."
- 47 19. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2190

S-5698

- 1 Amend Senate File 2190, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "standards" the following: "contained in section
- 5 256.11 and rules adopted by the state board of
- 6 education".
- 7 2. Page 1, line 12, by inserting after the word
- 8 "standards" the following: "contained in section
- 9 256.11 and rules adopted by the state board of
- 10 education".
- 11 3. Page 1, by inserting after line 32, the
- 12 following:
- 13 "Sec. ____ . Section 256.11, subsection 5, paragraph
- 14 e, Code Supplement 1991, is amended to read as
- 15 follows:
- 16 e. Two additional units of general mathematics."

17 4. Page 1, by inserting after line 32 the
 18 following:
 19 "Sec. ____ . Section 256.11A, subsection 3,
 20 unnumbered paragraph 1, and subsection 4, unnumbered
 21 paragraph 1, Code 1991, are amended to read as
 22 follows:

23 Schools and school districts unable to meet the
 24 standard adopted by the state board under section
 25 256.17, Code Supplement 1987, and contained in section
 26 256.11, subsection 9A, effective July 1, 1989,
 27 requiring that on July 1, 1989, each board operating a
 28 kindergarten through grade twelve program provide an
 29 articulated sequential elementary-secondary guidance
 30 program may, not later than January 1, 1989, for the
 31 school year beginning July 1, 1989, file a written
 32 request to the department of education that the
 33 department waive the requirement for that school or
 34 school district. The procedures specified in
 35 subsection 5 apply to the request. Not later than
 36 ~~January 1, 1990~~ August 1, 1992, for the school year
 37 beginning July 1, ~~1990~~ 1992, the board or authorities
 38 may request a one-year extension of the waiver. ~~Not~~
 39 ~~later than January 1, 1991, for the school year~~
 40 ~~beginning July 1, 1991, the board or authorities may~~
 41 ~~request an additional one-year extension of the~~
 42 ~~waiver.~~

43 Schools and school districts are not required to
 44 meet the standard adopted by the state board of
 45 education under section 256.17, Code Supplement 1987,
 46 and contained in section 256.11, subsection 9,
 47 paragraph "b", effective July 1, 1990, that requires
 48 the board to establish and operate a media services
 49 program to support the total curriculum until July 1,
 50 1990, except as otherwise provided in this subsection.

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1 Not later than ~~January~~ August 1, 1990 1992, for the
 2 school year beginning July 1, ~~1990~~ 1992, the board of
 3 directors of a school district, or authorities in
 4 charge of a nonpublic school, may file a written
 5 request with the department of education that the
 6 department waive the requirement for that district or
 7 school. The procedures specified in subsection 5
 8 apply to the request. ~~Not later than January 1, 1991,~~
 9 ~~for the school year beginning July 1, 1991, the board~~
 10 ~~of directors of a school district, or authorities in~~
 11 ~~charge of a nonpublic school, may file a request for a~~
 12 ~~one-year extension of the waiver.~~

13 Sec. ____ . NEW SECTION. 256.37 SCHOOL

14 RESTRUCTURING AND EFFECTIVENESS -- POLICY -- FINDINGS.

15 It is the policy of the state of Iowa to provide an
 16 education system that prepares the children of this
 17 state to meet and exceed the technological,
 18 informational, and communications demands of our
 19 society. The general assembly finds that the current
 20 education system must be transformed to deliver the
 21 enriched educational program that the adults of the
 22 future will need to have to compete in tomorrow's
 23 world. The general assembly further finds that the
 24 education system must strive to reach the following
 25 goals:

26 1. All children in Iowa must start school ready to
 27 learn.

28 2. Iowa's high school graduation rate must
 29 increase to at least ninety percent.

30 3. Students graduating from Iowa's education
 31 system must demonstrate competency in challenging
 32 subject matter, and must have learned to use their
 33 minds well, so they may be prepared for responsible
 34 citizenship, further learning, and productive
 35 employment in a global economy.

36 4. Iowa students must be first in the world in
 37 science and mathematics achievement.

38 5. Every adult Iowan must be literate and possess
 39 the knowledge and skills necessary to compete in a
 40 global economy and exercise the rights and
 41 responsibilities of citizenship.

42 6. Every school in Iowa must be free of drugs and
 43 violence and offer a disciplined environment conducive
 44 to learning."

45 5. Title page, line 1, by inserting after the
 46 word "Act" the following: "relating to educational
 47 standards,".

48 6. By renumbering, relettering, or redesignating
 49 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2316

S-5699

1 Amend Senate File 2316, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 1 the fol-
 4 lowing:

5 "Sec. ____ . Section 252B.4, Code 1991, is amended
 6 by adding the following new subsection:

7 **NEW SUBSECTION. 4.** An application fee paid by a
 8 recipient of services pursuant to subsection 1 may be

9 recovered by the unit from the person responsible for
10 payment of support and if recovered, shall be used to
11 reimburse the recipient of services.

12 a. The fee shall be an automatic judgment against
13 the person responsible to pay support.

14 b. This subsection shall serve as constructive
15 notice that the fee is a debt due and owing, is an
16 automatic judgment against the person responsible for
17 support, and is assessed as the fee is paid by a
18 recipient of services. The fee may be collected in
19 addition to any support payments or support judgment
20 ordered, and no further notice or hearing is required
21 prior to collecting the fee.

22 c. Notwithstanding any provision to the contrary,
23 the unit may collect the fee through any legal means
24 by which support payments may be collected, including
25 but not limited to income withholding under chapter
26 252D or income tax refund offsets, unless prohibited
27 under federal law.

28 d. The unit is not required to file these
29 judgments with the clerk of the district court, but
30 shall maintain an accurate accounting of the fee
31 assessed, the amount of the fee, and the recovery of
32 the fee.

33 e. Support payments collected shall not be applied
34 to the recovery of the fee until all other support
35 obligations under the support order being enforced,
36 which have accrued through the end of the current
37 calendar month, have been paid or satisfied in full.

38 f. This subsection applies to fees that become due
39 on or after July 1, 1992."

40 2. By striking page 9, line 28, through page 10,
41 line 1.

42 3. Page 15, by striking lines 10 through 29, and
43 inserting the following:

44 "9. Notwithstanding subsection 8, a substantial
45 change of circumstances exists when the court order
46 for child support deviates from the by ten percent or
47 more from the amount which would be due pursuant to
48 the most current child support guidelines established
49 pursuant to section 598.21, subsection 4 for a reason
50 other than that stated in the original order, unless

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1 the provisions of the guidelines themselves have
2 changed since the entry or subsequent modification of
3 the original order. Upon application for a
4 modification of an order for child support where
5 services are being received pursuant to chapter 252B,

6 the court shall act in accordance with section 598.21,
 7 set the amount of child support based upon the most
 8 current child support guidelines established pursuant
 9 to subsection 4. The child support recovery unit
 10 shall, in submitting an application for modification
 11 of an order for support, employ additional criteria
 12 and procedures for the review and adjustment of
 13 support awards, as established by rule."

14 4. Page 16, by inserting after line 11 the
 15 following:

16 "Sec. ____ . Section 252B.1, subsection 1, Code
 17 Supplement 1991, is amended to read as follows:

18 1. "Child" includes but shall not be limited to a
 19 stepchild, foster child or legally adopted child and
 20 means a child actually or apparently under eighteen
 21 years of age, and a dependent person eighteen years of
 22 age or over who is unable to maintain the person's
 23 self and is likely to become a public charge. "Child"
 24 includes "dependent children" as defined in section
 25 239.1; ~~subsection 3."~~

26 5. Page 22, by inserting after line 18 the
 27 following:

28 "Sec. ____ . **NEW SECTION. 598.23A CONTEMPT**
 29 **PROCEEDINGS FOR PROVISIONS OF SUPPORT PAYMENTS.**

30 1. If a person against whom an order or decree for
 31 support has been entered pursuant to this chapter or
 32 chapter 234, 252A, 252C, 675, or any other support
 33 chapter, or a comparable chapter of a foreign
 34 jurisdiction, fails to make payments or provide
 35 medical support pursuant to that order or decree, the
 36 person may be cited and punished by the court for
 37 contempt under section 598.23 or this section.

38 2. If a person is cited for contempt, the court
 39 may require the posting of a cash bond, within seven
 40 calendar days, in an amount equivalent to the current
 41 arrearages and an additional amount which is
 42 equivalent to at least twelve months of future support
 43 obligations.

44 3. If the arrearages are not paid within three
 45 months of the hearing, the bond shall be automatically
 46 forfeited to cover payment of the full portion of the
 47 arrearages and the portion of the bond representing
 48 future support obligations shall be automatically
 49 forfeited to cover future support payments as they
 50 become due."

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1 6. Page 22, by inserting after line 31, the
 2 following:

3 "Sec. ____ . MINIMUM CHILD SUPPORT PAYMENT PLAN.

4 The department of human services shall develop a plan
 5 in accordance with this section to provide minimum
 6 child support payments in place of welfare payments.
 7 The plan shall include a process to establish a
 8 minimum child support payment amount for a child in
 9 this state. The plan shall provide for wage
 10 withholding to collect child support payments from
 11 obligors based on ability to pay. If the obligor's
 12 child support obligation is less than the minimum
 13 child support payment amount, state funds in the
 14 amount of the difference would be used to pay the
 15 minimum child support payment amount. In developing
 16 the plan, the department shall analyze the efforts of
 17 other states to develop this type of system, including
 18 Wisconsin and New York. The department shall explore
 19 the availability of public and private funding sources
 20 for developing and implementing a minimum child
 21 support payment plan in the state. The department
 22 shall submit the plan to the general assembly and the
 23 governor on or before February 1, 1993."

24 7. By renumbering, relettering, or redesignating
 25 and correcting internal references as necessary.

S-5700

1 . Amend the House amendment, S-5663, as amended,
 2 passed, and reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 12, the
 4 following:

5 " ____ . Page 11, line 16, by striking the word
 6 "August" and inserting the following: "September"."

7 2. Page 3, by inserting after line 46, the
 8 following:

9 "Sec. ____ . Section 321.89, subsection 1,
 10 paragraph a, Code 1991, is amended to read as follows:

11 a. "Police authority" means the Iowa highway
 12 safety patrol, or any law enforcement agency of a
 13 county or city or any special security officer
 14 employed by the state board of regents under section
 15 262.13."

16 3. By renumbering as necessary.

DON E. GETTINGS

HOUSE AMENDMENT TO
SENATE FILE 2354

S-5701

1 Amend Senate File 2354, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 21, by inserting after line 22 the
4 following:

5 "Sec. ____ . Section 32 of this Act shall not apply
6 to a medicare supplemental policy delivered, issued
7 for delivery, continued, or renewed before January 1,
8 1992."

9 2. Renumber as necessary.

S-5702

1 Amend the House amendment, S-5663, to Senate File
2 2345, as amended, passed, and reprinted by Senate, as
3 follows:

4 1. Page 1, by inserting after line 23 the fol-
5 lowing:

6 ""Sec. ____ . To the extent that Iowa motor vehicle
7 license suspension and revocation law is contrary to
8 or inconsistent with 23 U.S.C. § 104(a)(3)(A) both
9 houses of the General Assembly do hereby resolve and
10 the governor does hereby certify their combined
11 opposition to the enactment and enforcement in the
12 state of Iowa of the law described in 23 U.S.C. §
13 104(a)(3)(A)."

RALPH ROSENBERG

S-5703

1 Amend the House amendment, S-5663, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking line 3.

5 2. By renumbering as necessary.

JIM KERSTEN
WALLY HORN

S-5704

1 Amend the House amendment, S-5663, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. Page 4, by striking lines 41 through 44.
- 5 2. By renumbering as necessary.

SHELDON RITTMER

S-5705

- 1 Amend the House amendment, S-5663, to Senate File
- 2 2345, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 2, line 50, through page 3,
- 5 line 32.
- 6 2. By renumbering as necessary.

SHELDON RITTMER

S-5706

- 1 Amend the House amendment, S-5531, to Senate File
- 2 2036 as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 32, by striking the word
- 5 "orders," and inserting the following: "orders".
- 6 2. Page 1, line 43, by striking the word
- 7 "submission" and inserting the following: "review".
- 8 3. Page 2, line 15, by striking the word "As" and
- 9 inserting the following: "(2) As".
- 10 4. Page 3, lines 2 and 3, by striking the words
- 11 "complaints, orders," and inserting the following:
- 12 "orders".
- 13 5. Page 3, lines 10 and 11, by striking the words
- 14 "investment entity" and "investment professional"
- 15 exclude" and inserting the following: "outside
- 16 person excludes".
- 17 6. By striking page 3, line 46, through page 4,
- 18 line 25.
- 19 7. Page 5, by inserting after line 1 the
- 20 following:
- 21 " ____ . Page 6, by inserting after line 32 the
- 22 following:
- 23 "Sec. ____ . Section 22.1, unnumbered paragraph 1,
- 24 Code Supplement 1991, is amended to read as follows:
- 25 As used in this chapter, "public records" includes
- 26 all records, documents, tape, or other information,
- 27 stored or preserved in any medium, of or belonging to
- 28 this state or any county, city, township, school
- 29 corporation, political subdivision, nonprofit
- 30 corporation other than a county or district fair or
- 31 agricultural society, whose facilities or indebtedness
- 32 are supported in whole or in part with property tax

33 revenue and which is licensed to conduct pari-mutuel
34 wagering pursuant to chapter 99D, or tax-supported
35 district in this state, or any branch, department,
36 board, bureau, commission, council, or committee of
37 any of the foregoing.

38 "Public records" also includes all records relating
39 to the investment of public funds including but not
40 limited to investment policies, instructions, trading
41 orders, or contracts, whether in the custody of the
42 public body responsible for the public funds or a
43 fiduciary or other third party.

44 Sec. ____ . Section 22.1, unnumbered paragraph 3,
45 Code Supplement 1991, is amended to read as follows:
46 The term "lawful custodian" means the government
47 body currently in physical possession of the public
48 record. The custodian of a public record in the
49 physical possession of persons outside a government
50 body is the government body owning that record. The

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1 records relating to the investment of public funds are
2 the property of the public body responsible for the
3 public funds. Each government body shall delegate to
4 particular officials or employees of that government
5 body the responsibility for implementing the
6 requirements of this chapter and shall publicly
7 announce the particular officials or employees to whom
8 responsibility for implementing the requirements of
9 this chapter has been delegated. "Lawful custodian"
10 does not mean an automated data processing unit of a
11 public body if the data processing unit holds the
12 records solely as the agent of another public body,
13 nor does it mean a unit which holds the records of
14 other public bodies solely for storage.

15 Sec. ____ . **NEW SECTION. 22.13 PUBLIC FUNDS**
16 **INVESTMENT RECORDS IN CUSTODY OF THIRD PARTIES.**

17 1. The records of investment transactions made by
18 or on behalf of a public body are public records and
19 are the property of the public body whether in the
20 custody of the public body or in the custody of a
21 fiduciary or other third party.

22 2. If such records of public investment
23 transactions are in the custody of a fiduciary or
24 other third party, the public body shall obtain from
25 the fiduciary or other third party records requested
26 pursuant to section 22.2.

27 3. If a fiduciary or other third party with
28 custody of public investment transactions records
29 fails to produce public records within a reasonable

30 period of time as requested by the public body, the
 31 public body shall make no new investments with or
 32 through the fiduciary or other third party and shall
 33 not renew existing investments upon their maturity
 34 with or through the fiduciary or other third party.
 35 The fiduciary or other third party shall be liable for
 36 the penalties imposed under section 22.6 due to the
 37 acts or omissions of the fiduciary or other third
 38 party and any other remedies available under statute,
 39 common law, or contract.”

40 8. Page 5, line 18, by inserting after the word
 41 “professionals” the following: “as described in
 42 section 11.2, subsection 2”.

43 9. Page 7, line 38, by striking the word
 44 “officers” and inserting the following: “officers”.

45 10. Page 7, by striking lines 44 and 45 and
 46 inserting the following:

47 “d. Investments by the state board of regents.

48 However, investments by the state board of regents or
 49 institutions governed by the state board of regents
 50 are limited to the following:

Page 3

1 (1) Those investments set out in section 452.10,
 2 subsection 4.

3 (2) The common fund for nonprofit organizations.

4 (3) Common stocks.

5 (4) For investments of short-term operating funds,
 6 the funds shall not be invested in investments having
 7 maturities exceeding sixty-three months.”

8 11. Page 8, by inserting after line 2 the
 9 following:

10 “— Page 14, line 10, by striking the figure
 11 “452.10B” and inserting the following: “452.10C”.

12 12. Page 8, line 14, by striking the word
 13 “officers” and inserting the following: “officers”.

14 13. Page 8, by striking lines 20 and 21 and
 15 inserting the following:

16 “d. The state board of regents. However,
 17 investments by the state board of regents or
 18 institutions governed by the state board of regents
 19 are limited to the following:

20 (1) Those investments set out in section 452.10,
 21 subsection 4.

22 (2) The common fund for nonprofit organizations.

23 (3) Common stocks.

24 (4) For investments of short-term operating funds,
 25 the funds shall not be invested in investments having
 26 maturities exceeding sixty-three months.”

27 14. Page 9, line 4, by inserting after the word
28 "state" the following: ", in consultation with the
29 attorney general,".

30 15. Page 10, by striking lines 13 through 17 and
31 inserting the following:

32 " ____ . Page 22, by striking lines 21 through 28
33 and inserting the following: "The market value of the
34 required collateral shall be at least ten percent of
35 the average amount of the excess of total public funds
36 over total federally insured public funds on deposit
37 in the bank during the preceding year. The average
38 amount of the excess shall be determined by adding the
39 amounts of excess if any for all public funds deposit
40 accounts as they existed on the date in each calendar
41 quarter used in preparing the report of condition and
42 income for submission to the federal government,
43 adding the subtotals for the four calendar quarters,
44 and dividing that total by four. The calculation of
45 the minimum market value of required collateral shall
46 be made before January 31 of each year.""

47 16. Page 10, by inserting before line 18 the
48 following:

49 " ____ . Page 22, line 29, by inserting after the
50 word "rules" the following: "pursuant to chapter

Page 4

1 17A".

2 17. Page 12, by inserting after line 36 the
3 following:

4 " ____ . Page 24, by inserting after line 34 the
5 following:

6 "Sec. ____ . The guidelines under section 4 of this
7 Act shall be made available by February 1, 1993.""

PAT DELUHERY
RICHARD VARN

S-5707

1 Amend the House Amendment, S-5531, to Senate File
2 2036, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 6, by striking lines 5 through 14 and
5 inserting the following:

6 "c. Prime bankers' acceptances that mature within
7 one hundred eighty days and that are eligible for
8 purchase by a federal reserve bank, provided that at
9 the time of purchase no more than thirty percent of
10 the investment portfolio of the treasurer of state or

11 any other state agency shall be in investments
12 authorized by this paragraph and that at the time of
13 purchase no more than five percent of the investment
14 portfolio shall be invested in the securities of a
15 single issuer.

16 d. Commercial paper or other short-term corporate
17 debt that matures within one hundred eighty days and
18 that is rated within the two highest classifications,
19 as established by at least one of the standard rating
20 services approved by the superintendent of banking by
21 rule adopted pursuant to chapter 17A, provided that at
22 the time of purchase no more than five percent of all
23 amounts invested in commercial paper and other short-
24 term corporate debt shall be invested in paper and
25 debt rated in the second highest classification, and
26 provided further that at the time of purchase no more
27 than thirty percent of the investment portfolio of the
28 treasurer of state or any other state agency shall be
29 in investments authorized by this paragraph and that
30 at the time of purchase no more than five percent of
31 the investment portfolio shall be invested in the
32 securities of a single issuer."

33 2. Page 6, line 30, by inserting after the figure
34 "270.2a-7" the following: "the portfolio of which
35 is limited to the types of investments authorized by
36 paragraphs "a" through "e"."

37 3. By striking page 6, line 43, through page 7,
38 line 2, and inserting the following:

39 "c. Prime bankers' acceptances that mature within
40 one hundred eighty days and that are eligible for
41 purchase by a federal reserve bank, provided that at
42 the time of purchase no more than ten percent of the
43 investment portfolio shall be in investments
44 authorized by this paragraph and that at the time of
45 purchase no more than five percent of the investment
46 portfolio shall be invested in the securities of a
47 single issuer.

48 d. Commercial paper or other short-term corporate
49 debt that matures within one hundred eighty days and
50 that is rated within the two highest classifications,

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1 as established by at least one of the standard rating
2 services approved by the superintendent of banking by
3 rule adopted pursuant to chapter 17A, provided that at
4 the time of purchase no more than five percent of all
5 amounts invested in commercial paper and other short-
6 term corporate debt shall be invested in paper and
7 debt rated in the second highest classification, and

8 provided further that at the time of purchase no more
9 than ten percent of the investment portfolio shall be
10 in investments authorized by this paragraph and that
11 at the time of purchase no more than five percent of
12 the investment portfolio shall be invested in the
13 securities of a single issuer."

14 4. Page 7, line 13, by inserting after the figure
15 "270.2a-7" the following: ", the portfolio of which
16 is limited to the types of investments authorized by
17 paragraphs "a" through "e".

18 5. Page 7, line 18, by inserting after the word
19 "that" the following: "the portfolio of the joint
20 investment trust is limited to the types of
21 investments authorized by paragraphs "a" through "e",
22 and provided further that".

DERRYL MCLAREN
HARRY SLIFE
JIM KERSTEN

S-5708

1 Amend the House amendment, S-5663, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 49, the
5 following:

6 " ____ . Page 15, by inserting after line 4, the
7 following:

8 "Sec. ____ . Section 80B.3, Code 1991, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 2A. "Director" means the director
11 of the Iowa law enforcement academy.

12 Sec. ____ . Section 80B.5, Code 1991, is amended by
13 striking the section and inserting in lieu thereof the
14 following:

15 80B.5 ADMINISTRATION.

16 The administration of the Iowa law enforcement
17 academy and council Act shall be vested in the office
18 of the governor. The chief administrative officer of
19 the academy is the director. The director shall be
20 appointed by the governor, subject to confirmation by
21 the senate. The director serves at the pleasure of
22 the governor. The director's term shall begin and end
23 as provided in section 69.19. The person appointed
24 shall be qualified by education and experience to
25 assume the responsibilities of the office. The salary
26 of the director shall be set by the governor within
27 the guidelines or a range established by the general
28 assembly. Staff necessary for the academy to function

29 shall be employed under the Iowa merit system
30 provisions of chapter 19A.””

JIM KERSTEN
JIM LIND

S-5709

1 Amend House File 2292, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 “Sec. ____ . Section 135.11A, unnumbered paragraph
6 1, Code Supplement 1991, is amended to read as
7 follows:

8 There shall be a professional licensure division
9 within the department of public health. Each board of
10 examiners specified under chapter 147 or under the
11 administrative authority of the department, except the
12 state board of nursing, ~~state board of medical~~
13 ~~examiners~~, state board of dental examiners, and state
14 board of pharmacy examiners, shall receive
15 administrative and clerical support from the division
16 and may not employ its own support staff for
17 administrative and clerical duties.”

18 2. By renumbering as necessary.

JIM RIORDAN

S-5710

1 Amend House File 2292, as passed by the House, as
2 follows:

3 1. Page 4, by striking lines 11 through 21 and
4 inserting the following:

5 “4. Applications for a license shall be made to
6 the chairperson of the board. All examination,
7 license, and renewal fees shall be paid to and
8 collected by the chairperson of the board, who shall
9 transmit the fees to the treasurer of state.

10 4A. The board shall be administered by the
11 department. Notwithstanding any other provision to
12 the contrary, the board shall not employ or appoint a
13 person to serve as executive director or secretary of
14 the board to perform administrative functions under
15 the authority of the department.”

16 2. By renumbering as necessary.

JIM RIORDAN

S-5711

1 Amend House File 2292, as passed by the House, as
2 follows:

3 1. Page 4, by striking lines 11 through 21, and
4 inserting the following:

5 "4. The board shall appoint a full-time executive
6 director. The executive director shall be licensed to
7 practice medicine and surgery, osteopathy and surgery,
8 or osteopathy, and shall not be a member of the board.

9 The governor, with the approval of the executive
10 council pursuant to section 19A.9, subsection 2, under
11 the pay plan for exempt positions in the executive
12 branch of government, shall set the salary of the
13 executive director. The duties of the executive
14 director shall be as follows:

15 a. To receive all applications made to the board.

16 b. Notwithstanding section 147.82, to collect and
17 receive all fees.

18 c. To deposit all fees collected in the general
19 fund of the state and, at the same time, to render to
20 the director of revenue and finance an itemized and
21 verified report which indicates the source of the
22 collected fees.

23 d. To keep all records pertaining to licenses
24 issued by the board, including a record of all board
25 proceedings.

26 e. To perform such other duties as may be
27 prescribed by the board.

28 f. To appoint assistants to the director and
29 persons necessary to administer the responsibilities
30 of the board. Any appointments shall be merit
31 appointments made pursuant to chapter 19A."

JIM RIORDAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2413

S-5712

1 Amend the Senate amendment, H-5803, to House File
2 2413, as passed by the House, as follows:

3 1. Page 1, by striking lines 5 through 17.

HOUSE AMENDMENT TO
SENATE FILE 2339

S-5713

1 Amend Senate File 2339, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 28 and inserting the
4 following: "superintendent shall; ~~upon give~~ adequate
5 notice of the pending application, and may afford
6 all".

7 2. Page 1, line 32, by inserting after the word
8 "application." the following:

9 "The superintendent shall conduct such hearing if
10 any interested person files an objection to the
11 pending application and requests a hearing."

12 3. Page 3, by striking lines 23 and 24, and
13 inserting the following: "the pending application,
14 the superintendent shall; ~~upon give~~ adequate notice of
15 the pending application, and may afford all interested
16 parties an".

17 4. Page 3, line 27, by inserting after the word
18 "application." the following:

19 "The superintendent shall conduct such hearing if
20 any interested person files an objection to the
21 pending application and requests a hearing."

22 5. Page 4, by striking line 9 and inserting the
23 following: "superintendent shall; ~~upon give~~ adequate
24 notice of the pending application, and may afford
25 all".

26 6. Page 4, line 13, by inserting after the word
27 "application." the following:

28 "The superintendent shall conduct such hearing if
29 any interested person files an objection to the
30 pending application and requests a hearing."

S-5714

1 Amend the House amendment, S-5663, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 49 the
5 following:

6 " — . Page 16, by inserting after line 10, the
7 following:

8 "Sec. 300. NEW SECTION. 203B.3A DETERMINATION OF
9 HARDSHIP -- TEMPORARY RESTRICTED LICENSE.

10 If a person enters a plea of guilty to, or forfeits
11 bail or collateral deposited to secure the person's
12 appearance in court, and such forfeiture is not

13 vacated, or is found guilty upon an indictment or
14 information alleging a violation of section 203B.3,
15 the judge shall make a determination if a hardship
16 would exist if the person's motor vehicle license were
17 revoked for one hundred eighty days as provided in
18 section 321.212, subsection 1, paragraph "d". If,
19 based on the individual circumstances pertaining to
20 the person such as the need to travel to and from the
21 person's home for purposes of employment, continuing
22 health care of a dependent, continuing education
23 leading to a diploma, degree, or certificate of
24 successful educational completion, substance abuse
25 treatment, and court-ordered community service
26 responsibilities, the judge finds that a hardship
27 would exist, the judge shall order the state
28 department of transportation to issue to the person a
29 temporary restricted license which shall be issued by
30 the state department of transportation restricted to
31 travel in accordance with the judge's directive,
32 notwithstanding section 321.215. However, section
33 321.215, subsections 3 and 4, apply to temporary
34 restricted licenses issued under this section.

35 Sec. 301. Section 204.412, Code 1991, is amended
36 to read as follows:

37 **204.412 NOTICE OF CONVICTION.**

38 ~~Whenever any~~ **If** a person enters a plea of guilty
39 to, or forfeits bail or collateral deposited to secure
40 the person's appearance in court, and such forfeiture
41 is not vacated, or is found guilty upon an indictment
42 or information alleging a violation of this chapter, a
43 copy of the minutes attached to the indictment
44 returned by the grand jury, or to the county
45 attorney's information, a copy of the judgment and
46 sentence, and a copy of the opinion of the judge if
47 one is filed, shall be sent by the clerk of the court
48 or the judge to the state department of transportation
49 and to any state board or officer by whom the
50 convicted person has been licensed or registered to

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1 practice the person's profession or carry on the
2 person's business. On the conviction of ~~any such a~~
3 person, the court may, ~~in its considered judgment,~~
4 suspend or revoke the license or registration of the
5 convicted defendant to practice the defendant's
6 profession or carry on the defendant's business. On
7 the application of ~~any a~~ person whose license or
8 registration has been suspended or revoked, and upon
9 proper showing and for good cause, said board or

10 officer may reinstate such license or registration.

11 Sec. 302. NEW SECTION. 204.412A DETERMINATION OF
12 HARDSHIP – TEMPORARY RESTRICTED LICENSE.

13 If a person enters a plea of guilty to, or forfeits
14 bail or collateral deposited to secure the person's
15 appearance in court, and such forfeiture is not
16 vacated, or is found guilty upon an indictment or
17 information alleging a violation of this chapter, the
18 judge shall make a determination if a hardship would
19 exist if the person's motor vehicle license were
20 revoked for one hundred eighty days as provided in
21 section 321.212, subsection 1, paragraph "d". If,
22 based on the individual circumstances pertaining to
23 the person such as the need to travel to and from the
24 person's home for purposes of employment, continuing
25 health care of a dependent, continuing education
26 leading to a diploma, degree, or certificate of
27 successful educational completion, substance abuse
28 treatment, and court-ordered community service
29 responsibilities, the judge finds that a hardship
30 would exist, the judge shall order the state
31 department of transportation to issue to the person a
32 temporary restricted license which shall be issued by
33 the state department of transportation restricted to
34 travel in accordance with the judge's directive,
35 notwithstanding section 321.215. However, section
36 321.215, subsections 3 and 4, apply to temporary
37 restricted licenses issued under this section."'''

38 2. Page 4, by inserting after line 2 the
39 following:

40 " — . Page 18, by inserting after line 3 the
41 following:

42 "Sec. 303. Section 321.205, Code 1991, is amended
43 to read as follows:

44 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN
45 ANOTHER STATE.

46 The department is authorized to suspend or revoke
47 the motor vehicle license of a resident of this state
48 upon receiving notice of the conviction of the
49 resident in another state or for a conviction under
50 federal jurisdiction for an offense which, if

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1 committed in this state, would be grounds for the
2 suspension or revocation of the license or upon
3 receiving notice of a final administrative decision in
4 another state that the resident has acted in a manner
5 which would be grounds for suspension or revocation of
6 the license in this state.

7 Sec. 304. Section 321.209, Code 1991, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 8. A controlled substance offense
10 under section 204.401, 204.402, or 204.403, a
11 controlled substance tax offense under chapter 421A, a
12 drug, device, or cosmetic offense under section
13 203B.3, an offense under section 321J.2, subsection 1,
14 paragraph "c" or "d", or an offense under 21 U.S.C.
15 chapter 13. The department shall assess a civil
16 penalty of one hundred dollars for revocation of a
17 motor vehicle license under this subsection."
18 —. Page 18, by inserting after line 16, the
19 following:

20 "Sec. 305. Section 321.212, subsection 1, Code
21 1991, is amended by adding the following new
22 paragraph:
23 NEW PARAGRAPH. d. The department shall revoke a
24 motor vehicle license under section 321.209,
25 subsection 8, for one hundred eighty days. If the
26 person has not been issued a motor vehicle license or
27 if the person's operating privileges have been
28 suspended or revoked at the time the person is
29 convicted or adjudicated delinquent, the revocation
30 shall not begin until the person applies for issuance
31 or reinstatement of the motor vehicle license and all
32 other suspensions or revocations have terminated. A
33 motor vehicle license or nonresident operator's
34 privilege shall not be reinstated until the civil
35 penalty assessed under section 321.209, subsection 8,
36 has been paid.

37 Sec. 306. Section 321.213, Code 1991, is amended
38 to read as follows:

39 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
40 VIOLATIONS BY JUVENILE DRIVERS.

41 Upon the entering of an order at the conclusion of
42 an adjudicatory hearing under section 232.47 that the
43 child violated a provision of this chapter or chapter
44 203B, 204, 321A or chapter, 321J, or 421A for which
45 the penalty is greater than a simple misdemeanor, the
46 clerk of the juvenile court in the adjudicatory
47 hearing shall forward a copy of the adjudication to
48 the department. Notwithstanding section 232.55, a
49 final adjudication in a juvenile court that the child
50 violated a provision of this chapter or chapter 203B,

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1 204, 321A or chapter, 321J, or 421A constitutes a
2 final conviction of a violation of a provision of this
3 chapter or chapter 203B, 204, 321A or chapter, 321J,

4 or 421A for purposes of section 321.189, subsection 8,
5 paragraph "b", and sections 321.193, 321.194, 321.200,
6 321.209, 321.210, 321.215, 321A.17, 321J.2, 321J.3,
7 and 321J.4.

8 Sec. 307. Section 321.491, Code 1991, is amended
9 to read as follows:

10 321.491 CONVICTIONS AND RECOMMENDATIONS FOR
11 SUSPENSION TO BE REPORTED.

12 1. Every district judge, district associate judge,
13 and judicial magistrate shall keep a full record of
14 every case in which a person is charged with ~~any a~~
15 violation of this chapter or ~~of any~~ other law
16 regulating the operation of vehicles on highways.

17 2. a. Within ten days after the conviction or
18 forfeiture of bail of a person upon a charge of
19 violating ~~any a~~ provision of this chapter or other law
20 regulating the operation of vehicles on highways every
21 magistrate of the court or clerk of the court of
22 record in which the conviction occurred or bail was
23 forfeited shall prepare and immediately forward to the
24 department an abstract of the record of the case.

25 b. The abstract must be certified by the person
26 preparing it to be true and correct.

27 c. The abstract must be made upon a form furnished
28 by the department and shall include the name and
29 address of the party charged, the registration number
30 of the vehicle involved, the nature of the offense,
31 the date of hearing, the plea, the judgment, or
32 whether the bail was forfeited, the amount of the fine
33 or forfeiture, and any court recommendation; if ~~any~~,
34 that the person's motor vehicle license be suspended.

35 d. The department shall consider and act upon the
36 recommendation.

37 e. All abstracts received by the department under
38 this section shall be open to public inspection during
39 reasonable business hours.

40 3. Every clerk of a court of record shall ~~also~~
41 forward a like report to the department upon the
42 conviction of ~~any a~~ person of manslaughter or other
43 felony in the commission of which a vehicle was used.

44 4. The failure, refusal, or neglect of an officer
45 to comply with the requirements of this section shall
46 constitute misconduct in office and shall be ground
47 for removal from office.

48 All abstracts received by the department under this
49 section shall be open to public inspection during
50 reasonable business hours.

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1 5. All federal courts located in the state are
2 requested to forward to the department a record of
3 conviction of a person for a violation of a federal
4 drug or controlled substance law.
5 If a person enters a plea of guilty to, or forfeits
6 bail or collateral deposited to secure the person's
7 appearance in court, and such forfeiture is not
8 vacated, or is found guilty of a violation of federal
9 drug or controlled substance law, the judge may make a
10 determination if a hardship would exist if the
11 person's motor vehicle license were revoked for one
12 hundred eighty days as provided in section 321.212,
13 subsection 1, paragraph "d". If, based on the
14 individual circumstances pertaining to the person such
15 as the need to travel to and from the person's home
16 for purposes of employment, continuing health care of
17 a dependent, continuing education leading to a
18 diploma, degree, or certificate of successful
19 educational completion, substance abuse treatment, and
20 court-ordered community service responsibilities, the
21 judge finds that a hardship would exist, the judge
22 shall order the state department of transportation to
23 issue to the person a temporary restricted license
24 which shall be issued by the state department of
25 transportation restricted to travel in accordance with
26 the judge's directive, notwithstanding section
27 321.215. However, section 321.215, subsections 3 and
28 4, apply to temporary restricted licenses issued under
29 this subsection.

30 Sec. 308. Section 321A.17, subsection 5, Code
31 1991, is amended to read as follows:

32 5. An individual applying for a motor vehicle
33 license following a period of suspension or revocation
34 under section 321.209, subsection 8, section 321.210A,
35 321.216, or 321.513, or following a period of
36 suspension under section 321.194, is not required to
37 maintain proof of financial responsibility under this
38 section.

39 Sec. 309. Section 321J.2, subsection 1, Code 1991,
40 is amended to read as follows:

41 1. A person commits the offense of operating while
42 intoxicated if the person operates a motor vehicle in
43 this state in either any of the following conditions:

44 a. While under the influence of an alcoholic
45 beverage or other drug or a combination of such
46 substances.

47 b. While having an alcohol concentration as
48 defined in section 321J.1 of .10 or more.

49 c. While under the influence of a combination of
50 an alcoholic beverage and a controlled substance.

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1 d. While under the influence of a controlled
2 substance.

3 e. While under the influence of any substance
4 which impairs the mental or physical faculties of the
5 person to a degree which renders the person incapable
6 of safely operating a motor vehicle.

7 Sec. 310. Section 321J.4, subsections 7 and 8,
8 Code 1991, are amended to read as follows:

9 7. On a conviction for or as a condition of a
10 deferred judgment for a violation of section 321J.2,
11 subsection 1, paragraph "a" or "b", the court may
12 order the defendant to install ignition interlock
13 devices of a type approved by the commissioner of
14 public safety on all motor vehicles owned or operated
15 by the defendant which, without tampering or the
16 intervention of another person, would prevent the
17 defendant from operating the motor vehicle with an
18 alcohol concentration greater than a level set by rule
19 of the commissioner of public safety. The
20 commissioner of public safety shall adopt rules to
21 approve certain ignition interlock devices and the
22 means of installation of the devices, and shall
23 establish the level of alcohol concentration beyond
24 which an ignition interlock device will not allow
25 operation of the motor vehicle in which it is
26 installed. The order shall remain in effect for a
27 period of time as determined by the court which shall
28 not exceed the maximum term of imprisonment which the
29 court could have imposed according to the nature of
30 the violation. While the order is in effect, the
31 defendant shall not operate a motor vehicle which does
32 not have an approved ignition interlock device
33 installed. If the defendant's motor vehicle license
34 or nonresident operating privilege has been revoked,
35 the department shall not issue a temporary permit or a
36 motor vehicle license to the person without
37 certification that approved ignition interlock devices
38 have been installed in all motor vehicles owned or
39 operated by the defendant while the order is in
40 effect. A defendant who fails within a reasonable
41 time to comply with an order to install an approved
42 ignition interlock device may be declared in contempt
43 of court and punished accordingly. A person who
44 tampers with or circumvents an ignition interlock
45 device installed under a court order while an order is

46 in effect commits a serious misdemeanor.

47 8. A person whose motor vehicle license has either
48 been revoked under this chapter section 321J.4,
49 subsection 1, paragraph "a" or "b", section 321J.9, or
50 section 321J.12, or revoked or suspended under chapter

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1 321 solely for violations of this chapter section
2 321J.2, subsection 1, paragraph "a" or "b", or who has
3 been determined to be a habitual offender under
4 chapter 321 based solely on violations of this
5 chapter, and who is not eligible for a temporary
6 restricted license under this chapter may petition the
7 court for an order to the department to require the
8 department to issue a temporary restricted license to
9 the person notwithstanding section 321.560. The court
10 shall determine if the temporary restricted license is
11 necessary for the person to maintain the person's
12 present employment. If the court determines that the
13 temporary restricted license is necessary for the
14 person to maintain the person's present employment,
15 the court shall order the department to issue to the
16 person a temporary restricted license conditioned upon
17 the person's certification to the court of the
18 installation of approved ignition interlock devices in
19 all motor vehicles that it is necessary for the person
20 to operate to maintain the person's present
21 employment. Section 321.561 does not apply to a
22 person operating a motor vehicle in the manner
23 permitted under this subsection. If the person
24 operates a motor vehicle which does not have an
25 approved ignition interlock device or if the person
26 tampers with or circumvents an ignition interlock
27 device, in addition to other penalties provided, the
28 person's temporary restricted license shall be
29 revoked. A person holding a temporary restricted
30 license issued under this subsection shall not operate
31 a commercial motor vehicle, as defined in section
32 321.1, on a highway if a commercial driver's license
33 is required for the person to operate the commercial
34 motor vehicle.

35 Sec. 311. Section 321J.20, subsection 2, Code
36 1991, is amended to read as follows:

37 2. This section does not apply to a person whose
38 license was revoked under section 321.209, subsection
39 8, or section 321J.4, subsection 3 or 5, or to a
40 person whose license is suspended or revoked for
41 another reason.""

42 3. Page 4, by inserting after line 4 the

43 following:

44 Sec. 312. **NEW SECTION. 421A.16 DETERMINATION OF**
 45 **HARDSHIP -- TEMPORARY RESTRICTED LICENSE.**

46 If a person enters a plea of guilty to, or forfeits
 47 bail or collateral deposited to secure the person's
 48 appearance in court, and such forfeiture is not
 49 vacated, or is found guilty upon an indictment or
 50 information alleging a violation of this chapter, the

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1 judge shall make a determination if a hardship would
 2 exist if the person's motor vehicle license were
 3 revoked for one hundred eighty days as provided in
 4 section 321.212, subsection 1, paragraph "d". If,
 5 based on the individual circumstances pertaining to
 6 the person such as the need to travel to and from the
 7 person's home for purposes of employment, continuing
 8 health care of a dependent, continuing education
 9 leading to a diploma, degree, or certificate of
 10 successful educational completion, substance abuse
 11 treatment and court-ordered community service
 12 responsibilities, the judge finds that a hardship
 13 would exist, the judge shall order the state
 14 department of transportation to issue to the person a
 15 temporary restricted license which shall be issued by
 16 the state department of transportation restricted to
 17 travel in accordance with the judge's directive,
 18 notwithstanding section 321.215. However, section
 19 321.215, subsections 3 and 4, apply to temporary
 20 restricted licenses issued under this section."

21 4. Page 4, by inserting after line 44 the
 22 following:

23 "Sec. ____ . Sections 300, 301, 302, 303, 304, 305,
 24 306, 307, 308, 309, 310, 311, and 312 of this Act take
 25 effect on October 1, 1993."

26 5. Page 4, line 47, by inserting after the word
 27 "appropriations" the following: "and requiring
 28 revocation of motor vehicle licenses for drug
 29 offenses".

30 6. By renumbering as necessary.

RICHARD VARN
 RICHARD F. DRAKE

S-5715

1 Amend the House Amendment, S-5531, to Senate File
 2 2036, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 6, by striking lines 5 through 14 and
5 inserting the following:

6 "c. Prime bankers' acceptances that mature within
7 two hundred seventy days and that are eligible for
8 purchase by a federal reserve bank, provided that at
9 the time of purchase no more than thirty percent of
10 the investment portfolio of the treasurer of state or
11 any other state agency shall be in investments
12 authorized by this paragraph and that at the time of
13 purchase no more than five percent of the investment
14 portfolio shall be invested in the securities of a
15 single issuer.

16 d. Commercial paper or other short-term corporate
17 debt that matures within two hundred seventy days and
18 that is rated within the two highest classifications,
19 as established by at least one of the standard rating
20 services approved by the superintendent of banking by
21 rule adopted pursuant to chapter 17A, provided that at
22 the time of purchase no more than five percent of all
23 amounts invested in commercial paper and other short-
24 term corporate debt shall be invested in paper and
25 debt rated in the second highest classification, and
26 provided further that at the time of purchase no more
27 than thirty percent of the investment portfolio of the
28 treasurer of state or any other state agency shall be
29 in investments authorized by this paragraph and that
30 at the time of purchase no more than five percent of
31 the investment portfolio shall be invested in the
32 securities of a single issuer."

33 2. Page 6, line 30, by inserting after the figure
34 "270.2a-7" the following: ", the portfolio of which
35 is limited to the types of investments authorized by
36 paragraphs "a" through "e".

37 3. By striking page 6, line 43, through page 7,
38 line 2, and inserting the following:

39 "c. Prime bankers' acceptances that mature within
40 two hundred seventy days and that are eligible for
41 purchase by a federal reserve bank, provided that at
42 the time of purchase no more than ten percent of the
43 investment portfolio shall be in investments
44 authorized by this paragraph and that at the time of
45 purchase no more than five percent of the investment
46 portfolio shall be invested in the securities of a
47 single issuer.

48 d. Commercial paper or other short-term corporate
49 debt that matures within two hundred seventy days and
50 that is rated within the two highest classifications,

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1 as established by at least one of the standard rating
 2 services approved by the superintendent of banking by
 3 rule adopted pursuant to chapter 17A, provided that at
 4 the time of purchase no more than five percent of all
 5 amounts invested in commercial paper and other short-
 6 term corporate debt shall be invested in paper and
 7 debt rated in the second highest classification, and
 8 provided further that at the time of purchase no more
 9 than ten percent of the investment portfolio shall be
 10 in investments authorized by this paragraph and that
 11 at the time of purchase no more than five percent of
 12 the investment portfolio shall be invested in the
 13 securities of a single issuer."

14 4. Page 7, line 13, by inserting after the figure
 15 "270.2a-7" the following: ", the portfolio of which
 16 is limited to the types of investments authorized by
 17 paragraphs "a" through "e".

18 5. Page 7, line 18, by inserting after the word
 19 "that" the following: "the portfolio of the joint
 20 investment trust is limited to the types of
 21 investments authorized by paragraphs "a" through "e",
 22 and provided further that".

DERRYL MCLAREN
 HARRY SLIFE

S-5716

1 Amend Senate File 2359 as follows:

2 1. Page 1, line 10, by striking the words "and
 3 local level".

4 2. Page 1, lines 11 and 12, by striking the words
 5 "and local".

6 3. Page 1, by striking lines 17 through 19 and
 7 inserting the following: "executive and legislative
 8 branches of state government. The supreme court is
 9 required to prescribe rules".

10 4. Page 4, line 28, by inserting after the word
 11 "responsibilities" the following: ", provided that
 12 the amount of the expenses received is reported to the
 13 board".

14 5. Page 4, line 33, by striking the words "holder
 15 of public office" and inserting the following:
 16 "public official".

17 6. By striking page 4, line 35, through page 5,
 18 line 9, and inserting the following:

19 "b. "Honorarium" does not include payment for or
 20 provision of actual travel and subsistence expenses,

21 including transportation, accommodations, and meals
22 provided that the amount of the payment received is
23 reported to the board."

24 7. Page 7, by striking lines 1 through 4.

25 8. Page 7, by striking lines 28 and 29, and
26 inserting the following:

27 "___ . "Public employee" means employees and
28 legislative employees."

29 9. Page 7, line 33, by striking the words "
30 local officials,".

31 10. Page 8, line 14, by inserting after the word
32 "sell" the following: "in any one occurrence."

33 11. Page 10, line 16, by inserting after the word
34 "candidate" the following: "for state office".

35 12. Page 10, line 22, by inserting after the word
36 "candidate" the following: "for state office".

37 13. Page 10, line 25, by inserting after the word
38 "candidate" the following: "for state office".

39 14. Page 10, line 27, by inserting after the word
40 "candidate" the following: "for state office".

41 15. Page 11, line 4, by inserting after the word
42 "candidate" the following: "for state office".

43 16. Page 11, line 6, by striking the words
44 "receiving or accepting" and inserting the following:
45 "giving".

46 17. Page 11, by striking line 7 and inserting the
47 following: "reports the donation of any items given
48 at any".

49 18. Page 11, by inserting after line 18 the fol-
50 lowing:

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1 "___ . Gifts of food and drink may be received or
2 accepted by members of the general assembly at social
3 events to which all members of both houses or of a
4 standing committee of either house of the general
5 assembly are invited, if the donor reports the total
6 cost of the social event to the board."

7 19. Page 11, by striking line 23 and inserting
8 the following: "donor reports, in the manner and".

9 20. Page 11, line 25, by striking the word
10 "received" and inserting the following: "given".

11 21. Page 11, line 27, by inserting after the word
12 "dollars." the following: "Reports of gifts filed
13 with the board under this subsection are confidential
14 records under chapter 22."

15 22. Page 11, line 34, by inserting after the word
16 "candidate" the following: "for state office".

17 23. Page 12, line 34, by striking the words

- 18 "member or employee" and inserting the following:
19 "public official".
- 20 24. Page 13, line 17, by striking the word
21 "seven" and inserting the following: "seven six".
- 22 25. Page 13, line 19, by striking the word "two"
23 and inserting the following: "two and three".
- 24 26. Page 13, by striking lines 20 through 22 and
25 inserting the following: "house ~~and two individuals~~
26 who shall not be employees of the general assembly by
27 the chief justice of the Iowa supreme court. A member
28 of the ethics committee may".
- 29 27. Page 13, line 28, by striking the word
30 "legislative".
- 31 28. Page 13, by striking lines 30 through 33, and
32 inserting the following: "eligible members of the
33 committee. If a member of the ethics".
- 34 29. Page 14, by striking lines 5 through 9 and
35 inserting the following:
36 "The two individuals appointed by the chief justice
37 of the supreme court shall receive a per diem as
38 specified in section 7E.6 and travel expenses at the
39 same rate as paid members of interim committees for
40 attending meetings of the ethics committee. Members
41 of the general assembly shall receive a".
- 42 30. Page 15, line 3, by striking the words "or
43 lobbyists".
- 44 31. By striking page 15, line 29, through page
45 16, line 1, and inserting the following: "occurred.
46 Violation of a rule relating to lobbyists and lobbying
47 activities may result in censure, reprimand, or other
48 sanctions as determined by a majority of the members
49 of the house in which the violation occurred.
50 However, a lobbyist may be suspended from lobbying

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- 1 activities for the duration provided in the directing
2 resolution only if directed by a two-thirds vote of
3 the house in which the violation occurred."
- 4 32. Page 16, line 7, by striking the words "and
5 campaign finance practices".
- 6 33. Page 16, by striking lines 9 and 10, and
7 inserting the following: "branches of state
8 government, and the campaign finance practices of
9 candidates for public office, and".
- 10 34. Page 16, line 16, by inserting after the word
11 "party" the following: ", and who shall be subject to
12 confirmation by the senate".
- 13 35. Page 19, line 10, by inserting after the word
14 "copying" the following: "in a manner consistent with

15 the requirements of chapter 22.”

16 36. Page 19, line 31, by striking the words
17 “Establish and impose” and inserting the following:
18 “Submit proposed legislation establishing a schedule
19 of”.

20 37. Page 20, by striking line 12, and inserting
21 the following: “persons holding a statewide public
22 office”.

23 38. Page 20, line 13, by striking the words
24 “subdivision, including candidates” and inserting the
25 following: “and candidates for any state office”.

26 39. Page 20, by striking lines 14 and 15, and
27 inserting the following: “legislative and executive
28 branch of state government and regulations governing”.

29 40. Page 20, line 16, by striking the words “,
30 including but” and inserting the following: “; and
31 biennially propose resolutions establishing a code of
32 ethical conduct for members of the general assembly.
33 Rules, regulations, and proposed resolutions shall
34 include but are”.

35 41. Page 20, line 26, by striking the words
36 “candidate for public office,”.

37 42. Page 20, by striking lines 27 and 28, and
38 inserting the following: “lobbyist has committed a
39 violation of this chapter or the rules adopted by the
40 board or that a candidate for public office or elected
41 public official has committed a violation of chapter
42 56 or the rules adopted by the board. The board
43 shall”.

44 43. Page 22, line 22, by striking the words “A
45 preponderance of clear” and inserting the following:
46 “Clear”.

47 44. Page 24, by inserting after line 8, the
48 following:
49 “ ____ . Proceedings on complaints and investigations
50 initiated by the board, including the imposition of,

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1 or recommendations for the imposition of, any
2 penalties by the board shall be concluded within six
3 months of the filing of the complaint or initiation of
4 the investigation. The board may, however, seek an
5 extension of up to an additional three months of time
6 for conducting proceedings on complaints or
7 investigations of public officials or public employees
8 who are not members of the general assembly by
9 submitting a request for extension of time to the
10 entity that would be responsible for removing or
11 suspending the person. If the complaint or

12 investigation relates to a member of the general
13 assembly, the board may seek up to an additional three
14 months of time to conduct proceedings by submitting a
15 request to the committee responsible for the
16 administration of the house in which the member holds
17 a seat."

18 45. Page 24, lines 13 and 14, by striking the
19 words "a preponderance of".

20 46. Page 25, by inserting after line 4 the
21 following:

22 "____. Censure, reprimand, or impose any other
23 sanctions deemed appropriate by the board, if the
24 violator is a lobbyist. The board may suspend a
25 lobbyist from lobbying activities if the board finds
26 that suspension is an appropriate sanction for the
27 violation."

28 47. Page 25, by inserting after line 17, the
29 following:

30 "When the board submits a recommendation for
31 discipline in any form to another entity that is
32 responsible for imposing punishment upon a person for
33 a violation of this chapter, the board shall include
34 with the recommendation a report detailing the factual
35 basis for the board's finding of a violation, a record
36 of the board's vote relating to the violation, and a
37 copy of any dissenting opinions of board members that
38 may be available with respect to the violation. The
39 board shall also, upon the request of the entity
40 responsible for imposing punishment, furnish items of
41 evidence and the record of the hearings before the
42 board."

43 48. Page 25, line 26, by striking the word
44 "public" and inserting the following: "state".

45 49. Page 25, line 32, by inserting after the word
46 "certain" the following: "public".

47 50. Page 26, line 5, by striking the words "
48 including indebtedness,".

49 51. Page 26, line 11, by striking the words
50 "including indebtedness".

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1 52. Page 26, by striking lines 12 through 14 and
2 inserting the following: "a waiver of personal
3 financial disclosure for any person who, as defined in
4 the rules of the board, does not occupy a position
5 involving a substantial".

6 53. Page 26, line 18, by inserting after the
7 words "appointees to" the following: "state".

8 54. Page 28, by inserting after line 29 the fol-

9 lowing:

10 "3. A lobbyist's client who fails to file a report
11 required under this section may be subject to the
12 imposition of penalties by the board as provided under
13 section 68B.10D, subsections 1 through 3, 7, and 8."

14 55. Page 28, line 33, by striking the words
15 "adopt rules" and inserting the following: "prescribe
16 rules by January 1, 1993,".

17 56. Page 29, by inserting after line 6 the
18 following:

19 "Sec. ____ . NEW SECTION. 68C.1 TITLE OF ACT.

20 This chapter shall be known as the "Local Public
21 Officials Act".

22 Sec. ____ . NEW SECTION. 68C.2 DEFINITIONS.

23 When used in this chapter, unless the context
24 otherwise requires:

25 1. "Agency" means any political subdivision of the
26 state.

27 2. "Candidate" means a candidate or a person
28 elected to an office of a political subdivision until
29 the person takes office.

30 3. "Compensation" means any money, thing of value,
31 or financial benefit conferred in return for services
32 rendered or to be rendered.

33 4. "Employee" means a full-time, salaried employee
34 of a political subdivision of the state of Iowa and
35 does not include part-time employees or independent
36 contractors. Employee includes but is not limited to
37 all clerical personnel.

38 5. a. "Gift" means a rendering of money,
39 property, services, discount, loan forgiveness,
40 payment of indebtedness, or anything else of value in
41 return for which legal consideration of equal or
42 greater value is not given and received, if the donor
43 is in any of the following categories:

44 (1) Is doing or seeking to do business of any kind
45 with the donee's agency.

46 (2) Is engaged in activities which are regulated
47 or controlled by the donee's agency.

48 (3) Has interests which may be substantially and
49 materially affected, in a manner distinguishable from
50 the public generally, by the performance or

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1 nonperformance of the donee's official duty.

2 b. However, "gift" does not mean any of the
3 following:

4 (1) Campaign contributions.

5 (2) Informational material relevant to a public

6 servant's official functions, such as books,
7 pamphlets, reports, documents, or periodicals, and
8 registration fees or tuition not including travel or
9 lodging, for not more than three days, at seminars or
10 other public meetings conducted in this state, at
11 which the public servant receives information relevant
12 to the public servant's official functions.

13 Information or participation received under the
14 exclusion of this paragraph may be applied to satisfy
15 a continuing education requirement of the donee's
16 regulated occupation or profession if the donee pays
17 any registration costs exceeding thirty-five dollars.

18 (3) Anything received from a person related within
19 the fourth degree by kinship or marriage, unless the
20 donor is acting as an agent or intermediary for
21 another person not so related.

22 (4) An inheritance.

23 (5) Anything available to or distributed to the
24 public generally without regard to official status of
25 the recipient.

26 (6) Actual expenses for food, beverages, travel,
27 lodging, registration, and scheduled entertainment of
28 the donee for a meeting, which is given in return for
29 participation in a panel or speaking engagement at the
30 meeting.

31 (7) Plaques or items of negligible resale value
32 given as recognition for public services.

33 6. "Immediate family members" means the spouse and
34 minor children of a person required to file reports
35 pursuant to this chapter or the rules adopted pursuant
36 to this chapter.

37 7. "Is doing business with the donee's agency"
38 means being a party to any one or any combination of
39 sales, purchases, leases, or contracts to, from, or
40 with a political subdivision, or any agency of a
41 political subdivision.

42 8. "Official" means an officer of a political
43 subdivision of the state of Iowa receiving a salary or
44 per diem whether elected or appointed or whether
45 serving full-time or part-time. "Official" includes
46 but is not limited to supervisory personnel and
47 members of agencies of political subdivisions of the
48 state.

49 9. "Public disclosure" means a written report
50 filed by the fifteenth day of the month following the

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1 month in which a gift is received as required by this
2 chapter or required by rules adopted pursuant to this

3 chapter.

4 Where the term "candidate", "employee", or
5 "official" is used in this chapter, it includes a firm
6 of which any of those persons is a partner and a
7 corporation of which any of those persons holds ten
8 percent or more of the stock either directly or
9 indirectly, and the spouse and minor children of any
10 of those persons.

11 Sec. ____ . NEW SECTION. 68C.3 GIFTS SOLICITED OR
12 ACCEPTED.

13 1. An official, employee, candidate, or that
14 person's immediate family member shall not, directly
15 or indirectly, solicit, accept, or receive from any
16 one donor in any one calendar day a gift or a series
17 of gifts having a value of thirty-five dollars or
18 more.

19 2. A person shall not, directly or indirectly,
20 offer or make a gift or a series of gifts to an
21 official, employee, or candidate in any one calendar
22 day, if the gift or series of gifts has a value of
23 thirty-five dollars or more. A person shall not,
24 directly or indirectly, join with one or more other
25 persons to offer or make a gift or a series of gifts
26 to an official, employee, or candidate in any one
27 calendar day, if the gift or series of gifts has a
28 total value of thirty-five dollars or more. The
29 thirty-five dollar limitation of this section applies
30 separately to a person and the person's immediate
31 family member.

32 3. A person may give and an official, employee,
33 candidate, or the person's immediate family member may
34 accept in any one calendar day a gift or a series of
35 gifts which has a value of thirty-five dollars or more
36 and not be in violation of this section if the gift or
37 series of gifts is donated within thirty days to a
38 public body, a bona fide educational or charitable
39 organization, or the department of general services.
40 All such items donated to the department of general
41 services shall be disposed of by assignment to state
42 agencies for official use or by public sale.

43 Sec. ____ . NEW SECTION. 68C.4 REPORTING OF GIFTS
44 AND FINANCIAL DISCLOSURE.

45 1. The governing body of a political subdivision
46 of this state shall adopt rules requiring the
47 reporting of gifts made to its respective members and
48 their immediate family members and its officials and
49 employees and their immediate family members. The
50 rules as adopted shall require public disclosure of

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1 the nature, amount, date, and donor of a gift or gifts
2 from any one donor made to one of those individuals
3 which exceeds fifteen dollars in cumulative value in
4 any one calendar day. The rules shall require such
5 disclosure by both the donor and donee. The rules may
6 waive the reporting of food and beverage provided for
7 immediate consumption in the presence of the donor.
8 Copies of the rules and reports shall be filed with
9 the county auditor of the county in which the
10 political subdivision is located.

11 The secretary of state shall develop a standard
12 form for public disclosure of gifts in compliance with
13 this subsection which shall be available at every
14 county auditor's office without cost.

15 2. a. In determining the value of a gift, an
16 individual making a gift on behalf of more than one
17 person shall not divide the value of the gift by the
18 number of persons on whose behalf the gift is made.

19 b. The value of a gift to the donee is the value
20 actually received.

21 c. For the purposes of the reporting requirements
22 of this section, a donor of a gift made by more than
23 one individual to one or more donees shall report the
24 gift if the total value of the gift to the donee
25 exceeds fifteen dollars.

26 3. Reporting requirements adopted or issued under
27 this section may include requirements relating to the
28 reporting of income which is not a gift.

29 4. A person who does not make public disclosure of
30 gifts as required by this chapter or the rules adopted
31 pursuant to this chapter is guilty of a serious
32 misdemeanor.

33 Sec. ____ . NEW SECTION. 68C.5 ADDITIONAL PENALTY.

34 In addition to any penalty contained in any other
35 provision of law, a person who knowingly and
36 intentionally violates section 68C.3 or 68C.4 is
37 guilty of a serious misdemeanor and may be
38 reprimanded, suspended, or dismissed from the person's
39 position or otherwise sanctioned.

40 Sec. ____ . NEW SECTION. 68C.6 ACTIONS COMMENCED.

41 Actions to enforce the provisions of this chapter
42 may be commenced by any legal resident of the state of
43 Iowa who is eighteen years of age or more at the time
44 of commencing the action or by the attorney general.

45 Sec. ____ . Section 22.7, Code 1991, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 29. Reports filed with the Iowa
48 ethics and campaign finance board of gifts of food,

49 beverages, travel, and lodging received by a public
50 official or public employee as a result of official

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1 participation in economic development opportunities
2 under section 68B.7B."

3 57. Page 31, line 33, by striking the figure
4 "56.4" and inserting the following: "56.4".

5 58. Page 33, by inserting after line 34, the
6 following:

7 "Sec. ____ . Section 56.10A, Code 1991, is amended
8 to read as follows:

9 56.10A REPORTING OF HONORARIA.

10 1. The ~~commission board~~ shall adopt rules
11 requiring the filing of periodic reports by
12 officeholders showing all honoraria received during
13 the reporting period.

14 2. The rules shall require that:

15 a. ~~Holders of statewide office must file reports~~
16 ~~with the state commissioner of elections.~~

17 b. ~~Holders of the office of state senator must~~
18 ~~file reports with the secretary of the senate.~~

19 c. ~~Holders of the office of state representative~~
20 ~~must file reports with the chief clerk of the house of~~
21 ~~representatives.~~

22 d. ~~Holders~~ holders of county and other offices
23 must file reports with the county commissioner of
24 elections.

25 3. The reports shall be available for public
26 inspection."

27 59. Page 36, by striking line 3 and inserting the
28 following:

29 "~~a. Contributions to charitable organizations.~~"

30 60. Page 36, line 21, by striking the word
31 "recommendations" and inserting the following:
32 "~~recommendations~~ recommendation".

33 61. Page 40, line 32, by inserting after the word
34 "commission." the following: "Rules, forms, and
35 precedents established by the campaign finance
36 disclosure commission regarding the administration of
37 chapter 56 shall remain effective until ratified,
38 rescinded, or modified by action by the board."

39 62. Page 40, by inserting after line 32 the
40 following:

41 "Sec. ____ . Notwithstanding chapter 68B, until
42 legislation is adopted that establishes a code of
43 ethics for members of the general assembly and
44 regulations governing the conduct of lobbyists, the
45 rules of the Seventy-fourth General Assembly that

46 establish a code of ethics and rules governing
 47 lobbyists shall remain in effect."
 48 63. Page 41, line 2, by striking the word and
 49 figures "Section 56.9, 56.10A," and inserting the
 50 following: "Sections 56.9".

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1 64. By numbering, renumbering, relettering, and
 2 changing internal references as necessary.

COMMITTEE ON STATE GOVERNMENT
 JOHN KIBBIE, Chairperson

S-5717

1 Amend Senate File 2359 as follows:
 2 1. Page 23, line 24, by striking the word "two"
 3 and inserting the following: "ten".

JIM KERSTEN
 MAGGIE TINSMAN

S-5718

1 Amend the House amendment, S-5512, to Senate File
 2 2061, as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 22 and
 4 inserting the following:
 5 " ____ . Page 1, line 12, by inserting after the
 6 word "vehicle" the following: "designed to compact
 7 and transport solid waste"."

RICHARD F. DRAKE

HOUSE AMENDMENT TO
 SENATE FILE 2065

S-5719

1 Amend Senate File 2065, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking everything after the
 4 enacting clause and inserting the following:
 5 "Section 1. Section 80B.11, subsection 3, Code
 6 Supplement 1991, is amended by adding the following
 7 new unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH. In-service training
 9 under this subsection shall include the requirement
 10 that by December 31, 1994, all law enforcement

11 officers complete a course on investigation,
12 identification, and reporting of public offenses based
13 on the race, color, religion, ancestry, national
14 origin, political affiliation, sex, sexual
15 orientation, age, or disability of the victim. The
16 director shall consult with the civil rights
17 commission, the department of public safety, and the
18 prosecuting attorneys training coordinator in
19 developing the requirements for this course and may
20 contract with outside providers for this course.
21 Sec. 2. Section 692.15, Code 1991, is amended by
22 adding the following new unnumbered paragraph:
23 NEW UNNUMBERED PARAGRAPH. The hate crimes listed
24 in section 729A.2 are subject to the reporting
25 requirements of this section.

26 Sec. 3. NEW SECTION. 708.2C ASSAULT IN VIOLATION
27 OF INDIVIDUAL RIGHTS -- PENALTIES.

28 1. For the purposes of this chapter, "assault in
29 violation of individual rights" means an assault, as
30 defined in section 708.1, which is a hate crime as
31 defined in section 729A.2.

32 2. A person who commits an assault in violation of
33 individual rights, with the intent to inflict a
34 serious injury upon another, is guilty of a class "D"
35 felony.

36 3. A person who commits an assault in violation of
37 individual rights without the intent to inflict a
38 serious injury upon another, and who causes bodily
39 injury or disabling mental illness, is guilty of an
40 aggravated misdemeanor.

41 4. A person who commits an assault in violation of
42 individual rights and uses or displays a dangerous
43 weapon in connection with the assault, is guilty of a
44 class "D" felony.

45 5. Any other assault in violation of individual
46 rights, except as otherwise provided, is a serious
47 misdemeanor.

48 Sec. 4. NEW SECTION. 712.9 VIOLATIONS OF
49 INDIVIDUAL RIGHTS -- PENALTIES.

50 A violation of sections 712.3 through 712.8, which

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1 is also a hate crime as defined in section 729A.2,
2 shall be classified and punished as an offense one
3 degree higher than the underlying offense.

4 Sec. 5. NEW SECTION. 716.7A CRIMINAL MISCHIEF IN
5 VIOLATION OF INDIVIDUAL RIGHTS.

6 A violation of sections 716.5 through 716.6, which
7 is also a hate crime as defined in section 729A.2,

8 shall be classified and punished as an offense one
9 degree higher than the underlying offense.

10 Sec. 6. Section 716.8, Code 1991, is amended by
11 adding the following new subsections:

12 NEW SUBSECTION. 3. A person who knowingly
13 trespasses on the property of another with the intent
14 to commit a hate crime, as defined in section 729A.2,
15 commits a serious misdemeanor.

16 NEW SUBSECTION. 4. A person committing a trespass
17 as defined in section 716.7 with the intent to commit
18 a hate crime which results in injury to any person or
19 damage in an amount more than one hundred dollars to
20 anything, animate or inanimate, located thereon or
21 therein commits an aggravated misdemeanor.

22 Sec. 7. Section 729.5, subsections 1, 3, 4, and 5,
23 Code 1991, are amended by striking the subsections.

24 Sec. 8. NEW SECTION. 729A.1 VIOLATIONS OF AN
25 INDIVIDUAL'S RIGHTS PROHIBITED.

26 1. Persons within the state of Iowa have the right
27 to be free from any violence, or intimidation by
28 threat of violence, committed against their persons or
29 property because of their race, color, religion,
30 ancestry, national origin, political affiliation, sex,
31 sexual orientation, age, or disability.

32 Sec. 9. NEW SECTION. 729A.2 VIOLATION OF
33 INDIVIDUAL RIGHTS -- HATE CRIME.

34 "Hate crime" means one of the following public
35 offenses when committed against a person or a person's
36 property because of the person's race, color,
37 religion, ancestry, national origin, political
38 affiliation, sex, sexual orientation, age, or
39 disability, or the person's association with a person
40 of a certain race, color, religion, ancestry, national
41 origin, political affiliation, sex, sexual
42 orientation, age, or disability:

43 1. Assault in violation of individual rights under
44 section 708.2C.

45 2. Violations of individual rights under section
46 712.9.

47 3. Criminal mischief in violation of individual
48 rights under section 716.7A.

49 4. Trespass in violation of individual rights
50 under section 716.8, subsections 3 and 4.

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1 Sec. 10. NEW SECTION. 729A.3 LOCAL ORDINANCES.

2 This chapter does not prohibit political
3 subdivisions from enacting ordinances which are
4 consistent with this chapter. Local ordinances

5 reasonably regulating the time, place, or manner of
6 the exercise of constitutional rights are permissible.

7 Sec. 11. NEW SECTION. 729A.4 VIOLATION OF
8 INDIVIDUAL RIGHTS - SENSITIVITY TRAINING.

9 The prosecuting attorneys training coordinator
10 shall develop a course of instruction for law
11 enforcement personnel and prosecuting attorneys
12 designed to sensitize those persons to the existence
13 of violations of individual rights and the criteria
14 for determining whether a violation of individual
15 rights has occurred. The prosecuting attorneys
16 training coordinator shall consult with the civil
17 rights commission, the office of the attorney general,
18 and the department of public safety regarding the
19 content and provision of this course of instruction.

20 Sec. 12. NEW SECTION. 729A.5 CIVIL REMEDIES.

21 A victim who has suffered physical, emotional, or
22 financial harm as a result of a violation of this
23 chapter due to the commission of a hate crime is
24 entitled to and may bring an action for injunctive
25 relief, general and special damages, reasonable
26 attorneys fees, and costs.

27 An action brought pursuant to this section must be
28 brought within two years after the date of the
29 violation of this chapter.

30 In an action brought pursuant to this section, the
31 burden of proof shall be the same as in other civil
32 actions for similar relief.

33 This section does not apply to complaints or
34 discriminatory or unfair practices under chapter 601A.

35 Sec. 13. Section 80.40, Code 1991, is repealed."

HOUSE AMENDMENT TO
SENATE FILE 414

S-5720

1 Amend Senate File 414, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by inserting after the figure
4 "648" the following: " , except as otherwise provided
5 in subsection 3".

6 2. Page 1, by inserting after line 29 the
7 following:

8 "3. This section shall not apply to a tenant if
9 the activities causing the clear and present danger,
10 as defined in subsection 2, are conducted by a person
11 on the premises other than the tenant and the tenant
12 takes at least one of the following measures against
13 the person conducting the activities:

14 a. The tenant seeks a protective order,
15 restraining order, order to vacate the homestead, or
16 other similar relief pursuant to chapter 236, 598, or
17 910A, or any other applicable provision which would
18 apply to the person conducting the activities causing
19 the clear and present danger.

20 b. The tenant reports the activities causing the
21 clear and present danger to a law enforcement agency
22 or the county attorney in an effort to initiate a
23 criminal action against the person conducting the
24 activities.

25 c. The tenant writes a letter to the person
26 conducting the activities causing the clear and
27 present danger, telling the person not to return to
28 the premises and that a return to the premises may
29 result in a trespass or other action against the
30 person, and the tenant sends a copy of the letter to a
31 law enforcement agency whose jurisdiction includes the
32 premises. If the tenant has previously written a
33 letter to the person as provided in this paragraph,
34 without taking an action specified in paragraph "a" or
35 "b" or filing a trespass or other action, and the
36 person to whom the letter was sent conducts further
37 activities causing a clear and present danger, the
38 tenant must take one of the actions specified in
39 paragraph "a" or "b" to be exempt from proceedings
40 pursuant to subsection 1.

41 However, in order to fall within the exemptions
42 provided within this subsection, the tenant must
43 provide written proof to the landlord, prior to the
44 commencement of a suit against the tenant, that the
45 tenant has taken one of the measures specified in
46 paragraphs "a" through "c."

47 3. Page 2, by striking line 5 and inserting the
48 following:

49 "2. By sending notice by certified or restricted
50 certified mail, whether or not the tenant signs a

Page 2

1 receipt for the notice."

2 4. Page 2, by striking lines 6 through 11.

3 5. Page 2, line 20, by inserting after the figure
4 "648" the following: ", except as otherwise provided
5 in subsection 3".

6 6. Page 3, by inserting after line 5 the
7 following:

8 "3. This section shall not apply to a tenant if
9 the activities causing the clear and present danger,
10 as defined in subsection 2, are conducted by a person

11 on the premises other than the tenant and the tenant
12 takes at least one of the following measures against
13 the person conducting the activities:

14 a. The tenant seeks a protective order,
15 restraining order, order to vacate the homestead, or
16 other similar relief pursuant to chapter 236, 598, or
17 910A, or any other applicable provision which would
18 apply to the person conducting the activities causing
19 the clear and present danger.

20 b. The tenant reports the activities causing the
21 clear and present danger to a law enforcement agency
22 or the county attorney in an effort to initiate a
23 criminal action against the person conducting the
24 activities.

25 c. The tenant writes a letter to the person
26 conducting the activities causing the clear and
27 present danger, telling the person not to return to
28 the premises and that a return to the premises may
29 result in a trespass or other action against the
30 person, and the tenant sends a copy of the letter to a
31 law enforcement agency whose jurisdiction includes the
32 premises. If the tenant has previously written a
33 letter to the person as provided in this paragraph,
34 without taking an action specified in paragraph "a" or
35 "b" or filing a trespass or other action, and the
36 person to whom the letter was sent conducts further
37 activities causing a clear and present danger, the
38 tenant must take one of the actions specified in
39 paragraph "a" or "b" to be exempt from proceedings
40 pursuant to subsection 1.

41 However, in order to fall within the exemptions
42 provided within this subsection, the tenant must
43 provide written proof to the landlord, prior to the
44 commencement of a suit against the tenant, that the
45 tenant has taken one of the measures specified in
46 paragraphs "a" through "c."

47 7. Page 3, by striking line 16 and inserting the
48 following:

49 "2. By sending notice by certified or restricted
50 certified mail, whether or not the tenant signs a

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1 receipt for the notice."

2 8. Page 3, by striking lines 17 through 22.

3 9. By renumbering and correcting internal
4 references as necessary.

S-5721

1 Amend the amendment, S-5714, to the House
2 amendment, S-5663, to Senate File 2345, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 3, by striking lines 15 through 17 and
5 inserting the following: "chapter 13. However, the
6 need to travel to and from a person's home for
7 purposes of employment, continuing health care,
8 continuing health care of a dependent, continuing
9 education leading to a diploma, degree, or certificate
10 of successful educational completion, substance abuse
11 treatment, and court-ordered community service
12 responsibilities are deemed to be compelling
13 circumstances for which a temporary restricted license
14 or temporary restricted permit may be issued under
15 section 321.215. The department shall assess a civil
16 penalty of one hundred dollars for revocation of a
17 motor vehicle licensed under this subsection. To the
18 extent that Iowa motor vehicle license suspension and
19 revocation law is contrary to or inconsistent with 23
20 U.S.C. § 104(a)(3)(A) both houses of the General
21 Assembly do hereby resolve and the governor does
22 hereby certify their combined opposition to the
23 enactment and enforcement in the state of Iowa of the
24 law described in 23 U.S.C. § 104(a)(3)(A)."
25 2. Page 4, by inserting after line 7, the
26 following:
27 "Sec. 777. Section 321.215, subsection 2,
28 unnumbered paragraph 1, and paragraph d, Code 1991,
29 are amended to read as follows:
30 Upon conviction and the suspension or revocation of
31 a person's motor vehicle license under section
32 321.209, subsection 5, or 6, or 8, 321.210, 321.210A,
33 321.513, or 321.555, subsection 2, and upon the denial
34 by the director of an application for a temporary
35 restricted license, a person may apply to the district
36 court having jurisdiction for the residence of the
37 person for a temporary restricted permit to operate a
38 motor vehicle for the limited purpose or purposes
39 specified in subsection 1. The application may be
40 granted only if all of the following criteria are
41 satisfied:
42 d. Proof of financial responsibility is
43 established as defined in chapter 321A; however, such
44 proof is not required if the motor vehicle license was
45 suspended under section 321.210A or 321.513, or
46 revoked under section 321.209, subsection 8."
47 3. Page 7, by striking lines 34 through 41 and
48 inserting the following: "motor vehicle.""

49 4. Page 8, line 24, by striking the word and
50 figures "311, and 312" and inserting the following:

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1 "312, and 777".

MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 2320

S-5722

1 Amend Senate File 2320, 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 257.6, subsection 1,
6 unnumbered paragraph 3, Code 1991, is amended to read
7 as follows:
8 A school district shall certify its actual
9 enrollment to the department of education by October 1
10 of each year, and the department shall promptly
11 forward the information to the department of
12 management. ~~The department of management shall~~
13 ~~determine whether a district is entitled to an advance~~
14 ~~for increasing enrollment on the basis of its actual~~
15 ~~enrollment.~~
16 Sec. 2. Section 257.6, subsection 4, Code 1991, is
17 amended by striking the subsection and inserting in
18 lieu thereof the following:
19 4. BUDGET ENROLLMENT. Budget enrollment for the
20 budget year is the basic enrollment for the budget
21 year.
22 Sec. 3. Section 257.8, subsection 1, unnumbered
23 paragraph 2, Code 1991, is amended to read as follows:
24 On or before each ~~September~~ December 15 thereafter,
25 the department of management shall compute a state
26 percent of growth for the budget year next following
27 the budget year. The state percents of growth shall
28 be forwarded to the director of the department of
29 education.
30 Sec. 4. Section 257.9, subsections 3 and 4, Code
31 1991, are amended to read as follows:
32 3. Special education support services state cost
33 per pupil for ~~1991-1992~~ 1992-1993. For the budget
34 year beginning July 1, ~~1991~~ 1992, for the special
35 education support services state cost per pupil, the
36 department of management shall divide the total of the

37 approved budgets of the area education agencies for
 38 special education support services for that year as
 39 approved by the state board of education within the
 40 time frames specified under section 273.3, subsection
 41 12, by the total of the weighted enrollment for
 42 special education support services in the state for
 43 the budget year. The special education support
 44 services state cost per pupil for the budget year is
 45 the amount calculated by the department of management
 46 under this subsection.

47 4. Special education support services state cost
 48 per pupil for ~~1992-1993~~ 1993-1994 and succeeding
 49 years. For the budget year beginning July 1, ~~1992~~
 50 1993, and succeeding budget years, the special

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1 education support services state cost per pupil for
 2 the budget year is the special education support
 3 services state cost per pupil for the base year plus
 4 the special education support services allowable
 5 growth for the budget year.

6 Sec. 5. Section 257.10, subsections 3 and 4, Code
 7 1991, are amended to read as follows:

8 3. Special education support services district
 9 cost per pupil for ~~1991-1992~~ 1992-1993. For the
 10 budget year beginning July 1, ~~1991~~ 1992, for the
 11 special education support services district cost per
 12 pupil, the department of management shall divide the
 13 approved budget of each area education agency for
 14 special education support services for that year as
 15 approved by the state board of education, within the
 16 time frames specified under section 273.3, subsection
 17 12, by the total of the weighted enrollment for
 18 special education support services in the area for
 19 that budget year.

20 The special education support services district
 21 cost per pupil for each school district in an area for
 22 the budget year is the amount calculated by the
 23 department of management under this subsection.

24 4. Special education support services district
 25 cost per pupil for ~~1992-1993~~ 1993-1994 and succeeding
 26 years. For the budget year beginning July 1, ~~1992~~
 27 1993, and succeeding budget years, the special
 28 education support services district cost per pupil for
 29 the budget year is the special education support
 30 services district cost per pupil for the base year
 31 plus the special education support services allowable
 32 growth for the budget year.

33 Notwithstanding the special education support

34 services district cost per pupil for the budget year
35 beginning July 1, 1991, calculated under subsection 3,
36 for area education agencies that have fewer than three
37 and five-tenths public school pupils per square mile,
38 the special education support services district cost
39 per pupil for the budget year beginning July 1, 1991,
40 is one hundred forty-seven dollars.

41 Sec. 6. Section 257.14, unnumbered paragraph 1,
42 Code 1991, is amended to read as follows:

43 For the budget years commencing July 1, 1991, and
44 July 1, 1992, and July 1, 1993, if the department of
45 management determines that the regular program
46 district cost of a school district for a budget year
47 is less than the total of the regular program district
48 cost plus any adjustment added under this section for
49 the base year for that school district, the department
50 of management shall provide a budget adjustment for

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1 that district for that budget year that is equal to
2 the difference.

3 Sec. 7. Section 257.16, unnumbered paragraph 2,
4 Code Supplement 1991, is amended to read as follows:

5 All state aids paid under this chapter, unless
6 otherwise stated, shall be paid in monthly
7 installments beginning on September 15 of a budget
8 year and ending on or about June 15 of the budget year
9 and the installments shall be as nearly equal as
10 possible as determined by the department of
11 management, taking into consideration the relative
12 budget and cash position of the state resources.
13 However, the state aid paid to school districts under
14 section 257.13 shall be paid in monthly installments
15 beginning on December 15 and ending on June 15 of a
16 budget year.

17 Sec. 8. Section 257.20, unnumbered paragraph 1,
18 Code Supplement 1991, is amended to read as follows:

19 In order to determine the amount of instructional
20 support state aid and the amount of local funding for
21 the instructional support program for a district, the
22 department of management shall divide the total
23 assessed valuation in the state by the total budget
24 enrollment for the budget year in the state to
25 determine a state assessed valuation per pupil and
26 shall divide the assessed valuation in each district
27 by the district's budget enrollment for the budget
28 year to determine the district assessed valuation per
29 pupil. The department of management shall multiply
30 the ratio of the state's valuation per pupil to the

31 district's valuation per pupil by twenty-five
32 hundredths and subtract that result from one to
33 determine the portion of the instructional support
34 program budget that is local funding. The remaining
35 portion of the budget shall be funded by instructional
36 support state aid. However, for the budget year
37 beginning July 1, 1992, only, the amount of state aid
38 is three and one-quarter percent less than the amount
39 computed under this paragraph for that budget year.

40 Sec. 9. Section 265.6, Code 1991, is amended to
41 read as follows:

42 265.6 STATE AID APPLICABLE.

43 If the state board of regents has established a
44 laboratory school, it shall receive state aid pursuant
45 to chapters 257 and 281 for each pupil enrolled in the
46 laboratory school in the same amount as the public
47 school district in which the pupil resides would
48 receive aid for that pupil and shall transmit the
49 amount received to the institution of higher education
50 at which the laboratory school has been established.

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1 If the board of a school district terminates a
2 contract with the state board of regents for
3 attendance of pupils in a laboratory school, the
4 school district shall inform the department of
5 management of the number of these pupils who are
6 enrolled in the district on the third Friday of the
7 following September. The department of management
8 shall pay to the school district, from funds
9 appropriated in section 257.16, an amount equal to the
10 amount of state aid paid for each pupil in that school
11 district for that school year in payments made as
12 provided in section 257.16. However, payments shall
13 not be made for pupils for which an advance is
14 received by the district under section 257.12.

15 Sec. 10. NEW SECTION. 282.27 CHILDREN LIVING IN
16 PSYCHIATRIC HOSPITALS OR INSTITUTIONS - PAYMENT.

17 The public school district in which is located a
18 psychiatric unit of a hospital licensed under chapter
19 135B or a psychiatric medical institution for children
20 licensed under chapter 135H, which is not operated by
21 the state, shall be responsible for the provision of
22 educational services to children residing in the unit
23 or institution. Children residing in the unit or
24 institution shall be included in the basic enrollment
25 of their districts of residence, as defined in section
26 282.31, subsection 4.

27 The board of directors of each district of

28 residence shall pay to the school district in which is
29 located such psychiatric unit or institution, for the
30 provision of educational services to the child, a
31 portion of the district of residence's district cost
32 per pupil for each of such children based upon the
33 proportion that the time each child is provided
34 educational services while in such unit or institution
35 is to the total time for which the child is provided
36 educational services during a normal school year.
37 Sec. 11. Section 299A.8, Code Supplement 1991, is
38 amended to read as follows:

39 299A.8 DUAL ENROLLMENT.

40 If a parent, guardian, or legal custodian of a
41 child who is receiving competent private instruction
42 under this chapter submits a request, the child shall
43 also be registered in a public school for dual
44 enrollment purposes. If the child is enrolled in a
45 public school district for dual enrollment purposes,
46 the child shall be permitted to participate in any
47 academic activities in the district and shall also be
48 permitted to participate on the same basis as public
49 school children in any extracurricular activities
50 available to children in the child's grade or group,

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1 and the parent, guardian, or legal custodian shall not
2 be required to pay the costs of any annual testing
3 under this chapter. If the child is enrolled for dual
4 enrollment purposes, the child shall be included in
5 the public school's basic enrollment under sections
6 442.4 and section 257.6 and shall be counted as one
7 pupil in the proportion that the time for which the
8 child is enrolled and receives instruction from
9 practitioners employed by the public school district
10 for the school year is to the time that a full-time
11 pupil carrying a normal course schedule, at the same
12 grade level, in the same school district, and for the
13 same school year, is enrolled and receives
14 instruction.

15 If a child is receiving competent private
16 instruction through a home school assistance program
17 which provides instruction or instructional
18 supervision through a public school district by a
19 teacher who is employed by the district, the child
20 shall be registered in the public school district for
21 dual enrollment purposes, included in the public
22 school's basic enrollment under section 257.6, and
23 counted as one pupil.

24 Sec. 12. Section 257.13, Code 1991, is repealed.

25 Sec. 13. If as a result of the provisions in this
26 Act the amount of state foundation aid appropriated to
27 a school district is reduced below the amount the
28 school district would have otherwise received, that
29 school district shall not reduce the amount that it is
30 required to pay the area education agency for costs of
31 special education support services in order to
32 compensate for the reduced state aid.

33 Sec. 14. Sections 1, 2, 7, 8, 9, 10, 11, and 12 of
34 this Act, being deemed of immediate importance, take
35 effect upon enactment for the purpose of computations
36 required for payment of state aid to and levying of
37 property taxes by school districts for the budget year
38 beginning July 1, 1992.

39 Sec. 15. Section 6 of this Act takes effect July
40 1, 1992, for the purpose of computations required for
41 payment of state aid to and levying of property taxes
42 by school districts for the budget year beginning July
43 1, 1993.

44 Sec. 16. Section 3 of this Act takes effect July
45 1, 1992, for the purpose of computing state percent of
46 growth for the budget year beginning July 1, 1994."

S-5723

1 Amend the House amendment, S-5499, to Senate File
2 2302, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 22 the
5 following:

6 " ____ . Page 3, by inserting after line 6 the
7 following:

8 "Sec. ____ . Section 236.8, Code Supplement 1991, is
9 amended to read as follows:

10 236.8 CONTEMPT.

11 The court ~~may~~ shall hold a party in contempt for a
12 violation of an order or court-approved consent
13 agreement entered under this chapter, for violation of
14 a temporary or permanent protective order or order to
15 vacate the homestead under chapter 598, or for
16 violation of any order that establishes conditions of
17 release or is a protective order or sentencing order
18 in a criminal prosecution arising from a domestic
19 abuse assault. If held in contempt, the defendant
20 shall serve a jail sentence, and shall not be eligible
21 for a deferred judgment, deferred sentence, or
22 suspended sentence. The court shall not impose a fine
23 in lieu of a jail sentence, although a fine may be
24 imposed in addition to a jail sentence. Any jail
25 sentence imposed under this section shall be served on

26 consecutive days.””

27 2. Page 1, by inserting after line 23 the
28 following:

29 “ ____ . Page 3, by inserting after line 29 the
30 following:

31 “Sec. ____ . Section 236.14, Code Supplement 1991,
32 is amended by adding the following new subsection:
33 **NEW SUBSECTION. 3.** This section shall not be
34 construed to limit a pretrial release order issued
35 pursuant to chapter 811.””

36 3. Page 1, by inserting after line 23 the
37 following:

38 “ ____ . Page 3, by inserting after line 29 the
39 following:

40 “Sec. ____ . Section 811.2, subsection 1, paragraph
41 e, Code 1991, is amended to read as follows:

42 e. Impose any other condition deemed reasonably
43 necessary to assure appearance as required, or the
44 safety of another person or persons including a
45 condition requiring that the defendant return to
46 custody after specified hours, or a condition that the
47 defendant have no contact with the victim or other
48 persons specified by the court.””

49 4. By renumbering as necessary.

RALPH ROSENBERG

S-5724

1 Amend House File 2417, 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. 200. Section 424.2, subsections 5, 9,
6 and 12, Code Supplement 1991, are amended to read as
7 follows:

8 5. “Depositor” means the person who deposits
9 petroleum into an underground storage tank subject to
10 regulation under chapter 455G or an aboveground
11 petroleum storage tank as defined in section 101.21,
12 located at a retail motor vehicle fuel outlet if the
13 aboveground storage tank is physically connected
14 directly to pumps which dispense petroleum that is
15 sold at the motor vehicle fuel outlet on a retail
16 basis.

17 9. “Owner or operator” means “owner or operator”
18 of an underground storage tank as used in chapter 455G
19 or the “owner” or “operator” of an aboveground
20 petroleum storage tank as defined in section 101.21,
21 located at a retail motor vehicle fuel outlet if the

22 aboveground storage tank is physically connected
 23 directly to pumps which dispense petroleum that is
 24 sold at the motor vehicle fuel outlet on a retail
 25 basis.

26 12. "Tank" means an underground storage tank
 27 subject to regulation under chapter 455G or an
 28 aboveground petroleum storage tank as defined in
 29 section 101.21, located at a retail motor vehicle fuel
 30 outlet if the aboveground storage tank is physically
 31 connected directly to pumps which dispense petroleum
 32 that is sold at the motor vehicle fuel outlet on a
 33 retail basis.

34 2. Page 2, by inserting after line 9, the
 35 following:

36 "Sec. ____ . Section 200 of this Act, being deemed
 37 of immediate importance, takes effect upon enactment."

38 3. Title page, line 4, by inserting after the
 39 word "fund" the following: "and relating to payment
 40 of the environmental protection charge by aboveground
 41 storage tanks and providing an effective date".

42 4. By renumbering as necessary.

DALE TIEDEN
 EMIL HUSAK

S-5725

1 Amend the House amendment, S-5699, to Senate File
 2 2316, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by striking lines 40 and 41.

5 2. By renumbering as necessary.

LINN FUHRMAN
 RICHARD V. RUNNING

S-5726

1 Amend the House amendment, S-5663, to Senate File
 2 2345, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 4, by inserting after line 2, the
 5 following:

6 " ____ . Page 18, by inserting after line 16, the
 7 following:

8 "Sec. ____ . Section 321A.29, Code 1991, is amended
 9 to read as follows:

10 321A.29 DURATION OF PROOF -- WHEN PROOF MAY BE
 11 CANCELED OR RETURNED.

12 1. The director shall upon request consent to the

13 immediate cancellation of any bond or certificate of
14 insurance, or the director shall direct and the state
15 treasurer shall return to the person entitled thereto
16 any money or securities deposited pursuant to this
17 chapter as proof of financial responsibility, or the
18 director shall waive the requirement of filing proof,
19 in any of the following events:

20 a. At any time after two years from the date such
21 proof was required the period of suspension or
22 revocation has expired when, during the two-year
23 period of suspension or revocation preceding the
24 request, the director has not received record of a
25 conviction or a forfeiture of bail which would require
26 or permit the suspension or revocation of the license,
27 registration, or nonresident's operating privilege of
28 the person by or for whom such proof was furnished;
29 or.

30 b. In the event of the death of the person on
31 whose behalf such proof was filed or the permanent
32 incapacity of such person to operate a motor vehicle;
33 or.

34 c. In the event the person who has given proof
35 surrenders the person's license and registration to
36 the director.

37 2. Provided, however, that Notwithstanding
38 subsection 1, the director shall not consent to the
39 cancellation of any bond or the return of any money or
40 securities in the event any action for damages upon a
41 liability covered by such proof is then pending or any
42 judgment upon any such liability is then unsatisfied,
43 or in the event the person who has filed such bond or
44 deposited such money or securities has within one year
45 immediately preceding such request been involved as an
46 operator or owner in any motor vehicle accident
47 resulting in injury or damage to the person or
48 property of others. An affidavit of the applicant as
49 to the nonexistence of such facts, or that the
50 applicant has been released from all of the

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1 applicant's liability, or has been finally adjudicated
2 not to be liable, for such injury or damage, shall be
3 sufficient evidence thereof in the absence of evidence
4 to the contrary in the records of the director.

5 3. Whenever If any person whose proof has been
6 canceled or returned under subsection 1, paragraph "c"
7 of subsection 1 of this section applies for a license
8 or registration within a period of two years from the
9 date of suspension or revocation during which the

10 proof was originally required, any such application
11 shall be refused unless the applicant shall re-
12 establish such proof for the remainder of the two-year
13 period of suspension or revocation.”

JIM LIND

S-5727

- 1 Amend House File 2399, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, lines 34 and 35, by striking the words
- 4 “paragraphs c and f, Code Supplement 1991, are” and
- 5 inserting the following: “paragraph f, Code
- 6 Supplement 1991, is”.
- 7 2. Page 3, by striking lines 1 through 21.
- 8 3. Page 4, line 14, by inserting after the word
- 9 “implement” the following: “, subject to the approval
- 10 of the commissioner of insurance.”
- 11 4. By renumbering as necessary.

AL STURGEON

S-5728

- 1 Amend House File 2250, 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 85.27, unnumbered paragraph 4,
- 6 Code 1991, is amended to read as follows:
- 7 For purposes of this section, the employer is
- 8 obliged to furnish reasonable services and supplies to
- 9 treat an injured employee, and has the right to choose
- 10 the care. The treatment must be offered promptly and
- 11 be reasonably suited to treat the injury without undue
- 12 inconvenience to the employee. If the employee has
- 13 reason to be dissatisfied with the care offered, the
- 14 employee should communicate the basis of such
- 15 dissatisfaction to the employer, in writing if
- 16 requested, following which the employer and the
- 17 employee may agree to alternate care reasonably suited
- 18 to treat the injury. If the employer and employee
- 19 cannot agree on such alternate care, the commissioner
- 20 may, upon application and reasonable proofs of the
- 21 necessity therefor, allow and order other care. In an
- 22 emergency, the employee may choose the employee's care
- 23 at the employer's expense, provided the employer or
- 24 the employer's agent cannot be reached immediately.
- 25 An application made under this paragraph shall be

26 considered an original proceeding for purposes of
27 commencement and contested case proceedings under
28 section 85.26. The hearing shall be conducted
29 pursuant to chapter 17A. Before a hearing is
30 scheduled, the parties may choose a telephone hearing
31 or an in-person hearing. A request for an in-person
32 hearing shall be approved unless the in-person hearing
33 would be impractical because of the distance between
34 the parties to the hearing. The industrial
35 commissioner shall issue a decision within ten days of
36 receipt of an application. The employer shall notify
37 an injured employee of the employee's ability to
38 contest the employer's choice of care pursuant to this
39 paragraph."

RICHARD RUNNING

S-5729

1 Amend amendment, S-5716, to Senate File 2359, as
2 follows:
3 1. Page 9, line 38, by inserting after the word
4 "board." the following: "Pending board action to
5 employ or to contract for the employment of a full-
6 time executive secretary under section 68B.10A,
7 subsection 5, the executive secretary of the campaign
8 finance disclosure commission, who is employed
9 pursuant to section 56.9, subsection 4, Code 1991,
10 shall be the acting executive secretary of the board.
11 Employees of the campaign finance disclosure
12 commission employed under the merit system provisions
13 of chapter 19A shall retain that status and remain as
14 employees of the board. Employees of the commission
15 exempt from the merit system provisions of chapter 19A
16 shall remain employees of the board pending action of
17 the board's designated executive secretary or
18 qualification as an employee under the merit system
19 provisions of chapter 19A."

RICHARD DRAKE

S-5730

1 Amend Senate File 2359 as follows:
2 1. Page 3, line 25, by striking the word
3 "contractor," and inserting the following:
4 "contractor or".
5 2. Page 3, lines 26 and 27, by striking the words

6 " , or an employee of a political subdivision of the
7 state".

RICHARD F. DRAKE

S-5731

- 1 Amend the amendment, S-5716, to Senate File 2359 as
2 follows:
- 3 1. Page 1, by striking lines 2 through 9 and
4 inserting the following:
5 " ____ . Page 1, line 32, by striking the word
6 "subdivisions" and inserting the following:
7 "subdivision"."
8 2. Page 1, by inserting after line 13 the follow-
9 ing:
10 " ____ . Page 4, by striking line 31."
11 3. Page 1, by striking lines 24 through 30.
12 4. By striking page 1, line 33, through page 2,
13 line 10, and inserting the following:
14 " ____ . Page 11, by striking lines 1 through 18."
15 5. Page 2, by striking lines 17 through 19 and
16 inserting the following:
17 " ____ . Page 12, line 3, by striking the figure
18 "1."
19 ____ . By striking page 12, line 11, through page
20 13, line 11, and inserting the following:
21 "contributions to a candidate under chapter 56."
22 6. Page 2, by inserting after line 43 the
23 following:
24 " ____ . Page 15, line 13, by inserting after the
25 word "from" the following: "funds appropriated by."
26 7. Page 3, by striking lines 4 through 9 and
27 inserting the following:
28 " ____ . Page 16, line 5, by striking the word "to".
29 ____ . Page 16, line 6, by inserting after the
30 figure "1993," the following: "to"."
31 8. Page 3, by inserting after line 12 the
32 following:
33 " ____ . Page 17, line 14, by inserting after the
34 word "assembly." the following: "This section shall
35 not apply, however, to exclude a lawyer if the lawyer
36 is not employed by the governor, the supreme court, or
37 the general assembly."
38 9. Page 3, by striking lines 20 through 25.
39 10. Page 3, by striking lines 35 and 36.
40 11. Page 4, by striking lines 45 and 46 and
41 inserting the following:
42 " ____ . Page 25, line 31, by striking the word
43 "Public" and inserting the following: "State".

44 ____ . Page 26, line 2, by striking the words
45 "candidate, public official, and" and inserting the
46 following: "candidate for state office, state
47 official, and state".
48 12. Page 5, line 3, by striking the word "person"
49 and inserting the following: "other state officials
50 or state employees".

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1 13. Page 5, line 4, by striking the word "does"
2 and inserting the following: "do".
3 14. By striking page 5, line 19, through page 8,
4 line 44, and inserting the following:
5 "Sec. ____ . NEW SECTION. 68B.11A ACTIONS
6 ENFORCED.
7 Actions to enforce the provisions of this chapter
8 shall be initiated by following the procedures for the
9 filing of complaints with the board."
10 15. Page 9, by striking lines 5 through 29 and
11 inserting the following:
12 "____ . Page 34, line 33, by inserting after the
13 word "office" the following: "or who is seeking
14 nomination to a state office as a result of a special
15 election".
16 ____ . Page 36, line 1, by striking the words "only
17 transfer campaign funds in" and inserting the
18 following: "transfer campaign funds in only"."
19 16. Page 9, by striking lines 48 through 50 and
20 inserting the following:
21 "____ . Page 41, line 2, by striking the words and
22 figures "Section 56.9, 56.10A, and 56.11" and
23 inserting the following: "Sections 56.9, 56.10A,
24 56.11, 68B.8, and 68B.9"."
25 17. By renumbering as necessary.

COMMITTEE ON ETHICS
JEAN LLOYD-JONES, Chairperson

S-5732

1 Amend the amendment, S-5728, to House File 2250, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 35, by striking the word "ten"
5 and inserting the following: "fourteen working".

PAUL D. PATE

S-5733

1 Amend the amendment, S-5728, to House File 2250, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 36, by inserting after the word
5 "application" the following: "for a telephone hearing
6 or within fourteen working days of receipt of an
7 application for an in-person hearing".

RICHARD RUNNING

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2287

S-5734

1 Amend the Senate amendment, H-5916, to House File
2 2287, as amended and passed by the House, as follows:

3 1. Page 1, line 17, by inserting after the word
4 "twelve" the following: ", and shall receive priority
5 for receipt of vocational education secondary funds".

6 2. Page 1, by striking lines 44 through 48.

7 3. Page 2, by striking lines 31 and 32.

8 4. Page 2, by striking lines 45 through 48.

9 5. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 547

S-5735

1 Amend the Senate amendment, H-5649, to House File
2 547, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 14, by inserting after the word
5 "goal" the following: "if at least thirty-five
6 percent of the waste reduction goal, required to be
7 met by July 1, 2000, pursuant to section 455D.3, is
8 met through volume reduction at the source and
9 recycling and reuse, as established pursuant to
10 section 455B.301A, subsection 1, paragraphs "a" and
11 "b".

S-5736

1 Amend Senate File 2359 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "DIVISION I

5 Section 1. Section 68B.1, Code 1991, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 68B.1 LEGISLATIVE INTENT.

9 It is the intent of the general assembly to create
10 a system through which ethical issues, including
11 matters of conduct of public officials and public
12 employees and issues related to the financing of
13 campaigns of elected public officials on the state and
14 local level, may be addressed in a fair, nonpolitical,
15 and open manner and which will allow state and local
16 officials and employees to seek advice when in doubt
17 as to the ethical propriety of specific action. The
18 Iowa ethics and campaign finance board is therefore
19 established to serve as an instrument for discipline,
20 redress, and guidance for persons elected to or
21 employed in positions within the executive and
22 legislative branches of state government and for
23 persons elected to or employed in positions in local
24 government. The supreme court is required to
25 prescribe rules establishing a code of ethics which is
26 substantially similar to the provisions of this
27 chapter which shall apply to those persons who are
28 subject to the administrative or disciplinary
29 authority of the supreme court.

30 Sec. 2. Section 68B.2, Code 1991, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 68B.2 DEFINITIONS.

34 As used in this chapter, unless the context
35 otherwise requires:

36 1. "Agency" means a department, division, board,
37 commission, bureau, or office of the executive or
38 legislative branch of state government, the office of
39 attorney general, the state board of regents,
40 community colleges, and the office of the governor,
41 including a regulatory agency, or any political
42 subdivision of the state.

43 2. "Anything of value" includes all of the
44 following:

45 a. A pecuniary item, including money, or a bank
46 bill or note.

47 b. A promissory note, bill of exchange, order,
48 draft, warrant, check, or bond given for the payment
49 of money.

50 c. A contract, agreement, promise, or other

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- 1 obligation for an advance conveyance, forgiveness of
2 indebtedness, deposit, distribution, loan payment,
3 gift, pledge, or transfer of money.
- 4 d. A stock, bond, note, or other investment
5 interest in an entity.
- 6 e. A receipt given for the payment of money or
7 other property.
- 8 f. A right in action.
- 9 g. A gift, tangible good, chattel, or an interest
10 in a gift, tangible good, or chattel.
- 11 h. A loan or forgiveness of indebtedness.
- 12 i. A work of art, antique, or collectible.
- 13 j. An automobile or other means of personal
14 transportation.
- 15 k. Real property or an interest in real property,
16 including title to realty, a fee simple or partial
17 interest, present or future, contingent or vested in
18 real property, a leasehold interest, or other
19 beneficial interest in real property.
- 20 l. An honorarium or compensation for services.
- 21 m. A rebate or discount unless the rebate or
22 discount is made in the ordinary course of business to
23 a member of the public without regard to that person's
24 status as a public official or public employee.
- 25 n. The sale or trade of something for reasonable
26 compensation that would ordinarily not be available to
27 a member of the public.
- 28 o. A promise or offer of employment.
- 29 p. Any other thing of value that is pecuniary or
30 compensatory in value to a person.
- 31 q. Any other thing determined to be of value in
32 rules adopted by the board.
- 33 3. "Board" means the Iowa ethics and campaign
34 finance board established in section 68B.10A.
- 35 4. "Candidate" means a candidate under chapter 56.
- 36 5. "Candidate's committee" means the committee
37 designated by the candidate, as provided under chapter
38 56, to receive contributions, expend funds, or incur
39 indebtedness on behalf of the candidate in the
40 aggregate as follows:
- 41 a. For a state, or county office, in excess of two
42 hundred fifty dollars in any calendar year.
- 43 b. For a city or school office, in excess of five
44 hundred dollars in any calendar year.
- 45 6. "Committee" includes a political committee and
46 a candidate's committee as defined in section 56.2.
- 47 7. "Compensation" means any money, thing of value,
48 or financial benefit conferred in return for services

49 rendered or to be rendered.

50 8. "Contribution" means a gift, loan, advance,

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1 deposit, rebate, refund, transfer of money, an in-kind
2 transfer, or the payment of compensation for the
3 personal services of another person.

4 9. a. "Gift" means a rendering of anything of
5 value in return for which legal consideration of equal
6 or greater value is not given and received, if the
7 donor is in any of the following categories:

8 (1) Is doing or seeking to do business of any kind
9 with the donee's agency.

10 (2) Is engaged in activities which are regulated
11 or controlled by the donee's agency.

12 (3) Has financial interests which may be
13 substantially and materially affected, in a manner
14 distinguishable from the public generally, by the
15 performance or nonperformance of the donee's official
16 duty.

17 (4) Is a lobbyist with respect to matters within
18 the donee's jurisdiction.

19 b. However, "gift" does not mean any of the
20 following:

21 (1) Contributions to a candidate or a candidate's
22 committee.

23 (2) Informational material relevant to a public
24 servant's official functions, such as books,
25 pamphlets, reports, documents, or periodicals.

26 (3) Anything received from a person related within
27 the fourth degree by kinship or marriage, unless the
28 donor is acting as an agent or intermediary for
29 another person not so related.

30 (4) An inheritance.

31 (5) Anything available or distributed to the
32 public generally without regard to the official status
33 of the recipient.

34 (6) Actual expenses of a donee for food,
35 beverages, travel, and lodging for a meeting, which is
36 given in return for participation in a panel or
37 speaking engagement at the meeting when the expenses
38 relate directly to the day or days on which the donee
39 has participation or presentation responsibilities.

40 (7) Plaques or items of negligible resale value
41 given as recognition for public services.

42 (8) Items with a cumulative retail value of less
43 than three dollars that are received from any one
44 donor during one calendar day.

45 (9) Items solicited or given to any national or

46 regional organization in which states or political
47 subdivisions are members.
48 (10) Items received as part of a regularly
49 scheduled event that is part of a conference, seminar,
50 or other meeting that is sponsored and directed by any

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1 national or regional organization in which states or
2 political subdivisions are members.

3 10. a. "Honorarium" means anything of value that
4 is accepted by, or on behalf of, a public official or
5 public employee as consideration for an appearance,
6 speech, or article if the person giving the thing of
7 value is in any of the following categories:

8 (1) Is doing or seeking to do business of any kind
9 with the agency in which the public official or public
10 employee serves or is employed.

11 (2) Is engaged in activities which are regulated
12 or controlled by the public official's or public
13 employee's agency.

14 (3) Has financial interests which may be
15 substantially and materially affected, in a manner
16 distinguishable from the public generally, by the
17 performance or nonperformance of the public official's
18 or public employee's official duties.

19 (4) Is a lobbyist with respect to matters within
20 the public official's or public employee's
21 jurisdiction.

22 b. "Honorarium" does not include either of the
23 following:

24 (1) Actual expenses of a donee for food,
25 beverages, travel, and lodging paid as provided under
26 subsection 9, paragraph "b", subparagraph (6).

27 (2) A nonmonetary gift or series of nonmonetary
28 gifts donated within thirty days to a public body, a
29 bona fide educational or charitable organization, or
30 the department of general services as provided in
31 section 68B.7B, subsection 3.

32 11. "Immediate family members" means the spouse
33 and minor children of a public official or public
34 employee.

35 12. "Legislative employee" means a full-time
36 official or employee of the general assembly but does
37 not include members of the general assembly.

38 13. "Lobby" means to advocate the passage or
39 defeat of a measure.

40 14. a. "Lobbyist" means a person who does any of
41 the following:

42 (1) Is paid compensation for encouraging the

43 passage, defeat, or modification of legislation or
44 regulation, or for influencing the decision of the
45 members of the general assembly, a state agency, or
46 any statewide elected official.
47 (2) Represents on a regular basis an organization
48 which has as one of its purposes the encouragement of
49 the passage, defeat, or modification of legislation or
50 regulation, or the influencing of a decision of the

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1 members of the general assembly, a state agency, or
2 any statewide elected official.
3 b. "Lobbyist" does not mean:
4 (1) Officials and employees of a political party
5 organized in the state of Iowa representing more than
6 two percent of the total votes cast for governor in
7 the last preceding general election, but only when
8 representing the political party in an official
9 capacity.
10 (2) Representatives of the news media only when
11 engaged in the reporting and dissemination of news and
12 editorials.
13 (3) The governor and lieutenant governor of the
14 state of Iowa, all other statewide elected officials,
15 and elected federal officials.
16 (4) Persons whose activities are limited to formal
17 appearances to give testimony at public sessions of
18 committees of the general assembly or public hearings
19 of state agencies and whose appearances as a result of
20 testifying, are recorded in the records of the
21 committee or agency.
22 (5) A person who appears or communicates as a
23 lawyer licensed to practice law in this state
24 representing a client before any agency or in a
25 contested case proceeding under chapter 17A.
26 15. "Local employee" means a person employed by a
27 political subdivision of this state.
28 16. "Local official" means an officeholder of a
29 political subdivision of this state.
30 17. "Measure" means a bill, joint resolution,
31 concurrent resolution, amendment, nomination, or other
32 matter which has been proposed to or which is pending
33 before the general assembly or any of its committees
34 or subcommittees.
35 18. "Member of the general assembly" means an
36 individual duly elected to the senate or the house of
37 representatives of the state of Iowa.
38 19. "Official" means an officer of the state of
39 Iowa receiving a salary or per diem whether elected or

40 appointed or whether serving full-time or part-time
41 but does not include officers or employees of
42 political subdivisions of the state. "Official"
43 includes but is not limited to supervisory personnel,
44 members and employees of the governor's office,
45 members of other statewide elected offices, and
46 members of state agencies and does not include members
47 of the general assembly, legislative employees, or
48 officers or employees of the judicial branch of
49 government who are not members or employees of the
50 office of attorney general.

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- 1 20. "Person" means, without limitation, any
2 individual, corporation, business trust, estate,
3 trust, partnership or association, labor union, or any
4 other legal entity.
- 5 21. "Political committee" means political
6 committee as defined in section 56.2.
- 7 22. "Public disclosure" means a written report
8 filed with the board by a person as required by this
9 chapter or required by rules adopted by the board and
10 issued pursuant to this chapter.
- 11 23. "Public employee" means state employees,
12 legislative employees, and local employees.
- 13 24. "Public funds" means funds appropriated by the
14 general assembly or funds obtained from other tax
15 revenues of this state.
- 16 25. "Public office" means any state, county, city,
17 or school office or any other office of a political
18 subdivision of the state that is filled by election.
- 19 26. "Public official" means officials, local
20 officials, and members of the general assembly.
- 21 27. "Regulatory agency" means the department of
22 agriculture and land stewardship, department of
23 employment services, department of commerce, Iowa
24 department of public health, department of public
25 safety, department of education, state board of
26 regents, department of human services, department of
27 revenue and finance, department of inspections and
28 appeals, department of personnel, public employment
29 relations board, state department of transportation,
30 civil rights commission, department of public defense,
31 and department of natural resources.
- 32 28. "State employee" means a paid employee of the
33 state of Iowa and does not include an independent
34 contractor, an employee of the judicial department, a
35 legislative employee, or an employee of a political
36 subdivision of the state. "State employee" includes

37 but is not limited to all clerical personnel.

38 Sec. 3. Section 68B.3, Code 1991, is amended by
39 striking the section and inserting in lieu thereof the
40 following:

41 **68B.3 WHEN PUBLIC BIDS REQUIRED - DISCLOSURE OF**
42 **INCOME FROM OTHER SALES.**

43 1. An official, state employee, member of the
44 general assembly, or legislative employee shall not
45 sell, in any one occurrence, any goods or services
46 having a value in excess of five hundred dollars to
47 any state agency unless the sale is made pursuant to
48 an award or contract let after public notice and
49 competitive bidding. The board may, however, grant a
50 waiver of the requirements of this subsection upon a

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1 showing of good cause by the official, state employee,
2 member of the general assembly, or legislative
3 employee. This subsection shall not apply to the
4 publication of resolutions, advertisements, or other
5 legal propositions or notices in newspapers designated
6 pursuant to law for the publication of legal
7 propositions or notices and for which rates are fixed
8 pursuant to law.

9 For purposes of this section, "services" does not
10 include instruction at an accredited education
11 institution if the person providing the instruction
12 meets the minimum education and licensing requirements
13 established for teachers at the education institution.

14 2. An official, state employee, member of the
15 general assembly, or legislative employee who sells
16 goods or services to a political subdivision of the
17 state shall disclose whether income has been received
18 from commissions from the sales in the manner and on
19 forms provided by the board under section 68B.10F.

20 **Sec. 4. NEW SECTION. 68B.4A SALES BY LEGISLATIVE**
21 **EMPLOYEES.**

22 A full-time legislative employee shall not sell,
23 either directly or indirectly, any goods or services
24 to individuals, associations, or corporations which
25 employ persons who are registered lobbyists before the
26 general assembly, except when the legislative employee
27 has met all of the following conditions:

28 1. The consent of the person or persons
29 responsible for hiring or approving the hiring of the
30 legislative employee is obtained.

31 2. The duties and functions performed by the
32 legislative employee for the general assembly are not
33 related to the legislative authority of the general

34 assembly over the individual, association, or
35 corporation, or the selling of goods or services by
36 the legislative employee to the individuals,
37 associations, or corporations does not affect the
38 employee's duties or functions at the general
39 assembly.

40 3. The selling of any goods or services by the
41 legislative employee to an individual, association, or
42 corporation does not include lobbying of the general
43 assembly.

44 4. The selling of any goods or services by the
45 legislative employee does not cause the official or
46 employee to sell goods or services to the general
47 assembly on behalf of the individual, association, or
48 corporation.

49 Sec. 5. NEW SECTION. 68B.4B SALES BY MEMBERS OF
50 THE OFFICE OF THE GOVERNOR.

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1 A full-time member of the office of the governor
2 shall not sell, either directly or indirectly, any
3 goods or services to individuals, associations, or
4 corporations which employ persons who are registered
5 lobbyists before the general assembly, except when the
6 member of the office of the governor has met all of
7 the following conditions:

8 1. The consent of the person or persons
9 responsible for hiring or approving the hiring of the
10 member of the office of the governor is obtained.

11 2. The duties and functions performed by the
12 member for the office of the governor are not related
13 to the authority of the office of the governor over
14 the individual, association, or corporation, or the
15 selling of goods or services by the member of the
16 office of the governor to the individuals,
17 associations, or corporations does not affect the
18 member's duties or functions at the office of the
19 governor.

20 3. The selling of any goods or services by the
21 member of the office of the governor to an individual,
22 association, or corporation does not include lobbying
23 of the office of the governor.

24 4. The selling of any goods or services by the
25 member of the office of the governor does not cause
26 the member to sell goods or services to the office of
27 the governor on behalf of the individual, association,
28 or corporation.

29 Sec. 6. Section 68B.5, Code 1991, is amended by
30 striking the section and inserting in lieu thereof the

31 following:

32 68B.5 TWO-YEAR BAN ON LOBBYING ACTIVITIES AFTER
33 SERVICE.

34 1. A person who has served as an official, state
35 employee, member of the general assembly, or
36 legislative employee shall not within two years after
37 the termination of service or employment become a
38 lobbyist.

39 2. Upon application, the board may grant a waiver
40 to permit a state employee or legislative employee to
41 become a lobbyist if the board finds that there exists
42 no potential for use of undue influence or unfair
43 advantage by the former employee based upon the nature
44 and extent of the prior governmental service of the
45 former employee.

46 3. This section shall not apply to a person who is
47 a former official, state employee, member of the
48 general assembly, or legislative employee who, within
49 two years of leaving service or employment with the
50 state, is elected to another office of the state or to

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1 an office of a political subdivision of the state and
2 appears or communicates on behalf of that office.
3 Sec. 7. Section 68B.6, Code 1991, is amended to
4 read as follows:

5 68B.6 SERVICES AGAINST STATE PROHIBITED.

6 No official, state employee, or legislative
7 employee shall receive, directly or indirectly, or
8 enter into any agreement, express or implied, for any
9 compensation, in whatever form, for the appearance or
10 rendition of services by that person or another
11 against the interest of the state in relation to any
12 case, proceeding, application, or other matter before
13 any state agency, any court of the state of Iowa, any
14 federal court, or any federal bureau, agency,
15 commission or department.

16 Sec. 8. NEW SECTION. 68B.6A USE OF PUBLIC FUNDS
17 --GOVERNMENT LOBBYING PROHIBITED.

18 Public funds shall not be used to lobby. This
19 provision does not prohibit the use of public funds
20 for dissemination of factual information relative to a
21 measure upon the request of the chairperson of the
22 appropriate standing committee or subcommittee of the
23 general assembly, or upon the request of an elected
24 member of the general assembly.

25 Lobbying by a government employee, other than an
26 elected official or the elected official's designee,
27 at a time when the employee is on official business or

28 is performing duties for which the employee receives a
29 salary paid with public funds, constitutes a use of
30 public funds prohibited by this section.

31 A person who violates this section is guilty of a
32 serious misdemeanor.

33 Sec. 9. Section 68B.7, unnumbered paragraph 1,
34 Code 1991, is amended to read as follows:

35 ~~No~~ A person who has served as an official, or state
36 employee of a state agency, member of the general
37 assembly, or legislative employee shall not within a
38 period of two years after the termination of such
39 service or employment appear before such state the
40 agency or receive compensation for any services
41 rendered on behalf of any person, firm, corporation,
42 or association in relation to any case, proceeding, or
43 application with respect to which such the person was
44 directly concerned and personally participated during
45 the period of service or employment.

46 DIVISION II

47 Sec. 10. NEW SECTION. 68B.7A LEGISLATIVE INTENT.

48 It is the goal of the general assembly that public
49 officials and public employees of the state be
50 extremely cautious and circumspect about accepting a

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-1 gratuity or favor, especially from persons that have a
2 substantial interest in the legislative,
3 administrative, or political actions of the official
4 or employee. Even where there is a genuine personal
5 friendship, the acceptance of personal benefits from
6 those who could gain advantage by influencing official
7 actions raises suspicions that tend to undermine the
8 public trust. It is therefore the intent of the
9 general assembly that the provisions of this division
10 be construed to discourage all gratuities, but to
11 prohibit only those that create unacceptable conflicts
12 of interest or appearances of impropriety.

13 Sec. 11. NEW SECTION. 68B.7B GIFTS ACCEPTED OR
14 RECEIVED.

15 1. Except as otherwise provided in this section, a
16 public official, public employee, or candidate, or
17 that person's immediate family member shall not,
18 directly or indirectly, accept or receive any gift or
19 series of gifts.

20 2. Except as otherwise provided in this section, a
21 person shall not, directly or indirectly, offer or
22 make a gift or a series of gifts to a public official,
23 public employee, or candidate. Except as otherwise
24 provided in this section, a person shall not, directly

25 or indirectly, join with one or more other persons to
26 offer or make a gift or a series of gifts to a public
27 official, public employée, or candidate.

28 3. A person may give, and a public official,
29 public employee, or candidate, or the person's
30 immediate family member, may accept a nonmonetary gift
31 or a series of nonmonetary gifts and not be in
32 violation of this section if the nonmonetary gift or
33 series of nonmonetary gifts is donated within thirty
34 days to a public body, the department of general
35 services, or a bona fide educational or charitable
36 organization, if no part of the net earnings of the
37 educational or charitable organization inures to the
38 benefit of any private stockholder or other
39 individual. All such items donated to the department
40 of general services shall be disposed of by assignment
41 to state agencies for official use or by public sale.

42 4. Gifts of food and drink, with an annual
43 cumulative value of thirty-five dollars or less per
44 donee, consumed in the presence of the donor, may be
45 received or accepted from any one donor by a public
46 official, public employee, candidate, or member of the
47 person's immediate family provided that the person
48 receiving or accepting the gifts of food and drink
49 reports the receipt or acceptance of any items
50 received at any one time in the manner provided by the

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1 board. Gifts given to or received by a member of a
2 public official's, public employee's, or candidate's
3 immediate family shall be deemed to have been given to
4 the public official, public employee, or candidate,
5 for purposes of calculating the amount of gifts
6 received. All gifts made by a lobbyist or other
7 representative of an organization shall be deemed to
8 have been made by the lobbyist or the representative
9 and the client, organization, and any affiliate of the
10 client or organization that the lobbyist or the
11 representative represents.

12 5. Gifts of food, beverages, travel, and lodging
13 which would otherwise be prohibited may be received by
14 a public official or public employee if:

15 a. The public official or public employee is
16 officially representing an agency in a delegation
17 whose sole purpose is to attract a specific new
18 business to locate in the state or encourage expansion
19 or retention of an existing business already
20 established in the state.

21 b. The donor of the gifts is not the business

22 being contacted.

23 c. The public official or public employee makes a
24 planned presentation to the business on behalf of the
25 public official's or public employee's agency.

26 d. A report of the gifts received by the public
27 official or public employee is filed with the board.
28 The board shall adopt rules regarding the
29 confidentiality of the report.

30 6. A public official, public employee, candidate,
31 or the person's immediate family member shall not
32 solicit any gift or series of gifts at any time.

33 7. A person shall not request, and a member of the
34 general assembly shall not agree, that a member of the
35 general assembly sell tickets for a community related
36 social event that is to be held for members of the
37 general assembly in Polk county during the legislative
38 session. This section shall not apply to Polk county
39 or city of Des Moines events that are open to the
40 public generally or are held only for Polk county or
41 city of Des Moines legislators.

42 Sec. 12. NEW SECTION. 68B.7C HONORARIA --
43 EXPENSES.

44 1. A public official or public employee shall not
45 seek or accept an honorarium as defined in section
46 68B.2. This section does not prohibit a public
47 official or public employee from accepting an
48 honorarium from a governmental entity from another
49 state, from a university from another state, or from a
50 nonprofit educational or civic institution from

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1 another state, provided that the amount paid is
2 reasonable and commensurate with the services to be
3 performed and that the circumstances under which the
4 services are to be performed do not create a conflict
5 of interest or appearance of impropriety.

6 2. A public official or public employee may accept
7 an honorarium otherwise prohibited under subsection 1,
8 if, prior to the receipt of the honorarium, the board
9 grants the person a waiver of the requirements of this
10 section that is based upon a finding that the offering
11 and acceptance of the honorarium meets all of the
12 following conditions:

13 a. The amount of the honorarium is reasonable and
14 commensurate with the services to be performed.

15 b. The receipt of the honorarium will not create
16 the appearance of impropriety.

17 c. The receipt of the honorarium will not create a
18 conflict of interest for the official or employee.

19 d. The public official or public employee is not
20 being invited primarily because of the person's office
21 or particular position of employment but, because of
22 some special expertise or other qualification.

23 3. Honoraria received under subsection 2 shall be
24 disclosed in the manner provided by the board under
25 section 68B.10B, subsection 2.

26 Sec. 13. NEW SECTION. 68B.7D LOANS -- RECEIPT
27 FROM LOBBYISTS PROHIBITED.

28 A public official, public employee, or candidate
29 shall not, directly or indirectly, seek or accept a
30 loan or series of loans from a person who is a
31 lobbyist.

32 A lobbyist shall not, directly or indirectly, offer
33 or make a loan or series of loans to a public
34 official, public employee, or candidate. A lobbyist
35 shall also not, directly or indirectly, join with one
36 or more persons to offer or make a loan or series of
37 loans to a public official, public employee, or
38 candidate.

39 Sec. 14. Section 68B.8, Code 1991, is amended to
40 read as follows:

41 68B.8 ADDITIONAL PENALTY.

42 In addition to any penalty contained in any other
43 provision of law, a person who knowingly and
44 intentionally violates a provision of ~~section 68B.3~~ to
45 68B.6 sections 68B.3 through 68B.7C is guilty of a
46 serious misdemeanor and may be reprimanded, suspended,
47 or dismissed from the person's position or otherwise
48 sanctioned.

49 DIVISION III

50 Sec. 15. Section 68B.10, Code 1991, is amended to

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1 read as follows:

2 68B.10 LEGISLATIVE ETHICS COMMITTEE.

3 1. There shall be an ethics committee in the
4 senate and an ethics committee in the house, each to
5 consist of seven ~~six~~ members; three members to be
6 appointed by the majority leader in each house, two
7 and three members by the minority leader in each house
8 and two individuals who shall not be employees of the
9 general assembly by the chief justice of the Iowa
10 supreme court. A member of the ethics committee may
11 disqualify himself or herself from participating in
12 any proceeding upon submission of a written statement
13 that the member cannot render an impartial and
14 unbiased decision in a case. A member is ineligible
15 to participate in committee meetings, as a member of

16 the committee, in any proceeding relating to the
 17 member's own conduct. A member may be disqualified by
 18 a unanimous vote of the remaining eligible members of
 19 the committee. If a member of the ethics committee is
 20 disqualified from or is ineligible to participate in
 21 any committee proceedings, the authority responsible
 22 for the original appointment of the disqualified or
 23 ineligible member shall appoint a replacement member
 24 who shall serve during the period of the original
 25 member's disqualification or ineligibility.

26 The two individuals appointed by the chief justice
 27 of the supreme court shall receive a per diem as
 28 specified in section 7E.6 and travel expenses at the
 29 same rate as paid members of interim committees for
 30 attending meetings of the ethics committee:

31 2. Members of the general assembly shall receive a
 32 per diem as specified in section 7E.6 and travel
 33 expenses at the same rate as paid members of interim
 34 committees for attending meetings held when the
 35 general assembly is not in session. The per diem and
 36 expenses shall be paid from funds appropriated by
 37 section 2.12.

38 The president pro tempore of the senate is
 39 designated as chairperson of the senate committee.

40 3. The house committee of each house shall elect a
 41 chairperson. The chairperson of each committee shall
 42 have the following powers, duties and functions:

43 a. Preside over meetings of the committee.

44 b. Call meetings of the committee upon receipt of
 45 recommendations from the board relating to findings of
 46 ethical violations of members of the general assembly.

47 4. The ethics committee of each house shall have
 48 the following powers, duties, and functions:

49 1: Prepare a code of ethics within thirty days
 50 after the commencement of the session:

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1 2: Prepare rules relating to lobbyists and
 2 lobbying activities in the general assembly.

3 3: Issue advisory opinions interpreting the intent
 4 of constitutional and statutory provisions relating to
 5 legislators and lobbyists as well as interpreting the
 6 code of ethics and rules issued pursuant to this
 7 section. Opinions shall be issued when approved by a
 8 majority of the seven members and may be issued upon
 9 the written request of a member of the general
 10 assembly or upon the committee's initiation. Opinions
 11 are not binding on the legislator or lobbyist:

12 4: a. Receive and investigate complaints and

13 charges against members of its house alleging a
14 violation of the code of ethics, rules governing
15 lobbyists, this chapter, or other matters referred to
16 it by its house or the board. The committee shall
17 recommend rules for the receipt and processing of
18 complaints made recommendations received relating to
19 findings of ethical violations of members of the
20 general assembly during the legislative session and
21 those made received after the general assembly
22 adjourns.

23 5 b. Recommend legislation relating to legislative
24 ethics and lobbying activities.
25 PARAGRAPH DIVIDED. The ethics committees may
26 employ independent legal counsel to assist them in
27 carrying out their duties under this chapter with the
28 approval of a committee's house when the general
29 assembly is in session and with the approval of the
30 rules and administration committee charged with the
31 responsibility for the administration of that house
32 when the general assembly is not in session. Payment
33 of costs for the independent legal counsel shall be
34 made from section 2.12.

35 The code of ethics and rules relating to lobbyists
36 and lobbying activities shall not become effective
37 until approved by the members of the house to which
38 the proposed code and rules apply. The code or rules
39 may be amended either upon the recommendation of the
40 ethics committee or by members of the general
41 assembly.

42 Violation of the code of ethics or recommendations
43 received from the board may result in censure,
44 reprimand, or other sanctions as determined by a
45 majority of the member's house. However, a member may
46 be suspended or expelled and the member's salary
47 forfeited only if directed by a two-thirds vote of the
48 member's house. A suspension, expulsion, or
49 forfeiture of salary shall be for the duration
50 specified in the directing resolution. However, it

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1 shall not extend beyond the end of the general
2 assembly during which the violation occurred.
3 Violation of a rule relating to lobbyists and lobbying
4 activities may result in censure, reprimand, or other
5 sanctions as determined by a majority of the members
6 of the house in which the violation occurred.
7 However, a lobbyist may be suspended from lobbying
8 activities for the duration provided in the directing
9 resolution only if directed by a two-thirds vote of

10 the house in which the violation occurred.

11 Sec. 16. NEW SECTION. 68B.10A IOWA ETHICS AND
12 CAMPAIGN FINANCE BOARD -- ESTABLISHED.

13 1. An Iowa ethics and campaign finance board is
14 established as an independent agency. Effective
15 January 1, 1993, the board shall administer and set
16 standards for, investigate complaints relating to, and
17 monitor the ethics and campaign finance practices of
18 officials and employees in the executive and
19 legislative branches of state government, of local
20 officials and employees in local government, and of
21 candidates for public office, and monitor and set
22 standards for the conduct of lobbyists. The board
23 shall consist of twelve members of the general public
24 who shall be appointed as follows:

25 a. Four members to be appointed by the governor,
26 not more than two of whom shall be of the same gender
27 or political party. One of the members shall be a
28 former elected public official.

29 b. Four members, one of whom shall be a member of
30 the majority party appointed by the president of the
31 senate, one of whom shall be a member of the minority
32 party appointed by the minority leader of the senate,
33 one of whom shall be a member of the majority party
34 appointed by the speaker of the house of
35 representatives, and one of whom shall be a member of
36 the minority party appointed by the minority leader of
37 the house of representatives. Not more than two of
38 the members appointed under this paragraph shall be of
39 the same gender. One of the members shall be a former
40 elected public official.

41 c. Four members to be appointed by the chief
42 justice of the supreme court, not more than two of
43 whom shall be of the same gender or political party.
44 One of the members shall be a former elected public
45 official.

46 2. Members shall serve staggered six-year terms
47 beginning and ending as provided in section 69.19.
48 Any vacancy on the board shall be filled by
49 appointment for the unexpired portion of the term,
50 within ninety days of the vacancy and in accordance

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1 with the procedures for regular appointments. A
2 member of the board may be reappointed to serve
3 additional terms on the board. However, no member
4 shall serve more than two full terms on the board.
5 Members may be removed in the manner provided in
6 chapter 69. A member or employee of the board shall

7 also meet all of the following criteria:

8 a. The member or employee shall not hold or be a
9 candidate for any other public office while the person
10 is a member or employee of the board.

11 b. The member or employee shall not hold office in
12 any political party or political committee or
13 candidate's committee.

14 c. The member shall not be an employee of or be
15 directly responsible to the member's appointing
16 authority. An employee of the board shall not be an
17 employee of or be directly responsible to the
18 governor, the supreme court, or the general assembly.

19 3. The board shall annually elect one member to
20 serve as the chairperson of the board and one member
21 to serve as vice chairperson. The vice chairperson
22 shall act as the chairperson in the absence or
23 disability of the chairperson or in the event of a
24 vacancy in that office. The chairperson shall, in
25 addition to other responsibilities assigned by the
26 board, be responsible for calling for and presiding at
27 regular meetings or special proceedings of the board.
28 Seven members of the board shall constitute a quorum.
29 An affirmative vote of a majority of the members of
30 the board is required for any official action or
31 recommendation of the full board. The quorum and
32 voting requirements shall not, however, preclude the
33 formation of subcommittees of the board for purposes
34 of developing and making recommendations to the full
35 board for official action.

36 4. Members of the board shall receive a per diem
37 as specified in section 7E.6 while conducting business
38 of the board, and payment of actual and necessary
39 expenses incurred in the performance of their duties.
40 Members of the board shall file statements of
41 financial interest under section 68B.10F.

42 5. The board shall employ a full-time executive
43 secretary who shall be the board's chief
44 administrative officer. The board shall employ or
45 contract for the employment of legal counsel
46 notwithstanding section 13.7, and any other personnel
47 as may be necessary to carry out the duties of the
48 board. The board's legal counsel shall be the chief
49 legal officer of the board, shall advise the board on
50 all legal matters, and, upon the instructions of the

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1 board, may commence any actions as may be appropriate.
2 Notwithstanding section 19A.3, all of the board's
3 employees, except for the executive secretary and

4 legal counsel, shall be employed subject to the merit
5 system provisions of chapter 19A.

6 Sec. 17. NEW SECTION. 68B.10B DUTIES OF THE
7 BOARD.

8 The duties of the board shall include, but are not
9 limited to, all of the following:

10 1. Adopt rules pursuant to chapter 17A and conduct
11 hearings under section 68B.10C and chapter 17A, as
12 necessary to carry out the purposes of this chapter
13 and chapter 56.

14 2. Develop, prescribe, furnish, and distribute any
15 forms necessary for the implementation of the
16 procedures contained in this chapter and chapter 56
17 for the filing of reports and statements by persons
18 required to file the reports and statements under this
19 chapter and chapter 56.

20 3. Review the contents of all disclosure reports
21 and statements filed with the board and promptly
22 advise each person or committee of errors found. The
23 board may verify information contained in the reports
24 with other parties to assure accurate disclosure. The
25 board, upon its own motion, may initiate action and
26 conduct a hearing relating to requirements under this
27 chapter or chapter 56. The board may require a county
28 commissioner of elections to periodically file summary
29 reports with the board.

30 4. Prepare and publish a manual setting forth
31 examples of approved uniform systems of accounts and
32 approved methods of disclosure for use by persons
33 required to file statements and reports under this
34 chapter and chapter 56. The board shall also prepare
35 and publish other educational materials, and any other
36 reports or materials deemed appropriate by the board,
37 and conduct regular educational programs for public
38 officials and employees, lobbyists, and candidates for
39 public office relating to the requirements imposed
40 upon public officials and employees, lobbyists, and
41 candidates for public office under this chapter and
42 chapter 56. The board shall at least annually provide
43 all public officials and public employees with
44 notification of the contents of this chapter and
45 chapter 56 by distributing copies of educational
46 materials to associations that represent the interests
47 of the various governmental entities for dissemination
48 to their membership.

49 5. Assure that the statements and reports which
50 have been filed in accordance with this chapter and

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1 chapter 56 are available for public inspection and
2 copying during the regular office hours of the office
3 in which they are filed and not later than by the end
4 of the day during which a report or statement was
5 received. Rules adopted relating to public inspection
6 and copying of statements and reports may include a
7 charge for any copying and mailing of the reports and
8 statements, shall provide for the mailing of copies
9 upon the request of any person and upon prior receipt
10 of payment of the costs by the board, and shall
11 prohibit the use of the information copied from
12 reports and statements for soliciting contributions or
13 for any commercial purpose by any person other than
14 statutory political committees.

15 6. Require that the candidate of a candidate's
16 committee, or the chairperson of a political
17 committee, is responsible for filing disclosure
18 reports under chapter 56, and shall receive notice
19 from the board if the committee has failed to file a
20 disclosure report at the time required under chapter
21 56. A candidate of a candidate's committee, or the
22 chairperson of a political committee may be subject to
23 a civil penalty for failure to file a disclosure
24 report required under section 56.6, subsection 1.

25 7. Establish and impose penalties, and
26 recommendations for punishment of persons who are
27 subject to penalties of or punishment by the board or
28 by other bodies, for the failure to comply with the
29 requirements of this chapter or chapter 56.

30 8. Determine, in case of dispute, at what time a
31 person has become a candidate.

32 9. Preserve reports and statements filed with the
33 board for a period of five years from the date of
34 receipt.

35 10. Establish a procedure for requesting and
36 issuing formal and informal board opinions to persons
37 subject to the authority of the board under this
38 chapter or chapter 56. Advice contained in formal
39 board opinions shall, if followed, constitute a
40 defense to a complaint alleging a violation of this
41 chapter, chapter 56, or rules of the board that is
42 based on the same facts and circumstances.

43 11. Establish rules relating to ethical conduct
44 for persons holding a public office of the state or a
45 political subdivision, including candidates, and for
46 employees of the legislative and executive branch of
47 state government and of political subdivisions of the
48 state and regulations governing the conduct of

49 lobbyists, including but not limited to conflicts of
50 interest, abuse of office, misuse of public property,

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1 use of confidential information, participation in
2 matters in which a public official or employee has a
3 financial interest, and rejection of improper offers.

4 12. Establish fees, where necessary, to cover the
5 costs associated with preparing, printing, and
6 distributing materials to persons subject to the
7 authority of the board.

8 Sec. 18. NEW SECTION. 68B.10C COMPLAINTS --
9 PROCEDURE.

10 1. Any person may file a complaint alleging that a
11 public official, public employee, candidate for public
12 office, or a lobbyist has committed a violation of
13 this chapter, chapter 56, or the rules adopted by the
14 board. The board shall prescribe and provide forms
15 for this purpose. The complaint shall include the
16 name and address of the complainant and a statement of
17 the facts believed to be true that form the basis of
18 the complaint, including the sources of information
19 and approximate dates of the acts alleged and a
20 certification by the complainant under penalty of
21 perjury that the facts stated to be true are true to
22 the best of the complainant's knowledge.

23 2. Unless the chairperson of the board concludes
24 that immediate notification would prejudice a
25 preliminary investigation or subject the complainant
26 to an unreasonable risk, a copy of the complaint, upon
27 the filing of the complaint, shall be mailed to the
28 party charged with a violation. If a determination is
29 made by the chairperson not to notify the party
30 charged within a period of ten days after the filing
31 of the complaint of the existence and the filing of
32 the complaint, the board must approve and establish
33 the time and conditions under which the party charged
34 will be informed of the filing and contents of the
35 complaint.

36 3. a. The board staff shall review the complaint
37 to determine if the complaint meets the requirements
38 for formal sufficiency. If the complaint is
39 deficient, the complaint shall be returned to the
40 complainant with a statement of the nature of the
41 deficiency. If the complaint is sufficient as to
42 form, the complaint shall be evaluated by legal
43 counsel for the board.

44 b. The board's legal counsel shall advise the
45 chairperson of the board whether the complaint states

46 a valid charge which may be investigated. A valid
47 complaint must allege all of the following:

48 (1) Facts, that if true, establish a violation of
49 a provision of this chapter, chapter 56, or the rules
50 adopted by the board for which civil penalties or

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1 other remedies are provided.

2 (2) That the conduct providing the basis for the
3 complaint occurred within three years of the
4 complaint.

5 (3) That the party charged with a violation is a
6 party subject to the jurisdiction of the board.

7 c. Upon receiving legal counsel's evaluation of
8 the validity of the complaint, the chairperson shall
9 refer the complaint to the board, in the manner
10 provided under rules adopted by the board, for a
11 determination of the substantive validity of the
12 complaint.

13 d. If the board determines the complaint is not
14 valid, the complaint shall be dismissed and returned
15 to the complainant with a notice of dismissal stating
16 the reason or reasons for the dismissal. If the board
17 determines that the complaint is valid it shall be
18 referred to the board staff for investigation.

19 e. The board may also, without the filing of a
20 complaint, initiate investigations on the board's own
21 motion into matters subject to the board's
22 jurisdiction.

23 4. The purpose of an investigation by the board
24 and board staff is to determine whether there is
25 probable cause to proceed with an adjudicatory hearing
26 on the matter. In conducting investigations and
27 holding hearings, the board may require by subpoena
28 the attendance and testimony of witnesses and may
29 subpoena books, papers, records, and any other real
30 evidence relating to the matter before the board. The
31 board shall have the additional authority provided in
32 section 17A.13. Hearings conducted by the board shall
33 be conducted in the manner prescribed in section
34 17A.12. The rules of evidence applicable under
35 section 17A.14 shall also apply in hearings conducted
36 by the board. A preponderance of clear and convincing
37 evidence shall be required to support a finding that
38 the person, candidate, or committee has committed a
39 violation. If a complaint is filed or initiated less
40 than ninety days before the election for a public
41 office, for which the person named in the complaint is
42 the incumbent officeholder or is a candidate, the

43 board shall, if possible, set the hearing at the
44 earliest available date so as to allow the issue to be
45 resolved before the election. An extension of time
46 for a hearing may be granted when both parties
47 mutually agree on an alternate date for the hearing.
48 Parties to a complaint may, subject to the approval of
49 the board, negotiate for settlement of disputes that
50 are before the board. Terms of any negotiated

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1 settlements shall be publicly recorded.
2 5. The board shall maintain the confidentiality of
3 a complaint unless either the complainant or the
4 alleged violator publicly discloses the existence of a
5 complaint or a preliminary investigation. The board,
6 upon such a disclosure by the complainant or the
7 alleged violator, may publicly confirm the existence
8 of the preliminary inquiry and, in the board's
9 discretion, make public the complaint and any
10 documents which were issued to either party to the
11 complaint. The board's investigations and
12 deliberations relating to probable cause
13 determinations shall be confidential. However,
14 investigative materials may be furnished to the proper
15 prosecutorial authorities by the board. If the board
16 determines, at any stage in the proceedings that take
17 place prior to hearing, that the complaint is
18 groundless, the complaint shall be dismissed and the
19 complainant and the party charged shall be notified.
20 If, after investigation, the board determines evidence
21 exists which, if believed, would support a finding of
22 a violation of this chapter, chapter 56, or the rules
23 adopted by the board, a finding of probable cause
24 shall be made, and hearing shall be ordered. The
25 determination of probable cause, notice of hearing,
26 and final decision of the board shall be public
27 records. After the determination of probable cause,
28 all adjudicatory proceedings of the board, except for
29 the deliberations of the board on the evidence, shall
30 be public. The board may impose a civil penalty not
31 to exceed two thousand dollars upon a person who
32 violates the confidentiality of proceedings or records
33 provided for in this section. If the board determines
34 that a complaint is frivolous or has been filed in bad
35 faith, the board may order the complainant to pay the
36 costs of the proceeding and may impose a civil penalty
37 not to exceed two thousand dollars.
38 6. The board shall determine what role legal
39 counsel for the board shall assume in the conducting

40 of investigations. In addition, upon the request of
41 the board, an appropriate county attorney or the
42 attorney general shall assist the board in any
43 investigation. At board hearings, the complaint shall
44 be prosecuted by legal counsel unless, upon the
45 request of the board, the complaint is prosecuted by
46 the attorney general.

47 7. Upon a finding by the board that the party
48 charged has engaged in an act or practice that
49 violates this chapter, chapter 56, or rules adopted by
50 the board, the board shall proceed as provided under

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1 section 68B.10D. Upon a finding that the party
2 charged has not engaged in an act or practice which
3 violates this chapter, chapter 56, or the rules
4 adopted by the board, the complaint shall be dismissed
5 and the party charged and the complainant shall be
6 notified.

7 8. The right of an appropriate county attorney or
8 the attorney general to commence and maintain a
9 district court prosecution for criminal violations of
10 the law is unaffected by any proceedings under this
11 section.

12 9. The board shall by rule pursuant to chapter 17A
13 establish procedures to implement this section.

14 Sec. 19. NEW SECTION. 68B.10D PENALTIES --
15 RECOMMENDED ACTIONS.

16 The board, after a hearing and upon a finding by a
17 preponderance of clear and convincing evidence that a
18 violation of a provision of this chapter, chapter 56,
19 or rules adopted by the board has occurred, may do one
20 or more of the following:

21 1. Issue an order requiring the violator to cease
22 and desist from the violation found.

23 2. Issue an order requiring the violator to file
24 any report, statement or other information as required
25 by this chapter, chapter 56, or rules adopted by the
26 board.

27 3. Publicly reprimand the violator for violations
28 of this chapter, chapter 56, or rules adopted by the
29 board in writing and provide a copy of the reprimand
30 to the violator's appointing authority.

31 4. Make a written recommendation to the violator's
32 appointing authority that the violator be removed or
33 suspended from office, and include in the
34 recommendation the length of the suspension.

35 5. If the violator is a member of the general
36 assembly, make a written recommendation to the house

37 of which the violator is a member that the legislator
38 be censured, reprimanded, suspended, expelled from
39 office, or recommend other sanctions as deemed
40 appropriate by the board.

41 6. If the violator is an elected official other
42 than an official who can only be removed by
43 impeachment, make a written recommendation to the
44 attorney general or the appropriate county attorney
45 that an action for removal from office be initiated
46 pursuant to chapter 66.

47 7. If the violator is a lobbyist, censure,
48 reprimand, or impose other sanctions deemed
49 appropriate by the board. A lobbyist may also be
50 suspended from lobbying activities if the board finds

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1 that suspension is an appropriate sanction for the
2 violation committed.

3 8. Issue an order requiring the violator to pay a
4 civil penalty of not more than two thousand dollars
5 for each violation of this chapter, chapter 56, or
6 rules adopted by the board.

7 9. Refer the complaint and supporting information
8 to the attorney general or appropriate county attorney
9 with a recommendation for prosecution or enforcement
10 of criminal penalties.

11 If a person fails to comply with an order of the
12 board under subsection 1, 2, or 8, the board may
13 petition the district court having jurisdiction for an
14 order for enforcement of the order of the board. The
15 enforcement proceeding shall be conducted as provided
16 in section 68B.10E.

17 Sec. 20. NEW SECTION. 68B.10E JUDICIAL REVIEW --
18 ENFORCEMENT.

19 Judicial review of the actions of the board may be
20 sought in accordance with chapter 17A. Judicial
21 enforcement of orders of the board may be sought in
22 accordance with chapter 17A.

23 Sec. 21. NEW SECTION. 68B.10F PERSONAL FINANCIAL
24 DISCLOSURE -- CONTENTS OF STATEMENT.

25 1. A candidate for public office shall file a
26 statement of financial interests with the board
27 concerning the calendar year preceding the year in
28 which the election is to be held for which the
29 candidate has filed. The statement shall be filed no
30 later than thirty days after the date on which the
31 person formally becomes a candidate. Public officials
32 and certain employees shall also, if required by the
33 board by rule, file a statement of financial interests

34 for the preceding year with the board in the manner
35 and at times provided by the board.
36 2. The board shall adopt rules providing for the
37 disclosure of sources of income and significant
38 financial interests of all public officials. The
39 rules shall establish standards for different levels
40 of disclosure of sources of income and significant
41 financial interests depending upon the nature and size
42 of the political subdivision of the state that the
43 official represents and the level of responsibility or
44 authority of the office which is held. Rules may
45 provide for a waiver of personal financial disclosure
46 for county or local elected officials, or any other
47 persons who, as defined in the rules of the board, do
48 not occupy a position involving a substantial and
49 material exercise of administrative discretion in the
50 formulation of public policy, expenditure of public

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1 funds, enforcement of laws and rules of the state, or
2 the execution of any other public trust, including
3 appointees to boards, commissions, councils, and
4 committees.

5 Sec. 22. NEW SECTION. 68B.10G APPLICABILITY --
6 LOBBYIST REGISTRATION REQUIRED.

7 1. All lobbyists shall, on or before the day their
8 lobbying activity begins, register with the board by
9 filing a lobbyist's registration statement on forms
10 approved by the board. Lobbyists engaged in lobbying
11 activities before the general assembly, the office of
12 the governor, or any state agency, may file the
13 statement with the chief clerk of the house of
14 representatives, secretary of the senate, the office
15 of the governor, or any state agency. The board shall
16 provide appropriate registration forms to the general
17 assembly, the office of the governor, and state
18 agencies. Persons receiving registration statement
19 filings from lobbyists shall forward a copy of the
20 statements to the board. The board shall forward
21 copies of the statements to the entities for which
22 each lobbyist is registered to lobby.

23 2. Registration shall be valid from the date of
24 registration until the expiration of the registration
25 period for the type of lobbying in which the person
26 will be engaging. Any change in or addition to the
27 information shall be registered with the board within
28 ten days after the change or addition is known to the
29 lobbyist.

30 3. For persons registered to lobby before the

31 general assembly, registration expires upon the
32 commencement of the next regular session of the
33 general assembly, except that the board may adopt and
34 implement a reasonable preregistration procedure in
35 advance of each regular session during which persons
36 may register for that session and the following
37 legislative interim. For persons registered to lobby
38 before the office of the governor or a state agency,
39 registration expires upon the commencement of a new
40 calendar year. The board may adopt and implement a
41 reasonable preregistration procedure in advance of
42 each new calendar year during which persons may
43 register for that year.

44 4. If a lobbyist's service on behalf of a
45 particular employer, client, or cause is concluded
46 prior to the end of the calendar year, the lobbyist
47 may cancel the registration on appropriate forms
48 supplied by the board. The cancellation forms shall
49 be filed by the lobbyist in the place where the
50 lobbyist filed the original registration. Persons

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1 receiving forms canceling a lobbyist's registration
2 shall forward the forms to the board. Upon
3 cancellation of registration, a lobbyist is prohibited
4 from engaging in any lobbying activity on behalf of
5 that particular employer, client, or cause until
6 reregistering and complying with the rules of the
7 board.

8 5. All federal, state, and local officials or
9 employees representing the official positions of their
10 departments, commissions, boards, or agencies shall
11 present to the board a letter of authorization from
12 their department or agency heads prior to the
13 commencement of their lobbying. The lobbyist
14 registration statement of these officials and
15 employees shall not be deemed complete until the
16 letter of authorization is attached. Federal, state,
17 and local officials who wish to lobby in opposition to
18 the official position of their departments,
19 commissions, boards, or agencies must indicate this on
20 their lobbyist registration statements.

21 Sec. 23. NEW SECTION. 68B.10H LOBBYIST

22 REPORTING.

23 1. A lobbyist shall file, on forms prescribed by
24 the board, a separate report with the board disclosing
25 the following: the lobbyist's clients; contributions,
26 expenditures, and gifts that were made for purposes of
27 lobbying and were initiated or paid by the lobbyist on

28 behalf of each of the lobbyist's clients during the
29 prior calendar month; all campaign contributions made
30 by the lobbyist; and the recipient of the
31 contributions, expenditures, gifts, or campaign
32 contributions.

33 2. The report of contributions, expenditures, and
34 gifts must be filed with the board on a monthly basis
35 on dates to be determined by the board.

36 Sec. 24. NEW SECTION. 68B.10I LOBBYIST'S CLIENT
37 REPORTING.

38 1. No later than January 31 and July 31 of each
39 year, a lobbyist's client shall file with the board a
40 report that contains information on all salaries,
41 fees, and retainers paid by the lobbyist's client to
42 the lobbyist for lobbying purposes during the
43 preceding six calendar months.

44 2. The report due January 31 shall include a
45 cumulative total of all lobbying expenditures for the
46 preceding calendar year.

47 Sec. 25. Section 68B.11, Code 1991, is amended by
48 striking the section and inserting in lieu thereof the
49 following:

50 68B.11 SUPREME COURT RULES.

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1 The supreme court of this state shall adopt rules
2 establishing a code of ethics for officials and
3 employees of the judicial department of this state,
4 and the immediate family members of the officials and
5 employees. Rules adopted shall include provisions
6 relating to the receipt or acceptance of gifts and
7 honoraria, interests in public contracts, services
8 against the state, and financial disclosure which are
9 substantially similar to the requirements of this
10 chapter and chapter 56.

11 Sec. 26. Section 56.2, Code Supplement 1991, is
12 amended by adding the following new subsection:
13 NEW SUBSECTION. 1A. "Board" means the Iowa ethics
14 and campaign finance board under section 68B.10A.

15 Sec. 27. Section 56.2, subsection 3, Code
16 Supplement 1991, is amended to read as follows:

17 3. "Candidate" means any individual who has taken
18 affirmative action to seek nomination or election to a
19 public office ~~but and shall exclude also include~~ any
20 judge standing for retention in a judicial election.

21 Sec. 28. Section 56.2, subsection 5, Code
22 Supplement 1991, is amended by striking the subsection
23 and inserting in lieu thereof the following:

24 5. "Commissioner" means the county commissioner of

25 elections designated under section 47.2.

26 Sec. 29. Section 56.2, subsection 11, Code
27 Supplement 1991, is amended to read as follows:

28 11. "Disclosure report" means a statement of
29 contributions received, expenditures made, and
30 indebtedness incurred on forms prescribed by rules
31 ~~promulgated~~ adopted by the commission board in
32 accordance with chapter 17A.

33 Sec. 30. Section 56.2, subsection 16, Code
34 Supplement 1991, is amended to read as follows:

35 16. "Public office" means any ~~federal~~, state,
36 county, city, or school office filled by election.

37 Sec. 31. Section 56.4, Code 1991, is amended to
38 read as follows:

39 **56.4 REPORTS FILED WITH COMMISSION BOARD.**

40 All statements and reports required to be filed
41 under this chapter for a state office shall be filed
42 with the commission board. If the statement or report
43 is filed for or by a candidate for a seat in the
44 general assembly, the report or statement shall also
45 be filed with the commissioner of elections of each
46 county within the district. All statements and
47 reports required to be filed under this chapter for a
48 county, city, or school office shall be filed with the
49 commissioner. Statements and reports on a ballot
50 issue shall be filed with the commissioner responsible

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1 under section 47.2 for conducting the election at
2 which the issue is voted upon, except that statements
3 and reports on a statewide ballot issue shall be filed
4 with the commission board. Copies of any reports
5 filed with a commissioner shall be provided by the
6 commissioner to the commission board on its request.
7 State statutory political committees shall file all
8 statements and reports with the commission board. All
9 other statutory political committees shall file the
10 statements and reports with the commissioner with a
11 copy sent to the commission board.

12 Political committees supporting or opposing
13 candidates for both federal office and any elected
14 office created by law or the Constitution of the state
15 of Iowa shall file statements and reports with the
16 commission board in addition to any federal reports
17 required to be filed with the secretary of state.

18 Political committees supporting or opposing
19 candidates or ballot issues for statewide elections
20 and for county, municipal or school elections may file
21 all activity on one report with the commission board

22 and shall send a copy to the commissioner responsible
23 under section 47.2 for conducting the election.
24 Sec. 32. Section 56.5, subsections 3 and 5, Code
25 Supplement 1991, are amended to read as follows:
26 3. Any change in information previously submitted
27 in a statement of organization or notice in case of
28 dissolution of the committee shall be reported to the
29 commission board or commissioner not more than thirty
30 days from the date of the change or dissolution.
31 5. A committee not domiciled in Iowa which makes a
32 contribution to a candidate's committee or political
33 committee domiciled in Iowa shall disclose each
34 contribution to the commission board. A committee not
35 domiciled in Iowa which is not registered and filing
36 full disclosure reports of all financial activities
37 with the federal election commission or another
38 state's disclosure commission shall register and file
39 full disclosure reports with the commission board
40 pursuant to this chapter. A committee which is
41 currently filing a disclosure report in another
42 jurisdiction shall either file a statement of
43 organization under subsections 1 and 2 and file
44 disclosure reports, the same as those required of
45 Iowa-domiciled committees, under section 56.6, or
46 shall file one copy of a verified statement with the
47 commission board and a second copy with the treasurer
48 of the committee receiving the contribution. The form
49 shall be completed and filed at the time the
50 contribution is made. The verified statement shall be

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1 on forms prescribed by the commission board. The form
2 shall include the complete name, address, and
3 telephone number of the contributing committee, the
4 state or federal jurisdiction under which it is
5 registered or operates, the identification of any
6 parent entity or other affiliates or sponsors, its
7 purpose, the name and address of an Iowa resident
8 authorized to receive service of original notice and
9 the name and address of the receiving committee, the
10 amount of the cash or in-kind contribution, and the
11 date the contribution was made.

12 Sec. 33. Section 56.6, subsection 1, paragraph a;
13 subsection 2; subsection 3, paragraph k; and
14 subsection 5, Code Supplement 1991, are amended to
15 read as follows:

16 a. Each treasurer of a committee shall file with
17 the commission board or commissioner, or both if
18 required under section 56.4, disclosure reports of

19 contributions received and disbursed on forms ,
20 prescribed by rules as provided by chapter 17A. The
21 reports from all committees, except those committees
22 for municipal and school elective offices and for
23 local ballot issues, shall be filed on the twentieth
24 day or mailed bearing a United States postal service
25 postmark dated on or before the nineteenth day of
26 January, May, July, and October of each year. The
27 May, July, and October reports shall be current as of
28 five days prior to the filing deadline. The January
29 report shall be the annual report covering activity
30 through December 31. However, a state or county
31 statutory political committee is not required to file
32 the May and July reports for a year in which no
33 primary or general election is held. A candidate's
34 committee, other than for municipal and school
35 elective offices, for a year in which the candidate is
36 not standing for election, is not required to file the
37 May, July, and October reports. Reports for
38 committees for a ballot issue placed before the voters
39 of the entire state shall be filed at the January,
40 May, July, and October deadlines.

41 2. If any committee, after having filed a
42 statement of organization or one or more disclosure
43 reports, dissolves or determines that it shall no
44 longer receive contributions or make disbursements,
45 the treasurer of the committee shall notify the
46 commission board or the commissioner within thirty
47 days following such dissolution by filing a
48 dissolution report on forms prescribed by the
49 commission board. Moneys refunded in accordance with
50 a dissolution statement shall be considered a

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1 disbursement or expense but the names of persons
2 receiving refunds need not be released or reported
3 unless the contributors' names were required to be
4 reported when the contribution was received.

5 k. Other pertinent information required by this
6 chapter, by rules adopted pursuant to this chapter, or
7 forms approved by the commission board.

8 5. A committee shall not dissolve until all loans,
9 debts and obligations are paid, forgiven or
10 transferred and the remaining money in the account is
11 distributed according to the organization statement.
12 If a loan is transferred or forgiven, the amount of
13 the transferred or forgiven loan must be reported as
14 an in-kind contribution and deducted from the loans
15 payable balance on the disclosure form. A statutory

16 political committee is prohibited from dissolving, but
17 may be placed in an inactive status upon the approval
18 of the commission board. Inactive status may be
19 requested for a statutory political committee when no
20 officers exist and the statutory political committee
21 has ceased to function. The request shall be made by
22 the previous treasurer or chairperson of the committee
23 and by the appropriate state statutory political
24 committee. A statutory political committee granted
25 inactive status shall not solicit or expend funds in
26 its name until the committee reorganizes and fulfills
27 the requirements of a political committee under this
28 chapter.

29 Sec. 34. Section 56.6, subsection 1, paragraph c,
30 Code Supplement 1991, is amended by striking the
31 paragraph.

32 Sec. 35. Section 56.13, unnumbered paragraph 1,
33 Code 1991, is amended to read as follows:

34 Action involving a contribution or expenditure
35 which must be reported under this chapter and which is
36 taken by any person, candidate's committee or
37 political committee on behalf of a candidate, if known
38 and approved by the candidate, shall be deemed action
39 by the candidate and reported by the candidate's
40 committee. It shall be presumed that a candidate
41 approves the action if the candidate had knowledge of
42 it and failed to file a statement of disavowal with
43 the commissioner or commission board and take
44 corrective action within seventy-two hours of the
45 action. A person, candidate's committee or political
46 committee taking such action independently of that
47 candidate's committee shall notify that candidate's
48 committee in writing within twenty-four hours of
49 taking the action. The notification shall provide
50 that candidate's committee with the cost of the

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1 promotion at fair market value. A copy of the .

2 notification shall be sent to the commission board.

3 Sec. 36. **NEW SECTION. 56.15A PROHIBITING**

4 **CONTRIBUTIONS DURING THE LEGISLATIVE SESSION.**

5 A lobbyist or political committee, other than a
6 state statutory political committee, county statutory
7 political committee, or a national political party,
8 shall not contribute to, act as an agent or
9 intermediary for contributions to, or arrange for the
10 making of contributions to the campaign funds of an
11 elected state official, member of the general
12 assembly, or candidate for public office on the state

13 level on any day during the regular legislative
14 session and, in the case of the governor or a
15 gubernatorial candidate, during the thirty days
16 following the adjournment of a regular legislative
17 session allowed for the signing of bills. This
18 section shall not apply to the receipt of
19 contributions by an elected state official, member of
20 the general assembly, or other state official who has
21 taken affirmative action to seek nomination or
22 election to a federal elective office.

23 Sec. 37. Section 56.20, Code 1991, is amended to
24 read as follows:

25 ~~56.20 RULES PROMULGATED~~ ADOPTED.

26 The director of revenue and finance, in co-
27 operation with the director of the department of
28 management and the Iowa ethics and campaign finance
29 disclosure commission board, shall administer the
30 provisions of sections 56.18 to 56.26 and they shall
31 ~~promulgate~~ adopt all necessary rules in accordance
32 with chapter 17A.

33 Sec. 38. Section 56.23, Code 1991, is amended to
34 read as follows:

35 ~~56.23 FUNDS - CAMPAIGN EXPENSES ONLY.~~

36 The chairperson of the state statutory political
37 committee shall produce evidence to the director of
38 revenue and finance and the Iowa ethics and campaign
39 finance disclosure commission board not later than the
40 twenty-fifth day of January each year, that all income
41 tax checkoff funds expended for campaign expenses have
42 been utilized exclusively for campaign expenses.

43 The Iowa ethics and campaign finance disclosure
44 commission board shall issue, prior to the payment of
45 any money, guidelines which explain which expenses and
46 evidence thereof qualify as acceptable campaign
47 expenses.

48 Should the Iowa ethics and campaign finance
49 disclosure commission board and the director of
50 revenue and finance determine that any part of the

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1 funds have been used for noncampaign or improper
2 expenses, they may order the political party or the
3 candidate to return all or any part of the total funds
4 paid to that political party for that election. When
5 such the funds are returned, they shall be deposited
6 in the general fund of the state.

7 Sec. 39. Section 56.41, subsection 1, Code
8 Supplement 1991, is amended to read as follows:

9 1. A candidate and the candidate's committee shall

10 use campaign funds only for campaign purposes or
 11 constituency services, and shall not use campaign
 12 funds for personal expenses.

13 Sec. 40. Section 56.41, Code Supplement 1991, is
 14 amended by adding the following new subsection:
 15 NEW SUBSECTION. 3. The board shall adopt rules
 16 which list items that represent proper campaign
 17 expenses.

18 Sec. 41. Section 56.42, subsections 1, 2, and 5,
 19 Code Supplement 1991, are amended to read as follows:

20 1. In addition to the uses permitted under section
 21 56.41, a candidate's committee may only transfer
 22 campaign funds in one or more of the following ways:

23 a. Contributions to charitable organizations.

24 b. Contributions to national, state, or local
 25 political party central committees; ~~or other~~
 26 ~~candidate's committees.~~

27 c. Transfers to the treasurer of state for deposit
 28 in the general fund of the state.

29 d. Return of contributions to contributors on a
 30 pro rata basis, except that any contributor who
 31 contributed five dollars or less may be excluded from
 32 the distribution.

33 2. If an unexpended balance of campaign funds
 34 remains when a ~~candidate ceases to be a candidate or~~
 35 ~~the candidate's committee dissolves~~, the unexpended
 36 balance shall be transferred pursuant to subsection 1.

37 5. A candidate, ~~or candidate's committee, or any~~
 38 ~~other person~~ shall not directly or indirectly receive
 39 or transfer campaign funds with the intent of
 40 circumventing the requirements of this section. A
 41 candidate for statewide or legislative office shall
 42 not establish, direct, or maintain a political
 43 committee.

44 Sec. 42. Section 331.756, subsection 15, Code
 45 1991, is amended to read as follows:

46 15. Review the any report and recommendations
 47 recommendation of the campaign finance disclosure
 48 commission Iowa ethics and campaign finance board and
 49 proceed to institute the any recommended actions or
 50 advise the commission board that prosecution is not

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1 merited as provided in section 56.11, subsection 4
 2 under chapter 56 or 68B.

3 Sec. 43. Section 602.1609, Code 1991, is amended
 4 to read as follows:

5 602.1609 COMPLIANCE WITH GIFT ETHICS LAW.

6 Judicial officers and court employees shall comply

7 with rules adopted prescribed by the supreme court
8 under section 68B.11 with respect to ethical conduct
9 including the reporting acceptance and receipt of
10 gifts received and honoraria, interests in public
11 contracts, services against the state, and financial
12 disclosure. In prescribing rules, the supreme court
13 shall include any appropriate provisions and
14 limitations contained in chapter 68B. Violations are
15 subject to the criminal imposition of criminal and
16 civil penalties in the manner provided in that section
17 by law.

18 Sec. 44. Section 602.2101, Code 1991, is amended
19 to read as follows:

20 602.2101 AUTHORITY.

21 The supreme court may retire, discipline, or remove
22 a judicial officer from office or may discipline or
23 remove an employee of the judicial department for
24 cause as provided in this part.

25 Sec. 45. Section 602.2103, Code 1991, is amended
26 to read as follows:

27 602.2103 OPERATION OF COMMISSION.

28 A quorum of the commission is four members. Only
29 those commission members that are present at
30 commission meetings or hearings may vote. An
31 application by the commission to the supreme court to
32 retire, discipline, or remove a judicial officer, or
33 discipline or remove an employee of the judicial
34 department, or an action by the commission which
35 affects the final disposition of a complaint, requires
36 the affirmative vote of at least four commission
37 members. Notwithstanding chapter 21 and chapter 22,
38 all records, papers, proceedings, meetings, and
39 hearings of the commission are confidential, but if
40 the commission applies to the supreme court to retire,
41 discipline, or remove a judicial officer, or to
42 discipline or remove an employee of the judicial
43 department, the application and all of the records and
44 papers in that proceeding are public documents.

45 Sec. 46. Section 602.2104, Code 1991, is amended
46 to read as follows:

47 602.2104 PROCEDURE BEFORE COMMISSION.

48 1. Charges before the commission shall be in
49 writing but may be simple and informal. The
50 commission shall investigate each charge as indicated

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1 by its gravity. If the charge is groundless, it shall
2 be dismissed by the commission. If the charge appears
3 to be substantiated but does not warrant application

4 to the supreme court, the commission may dispose of it
5 informally by conference with or communication to the
6 judicial officer or employee of the judicial
7 department involved. If the charge appears to be
8 substantiated and if proved would warrant application
9 to the supreme court, notice shall be given to the
10 judicial officer and a hearing shall be held before
11 the commission. The commission may employ
12 investigative personnel, in addition to the executive
13 secretary, as it deems necessary. The commission may
14 also employ or contract for the employment of legal
15 counsel.

16 2. In case of a hearing before the commission,
17 written notice of the charge and of the time and place
18 of hearing shall be mailed to ~~the a~~ a judicial officer
19 or an employee of the judicial department at the
20 officer's person's residence at least twenty days
21 prior to the time set for hearing. Hearing shall be
22 held in the county where the judicial officer or
23 employee of the judicial department resides unless the
24 commission and the judicial officer or employee of the
25 judicial department agree to a different location.
26 The judicial officer shall continue to perform
27 judicial duties during the pendency of the charge and
28 the employee shall continue to perform the employee's
29 assigned duties, unless otherwise ordered by the
30 commission. The commission has subpoena power on
31 behalf of the state and the judicial officer, and
32 disobedience or employee of the judicial department,
33 Disobedience of the commission's subpoena is
34 punishable as contempt in the district court for the
35 county in which the hearing proceeding is held. The
36 attorney general shall prosecute the charge before the
37 commission on behalf of the state. The A judicial
38 officer or employee of the judicial department may
39 defend and has the right to participate in person and
40 by counsel, to cross-examine, to be confronted by the
41 witnesses, and to present evidence in accordance with
42 the rules of civil procedure. A complete record shall
43 be made of the evidence by a court reporter. In
44 accordance with its findings on the evidence, the
45 commission shall dismiss the charge or make
46 application to the supreme court to retire,
47 discipline, or remove the judicial officer or to
48 discipline or remove an employee of the judicial
49 department.

50 Sec. 47. Section 602.2106, Code 1991, is amended

Page 34

1 to read as follows:

2 602.2106 PROCEDURE BEFORE SUPREME COURT.

3 1. If the commission submits an application to the
4 supreme court to retire, discipline, or remove a
5 judicial officer or to discipline or remove an
6 employee of the judicial department, the commission
7 shall promptly file in the supreme court a transcript
8 of the hearing before the commission. The statutes
9 and rules relative to proceedings in appeals of equity
10 suits apply.

11 2. The attorney general shall prosecute the
12 proceedings in the supreme court on behalf of the
13 state, and the judicial officer or employee of the
14 judicial department may defend in person and by
15 counsel.

16 3. Upon application by the commission, the supreme
17 court may do either any of the following:

18 a. Retire the judicial officer for permanent
19 physical or mental disability which substantially
20 interferes with the performance of judicial duties.

21 b. Discipline or remove the judicial officer for
22 persistent failure to perform duties, habitual
23 intemperance, willful misconduct in office, conduct
24 which brings judicial office into disrepute, or
25 substantial violation of the canons of judicial
26 ethics. Discipline may include suspension without pay
27 for a definite period of time not to exceed twelve
28 months.

29 c. Discipline or remove an employee of the
30 judicial department for conduct which violates the
31 code of ethics prescribed by the supreme court for
32 court employees.

33 4. If the supreme court finds that the application
34 should be granted in whole or in part, it shall render
35 the decree that it deems appropriate.

36 Sec. 48. Section 602.2107, Code 1991, is amended
37 to read as follows:

38 602.2107 CIVIL IMMUNITY.

39 The making of charges before the commission, the
40 giving of evidence or information before the
41 commission or to an investigator or legal counsel
42 employed by the commission, and the presentation of
43 transcripts, extensions of evidence, briefs, and
44 arguments in the supreme court are privileged in
45 actions for defamation.

46 Sec. 49. INITIAL APPOINTMENTS TO STATE ETHICS AND
47 CAMPAIGN FINANCE BOARD. Notwithstanding any contrary
48 requirements contained in section 68B.10A the initial

49 appointments to the Iowa ethics and campaign finance
50 board shall be made by July 1, 1992, and staggered as

Page 35

1 follows:

2 1. Two of the appointees of the governor and the
3 two appointees of the senate shall serve an initial
4 term of two years.
5 2. Two of the appointees of the supreme court and
6 the two appointees of the house of representatives
7 shall serve an initial term of four years.
8 3. Two of the appointees of the governor and two
9 of the appointees of the supreme court shall serve an
10 initial term of six years.
11 The board shall adopt any emergency or transition
12 rules necessary for the assumption of its duties by
13 January 1, 1993, and for the transition and transfer
14 of any matters currently pending before the ethics
15 committees of either house of the general assembly or
16 before the campaign finance disclosure commission.
17 Sec. 50. Sections 6 and 7 of this Act shall apply
18 to officials, employees, members of the general
19 assembly, or legislative employees who are employed,
20 hold office, or terminate service or employment on or
21 after the date of enactment of this Act.
22 Sec. 51. Section 56.9, 56.10A, and 56.11, Code
23 1991, are repealed.
24 Sec. 52. Section 56.10, Code Supplement 1991, is
25 repealed.
26 Sec. 53. Sections 1, 2, 10, 11, 12, 14, 15,
27 sections 21 through 35, and sections 37, 38, 51, and
28 52 of this Act take effect January 1, 1993.
29 Sec. 54. Sections 6, 7, 15, 16, 41, 49, and 50 of
30 this Act, being deemed of immediate importance, take
31 effect upon enactment.
32 Sec. 55. CODIFICATION. The Code editor shall
33 renumber the sections in chapter 68B, reserving
34 section numbers if appropriate, as the Code editor
35 sees fit."

JEAN LLOYD-JONES

S-5737

1 Amend Senate File 2360 as follows:

2 1. Page 10, by inserting before line 10 the fol-
3 lowing:

4 "Sec. ____ . STUDY REQUIRED. The legislative
5 council shall establish an interim study committee to

6 study methods and procedures by which campaigns are
 7 financed in this state. Topics to be studied shall
 8 include but are not limited to the following: the
 9 impact upon campaigns of political action committees,
 10 individual contributions, campaign spending
 11 limitations, and the length of terms of members of the
 12 general assembly and statewide elected officials. The
 13 study committee shall consist of a total of the
 14 following eight members appointed by the legislative
 15 council, except for the governor's designee: three
 16 public members, one affiliated with each of the two
 17 major political parties and one with no party
 18 affiliation; two members from each of the two houses
 19 of the general assembly; and one member from the
 20 executive branch appointed by the governor. The
 21 membership of the study committee consisting of the
 22 five nonpublic members shall be politically balanced
 23 pursuant to section 69.16. The study committee shall
 24 present a final report to the studies committee of the
 25 legislative council by January 1, 1993."
 26 2. By renumbering as necessary.

JIM KERSTEN
 DERRYL MCLAREN

S-5738

- 1 Amend Senate File 2360 as follows:
- 2 1. Page 2, by striking lines 6 through 16 and
- 3 inserting the following: "A".
- 4 2. Page 2, lines 18 and 19, by striking the words
- 5 "is not required to obtain signatures under this sec-
- 6 tion,".

PAUL D. PATE

S-5739

- 1 Amend House File 2243, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 4, by striking the words "for a
- 4 baccalaureate degree" and inserting the following:
- 5 "for a baccalaureate degree".
- 6 2. Page 2, line 5, by inserting after the word
- 7 "examination" the following: "or who has completed
- 8 those requirements".
- 9 3. Page 2, line 8, by inserting after the word
- 10 "requirements" the following: "for a baccalaureate
- 11 degree and shall not grant the certificate until the
- 12 candidate has fully satisfied the requirements of

13 subsection 2".

14 4. Page 2, by striking lines 10 through 22 and
15 inserting the following: "Supplement 1991, is amended
16 by striking the paragraph."

17 5. Page 2, by inserting before line 23 the
18 following:

19 "Sec. ____ . Section 4 of this Act, which strikes
20 section 116.20, subsection 2, paragraph "d", Code
21 Supplement 1991, is effective July 1, 1993."

22 6. Title page, line 2, by inserting after the
23 word "accountant" the following: "and providing an
24 effective date".

25 7. By renumbering as necessary.

FLORENCE BUHR

S-5740

1 Amend the House amendment, S-5699, to Senate File
2 2316, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 40 and 41 and
5 inserting the following:

6 " ____ . By striking page 9, line 22 through page
7 10, line 1, and inserting the following:

8 " ____ . a. Notwithstanding section 598.21,
9 subsection 8, paragraph "k", the establishment of
10 paternity by court order may be overcome if all of the
11 following conditions are met:

12 (1) Prior blood or genetic tests have not been
13 performed to establish paternity of the child.

14 (2) The court finds that it is in the best
15 interest of the child to overcome the establishment of
16 paternity. In determining the best interest of the
17 child, the court shall consider the possibility of
18 establishing actual paternity of the child.

19 (3) The court finds that the conclusion of the
20 expert as disclosed by the evidence based upon blood
21 or genetic tests demonstrates that the established
22 father is not the biological father of the child.

23 (4) The action to overcome paternity is filed no
24 later than three years after the entry of an order of
25 paternity.

26 (5) The action to overcome paternity is filed
27 prior to the child reaching majority.

28 (6) Notice of the action to overcome paternity is
29 served on any parent of the child not initiating the
30 action and any assignee of the support judgment.

31 (7) A guardian ad litem is appointed for the
32 child.

33 b. The court may order additional tests to be
34 conducted by the expert or an independent expert in
35 order to confirm a test upon which an expert concludes
36 that the established father is not the biological
37 father of the child.

38 c. If the court finds that the establishment of
39 paternity is overcome, in accordance with all of the
40 conditions prescribed, the established father is
41 relieved of all future support obligations owed on
42 behalf of the child.

43 d. The costs of testing, the fee of the guardian
44 ad litem, and all court costs shall be paid by the
45 person bringing the action to overcome paternity.

46 e. This subsection shall not be construed as a
47 basis for terminating an adoption decree or for
48 discharging the obligation of an adoptive father to an
49 adopted child pursuant to section 675.5."

50 2. By renumbering as necessary.

ELAINE SZYMONIAK
LINN FUHRMAN

S-5741

1 Amend House File 2439, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 35 through page 2,
4 line 7, and inserting the following: "implement,
5 through the utilization of the services of local
6 childhood lead poisoning prevention programs and local
7 health care providers, a state blood lead screening
8 program to identify and refer for medical treatment
9 children affected by lead poisoning, and to provide
10 continued oversight of the treatment of children with
11 high blood levels to ensure that proper care is
12 provided.

13 b. The Iowa department of public health develop a
14 comprehensive environmental lead reduction program to
15 identify and abate environmental lead hazards."

16 2. Page 2, line 9, by inserting after the word
17 "programs" the following: "and the services of local
18 health care providers".

19 3. Page 2, line 26, by inserting after the word
20 "poisoning," the following: "The appropriate groups
21 shall include, but are not limited to, schools and
22 child care centers which may provide notices to the
23 parent or guardian of a child enrolled in the school
24 or the child care center regarding the risk of lead
25 poisoning and the need for blood lead screening."

26 4. By striking page 2, line 27 through page 3,

27 line 6, and inserting the following:

28 "b. By January 1, 1995, a procedural framework to
29 be used in identifying cases of childhood lead
30 poisoning and in providing remediation measures.

31 (1) The procedural framework shall include, but is
32 not limited to, all of the following measures:

33 (a) Any health care provider, including but not
34 limited to, a private physician, a hospital staff
35 physician, a public health nurse, or other health care
36 provider who provides primary care to a child between
37 the ages of six months and six years of age, and who
38 screens a child for lead poisoning, shall report the
39 existence and circumstances of each case of lead
40 poisoning diagnosed to the Iowa department of public
41 health or the department's designee.

42 (b) Following the reporting of a case of lead
43 poisoning to the department, the department, or the
44 department's designee, shall notify the owner of the
45 dwelling or structure in which the child diagnosed
46 with lead poisoning resides, has recently resided, or
47 frequently visits, of the possible existence of lead
48 hazards. Following notification, the department or
49 the department's designee shall provide the owner of
50 the dwelling or structure with a listing of the

Page 2

1 certified lead inspectors to perform an inspection of
2 the dwelling or structure. If the owner of the
3 dwelling or structure voluntarily causes an inspection
4 of the dwelling or structure to be performed and the
5 dwelling or structure is determined to present a lead
6 hazard which constitutes a risk of substantial
7 impairment to the health of the residents or visitors,
8 the department or the department's designee shall
9 provide the owner and the residents of the dwelling or
10 structure with a listing of lead-safe housing
11 available to the residents as shelter, and the owner
12 of the dwelling or structure shall cause to be
13 performed lead abatement procedures to eliminate the
14 lead hazard. Following performance of the lead
15 abatement procedure, the lead abatement contractor
16 shall report completion of the procedure and
17 elimination of the lead hazard to the department or
18 the department's designee.

19 (c) If the owner of the dwelling or structure
20 refuses to allow the voluntary performance of an
21 inspection of the dwelling or structure, the
22 department or the department's designee may file a
23 complaint with the district court of the court in

24 which the dwelling or structure is located, and the
25 court may issue a warrant directing a certified lead
26 inspector to enter the dwelling or structure to
27 perform the inspection. Following inspection, if the
28 dwelling or structure is determined to present a lead
29 hazard which constitutes a risk of substantial
30 impairment to the health of the residents or visitors,
31 the department or the department's designee shall
32 provide the owner and the residents of the dwelling
33 with a listing of lead-safe housing available to
34 provide shelter to the residents of the dwelling
35 during the time of abatement. Following a
36 determination that the dwelling presents a lead hazard
37 which constitutes a risk of substantial impairment to
38 the health of the residents or visitors, the
39 department or the department's designee shall issue a
40 written order to the owner of the dwelling or
41 structure to eliminate the lead hazard in a period not
42 to exceed thirty days, which period may be extended at
43 the discretion of the department or the department's
44 designee. Following completion of the lead abatement
45 procedures, the department or the department's
46 designee shall inspect the dwelling or structure to
47 determine if the lead hazard has been eliminated."
48 5. Page 3, line 12, by inserting after the word
49 "a" the following: "central and statewide".
50 6. Page 3, line 13, by inserting after the word

Page 3

1 "The" the following: "department shall seek guidance
2 from the United States department of health and human
3 services and the state hygienic laboratory. The".
4 7. Page 3, line 17, by striking the words "for
5 the screening of these children" and inserting the
6 following: "establishing the means by which and the
7 intervals at which these children shall be screened".
8 8. Page 3, line 20, by inserting after the word
9 "services." the following: "The central screening
10 program shall utilize the services of the state
11 hygienic laboratory at the university of Iowa."
12 9. By striking page 3, line 21 through page 4,
13 line 10, and inserting the following:
14 "The rules shall also require that a parent or
15 guardian be informed, prior to the performance of lead
16 screening procedures on a child, of the parent's or
17 guardian's right to withhold consent to the screening.
18 Unless consent is withheld by the parent or guardian.
19 of the child, health care providers who provide
20 primary medical care to children between six months

21 and six years of age shall screen these children for
 22 lead poisoning in accordance with the screening
 23 procedures and at intervals required by rule of the
 24 department."

RICHARD VARN

HOUSE AMENDMENT TO
 SENATE FILE 2343

S-5742

1 Amend Senate File 2343, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 1, the
 4 following:

5 "Section 1. Section 321.57, Code 1991, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. A dealer licensed as a
 8 wholesaler for a new motor vehicle model under chapter
 9 322 may operate a new motor vehicle of that model,
 10 owned by the wholesaler, upon the highway when there
 11 is displayed on the vehicle a special plate issued to
 12 the wholesaler as provided in sections 321.58 through
 13 321.62 and when operated solely for the purposes of
 14 demonstration, show, or exhibition."

15 2. Page 1, line 18, by inserting after the word
 16 "dealership." the following: "A dealer licensed as a
 17 wholesaler for a new motor vehicle model pursuant to
 18 chapter 322, shall furnish satisfactory evidence of
 19 valid written authorization from the manufacturer of
 20 the new motor vehicle of the dealer's status as a
 21 wholesaler of the new motor vehicle model."

22 3. Page 2, by inserting after line 5, the
 23 following:

24 "Sec. ____ . NEW SECTION. 321.64 IMPLEMENTATION OF
 25 MULTIYEAR LICENSING AND ISSUANCE OF SPECIAL PLATES.

26 To implement the change from a calendar year to
 27 multiyear certificate as provided in section 321.58
 28 and to implement the change from calendar year to
 29 multiyear special plates as provided in section
 30 321.60, each certificate or special plate shall have
 31 an expiration month as established by the department
 32 with fees prorated based upon the number of months for
 33 which the certificate or special plate was issued."

34 4. Page 10, by inserting after line 14, the
 35 following:

36 "Sec. ____ . Section 321.34, Code Supplement 1991,
 37 is amended by adding the following new subsection:
 38 NEW SUBSECTION. 15. LEASED VEHICLES.

39 Registration plates under this section may be issued
40 to the lessee of a motor vehicle if the lessee
41 provides evidence of a lease for a period of more than
42 sixty days and if the lessee complies with the
43 requirements, under this section, for issuance of the
44 specific registration plates."

45 5. Page 11, line 5, by inserting after the word
46 "manner." the following: "The physician shall make
47 reasonable efforts to notify the person who is the
48 subject of the report, in writing. The written
49 notification shall state the nature of the disclosure
50 and the reason for the disclosure."

Page 2

1 6. Page 11, line 11, by inserting after the word
2 "manner." the following: "Any report received by the
3 department from a physician under this section shall
4 be kept confidential. Information regulated by
5 chapter 141 shall be subject to the provisions of
6 sections 141.23 and 141.24."

7 7. Page 11, by inserting after line 17 the
8 following:

9 "Sec. ____ NEW SECTION. 321.385A CITATION FOR
10 UNLIGHTED HEADLAMP. A citation issued for failure to
11 have head lamps as required under section 321.385
12 shall first provide for a seventy-two hour period
13 within which the person charged with the violation
14 shall replace or repair the headlamp. If the person
15 complies with the directive to replace or repair the
16 headlamp within the allotted time period, the citation
17 shall be expunged. If the person fails to comply
18 within the allotted time period, the citation shall be
19 processed in the same manner as other citations. A
20 citation issued under this section shall include a
21 written notice of replacement or repair which shall
22 indicate the date of replacement or repair and the
23 manner in which the replacement or repair occurred and
24 which shall be returned to the issuing authority
25 within the seventy-two hour time period.

26 A citation issued for failure to have rear lamps as
27 required under section 321.387 or a rear registration
28 plate light as required under section 321.388 shall
29 first provide for a seventy-two hour period within
30 which the person charged with the violation shall
31 replace or repair the lamps or light. If the person
32 complies with the directive to replace or repair the
33 lamps or light within the allotted time period, the
34 citation shall be expunged. If the person fails to
35 comply within the allotted time period, the citation

36 shall be processed in the same manner as other
37 citations.

38 Sec. ____ . Section 321.387, Code 1991, is amended
39 to read as follows:

40 321.387 REAR LAMPS.

41 Every motor vehicle and every vehicle which is
42 being drawn at the end of a train of vehicles shall be
43 equipped with a lighted rear lamp or lamps, exhibiting
44 a red light plainly visible from a distance of five
45 hundred feet to the rear. All lamps and lighting
46 equipment originally manufactured on a motor vehicle
47 shall be kept in working condition or shall be
48 replaced with equivalent equipment.

49 Sec. ____ . Section 321.415, subsections 1 and 2,
50 Code 1991, are amended to read as follows:

Page 3

1 1. Whenever a driver of a vehicle approaches an
2 oncoming vehicle within five hundred one thousand
3 feet, the driver shall use a distribution of light, or
4 composite beam, so aimed that the glaring rays are not
5 projected into the eyes of the oncoming driver. The
6 lowermost distribution of light, or composite beam,
7 specified in section 321.409, subsection 2, shall be
8 deemed to avoid glare at all times, regardless of road
9 contour and loading.

10 2. Whenever the driver of a vehicle follows
11 another vehicle within ~~two~~ four hundred feet to the
12 rear, except when engaged in the act of overtaking and
13 passing, the driver shall use a distribution of light
14 permissible under this chapter other than the
15 uppermost distribution of light specified in section
16 321.409, subsection 1."

17 8. Page 11, line 31, by striking the word
18 "paragraph" and inserting the following:
19 "paragraphs".

20 9. Page 11, by inserting after line 35 the
21 following:

22 "NEW UNNUMBERED PARAGRAPH. Rules adopted under
23 this section shall not apply to vehicles used in
24 combination provided the gross vehicle weight rating
25 of the towing unit is ten thousand pounds or less and
26 the gross combination weight rating is twenty-six
27 thousand pounds or less."

28 10. Page 12, by inserting after line 5, the
29 following:

30 "Sec. ____ . Section 805.8, subsection 2, paragraph
31 i, Code 1991, is amended to read as follows:

32 i. For violations involving failures to yield or

33 to observe pedestrians and other vehicles under
34 sections 321.257, subsection 2, 321.288, 321.298,
35 ~~321.300~~; 321.307, 321.308, 321.313, 321.319, 321.320,
36 321.321, 321.329, 321.333, and 321.367, the scheduled
37 fine is twenty dollars.

38 Sec. ____ . Section 805.8, subsection 2, paragraph
39 r, Code 1991, is amended to read as follows:

40 r. For failure to have a valid license or permit
41 for operating a motor vehicle on the highways of this
42 state, the scheduled fine is ~~fifteen~~ twenty dollars.

43 Sec. ____ . Sections 321.300 and 321.301, Code 1991,
44 are repealed."

45 11. Title page, by striking lines 2 through 9 and
46 inserting the following: "licensing for certain motor
47 vehicle-related dealers and changing fees, making
48 certain changes related to commercial drivers'
49 licensing, expanding the definition of motor vehicle
50 license, creating a penalty for violating a license

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1 restriction, relating to the operation of new motor
2 vehicle models by a dealer licensed as a wholesaler,
3 requiring consideration of safety concerns for
4 location of roadways, allowing special registration
5 plates for leased motor vehicles, relating to the sale
6 of certain antique vehicles, relating to lighting
7 devices and citations issued for failing to have
8 certain lighting devices, increasing the penalty for
9 failure to have a valid license or permit, providing
10 for a physician's report of incompetency to operate a
11 motor vehicle, expanding the seat belt exemption,
12 exempting certain commercial vehicles from motor
13 carrier safety regulations, eliminating a yield to
14 honking passer requirement, and making other technical
15 changes."

16 12. By renumbering, relettering, or redesignating
17 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2450

S-5743

1 Amend the Senate amendment, H-5834, to House File
2 2450, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 35 through 39 and
5 inserting the following: "service in the other public

6 system in increments of one or more years, as long as
7 the increments represent full years and not a portion
8 of a year. The member may also make one lump sum”.

9 2. Page 1, line 42, by inserting after the word
10 “year” the following: “or includes a portion of a
11 year”.

12 3. By striking page 2, line 14, through page 3,
13 line 40, and inserting the following:

14 “”Sec. ____ . NEW SECTION. 602.9107A OPTIONAL
15 RETIREMENT AND DECREASED ANNUITY.

16 1. Notwithstanding section 602.9106, a judge who
17 is fifty-five years of age or older and who has served
18 at least twenty consecutive years as a judge of one or
19 more of the courts included in this article shall be
20 entitled to receive a decreased annuity.

21 2. The amount of the decreased annuity shall be
22 the actuarial equivalent of the amount of the annuity
23 payable to judges pursuant to section 602.9107,
24 subsections 1 and 2. A judge shall make an election
25 request in writing to the state court administrator
26 prior to retirement in order to receive an annuity
27 pursuant to this section. A judge may revoke the
28 election prior to retirement by providing a written
29 request to the state court administrator.

30 3. The decreased annuity provided in this section
31 shall be in lieu of the annuities and refunds provided
32 for in sections 602.9107, 602.9108, 602.9115,
33 602.9204, 602.9208, and 602.9209.”

34 4. By striking page 4, line 41 through page 6,
35 line 33.

36 5. By striking page 6, line 34 through page 7,
37 line 1 and inserting the following:

38 “____. Page 47, line 26, by inserting before the
39 word “this” the following: “section 100 of”.”

40 6. By renumbering as necessary.

S-5744

1 Amend Senate Joint Resolution 2008 as follows:

2 1. Page 1, line 30, by inserting before the word
3 “and” the following: “(____) revenue committed to the
4 implementation of programs designed to meet the
5 national education goals established by the President
6 of the United States and by the nation’s fifty state
7 governors at the 1989 National Education Summit;”.

8 2. By renumbering as necessary.

ELAINE SZYMONIAK
MARY KRAMER

S-5745

- 1 Amend Senate Joint Resolution 2008 as follows:
- 2 1. Page 1, line 30, by inserting before the word
- 3 "and" the following: "(___) revenue committed to any
- 4 state or local program that has the effect of reducing
- 5 the reliance on property taxes;"
- 6 2. By renumbering as necessary.

ELAINE SZYMONIAK
LARRY MURPHY
BEVERLY A. HANNON
FLORENCE BUHR

S-5746

- 1 Amend Senate Joint Resolution 2008 as follows:
- 2 1. Page 1, line 1, by inserting before the word
- 3 "The" the following: "1."
- 4 2. Page 1, line 4, by inserting after the figure
- 5 "XIII" the following: ", effective for the first
- 6 state fiscal year beginning at least six months after
- 7 the article is approved and ratified by the electorate
- 8 except that the article shall not take effect unless
- 9 each fund balance of the following funds is restored
- 10 to the amount of the fund balance as of January 1,
- 11 1991: marine fuel tax fund; gamblers assistance fund;
- 12 bellas hess fund; insurance trust fund; security
- 13 deposit fund; milk fund; commercial feed fund;
- 14 fertilizer fund; pesticide fund; energy research and
- 15 development fund; racing commission fund; railroad
- 16 assistance fund; dairy trade fund; vehicle salvage
- 17 fund; odometer fraud fund; agriculture drainage wells
- 18 fund; special railroad facility fund; aviation fund;
- 19 public transit assistance fund; excursion boat fund;
- 20 administration fund; alcoholic beverages fund; banking
- 21 fund; credit union fund; insurance fund; professional
- 22 licensing fund; savings and loan fund; and utilities
- 23 fund".
- 24 3. Page 1, line 4, by inserting after the figure
- 25 "XIII" the following: ", effective for the first
- 26 state fiscal year beginning at least six months after
- 27 the article is approved and ratified by the electorate
- 28 except that the article shall not take effect until
- 29 the state fiscal year following the calendar year in
- 30 which the department of revenue and finance certifies
- 31 to the general assembly that three-fourths of the for-
- 32 profit corporations doing business in this state
- 33 incurred state corporate income tax liability".
- 34 4. Page 1, line 4, by inserting after the figure

35 "XIII" the following: ", effective for the first
36 state fiscal year beginning at least six months after
37 the article is approved and ratified by the electorate
38 except that the article shall not take effect unless
39 the state income tax structure is simplified by
40 repealing the corporate and individual income tax
41 deduction for federal income tax liability and by
42 repealing the option to file separately on a joint
43 return and the revenue realized by these changes is
44 utilized to reduce the school foundation property tax
45 levy".

46 5. Page 1, line 4, by inserting after the figure
47 "XIII" the following: ", effective for the first
48 state fiscal year beginning at least six months after
49 the article is approved and ratified by the electorate
50 except that the article shall not take effect for any

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1 one fiscal year unless the basis for establishing the
2 maximum medical assistance reimbursement rate for
3 nursing facilities for that fiscal year is set at
4 ninety-eighth percentile of facilities' costs as
5 calculated from the unaudited compilation of cost and
6 statistical data from the previous fiscal year".

7 6. Page 1, line 6, by striking the word "RIGHTS"
8 and inserting the following: "PROTECTION".

9 7. Page 1, line 7, by inserting after the words
10 "local government" the following: ", excluding school
11 districts,".

12 8. Page 1, line 11, by inserting after the word
13 "years" the following: ", and the total revenue limit
14 includes a revenue limit on revenues from the motor
15 fuel tax and the special fuel tax to the extent that
16 these taxes shall not be higher than the lowest such
17 tax in any adjacent state and if in excess of that
18 level when this amendment takes effect, they shall be
19 kept at the level existing when this amendment takes
20 effect until the adjacent state with the lowest level
21 raises such taxes".

22 9. Page 1, line 14, by inserting after the word
23 "year." the following: "In addition, the total
24 revenue limit is adjusted by the inclusion of an
25 amount for each fiscal year equal to the annual amount
26 for the relevant fiscal year committed by the state
27 government to the funding of correctional services."

28 10. Page 1, line 14, by inserting after the word
29 "year." the following: "In addition, the total
30 revenue limit is adjusted by the inclusion of an
31 amount for each fiscal year equal to the annual amount

32 for the relevant fiscal year committed by the state
 33 government to the funding of the construction of
 34 additional prison cells to house persons convicted of
 35 the sale and distribution of an illegal substance.”

36 11. Page 1, line 14, by inserting after the word
 37 “year.” the following: “In addition, the total
 38 revenue limit is adjusted by the inclusion of an
 39 amount for each fiscal year equal to the annual amount
 40 for the relevant fiscal year committed by the state
 41 government to the funding of the construction of
 42 additional prison cells to house persons convicted of
 43 a third offense of operating a motor vehicle while
 44 intoxicated.”

45 12. Page 1, line 14, by inserting after the word
 46 “year.” the following: “In addition, the total
 47 revenue limit is adjusted by the inclusion of an
 48 amount for each fiscal year equal to the annual amount
 49 for the relevant fiscal year committed by the state
 50 government to the funding of the construction of

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1 additional prison beds to ease prison overcrowding and
 2 to reduce the number of high-risk offenders placed on
 3 probation or parole.”

4 13. Page 1, lines 16 and 17 by striking the words
 5 “A school district’s “population” is its full-time
 6 equivalent student enrollment.”

7 14. Page 1, lines 20 and 21, by striking the
 8 words and figure “(2) gifts and contracts from
 9 nongovernmental sources;”.

10 15. Page 1, line 30, by inserting before the word
 11 “and” the following: “() revenue committed to the
 12 road use tax fund;”.

13 16. Page 1, line 30, by inserting before the word
 14 “and” the following: “() revenue committed to the
 15 preservation of elementary and secondary schools with
 16 enrollments of less than one thousand students;”.

17 17. Page 1, line 30, by inserting before the word
 18 “and” the following: “() revenue committed to
 19 school districts that were formed as a result of
 20 reorganization under chapter 275;”.

21 18. Page 1, line 30, by inserting before the word
 22 “and” the following: “() revenue committed to
 23 school districts in the process of reorganizing or
 24 dissolving under chapter 275;”.

25 19. Page 1, line 30, by inserting before the word
 26 “and” the following: “() revenue of the state
 27 government committed to funding salaries for faculty
 28 and staff of the state universities at a level

29 sufficient to establish and maintain competitiveness
30 with comparable universities;”.

31 20. Page 1, line 30, by inserting before the word
32 “and” the following: “() revenue of the state
33 government and local governments committed to funding
34 construction at state and county hospitals;”.

35 21. Page 1, line 30, by inserting before the word
36 “and” the following: “() revenue of the state
37 government committed to funding collective bargaining
38 agreements between the state of Iowa and its employees
39 and revenue of local governments committed to funding
40 collective bargaining agreements between the local
41 governments and their employees;”.

42 22. Page 1, line 30, by inserting before the word
43 “and” the following: “() revenue of the state
44 government and local governments committed to funding
45 affirmative action activities and programs of the
46 state government and local governments required by the
47 laws of the United States to overcome the effects of
48 past or present practices, policies, or activities
49 which are barriers to equal employment opportunity and
50 to reduce the incidents of hate crimes, including but

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1 not limited to cross burnings and organizational
2 activities of racial supremacy groups;”.

3 23. Page 1, line 30, by inserting before the word
4 “and” the following: “() revenue committed to
5 programs dealing with obstetrical care for indigents
6 and for maternal and child health care programs;”.

7 24. Page 1, line 30, by inserting before the word
8 “and” the following: “() revenue committed to
9 programs dealing with prenatal care for low-income
10 women and families and dysfunctional families;”.

11 25. Page 1, line 30, by inserting before the word
12 “and” the following: “() revenue committed to
13 programs dealing with postnatal care for low-income
14 women and families and dysfunctional families;”.

15 26. Page 1, line 30, by inserting before the word
16 “and” the following: “() revenue committed to
17 programs dealing with postnatal care for teenage
18 mothers;”.

19 27. Page 1, line 30, by inserting before the word
20 “and” the following: “() revenue committed to the
21 state board of regents, including work study and
22 student loan programs administered by institutions
23 under the state board of regents;”.

24 28. Page 1, line 30, by inserting before the word
25 “and” the following: “() amounts received from the

26 Iowa lottery, if used for economic development;”.

27 29. Page 1, line 30, by inserting before the word
28 “and” the following: “() revenue committed to any
29 state program to combat the destruction of the family
30 unit due to domestic violence;”.

31 30. Page 1, line 30, by inserting before the word
32 “and” the following: “() revenue committed to any
33 state program which provides law enforcement training
34 for dealing with domestic violence;”.

35 31. Page 1, line 30, by inserting before the word
36 “and” the following: “() revenue committed to any
37 state or local program designed to provide for the
38 nutritional needs of Iowa’s children;”.

39 32. Page 1, line 30, by inserting before the word
40 “and” the following: “() revenue committed to any
41 state or local program designed to provide for the
42 nutritional needs of Iowa’s elderly of limited
43 financial means;”.

44 33. Page 1, line 30, by inserting before the word
45 “and” the following: “() revenue committed to any
46 state program to assist in maintaining the viability
47 of the family farm in Iowa;”.

48 34. Page 1, line 30, by inserting before the word
49 “and” the following: “() revenue committed to
50 college scholarship programs designed to provide

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1 scholarships to Iowa residents attending college in
2 Iowa;”.

3 35. Page 1, line 30, by inserting before the word
4 “and” the following: “() revenue committed to the
5 juvenile institutions administered by the department
6 of human services at Eldora and Toledo;”.

7 36. Page 1, line 30, by inserting before the word
8 “and” the following: “() revenue committed to solid
9 waste disposal services that provide an alternative to
10 landfills;”.

11 37. Page 1, line 30, by inserting before the word
12 “and” the following: “() revenue committed to
13 training and equipment to assist peace officers in
14 sexual abuse investigations;”.

15 38. Page 1, line 30, by inserting before the word
16 “and” the following: “() revenue committed to
17 training and equipment to assist peace officers in
18 drug enforcement investigations;”.

19 39. Page 1, line 30, by inserting before the word
20 “and” the following: “() revenue committed to
21 training and equipment to assist peace officers in
22 child pornography investigations;”.

- 23 40. Page 1, line 30, by inserting before the word
 24 "and" the following: "() revenue committed to
 25 provide assistance to peace officers disabled in the
 26 line of duty;"
- 27 41. Page 1, line 30, by inserting before the word
 28 "and" the following: "() revenue committed to
 29 provide assistance to the families of peace officers
 30 killed in the line of duty;"
- 31 42. Page 1, line 30, by inserting before the word
 32 "and" the following: "() revenue committed to
 33 training and equipment for fire fighters;"
- 34 43. Page 1, line 30, by inserting before the word
 35 "and" the following: "() revenue committed to
 36 provide assistance to fire fighters disabled in the
 37 line of duty;"
- 38 44. Page 1, line 30, by inserting before the word
 39 "and" the following: "() revenue committed to
 40 training and equipment for rescue operations,
 41 including emergency medical services, ambulance
 42 service, and enhanced 911 service;"
- 43 45. Page 1, line 30, by inserting before the word
 44 "and" the following: "() revenue committed to
 45 public health services, including immunization and
 46 disease prevention and counseling for abortion
 47 alternatives;"
- 48 46. Page 1, line 30, by inserting before the word
 49 "and" the following: "() revenue committed to
 50 additions to law enforcement and fire departments;"

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- 1 47. Page 1, line 30, by inserting before the word
 2 "and" the following: "() revenue committed to
 3 elderly services, including but not limited to
 4 homemaker, case management, chore, respite care, and
 5 day care;"
- 6 48. Page 1, line 30, by inserting before the word
 7 "and" the following: "() revenue committed to
 8 health care for those infected with acquired immune
 9 deficiency syndrome;"
- 10 49. Page 1, line 30, by inserting before the word
 11 "and" the following: "() revenue committed to
 12 mental health or mental retardation services;"
- 13 50. Page 1, line 30, by inserting before the word
 14 "and" the following: "() revenue committed to
 15 prenatal nutrition programs intended to prevent
 16 disabilities in newborns;"
- 17 51. Page 1, line 30, by inserting before the word
 18 "and" the following: "() revenue committed to
 19 school districts and area education agencies,

20 including additional revenue necessary to comply with
21 educational standards under section 256.11;”

22 52. Page 1, line 30, by inserting before the word
23 “and” the following: “(—) revenue committed to any
24 use that is projected to result in future savings in
25 state expenditures in excess of the revenue committed
26 to such use;”

27 53. Page 1, line 30, by inserting before the word
28 “and” the following: “(—) an amount necessary to
29 compensate for any reduction in federal or state funds
30 received by local governments in any fiscal year as
31 compared to the amount of federal or state funds
32 received in fiscal year 1990 or any other preceding
33 fiscal year thereafter, whichever is greater;”

34 54. Page 1, line 30, by inserting before the word
35 “and” the following: “(—) revenue committed to
36 economic development in the community services
37 division of the merged area schools and to retire
38 bonds issued to fund job training programs in the
39 merged area schools;”

40 55. Page 1, line 30, by inserting before the word
41 “and” the following: “(—) revenue committed to fund
42 the transportation costs of a rural school district
43 with an enrollment of less than five hundred;”

44 56. Page 1, line 30, by inserting before the word
45 “and” the following: “(—) revenue committed to fund
46 sharing programs between school districts with
47 enrollments of less than one thousand;”

48 57. Page 1, line 30, by inserting before the word
49 “and” the following: “(—) revenue committed to the
50 preservation of elementary and secondary schools;”

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1 58. Page 2, line 6, by striking the words “The
2 increase is”.

3 59. Page 2, by striking line 7.

4 60. Page 2, by inserting before line 8 the
5 following: “The referendum shall include the length
6 of time for which the temporary increase will be in
7 effect.”

8 61. Page 2, line 24, by inserting after the word
9 “benefits” the following: “, including receipts from
10 the fish protection, brucellosis eradication,
11 snowmobile and all-terrain vehicle, boat, and
12 groundwater protection trust funds established in the
13 Constitution of the State of Iowa.”

14 62. Page 3, line 3, by inserting after the word
15 “state.” the following: “School districts or other
16 local governments which consolidate after the

- 17 effective date of this amendment shall not be subject
18 to the revenue and spending limitations established in
19 this amendment unless the ballot proposing
20 consolidation is approved by at least sixty percent of
21 the total vote cast at the election.”
- 22 63. Page 3, line 18, by striking the word
23 “taxpayer” and inserting the following: “citizen of
24 Iowa”.
- 25 64. Page 3, line 19, by striking the word
26 “taxpayer” and inserting the following: “citizen”.
- 27 65. Page 3, by striking lines 21 through 24.
- 28 66. Page 3, by inserting before line 25 the
29 following:
- 30 “2. Article VII of the Constitution of the State
31 of Iowa is amended by adding the following new
32 sections:
- 33 FISH PROTECTION FUND. SEC. 9. The revenue from
34 all license fees from fishing activities and excise
35 taxes from fishing, and any public or private funds
36 appropriated, allocated, or given for fish protection
37 purposes, shall be used exclusively for activities
38 related to the propagation, management, harvest, and
39 protection of fish resources.
- 40 BRUCellosis ERADICATION FUND. SEC. 10. The
41 revenue from all permit and fees and penalties, and
42 any public or private funds appropriated, allocated,
43 or given for bovine and swine brucellosis eradication
44 purposes, shall be used exclusively for activities
45 related to the eradication of bovine and swine
46 brucellosis.
- 47 SNOWMOBILE AND ALL-TERRAIN VEHICLE FUND. SEC. 11.
48 The revenue from all registration, permit, and other
49 fees, fines, and penalties, and any public or private
50 funds appropriated or allocated, or given for

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- 1 snowmobile and all-terrain vehicle programs in the
2 state shall be used exclusively for snowmobile and
3 all-terrain vehicle programs in the state. All-
4 terrain vehicle fees, fines, and penalties shall be
5 used only for all-terrain vehicle programs and
6 snowmobile fees, fines, and penalties shall be used
7 only for snowmobile programs. Joint programs shall be
8 supported from both types of fees on a usage basis.
9 At least fifty percent of the special fund shall be
10 available for political subdivisions or incorporated
11 private organizations or both.
- 12 BOAT FUND. SEC. 12. The revenue from all
13 registration, permit, and other fees, fines, and

14 penalties and any public or private funds appropriated
15 or allocated, or given for boating programs in the
16 state shall be used exclusively for programs to
17 promote safety for persons and property in and
18 connected with the use, operation, and equipment of
19 vessels and to promote uniformity of laws relating to
20 vessels.

21 GROUNDWATER PROTECTION FUND. SEC. 13. The
22 revenue, including fees, fines, and penalties,
23 received from sources designated for purposes related
24 to groundwater monitoring and groundwater quality
25 standards and any public or private funds appropriated
26 or allocated shall be used exclusively to establish a
27 groundwater protection fund to provide for projects
28 and programs related to abating and eliminating the
29 threat of contamination of the state's groundwater."

30 67. Page 3, by inserting before line 25 the
31 following:

32 "3. Section 1 of Article X of the Constitution of
33 the State of Iowa is repealed beginning with the
34 general election in the year 1996, and the following
35 adopted in lieu thereof:

36 HOW PROPOSED -- SUBMISSION. Section 1. Any
37 amendment or amendments to this Constitution may be
38 proposed in either House of the General Assembly; and
39 if the same shall be agreed to by a majority of the
40 members elected to each of the two Houses, such
41 proposed amendment shall be entered on their journals,
42 with the yeas and nays taken thereon, and referred to
43 the Legislature to be chosen at the next general
44 election, and shall be published, as provided by law,
45 for three months previous to the time of making such
46 choice; and if, in the General Assembly so next chosen
47 as aforesaid, such proposed amendment or amendments
48 shall be agreed to, by a majority of all the members
49 elected to each House, then it shall be the duty of
50 the General Assembly to submit such proposed amendment

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1 or amendments to the people, in such manner, and at
2 such time as the General Assembly shall provide; and
3 if the people shall approve and ratify such amendment
4 or amendments, by at least sixty percent of the
5 electors qualified to vote for members of the General
6 Assembly, voting thereon, such amendment or amendments
7 shall become a part of the Constitution of this
8 State."

9 68. Page 4, line 4, by striking the words "Except
10 for school districts, the" and inserting the

- 11 following: "The".
 12 69. Page 4, line 26, by striking the words
 13 "school district,".
 14 70. By renumbering as necessary.

LARRY MURPHY
 RALPH ROSENBERG
 FLORENCE BUHR
 ELAINE SZYMONIAK
 RICHARD RUNNING
 BEVERLY HANNON
 MIKE CONNOLLY
 AL STURGEON
 ALBERT SORENSEN
 JEAN LLOYD-JONES

S-5747

- 1 Amend the amendment, S-5746, to Senate Joint
 2 Resolution 2008, as follows:
 3 1. Page 2, line 11, by striking the word
 4 "districts" and inserting the following:
 5 "corporations".

LARRY MURPHY

S-5748

- 1 Amend Senate Joint Resolution 2008 as follows:
 2 1. Page 2, lines 11 and 12, by striking the words
 3 "Each such law is effective for only one fiscal year."
 4 and inserting the following: "A local government's
 5 revenue limit may be temporarily increased by not more
 6 than ten percent, by vote of three-fourths of the
 7 whole membership of the local government's governing
 8 body after prominent notice and public hearing. Each
 9 increase under this section is effective for only one
 10 fiscal year."
 11 2. Page 4, by inserting after line 31, the
 12 following:
 13 " ____ . The prominent notice required by section 6
 14 of Article XIII includes at least a quarter-page
 15 notice in large print, published twice at least 20
 16 days before the public hearing, in the newspaper most
 17 adequately serving the local government's area, and
 18 stating the amount and purpose of the proposed
 19 increase, the date, time, and place of the public
 20 hearing, and each citizen's right to be heard. The
 21 public hearing required by section 6 of Article XIII
 22 includes at least a fair opportunity for each person

23 who appears to be heard by the local governing body in
24 a central and convenient place.”
25 3. By renumbering, relettering, and redesignating
26 as necessary.

LEONARD L. BOSWELL
EMIL J. HUSAK
JAMES B. KERSTEN

S-5749

1 Amend Senate Joint Resolution 2008, as follows:
2 1. Page 3, by striking lines 4 through 9 and
3 inserting the following:
4 “SEC. 11. A state law or rule adopted after this
5 Article becomes effective, which mandates any
6 political subdivision to engage in any new activity,
7 to provide any new service, to increase any current
8 level of activity, or to provide any service beyond
9 that required by existing law, shall not have the
10 force of law unless the state provides sufficient new
11 funding or a means of new funding to the political
12 subdivision to pay the cost of performing the mandated
13 activity or service for the period of time during
14 which the activity or service is required to be
15 performed.”

BEVERLY A. HANNON
LARRY MURPHY
ELAINE SZYMONIAK

S-5750

1 Amend Senate Joint Resolution 2008 as follows:
2 1. Page 3, by inserting after line 24, the
3 following:
4 “SEC. 16. This Article shall be effective for six
5 years from the date of the general election at which
6 the Article is adopted. At the general election
7 occurring in the sixth year subsequent to adoption and
8 every general election six years thereafter, the
9 electors of the state qualified to vote for members of
10 the General Assembly shall vote to adopt and ratify
11 this Article.”

RICHARD VARN

S-5751

- 1 Amend Senate Joint Resolution 2008 as follows:
- 2 1. Page 2, line 4, by striking the word
- 3 "temporarily".
- 4 2. Page 2, line 6, by striking the words "The
- 5 increase is".
- 6 3. Page 2, by striking line 7.

ALVIN V. MILLER

S-5752

- 1 Amend Senate Joint Resolution 2008 as follows:
- 2 1. Page 1, line 4, by inserting after the figure
- 3 "XIII" the following: ", effective for the first
- 4 state fiscal year beginning at least six months after
- 5 the article is approved and ratified by the electorate
- 6 except that the article shall not take effect until
- 7 the state fiscal year following the calendar year in
- 8 which there is conducted a performance audit of each
- 9 state agency, in order to ensure that waste in state
- 10 government is eliminated, such audit to be conducted
- 11 by the Legislative Fiscal Bureau or an entity
- 12 appointed by the Legislative Council".

RALPH ROSENBERG

S-5753

- 1 Amend Senate Joint Resolution 2008 as follows:
- 2 1. Page 2, by striking line 30 through page 3,
- 3 line 3 and inserting the following: "revenue limit."

MARY KRAMER
ALVIN V. MILLER
ELAINE SZYMONIAK

S-5754

- 1 Amend Senate Joint Resolution 2008 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "increase" the following: "and real property
- 4 valuation increases".
- 5 2. Page 1, line 30, by inserting before the word
- 6 "and" the following: "() revenue received from
- 7 regulatory or licensing fees imposed on users of the
- 8 regulated or licensed services if the fees collected
- 9 are used to fund the regulation or licensure of the
- 10 activity,".

- 11 3. Page 2, lines 6 and 7, by striking the words
 12 "The increase is effective for no more than five
 13 fiscal years."
 14 4. Page 2, by striking lines 11 and 12, and
 15 inserting the following: "by the Governor."

RICHARD VARN

S-5755

- 1 Amend the amendment, S-5748, to Senate Joint
 2 Resolution 2008, as follows:
 3 1. Page 1, line 14, by striking the words "at
 4 least a quarter-page".

SHELDON RITTMER

HOUSE AMENDMENT TO
 SENATE FILE 2364

S-5756

- 1 Amend Senate File 2364, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking line 6 and inserting the
 4 following: "payable with the first half of ordinary".
 5 2. Page 1, line 9, by inserting after the word
 6 "sales." the following: "As an alternative, the
 7 certifying authority may request that the annual
 8 installment be payable in two equal payments, one-half
 9 with the September payment of ordinary taxes and one-
 10 half payable with the March payment of ordinary
 11 taxes."

S-5757

- 1 Amend House File 2466 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 26, line 34, by inserting after the word
 4 "ordered." the following: "If the existence of the
 5 complaint is disclosed by the complainant, the board
 6 shall, within seven days of the disclosure, make a
 7 determination as to whether there is probable cause to
 8 believe that a violation of this chapter, chapter 56,
 9 or the rules of the board has occurred."

MAGGIE TINSMAN
 JIM KERSTEN
 H. KAY HEDGE
 RICHARD F. DRAKE

S-5758

- 1 Amend House File 2466 as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the words "and
4 local level".
- 5 2. Page 1, lines 11 and 12, by striking the words
6 "and local".
- 7 3. Page 1, by striking lines 17 through 19 and
8 inserting the following: "executive and legislative
9 branches of state government. The supreme court is
10 required to prescribe rules".
- 11 4. Page 4, line 21, by inserting after the word
12 "responsibilities" the following: ", provided that
13 the amount of the expenses received is reported to the
14 board".
- 15 5. Page 5, by striking lines 17 through 24, and
16 inserting the following:
17 "b. "Honorarium" does not include payment for or
18 provision of actual travel and subsistence expenses,
19 including transportation, accommodations, and meals
20 provided that the amount of the payment received is
21 reported to the board."
- 22 6. Page 6, by striking lines 28 through 31.
- 23 7. Page 7, by striking lines 24 and 25, and
24 inserting the following:
25 " —. "Public employee" means employees and
26 legislative employees."
- 27 8. Page 7, line 32, by striking the words "
28 local officials,".
- 29 9. Page 12, line 33, by inserting after the word
30 "candidate" the following: "for state office".
- 31 10. Page 13, line 4, by inserting after the word
32 "candidate" the following: "for state office".
- 33 11. Page 13, line 7, by inserting after the word
34 "candidate" the following: "for state office".
- 35 12. Page 13, line 9, by inserting after the word
36 "candidate" the following: "for state office".
- 37 13. Page 13, line 25, by inserting after the word
38 "candidate" the following: "for state office".
- 39 14. Page 13, line 26, by striking the words
40 "receiving or accepting" and inserting the following:
41 "giving".
- 42 15. Page 13, by striking line 27 and inserting
43 the following: "drink reports the donation of any
44 items given".
- 45 16. Page 13, line 30, by striking the word
46 "candidate's" and inserting the following: "candidate
47 for state office's".

- 48 17. Page 13, line 32, by inserting after the word
49 "candidate" the following: "for state office".
50 18. Page 14, by inserting after line 2 the fol-

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- 1 lowing:
2 " _____. Gifts of food and drink may be received or
3 accepted by members of the general assembly at social
4 events to which all members of both houses or of a
5 standing committee of either house of the general
6 assembly are invited, if the donor reports the total
7 cost of the social event to the board."
8 19. Page 14, by striking lines 17 and 18, and
9 inserting the following: "or public employee is filed
10 by the donor with the board. Reports of gifts filed
11 with the board under this subsection are confidential
12 records under chapter 22."
13 20. Page 14, line 19, by inserting after the word
14 "candidate" the following: "for state office".
15 21. Page 15, line 27, by inserting after the word
16 "candidate" the following: "for state office".
17 22. Page 19, lines 11 and 12, by striking the
18 words "and campaign finance practices".
19 23. Page 19, line 13, by inserting after the word
20 "government," the following: "and".
21 24. Page 19, by striking line 14.
22 25. Page 19, line 21, by inserting after the word
23 "party" the following: ", and who shall be subject to
24 confirmation by the senate".
25 26. Page 22, line 24, by inserting after the word
26 "copying" the following: "in a manner consistent with
27 the requirements of chapter 22,".
28 27. Page 23, line 10, by striking the words
29 "Establish and impose" and inserting the following:
30 "Submit proposed legislation establishing a schedule
31 of".
32 28. Page 23, by striking line 26, and inserting
33 the following: "persons holding a statewide public
34 office".
35 29. Page 23, line 27, by striking the words
36 "subdivision, including candidates" and inserting the
37 following: "and candidates for any state office".
38 30. Page 23, by striking lines 28 and 29, and
39 inserting the following: "legislative and executive
40 branch of state government and regulations governing".
41 31. Page 23, line 30, by striking the words "
42 including but" and inserting the following: "; and
43 biennially propose resolutions establishing a code of
44 ethical conduct for members of the general assembly.

45 Rules, regulations, and proposed resolutions shall
46 include but are".

47 32. Page 24, line 5, by striking the words
48 "candidate for public office,".

49 33. Page 24, by striking lines 6 and 7, and
50 inserting the following: "lobbyist has committed a

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1 violation of this chapter or the rules adopted by the
2 board or that a candidate for public office or elected
3 public official has committed a violation of chapter
4 56 or the rules adopted by the board. The board
5 shall".

6 34. Page 26, line 1, by striking the words "A
7 preponderance of clear" and inserting the following:
8 "Clear".

9 35. Page 27, by inserting after line 29, the
10 following:

11 " — . Proceedings on complaints and investigations
12 initiated by the board, including the imposition of,
13 or recommendations for the imposition of, any
14 penalties by the board shall be concluded within six
15 months of the filing of the complaint or initiation of
16 the investigation. The board may, however, seek an
17 extension of up to an additional three months of time
18 for conducting proceedings on complaints or
19 investigations of public officials or public employees
20 who are not members of the general assembly by
21 submitting a request for extension of time to the
22 entity that would be responsible for removing or
23 suspending the person. If the complaint or
24 investigation relates to a member of the general
25 assembly, the board may seek up to an additional three
26 months of time to conduct proceedings by submitting a
27 request to the committee responsible for the
28 administration of the house in which the member holds
29 a seat."

30 36. Page 27, lines 34 and 35, by striking the
31 words "a preponderance of".

32 37. Page 28, by striking lines 27 through 31 and
33 inserting the following:

34 " — . Censure, reprimand, or impose any other
35 sanctions deemed appropriate by the board, if the
36 violator is a lobbyist. The board may suspend a
37 lobbyist from lobbying activities if the board finds
38 that suspension is an appropriate sanction for the
39 violation."

40 38. Page 29, by inserting after line 9, the
41 following:

42 "When the board submits a recommendation for
43 discipline in any form to another entity that is
44 responsible for imposing punishment upon a person for
45 a violation of this chapter, the board shall include
46 with the recommendation a report detailing the factual
47 basis for the board's finding of a violation, a record
48 of the board's vote relating to the violation, and a
49 copy of any dissenting opinions of board members that
50 may be available with respect to the violation. The

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1 board shall also, upon the request of the entity
2 responsible for imposing punishment, furnish items of
3 evidence and the record of the hearings before the
4 board."

5 39. Page 29, line 18, by striking the word
6 "public" and inserting the following: "state".

7 40. Page 29, line 24, by inserting after the word
8 "certain" the following: "public".

9 41. Page 30, by striking lines 1 through 3 and
10 inserting the following: "a waiver of personal
11 financial disclosure for any person who, as defined in
12 the rules of the board, does not occupy a position
13 involving a".

14 42. Page 30, line 7, by inserting after the words
15 "appointees to" the following: "state".

16 43. Page 32, by inserting after line 7 the fol-
17 lowing:

18 "3. A lobbyist's client who fails to file a report
19 required under this section may be subject to the
20 imposition of penalties by the board as provided under
21 section 68B.10D, subsections 1 through 3, 7, and 8."

22 44. Page 32, line 21, by striking the words
23 "adopt rules" and inserting the following: "prescribe
24 rules by January 1, 1993,".

25 45. Page 32, by inserting after line 29 the
26 following:

27 "Sec. ____ . NEW SECTION. 68C.1 TITLE OF ACT.

28 This chapter shall be known as the "Local Public
29 Officials Act".

30 Sec. ____ . NEW SECTION. 68C.2 DEFINITIONS.

31 When used in this chapter, unless the context
32 otherwise requires:

33 1. "Agency" means any political subdivision of the
34 state.

35 2. "Candidate" means a candidate or a person
36 elected to an office of a political subdivision until
37 the person takes office.

38 3. "Compensation" means any money, thing of value,

39 or financial benefit conferred in return for services
40 rendered or to be rendered.

41 4. "Employee" means a full-time, salaried employee
42 of a political subdivision of the state of Iowa and
43 does not include part-time employees or independent
44 contractors. Employee includes but is not limited to
45 all clerical personnel.

46 5. a. "Gift" means a rendering of money,
47 property, services, discount, loan forgiveness,
48 payment of indebtedness, or anything else of value in
49 return for which legal consideration of equal or
50 greater value is not given and received, if the donor

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1 is in any of the following categories:

2 (1) Is doing or seeking to do business of any kind
3 with the donee's agency.

4 (2) Is engaged in activities which are regulated
5 or controlled by the donee's agency.

6 (3) Has interests which may be substantially and
7 materially affected, in a manner distinguishable from
8 the public generally, by the performance or
9 nonperformance of the donee's official duty.

10 b. However, "gift" does not mean any of the
11 following:

12 (1) Campaign contributions.

13 (2) Informational material relevant to a public
14 servant's official functions, such as books,
15 pamphlets, reports, documents, or periodicals, and
16 registration fees or tuition not including travel or
17 lodging, for not more than three days, at seminars or
18 other public meetings conducted in this state, at
19 which the public servant receives information relevant
20 to the public servant's official functions.

21 Information or participation received under the
22 exclusion of this paragraph may be applied to satisfy
23 a continuing education requirement of the donee's
24 regulated occupation or profession if the donee pays
25 any registration costs exceeding thirty-five dollars.

26 (3) Anything received from a person related within
27 the fourth degree by kinship or marriage, unless the
28 donor is acting as an agent or intermediary for
29 another person not so related.

30 (4) An inheritance.

31 (5) Anything available to or distributed to the
32 public generally without regard to official status of
33 the recipient.

34 (6) Actual expenses for food, beverages, travel,
35 lodging, registration, and scheduled entertainment of

36 the donee for a meeting, which is given in return for
37 participation in a panel or speaking engagement at the
38 meeting.

39 (7) Plaques or items of negligible resale value
40 given as recognition for public services.

41 6. "Immediate family members" means the spouse and
42 minor children of a person required to file reports
43 pursuant to this chapter or the rules adopted pursuant
44 to this chapter.

45 7. "Is doing business with the donee's agency"
46 means being a party to any one or any combination of
47 sales, purchases, leases, or contracts to, from, or
48 with a political subdivision, or any agency of a
49 political subdivision.

50 8. "Official" means an officer of a political

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1 subdivision of the state of Iowa receiving a salary or
2 per diem whether elected or appointed or whether
3 serving full-time or part-time. "Official" includes
4 but is not limited to supervisory personnel and
5 members of agencies of political subdivisions of the
6 state.

7 9. "Public disclosure" means a written report
8 filed by the fifteenth day of the month following the
9 month in which a gift is received as required by this
10 chapter or required by rules adopted pursuant to this
11 chapter.

12 Where the term "candidate", "employee", or
13 "official" is used in this chapter, it includes a firm
14 of which any of those persons is a partner and a
15 corporation of which any of those persons holds ten
16 percent or more of the stock either directly or
17 indirectly, and the spouse and minor children of any
18 of those persons.

19 Sec. —. NEW SECTION. 68C.3 GIFTS SOLICITED OR
20 ACCEPTED.

21 1. An official, employee, candidate, or that
22 person's immediate family member shall not, directly
23 or indirectly, solicit, accept, or receive from any
24 one donor in any one calendar day a gift or a series
25 of gifts having a value of thirty-five dollars or
26 more.

27 2. A person shall not, directly or indirectly,
28 offer or make a gift or a series of gifts to an
29 official, employee, or candidate in any one calendar
30 day, if the gift or series of gifts has a value of
31 thirty-five dollars or more. A person shall not,
32 directly or indirectly, join with one or more other

33 persons to offer or make a gift or a series of gifts
34 to an official, employee, or candidate in any one
35 calendar day, if the gift or series of gifts has a
36 total value of thirty-five dollars or more. The
37 thirty-five dollar limitation of this section applies
38 separately to a person and the person's immediate
39 family member.

40 3. A person may give and an official, employee,
41 candidate, or the person's immediate family member may
42 accept in any one calendar day a gift or a series of
43 gifts which has a value of thirty-five dollars or more
44 and not be in violation of this section if the gift or
45 series of gifts is donated within thirty days to a
46 public body, a bona fide educational or charitable
47 organization, or the department of general services.
48 All such items donated to the department of general
49 services shall be disposed of by assignment to state
50 agencies for official use or by public sale.

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1 Sec. ____ . NEW SECTION. 68C.4 REPORTING OF GIFTS
2 AND FINANCIAL DISCLOSURE.

3 1. The governing body of a political subdivision
4 of this state shall adopt rules requiring the
5 reporting of gifts made to its respective members and
6 their immediate family members and its officials and
7 employees and their immediate family members. The
8 rules as adopted shall require public disclosure of
9 the nature, amount, date, and donor of a gift or gifts
10 from any one donor made to one of those individuals
11 which exceeds fifteen dollars in cumulative value in
12 any one calendar day. The rules shall require such
13 disclosure by both the donor and donee. The rules may
14 waive the reporting of food and beverage provided for
15 immediate consumption in the presence of the donor.
16 Copies of the rules and reports shall be filed with
17 the county auditor of the county in which the
18 political subdivision is located.

19 The secretary of state shall develop a standard
20 form for public disclosure of gifts in compliance with
21 this subsection which shall be available at every
22 county auditor's office without cost.

23 2. a. In determining the value of a gift, an
24 individual making a gift on behalf of more than one
25 person shall not divide the value of the gift by the
26 number of persons on whose behalf the gift is made.

27 b. The value of a gift to the donee is the value
28 actually received.

29 c. For the purposes of the reporting requirements

30 of this section, a donor of a gift made by more than
31 one individual to one or more donees shall report the
32 gift if the total value of the gift to the donee
33 exceeds fifteen dollars.

34 3. Reporting requirements adopted or issued under
35 this section may include requirements relating to the
36 reporting of income which is not a gift.

37 4. A person who does not make public disclosure of
38 gifts as required by this chapter or the rules adopted
39 pursuant to this chapter is guilty of a serious
40 misdemeanor.

41 Sec. ____ . NEW SECTION. 68C.5 ADDITIONAL PENALTY.

42 In addition to any penalty contained in any other
43 provision of law, a person who knowingly and
44 intentionally violates section 68C.3 or 68C.4 is
45 guilty of a serious misdemeanor and may be
46 reprimanded, suspended, or dismissed from the person's
47 position or otherwise sanctioned.

48 Sec. ____ . NEW SECTION. 68C.6 ACTIONS COMMENCED.

49 Actions to enforce the provisions of this chapter
50 may be commenced by any legal resident of the state of

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1 Iowa who is eighteen years of age or more at the time
2 of commencing the action or by the attorney general.

3 Sec. ____ . Section 22.7, Code 1991, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 29. Reports filed with the Iowa
6 ethics and campaign finance board of gifts of food,
7 beverages, travel, and lodging received by a public
8 official or public employee as a result of official
9 participation in economic development opportunities
10 under section 68B.7B."

11 46. Page 37, by inserting after line 7, the
12 following:

13 "Sec. ____ . Section 56.10A, Code 1991, is amended
14 to read as follows:

15 56.10A REPORTING OF HONORARIA.

16 1. The commission board shall adopt rules
17 requiring the filing of periodic reports by
18 officeholders showing all honoraria received during
19 the reporting period.

20 2. The rules shall require that:

21 a. Holders of statewide office must file reports
22 with the state commissioner of elections.

23 b. Holders of the office of state senator must
24 file reports with the secretary of the senate.

25 c. Holders of the office of state representative
26 must file reports with the chief clerk of the house of

27 representatives.

28 d. Holders ~~holders~~ of county and other offices

29 must file reports with the county commissioner of
30 elections.

31 3. The reports shall be available for public
32 inspection."

33 47. Page 39, by striking line 18 and inserting
34 the following:

35 "a. Contributions to charitable organizations."

36 48. Page 44, line 13, by inserting after the word
37 "commission." the following: "Rules, forms, and
38 precedents established by the campaign finance
39 disclosure commission regarding the administration of
40 chapter 56 shall remain effective until ratified,
41 rescinded, or modified by action by the board."

42 49. Page 44, by inserting after line 13 the
43 following:

44 "Sec. ____ . Notwithstanding chapter 68B, until
45 legislation is adopted that establishes a code of
46 ethics for members of the general assembly and
47 regulations governing the conduct of lobbyists, the
48 rules of the Seventy-fourth General Assembly that
49 establish a code of ethics and rules governing
50 lobbyists shall remain in effect."

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1 50. Page 44, line 19, by striking the word and
2 figures "Section 56.9, 56.10A," and inserting the
3 following: "Sections 56.9".

4 51. By numbering, renumbering, relettering, and
5 changing internal references as necessary.

JOHN P. KIBBIE
JEAN LLOYD-JONES
JIM LIND
RICHARD F. DRAKE
MICHAEL E. GRONSTAL

S-5759

1 Amend the amendment, S-5746, to Senate Joint
2 Resolution 2008, as follows:

3 1. Page 1, by striking lines 2 through 45.

4 2. Page 2, by striking lines 7 and 8.

5 3. Page 2, by striking lines 12 through 27.

6 4. Page 2, by striking line 36 through page 3,
7 line 9.

8 5. Page 3, by striking lines 17 through 24.

9 6. Page 3, by striking lines 31 through 34.

- 10 7. Page 3, by striking line 42 through page 4,
11 line 2.
12 8. Page 4, by striking lines 7 through 34.
13 9. Page 4, by striking line 44 through page 5,
14 line 18.
15 10. Page 5, by striking line 23 through page 9,
16 line 13.

JIM LIND

S-5760

- 1 Amend the amendment, S-5758, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 3 through 10.
5 2. Page 1, by striking lines 22 through 49.
6 3. By striking page 1, line 50, through page 2,
7 line 7.
8 4. Page 2, by striking lines 13 through 21.
9 5. Page 2, by striking lines 35 through 40.
10 6. By striking page 2, line 47 through page 3,
11 line 5.
12 7. Page 4, by striking lines 7 and 8.
13 8. By striking page 4, line 27 through page 8,
14 line 2.
15 9. Page 8, by striking lines 11 through 32.
16 10. Page 8, by striking lines 33 through 35.
17 11. Page 9, by striking lines 1 through 3.
18 12. By renumbering and changing internal
19 references as necessary.

JEAN LLOYD-JONES
EMIL J. HUSAK
H. KAY HEDGE

S-5761

- 1 Amend the amendment, S-5758, to House File 2466 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, lines 4 and 5, by striking the words
5 "or of a standing committee of either house".

JOHN P. KIBBIE
RICHARD F. DRAKE

S-5762

- 1 Amend House File 2466 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 27, line 10, by striking the word "two"
- 4 and inserting the following: "ten".

JIM KERSTEN
MAGGIE TINSMAN

S-5763

- 1 Amend House File 2466, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 22, line 16, by inserting after the
- 4 figure "56." the following: "The board shall, as the
- 5 board deems appropriate, notify and invite members of
- 6 the press to attend or participate in any regular
- 7 educational programs for public officials and
- 8 employees, lobbyists, and candidates for public
- 9 office."

MARY E. KRAMER
H. KAY HEDGE

S-5764

- 1 Amend Senate File 2360 as follows:
- 2 1. Page 10, by inserting after line 9 the
- 3 following:
- 4 "Sec. ____ . **NEW SECTION. 56.15A CONTRIBUTIONS BY**
- 5 **POLITICAL COMMITTEES PROHIBITED.**
- 6 A political committee shall not contribute to, act
- 7 as an agent or intermediary for contributions to, or
- 8 arrange for the making of contributions to the
- 9 campaign funds of an elected state official, member of
- 10 the general assembly, or candidate for statewide
- 11 public office or the general assembly at any time."
- 12 2. By renumbering and correcting internal
- 13 references as necessary.

JACK RIFE

S-5765

- 1 Amend Senate File 2360 as follows:
- 2 1. Page 2, line 3, by inserting after the word
- 3 "expenditures" the following: "and contributions".
- 4 2. Page 2, line 20, by inserting after the word
- 5 "expenditures" the following: "and contributions".

6 3. Page 3, by inserting after line 35 the
7 following:
8 "Sec. —. NEW SECTION. 56.35A RESTRICTED
9 CAMPAIGNS - LIMITATIONS ON ACCEPTANCE OF INDIVIDUAL
10 CONTRIBUTIONS.

11 If a restricted campaign exists, at least eighty
12 percent of individual contributions received by a
13 candidate or candidate's committee during the time
14 periods determined pursuant to section 56.36 shall
15 have originated as contributions made by individual
16 contributors residing within the candidate's
17 district."

18 4. Page 4, line 1, by striking the word
19 "EXPENDITURE".

20 5. Page 4, line 4, by inserting after the figure
21 "56.35" the following: "and section 56.35A".

22 6. Page 6, line 13, by inserting after the word
23 "expenditure" the following: "or contribution".

24 7. Page 6, line 16, by inserting after the word
25 "expenditures" the following: "or contributions".

26 8. Page 6, line 17, by inserting after the word
27 "expenditures" the following: "or contributions".

28 9. Page 7, by striking line 11, and inserting the
29 following: "the expenditure or contribution limits of
30 section 56.35 or 56.35A is, upon conviction,".

31 10. Page 7, line 18, by inserting after the word
32 "EXPENDITURES" the following: "AND CONTRIBUTIONS".

33 11. Page 7, line 24, by inserting after the word
34 "expenditures" the following: "and contributions".

35 12. Page 7, line 26, by inserting after the word
36 "expenditures" the following: "and contributions".

37 13. Page 7, line 27, by inserting after the word
38 "expenditures" the following: "and contributions".

39 14. Page 7, line 29, by inserting after the word
40 "expenditures" the following: "and contributions".

41 15. Page 7, line 31, by inserting after the word
42 "expenditures" the following: "and contributions".

43 16. Page 8, line 22, by inserting after the word
44 "EXPENDITURES" the following: "AND CONTRIBUTIONS".

45 17. Page 8, line 28, by inserting after the word
46 "expenditures" the following: "and contributions".

47 18. Page 8, line 28, by inserting after the
48 figure "56.34" the following: "and section 56.35A".

49 19. Page 8, line 30, by inserting after the word
50 "expenditures" the following: "and contributions".

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1 20. Page 8, line 31, by inserting after the word
2 "expenditures" the following: "and contributions".

- 3 21. Page 8, line 33, by inserting after the word
4 "expenditures" the following: "and contributions".
5 22. Page 8, line 35, by inserting after the word
6 "expenditures" the following: "and contributions".
7 23. Page 10, line 6, by inserting after the word
8 "expenditures" the following: "and contributions".
9 24. Page 10, line 9, by inserting after the word
10 "expenditures" the following: "and contributions".
11 25. Title page, line 2, by inserting after the
12 word "expenditures" the following: "and
13 contributions".
14 26. By renumbering as necessary.

PAUL PATE

S-5766

- 1 Amend Senate File 2360 as follows:
2 1. Page 2, line 3, by inserting after the word
3 "expenditures" the following: "and contributions".
4 2. Page 2, line 20, by inserting after the word
5 "expenditures" the following: "and contributions".
6 3. Page 3, by inserting after line 35 the
7 following:
8 "Sec. ____ . NEW SECTION. 56.35A RESTRICTED
9 CAMPAIGNS -- LIMITATIONS ON ACCEPTANCE OF
10 CONTRIBUTIONS.
11 If a restricted campaign exists, a candidate with
12 qualifying nominations to that eligible office or the
13 candidate's committee shall not accept contributions
14 from political action committees which exceed fifty
15 percent of total contributions received during the
16 time periods determined pursuant to section 56.36."
17 4. Page 4, line 1, by striking the word
18 "EXPENDITURE".
19 5. Page 4, line 4, by inserting after the figure
20 "56.35" the following: "and section 56.35A".
21 6. Page 6, line 13, by inserting after the word
22 "expenditure" the following: "or contribution".
23 7. Page 6, line 16, by inserting after the word
24 "expenditures" the following: "or contributions".
25 8. Page 6, line 17, by inserting after the word
26 "expenditures" the following: "or contributions".
27 9. Page 7, by striking line 11, and inserting the
28 following: "the expenditure or contribution limits of
29 section 56.35 or 56.35A is, upon conviction,".
30 10. Page 7, line 18, by inserting after the word
31 "EXPENDITURES" the following: "AND CONTRIBUTIONS".
32 11. Page 7, line 24, by inserting after the word
33 "expenditures" the following: "and contributions".

- 34 12. Page 7, line 26, by inserting after the word
 35 "expenditures" the following: "and contributions".
 36 13. Page 7, line 27, by inserting after the word
 37 "expenditures" the following: "and contributions".
 38 14. Page 7, line 29, by inserting after the word
 39 "expenditures" the following: "and contributions".
 40 15. Page 7, line 31, by inserting after the word
 41 "expenditures" the following: "and contributions".
 42 16. Page 8, line 22, by inserting after the word
 43 "EXPENDITURES" the following: "AND CONTRIBUTIONS".
 44 17. Page 8, line 28, by inserting after the word
 45 "expenditures" the following: "and contributions".
 46 18. Page 8, line 28, by inserting after the
 47 figure "56.34" the following: "and section 56.35A".
 48 19. Page 8, line 30, by inserting after the word
 49 "expenditures" the following: "and contributions".
 50 20. Page 8, line 31, by inserting after the word

Page 2

- 1 "expenditures" the following: "and contributions".
 2 21. Page 8, line 33, by inserting after the word
 3 "expenditures" the following: "and contributions".
 4 22. Page 8, line 35, by inserting after the word
 5 "expenditures" the following: "and contributions".
 6 23. Page 10, line 6, by inserting after the word
 7 "expenditures" the following: "and contributions".
 8 24. Page 10, line 9, by inserting after the word
 9 "expenditures" the following: "and contributions".
 10 25. Title page, line 2, by inserting after the
 11 word "expenditures" the following: "and
 12 contributions".
 13 26. By renumbering as necessary.

PAUL PATE

S-5767

- 1 Amend House File 2466, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 19, line 17, by striking the word
 4 "twelve" and inserting the following: "eight".
 5 2. By striking page 19, line 33, through page 20,
 6 line 1.
 7 3. Page 20, line 30, by striking the word "Seven"
 8 and inserting the following: "Five".
 9 4. Page 43, line 34, by striking the word "Two"
 10 and inserting the following: "One".
 11 5. Page 44, line 2, by striking the words
 12 "supreme court" and inserting the following:

- 13 "governor".
 14 6. Page 44, by striking lines 5 and 6 and
 15 inserting the following:
 16 "3. One of the appointees of the governor shall
 17 serve an initial term of".

JACK RIFE

S-5768

- 1 Amend the amendment, S-5746, to Senate Joint
 2 Resolution 2008 as follows:
 3 1. Page 7, by striking lines 8 through 13, and
 4 inserting the following:
 5 " . . . Page 2, by striking lines 22 through 24 and
 6 inserting the following:
 7 "SEC. ____ . "Revenue" excludes all receipts from
 8 property taxes collected by local governments.""

ALBERT SORENSEN

S-5769

- 1 Amend House File 2466 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 35, by inserting after line 18, the
 4 following:
 5 "Sec. ____ . Section 56.5A, Code Supplement 1991, is
 6 amended to read as follows:
 7 56.5A CANDIDATE'S COMMITTEE.
 8 Each candidate for federal, state, or county office
 9 shall organize one, and only one, candidate's
 10 committee for a specific office sought when the
 11 candidate receives contributions, makes expenditures,
 12 or incurs indebtedness in excess of two hundred fifty
 13 dollars in a calendar year.
 14 Each candidate for city or school office shall
 15 organize one, and only one, candidate's committee for
 16 a specific office sought when the candidate receives
 17 contributions, makes expenditures, or incurs
 18 indebtedness in excess of five hundred dollars in a
 19 calendar year.
 20 A candidate for any elective office shall not
 21 receive contributions during a year in which the
 22 candidate is not standing for election."
 23 2. By numbering, renumbering, and changing
 24 internal references, as necessary.

H. KAY HEDGE
 MARY E. KRAMER

WILLIAM D. PALMER
HARRY G. SLIFE
BERL E. PRIEBE
GEORGE R. KINLEY

S-5770

- 1 Amend House File 2466 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 16, by inserting after line 9 the fol-
4 lowing:
5 "Sec. ____ . NEW SECTION. 68B.8A EXPENSES OF
6 MEMBERS OF GENERAL ASSEMBLY.
7 Each member of the general assembly who submits a
8 claim for reimbursement of actual expenses shall
9 submit proof that the expense or expenses were
10 actually incurred and the day or days on which the
11 expense or expenses were incurred.
12 Each member of the general assembly, before
13 receiving reimbursement for lodging expenses, shall
14 provide independent verification, if the lodging is in
15 other than a hotel or motel, that the member maintains
16 and dwells in an established residence in the member's
17 district. For purposes of this section an
18 "established residence" is a dwelling unit that is
19 rented or owned by the member or for the maintenance
20 of which the member contributes a significant amount
21 of money."
22 2. By renumbering as necessary.

H. KAY HEDGE
RICHARD F. DRAKE
MARY E. KRAMER
HARRY G. SLIFE

S-5771

- 1 Amend House File 2466 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 10, by striking line 32 through page 11,
4 line 9.

WILLIAM D. PALMER

S-5772

- 1 Amend House File 2466 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 26, line 16, by inserting after the word
4 "unless" the following: "the board determines that

5 the complaint is valid and in proper form. Once the
 6 board determines that a complaint is valid and in
 7 proper form and".
 8 2. Page 26, by striking lines 18 and 19, and
 9 inserting the following: "preliminary investigation,
 10 the board may publicly".

H. KAY HEDGE
 MARY E. KRAMER
 HARRY G. SLIFE

S-5773

1 Amend the amendment, S-5606, to House File 2400, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 5 through 9.
 5 2. By striking page 10, line 46, through page 11,
 6 line 3.
 7 3. Page 11, by striking lines 5 through 7 and
 8 inserting the following: "inserting the following:
 9 "authorizing a county to".
 10 4. By renumbering as necessary.

ELAINE SZYMONIAK

HOUSE AMENDMENT TO
 SENATE FILE 2361

S-5774

1 Amend Senate File 2361 as follows:
 2 1. Page 2, by inserting after line 1 the follow-
 3 ing:
 4 "Sec. ____ . Section 364.23, Code Supplement 1991,
 5 is amended to read as follows:
 6 364.23 ENERGY EFFICIENT LIGHTING REQUIRED.
 7 All city-owned exterior flood lighting, including
 8 but not limited to street and security lighting but
 9 not including era or period lighting which has a
 10 minimum efficiency rating of fifty-eight lumens per
 11 watt and not including stadium or ball park lighting,
 12 shall be replaced, when worn-out, exclusively with
 13 high pressure sodium lighting or lighting with
 14 equivalent or better energy efficiency as approved in
 15 rules adopted by the utilities board within the
 16 utilities division of the department of commerce. In
 17 lieu of the requirements established for replacement
 18 lighting under this section, stadium or ball park
 19 lighting shall be replaced, when worn out, with the

20 most energy-efficient lighting available at the time
21 of replacement which may include metal halide, high-
22 pressure sodium, or other light sources which may be
23 developed."

24 2. Page 2, by inserting after line 15 the
25 following:

26 "Sec. ____ . CONTINUATION OF ENERGY CONSERVATION
27 PROGRAMS -- FUNDING RECOMMENDATIONS.

28 The commission on community action agencies in
29 cooperation with the energy fund disbursement council
30 shall submit a report to the general assembly by
31 January 15, 1993, which provides recommendations,
32 following depletion of the funds provided through
33 disbursement of the energy conservation trust, for the
34 continued funding of the energy conservation programs
35 for low-income persons."

36 3. Title page, line 1, by striking the word "and"
37 and inserting the following: "energy conservation
38 including".

39 4. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2250

S-5775

1 Amend the Senate amendment, H-5957, to House File
2 2250, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 35, by inserting after the word
5 "ten" the following: "working".

6 2. Page 1, line 36, by inserting after the word
7 "for" the following: "alternate care made pursuant
8 to".

9 3. Page 1, line 38, by inserting after the word
10 "for" the following: "alternate care made pursuant
11 to".

S-5776

1 Amend the House amendment, S-5774, to Senate File
2 2361 as follows:

3 1. Page 1, by striking lines 2 through 23.

RALPH ROSENBERG

HOUSE AMENDMENT TO
SENATE FILE 2203

S-5777

- 1 Amend Senate File 2203, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 13, the
4 following:
5 "Sec. ____ . Section 600.16, subsection 2,
6 unnumbered paragraph 3, Code Supplement 1991, is
7 amended to read as follows:
8 A natural parent may file an affidavit requesting
9 that the court reveal or not reveal the parent's name.
10 The court shall consider any such affidavit in
11 determining whether there is good cause to order
12 opening of the records. If the adopted person who
13 applies for revelation of the natural parents' name
14 has a sibling who is a minor and who has been adopted
15 by the same parents, the court may deny the
16 application on the grounds that revelation to the
17 applicant may also indirectly and harmfully permit the
18 same revelation to the applicant's minor sibling. To
19 facilitate the natural parents in filing an affidavit,
20 the department shall, upon request of a natural
21 parent, file an affidavit in the court in which the
22 adoption records have been sealed provide the natural
23 parent with an adoption information packet containing
24 an affidavit for completion and filing with the
25 court."
26 2. Title page, line 1, by striking the words
27 "records for the" and inserting the following:
28 "records."
29 3. Title page, by striking lines 2 and 3.
30 4. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 102

S-5778

- 1 Amend Senate Concurrent Resolution 102, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 3, line 21, by inserting after the words
4 "Senate to" the following: "Iowa's congressional
5 delegation,".

S-5779

- 1 Amend Senate File 2360 as follows:
- 2 1. Page 10, by inserting after line 9 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 56.15A EXPENDITURE OF
- 5 CERTAIN FUNDS PROHIBITED.
- 6 An elected state official, member of the general
- 7 assembly, or candidate for statewide public office or
- 8 the general assembly shall not expend funds received
- 9 from a political committee at any time."
- 10 2. By renumbering and correcting internal
- 11 references as necessary.

JIM LIND
JACK RIFE

S-5780

- 1 Amend House File 2466, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 44, line 15, by striking the words "
- 4 members of the general assembly".
- 5 2. Page 44, line 18, by inserting after the word
- 6 "Act" the following: "and to members of the general
- 7 assembly who are, were, or will be elected to serve in
- 8 the seventy-fourth or any subsequent general
- 9 assembly".

MARK R. HAGERLA
DERRYL MCLAREN
JACK RIFE
H. KAY HEDGE
HARRY SLIFE
MARY KRAMER
BERL E. PRIEBE
JOHN W. JENSEN
WILLIAM DIELEMAN
GEORGE R. KINLEY

S-5781

- 1 Amend House File 2466, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 44, by inserting after line 13, the
- 4 following:
- 5 "Sec. ____ CODE REVIEW. The state ethics and
- 6 campaign finance board shall review all state statutes
- 7 that prohibit certain conduct by public officials,
- 8 public employees, and candidates for public office and

9 establish a criminal or other penalty for a violation.
10 The board shall compare the requirements of those
11 provisions with the requirements of the board. The
12 board shall submit to the general assembly any
13 recommendations necessary to assist in establishing
14 relative uniformity in the standards that are applied
15 to the conduct of public officials, public employees,
16 and candidates for public office.”
17 2. By numbering, renumbering, and correcting
18 internal references as necessary.

RALPH ROSENBERG

S-5782

1 Amend House File 2466, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 30, by inserting after line 8 the
4 following:
5 “For purposes of this section, “disclosure of
6 sources of income” includes disclosure of the nature
7 of each business in which the public official or
8 public employee is engaged and the nature of the
9 business of each company in which the public official
10 or public employee has a financial, income-producing
11 interest. For purposes of this section, “significant
12 financial interests” includes investments in stocks,
13 bonds, bills, notes, mortgages, or other securities
14 offered for sale through recognized financial brokers
15 if greater than five percent of the total outstanding
16 issue of any stock, bonds, bills, notes, mortgages, or
17 other securities of the offering entity, or with a
18 value of greater than five thousand dollars; any in-
19 state or out-of-state business, trade, labor, farm,
20 professional, religious, educational, or charitable
21 association, foundation, or organization which is
22 involved in supporting or opposing legislation brought
23 before the general assembly and by which the public
24 official or public employee is employed or retained or
25 has rendered services for compensation within the
26 previous twelve months; any office or directorship
27 held during the previous twelve months by the public
28 official or public employee in any corporation, firm,
29 enterprise, labor union, farm organization,
30 cooperative, religious, educational, or charitable
31 association or organization, or trade or professional
32 association; indebtedness of greater than a de minimus

33 value; and indebtedness that is not cyclical in
34 nature."

RALPH ROSENBERG

S-5783

1 Amend amendment, S-5758, to House File 2466, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 8, line 41, by inserting after the word
5 "board." the following: "Pending board action to
6 employ or to contract for the employment of a full-
7 time executive secretary under section 68B.10A,
8 subsection 5, the executive secretary of the campaign
9 finance disclosure commission, who is employed
10 pursuant to section 56.9, subsection 4, Code 1991,
11 shall be the acting executive secretary of the board.
12 Employees of the campaign finance disclosure
13 commission employed under the merit system provisions
14 of chapter 19A shall retain that status and remain as
15 employees of the board. Employees of the commission
16 exempt from the merit system provisions of chapter 19A
17 shall remain employees of the board pending action of
18 the board's designated executive secretary or
19 qualification as an employee under the merit system
20 provisions of chapter 19A."

RICHARD DRAKE

S-5784

1 Amend House File 2466, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 32, by inserting after line 29, the
4 following:
5 "Sec. ____ . Section 2.10, subsections 1, 6, and 7,
6 Code Supplement 1991, are amended to read as follows:
7 1. Every member of the general assembly except the
8 presiding officer of the senate, the speaker of the
9 house, the majority and minority floor leader of each
10 house, and the president pro tempore of the senate and
11 speaker pro tempore of the house, shall receive an
12 annual salary of eighteen thousand one hundred dollars
13 for the year 1991 and subsequent years while serving
14 as a member of the general assembly. In addition,
15 each such member shall receive the sum of fifty sixty-
16 five dollars per day for expenses of office, except
17 travel, for each day the general assembly is in
18 session commencing with the first day of a legislative

19 session and ending with the day of final adjournment
20 of each legislative session as indicated by the
21 journals of the house and senate, except that if the
22 length of the first regular session of the general
23 assembly exceeds one hundred ten calendar days and the
24 second regular session exceeds one hundred calendar
25 days, the payments shall be made only for one hundred
26 ten calendar days for the first session and one
27 hundred calendar days for the second session.
28 However, members from Polk county shall receive
29 thirty-five dollars per day. Each member shall
30 receive a seventy-five dollar per month allowance for
31 legislative district constituency postage, ~~travel~~,
32 telephone costs, and other expenses. Travel expenses
33 shall be paid at the rate established by section
34 18.117 for actual travel in going to and returning
35 from the seat of government by the nearest traveled
36 route for not more than one time per week during a
37 legislative session. During the period of time which
38 occurs between sessions of the general assembly,
39 travel expenses shall be paid upon the submission of
40 vouchers by the member incurring the expense at the
41 rate established by section 18.117. However, any
42 increase from time to time in the mileage rate
43 established by section 18.117 shall not become
44 effective for members of the general assembly until
45 the convening of the next general assembly following
46 the session in which the increase is adopted; and this
47 provision shall prevail over any inconsistent
48 provision of any present or future statute.
49 6. In addition to the salaries and expenses
50 authorized by this section, members of the general

Page 2

1 assembly shall be paid ~~forty~~ ~~sixty-five~~ dollars per
2 day, and necessary travel and actual expenses incurred
3 in attending meetings for which per diem or expenses
4 are authorized by law for members of the general
5 assembly who serve on statutory boards, commissions,
6 or councils, and for standing or interim committee or
7 subcommittee meetings subject to the provisions of
8 section 2.14, or when on authorized legislative
9 business when the general assembly is not in session.
10 However, if a member of the general assembly is
11 engaged in authorized legislative business at a
12 location other than at the seat of government during
13 the time the general assembly is in session, payment
14 may be made for the actual transportation and lodging
15 costs incurred because of the business. Such per diem

16 or expenses shall be paid promptly from funds
 17 appropriated pursuant to section 2.12.
 18 7. If a special session of the general assembly is
 19 convened, members of the general assembly shall
 20 receive, in addition to their annual salaries, the sum
 21 of ~~fifty~~ sixty-five dollars per day for each day the
 22 general assembly is actually in special session, and
 23 the same travel allowances and expenses as authorized
 24 by this section. A member of the general assembly
 25 shall receive the additional per diem, travel
 26 allowances and expenses only for the days of
 27 attendance during a special session."
 28 2. By numbering, renumbering, and changing
 29 internal references as necessary.

RALPH ROSENBERG

S-5785

1 Amend House File 2466, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 29, line 30, by inserting after the word
 4 "interests" the following: ", including
 5 indebtedness,".
 6 2. Page 29, line 32, by inserting after the word
 7 "interests" the following: ", including
 8 indebtedness,".

RICHARD J. VARN

S-5786

1 Amend House File 2466, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 14, by inserting after line 29 the
 4 following:
 5 " ____ . In determining the value of a gift, an
 6 individual making a gift on behalf of more than one
 7 person shall not divide the value of the gift by the
 8 number of persons on whose behalf the gift is made.
 9 The value of a gift to any donee is the value actually
 10 received or accepted."
 11 2. By renumbering as necessary.

BERL E. PRIEBE
JEAN LLOYD-JONES

S-5787

- 1 Amend House File 2466, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 24 through 26.
4 2. By striking page 13, line 21 through page 14,
5 line 2.
6 3. Page 14, line 31, by striking the figure "1."
7 4. Page 14, line 32, by striking the word "This".
8 5. By striking page 14, line 33 through page 15,
9 line 24.
10 6. Page 16, by striking lines 1 through 9.
11 7. Page 18, line 17, by inserting after the word
12 "from" the following: "funds appropriated by".
13 8. Page 20, line 22, by inserting after the word
14 "assembly." the following: "This section shall not
15 apply, however, to exclude a lawyer if the lawyer is
16 not employed by the governor, the supreme court, or
17 the general assembly."
18 9. Page 29, line 23, by striking the word
19 "Public" and inserting the following: "State".
20 10. Page 29, line 30, by striking the word
21 "public".
22 11. Page 32, by inserting after line 29, the
23 following:
24 "Sec. ____ . NEW SECTION. 68B.11A ACTIONS
25 ENFORCED.
26 Actions to enforce the provisions of this chapter
27 shall be initiated by following the procedures for the
28 filing of complaints with the board."
29 12. Page 38, line 7, by inserting after the word
30 "office" the following: "or who is seeking nomination
31 to a state office as a result of a special election".
32 13. Page 39, line 16, by striking the words "only
33 transfer campaign funds in" and inserting the
34 following: "transfer campaign funds in only".
35 14. Page 44, line 19, by striking the words and
36 figures "Section 56.9, 56.10A, and 56.11" and
37 inserting the following: "Sections 56.9, 56.10A,
38 56.11, 68B.8, and 68B.9".
39 15. By numbering, renumbering, and changing
40 internal references as necessary.

JEAN LLOYD-JONES
EMIL J. HUSAK

S-5788

- 1 Amend House File 2439, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 35 through page 2,
4 line 7, and inserting the following: "implement,
5 through the utilization of the services of local
6 childhood lead poisoning prevention programs and local
7 health care providers, a state blood lead screening
8 program to identify and refer for medical treatment
9 children affected by lead poisoning, and to provide
10 continued oversight of the treatment of children with
11 high blood levels to ensure that proper care is
12 provided.

13 b. The Iowa department of public health develop a
14 comprehensive environmental lead reduction program to
15 identify and abate environmental lead hazards."

16 2. Page 2, line 9, by inserting after the word
17 "programs" the following: "and the services of local
18 health care providers".

19 3. Page 2, line 26, by inserting after the word
20 "poisoning." the following: "The appropriate groups
21 shall include, but are not limited to, schools and
22 child care centers which may provide notices to the
23 parent or guardian of a child enrolled in the school
24 or the child care center regarding the risk of lead
25 poisoning and the need for blood lead screening."

26 4. By striking page 2, line 27 through page 3,
27 line 6, and inserting the following:

28 "b. By July 1, 1993, a procedural framework to be
29 used in identifying cases of childhood lead poisoning
30 and in providing remediation measures.

31 (1) The procedural framework shall include, but is
32 not limited to, all of the following measures:

33 (a) Any health care practitioner who is required
34 to report pursuant to section 139.35, and who provides
35 primary care to a child between the ages of six months
36 and six years of age shall report the existence and
37 circumstances of each case of lead poisoning diagnosed
38 to the Iowa department of public health or the
39 department's designee.

40 (b) Following the reporting of a case of lead
41 poisoning to the department or the department's
42 designee, the department or the department's designee,
43 shall notify the owner of the dwelling or structure in
44 which the child diagnosed with lead poisoning resides,
45 has recently resided, or frequently visits, of the
46 possible existence of lead hazards and the need to
47 perform an inspection to determine the existence of
48 lead hazards. Following notification, the department
49 or the department's designee shall inspect the
50 dwelling or structure for lead hazards.

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1 (c) If the owner of the dwelling or structure
2 refuses to allow the voluntary performance of an
3 inspection of the dwelling or structure, the
4 department or the department's designee may file a
5 complaint with the district court of the court in
6 which the dwelling or structure is located, and the
7 court may issue a warrant directing the department or
8 the department's designee to enter the dwelling or
9 structure to perform the inspection.

10 (d) Following inspection, if the dwelling or
11 structure is determined to contain a lead hazard which
12 constitutes a risk of substantial impairment to the
13 health of the residents or visitors, as determined by
14 rule of the department, the department or the
15 department's designee shall provide the owner and the
16 residents of the dwelling with a listing of lead-safe
17 housing available to provide shelter to the residents
18 of the dwelling during the time of abatement.

19 (e) Following a determination that the dwelling
20 contains a lead hazard which constitutes a risk of
21 substantial impairment to the health of the residents
22 or visitors, as determined by rule of the department,
23 the department or the department's designee shall
24 issue a written order to the owner of the dwelling or
25 structure to require the owner to cause the
26 elimination of the lead hazard in a period not to
27 exceed thirty days, which period may be extended at
28 the discretion of the department or the department's
29 designee.

30 (f) Following completion of the lead abatement
31 procedures, the lead abatement contractor shall report
32 completion of the procedure and elimination of the
33 lead hazard to the department or the department's
34 designee, and the department or the department's
35 designee shall inspect the dwelling or structure to
36 determine if the lead hazard has been eliminated.

37 (g) If a dwelling or structure, for which a
38 written order to eliminate a lead hazard has been
39 issued in accordance with this section, is vacated by
40 the occupant who occupied the dwelling or structure at
41 the time that the written order was issued, the
42 dwelling or structure shall not be occupied by any
43 other person until the abatement has been reported as
44 completed and the department or the department's
45 designee has inspected the dwelling or structure to
46 determine if the lead hazard has been eliminated.

47 (h) The lessor of a dwelling or structure shall
48 not retaliate against a lessee of a dwelling or

49 structure whose occupants have been tested for lead
50 poisoning and shall not prohibit or discourage the

Page 3

1 occupants of a dwelling or structure from
2 participating in the lead poisoning screening program.
3 An action taken against lessees shall not be
4 considered retaliation if the action occurs more than
5 six months after the occupant's participation in the
6 lead poisoning screening program, if the action is
7 supported by reasonable cause unrelated to the
8 occupant's participation in the lead poisoning
9 screening program, or if the action is demonstrated as
10 having occurred as a result of accident or mistake and
11 is not the intentional act of the lessor."

12 5. Page 3, line 12, by inserting after the word
13 "a" the following: "statewide".

14 6. Page 3, line 13, by inserting after the word
15 "The" the following: "department shall seek guidance
16 from the United States department of health and human
17 services and the state hygienic laboratory. The".

18 7. Page 3, line 17, by striking the words "for
19 the screening of these children" and inserting the
20 following: "establishing the means by which and the
21 intervals at which these children shall be screened".

22 8. Page 3, line 20, by inserting after the word
23 "services." the following: "The screening program
24 shall utilize the services of the state hygienic
25 laboratory at the university of Iowa."

26 9. By striking page 3, line 21 through page 4,
27 line 10, and inserting the following:

28 "The rules shall also require that a parent or
29 guardian be informed, prior to the performance of lead
30 screening procedures on a child, of the parent's or
31 guardian's right to withhold consent to the screening.
32 Unless consent is withheld by the parent or guardian
33 of the child, health care practitioners who provide
34 primary medical care to children between six months
35 and six years of age shall screen these children for
36 lead poisoning in accordance with the screening
37 procedures and at intervals required by rule of the
38 department."

39 10. Page 6, by inserting after line 34 the fol-
40 lowing:

41 "**NEW SUBSECTION. 1D.** "Occupant" means a person
42 occupying a dwelling or structure or a visitor to the
43 dwelling or structure."

44 11. Page 7, by inserting after line 1 the
45 following:

46 NEW SUBSECTION. 4. "Retaliation" means
 47 harassment, breach of the covenant of quiet enjoyment,
 48 termination of the tenancy, or discontinuation of
 49 utilities or other services."

RICHARD VARN

S-5789

1 Amend House File 2466, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by striking line 35, and inserting the
 4 following: "assembly, any committee or subcommittee
 5 of the general assembly, or an agency."
 6 2. Page 11, line 24, by inserting after the word
 7 "lobby" the following: "the general assembly".
 8 3. Page 11, line 30, by inserting after the word
 9 "Lobbying" the following: "of the general assembly".
 10 4. Page 44, line 14, by striking the word and
 11 figure "and 7" and inserting the following: "and 9".

JEAN LLOYD-JONES

S-5790

1 Amend House File 2466, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by striking lines 30 and 31.
 4 2. Page 6, by striking lines 32 through 35.
 5 3. By striking page 11, line 22, through page 12,
 6 line 2.
 7 4. By renumbering and changing internal
 8 references as necessary.

RICHARD F. DRAKE
 MICHAEL E. GRONSTAL
 BILL HUTCHINS
 JACK RIFE
 JOHN W. JENSEN

S-5791

1 Amend the amendment, S-5748, to Senate Joint
 2 Resolution 2008, as follows:
 3 1. Page 1, line 15, by striking the figure "20"
 4 and inserting the following: "twenty".
 5 2. Page 1, lines 16 and 17, by striking the words
 6 "the newspaper most adequately serving" and inserting
 7 the following: "a newspaper of general circulation
 8 in".

9 3. Page 1, line 24, by inserting after the word
 10 "place." the following: "Minutes of the public
 11 hearing shall be published within ten days after the
 12 hearing is held in a newspaper of general circulation
 13 in the local government's area."

FLORENCE BUHR

S-5792

1 Amend the amendment, S-5748, to Senate Joint
 2 Resolution 2008 as follows:
 3 1. Page 1, line 15, by striking the figure "20"
 4 and inserting the following: "twenty".
 5 2. Page 1, line 24, by inserting after the word
 6 "place." the following: "Minutes of the public
 7 hearing shall be published within ten days after the
 8 hearing is held in a newspaper most adequately serving
 9 the local government's area."

FLORENCE BUHR

HOUSE AMENDMENT TO
 SENATE FILE 2353

S-5793

1 Amend Senate File 2353, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 9, line 4, by inserting after the word
 4 "granted" the following: ", at the discretion of the
 5 school, at least half credit and up to".
 6 2. Page 14, line 7, by striking the word "a" and
 7 inserting the following: "a".
 8 3. Page 14, line 9, by inserting after the word
 9 "hours" the following: ", at the discretion of the
 10 school, at least half credit and up to".
 11 4. Page 15, line 31, by striking the word
 12 "demonstrate" and inserting the following:
 13 "document".
 14 5. Page 15, lines 32 and 33, by striking the
 15 words "with skill and knowledge satisfactory to the
 16 board".
 17 6. Page 15, line 33, by inserting before the word
 18 "shall" the following: "before or on July 1, 1992,".

HOUSE AMENDMENT TO
SENATE FILE 2248

S-5794

1 Amend Senate File 2248, as passed by the Senate, as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "highway" the following: "and if the mobile home or
5 factory-built structure displays an amber revolving
6 light or strobe light on the rear of the mobile home
7 or factory-built structure and if the toting vehicle
8 also displays an amber revolving light or strobe
9 light".

S-5795

1 Amend the amendment, S-5748, to Senate Joint
2 Resolution 2008 as follows:

3 1. Page 1, lines 5 and 6, by striking the words
4 "by not more than ten percent,".

SHELDON RITTMER

S-5796

1 Amend House File 2466, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 40, line 19, by inserting after the
4 figure "68B." the following: "Rules prescribed shall
5 also include a provision that prohibits a judicial
6 officer or court employee from appearing for
7 compensation before the court on which the person
8 served or for which the person was employed for a
9 period of two years after termination of service or
10 employment."

JACK RIFE

S-5797

1 Amend House File 2466, as amended, passed, and re-
2 printed by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 68B.2, subsection 5, paragraph
6 b, subparagraph (6), Code 1991, is amended to read as
7 follows:
8 (6) Food, beverages, registration, and scheduled
9 entertainment at group events to which all members of

10 either house or both houses of the general assembly
11 are invited. However, a person who acts on behalf of
12 an organization and the organization the person
13 represents, shall, individually or jointly,
14 participate in sponsoring only one such event during
15 each calendar year.

16 Sec. 2. Section 68B.2, subsection 5, paragraph b,
17 Code 1991, is amended by adding the following new
18 subparagraphs:

19 NEW SUBPARAGRAPH. (9) Items or services with a
20 cumulative retail value of three dollars or less that
21 are received from any one donor during one calendar
22 day.

23 NEW SUBPARAGRAPH. (10) Items or services
24 solicited or given to any state, national, or regional
25 organization in which states or political subdivisions
26 are members.

27 NEW SUBPARAGRAPH. (11) Items or services received
28 as part of an authorized or regularly scheduled event
29 that is part of a conference, seminar, or other
30 meeting that is sponsored and directed by any state,
31 national, or regional organization in which states or
32 political subdivisions are members.

33 Sec. 3. Section 68B.2, Code 1991, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 8A. a. "Lobbyist" means a person
36 who does any of the following:

37 (1) Is paid compensation for encouraging the
38 passage, defeat, or modification of legislation or for
39 influencing the decision of the members of the general
40 assembly.

41 (2) Represents on a regular basis an organization
42 which has as one of its purposes the encouragement of
43 the passage, defeat, or modification of legislation or
44 the influencing of a decision of the members of the
45 general assembly.

46 b. For the purpose of computing the value of a
47 gift, "lobbyist" includes any person employed by or
48 affiliated with the organization which employs or
49 retains the lobbyist. Gifts made by any person
50 employed or affiliated with the employing or retaining

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1 organization shall be deemed to have been made by the
2 lobbyist.

3 c. "Lobbyist" does not mean any of the following:

4 (1) Officials and employees of a political party
5 organized in the state of Iowa representing more than
6 two percent of the total votes cast for governor in

7 the last preceding general election, but only when
8 representing the political party in an official
9 capacity.

10 (2) Representatives of the news media only when
11 engaged in the reporting and dissemination of news and
12 editorials.

13 (3) The governor and lieutenant governor of the
14 state of Iowa, all other statewide elected officials,
15 and elected federal officials.

16 (4) Persons whose activities are limited to formal
17 appearances to give testimony at public sessions of
18 committees of the general assembly and whose
19 appearances as a result of testifying are recorded in
20 the records of the committee.

21 (5) Persons employed by or who represent an
22 organization which has as one of its purposes the
23 encouragement of the passage, defeat, or modification
24 of legislation, or the influencing of a decision of
25 the members of the general assembly who does not par-
26 ticipate in such activities.

27 Sec. 4. Section 68B.3, Code 1991, is amended to
28 read as follows:

29 68B.3 WHEN PUBLIC BIDS REQUIRED.

30 No An official, employee, member of the general
31 assembly, or legislative employee shall not sell in
32 any one occurrence, any goods or services having a
33 value in excess of five hundred dollars to any state
34 agency unless pursuant to an award or contract let
35 after public notice and competitive bidding. This
36 section shall not apply to the publication of
37 resolutions, advertisements, or other legal
38 propositions or notices in newspapers designated
39 pursuant to law for such purpose and for which the
40 rates are fixed pursuant to law.

41 Sec. 5. NEW SECTION. 68B.4A TWO-YEAR BAN ON
42 LOBBYING ACTIVITIES AFTER SERVICE.

43 1. A person who has served as an official, state
44 employee, member of the general assembly, or
45 legislative employee shall not, within two years after
46 the termination of service or employment, become a
47 lobbyist.

48 2. This section shall not apply to a person who is
49 a former official, state employee, member of the
50 general assembly, or legislative employee who, within

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1 two years of leaving service or employment with the
2 state, is elected to another office of the state or to
3 an office of a political subdivision of the state and

4 appears or communicates on behalf of that office.

5 Sec. 6. Section 68B.5, Code 1991, is amended to
6 read as follows:

7 68B.5 GIFTS SOLICITED OR ACCEPTED.

8 1. An official, employee, local official, local
9 employee, member of the general assembly, candidate,
10 legislative employee or that person's immediate family
11 member shall not, directly or indirectly, solicit,
12 accept, or receive from any one donor in any one
13 calendar ~~day~~ year a gift or a series of gifts having a
14 value of ~~thirty-five~~ fifty dollars or more.

15 2. A person shall not, directly or indirectly,
16 offer or make a gift or a series of gifts to an
17 official, employee, local official, local employee,
18 member of the general assembly, candidate, or
19 legislative employee, in any one calendar ~~day~~ year, if
20 the gift or series of gifts has a value of ~~thirty-five~~
21 fifty dollars or more. A person shall not, directly
22 or indirectly, join with one or more other persons to
23 offer or make a gift or a series of gifts to an
24 official, employee, local official, local employee,
25 member of the general assembly, candidate, or
26 legislative employee, in any one calendar ~~day~~ year, if
27 the gift or series of gifts has a total value of
28 ~~thirty-five~~ fifty dollars or more. The ~~thirty-five~~
29 fifty dollar limitation of this section applies
30 separately to a person and the person's immediate
31 family member.

32 3. A person may give and an official, employee,
33 local official, local employee, member of the general
34 assembly, candidate, legislative employee or the
35 person's immediate family member may accept in any one
36 calendar ~~day~~ year a gift or a series of gifts which
37 has a value of ~~thirty-five~~ fifty dollars or more and
38 not be in violation of this section if the gift or
39 series of gifts is donated within thirty days to a
40 public body, a bona fide educational or charitable
41 organization, or the department of general services.
42 All such items donated to the department of general
43 services shall be disposed of by assignment to state
44 agencies for official use or by public sale.

45 4. Gifts of food, beverages, travel, and lodging
46 which would otherwise be prohibited may be received if
47 all of the following apply:

48 a. The public person is officially representing an
49 agency in a delegation whose purpose is to attract new
50 business to locate in the state or encourage expansion

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1 or retention of an existing business already
2 established in the state.

3 b. The donor of the gifts is not a business being
4 contacted.

5 c. The public person makes or participates in
6 making a planned presentation to a business on behalf
7 of the person's agency.

8 d. A report of the gift received by the person is
9 filed with the agency employing the person. The
10 agency shall adopt rules regarding the confidentiality
11 of the report.

12 5. A public person, a candidate, or the person's
13 immediate family member shall not solicit any gift or
14 series of gifts at any time.

15 6. A person shall not request, and a member of the
16 general assembly shall not agree, that a member of the
17 general assembly sell tickets for a community-related
18 social event that is to be held for members of the
19 general assembly in Polk county during the legislative
20 session. This section shall not apply to Polk county
21 or city of Des Moines events that are open to the
22 public generally or are held only for Polk county or
23 city of Des Moines legislators.

24 Sec. 7. Section 68B.7, unnumbered paragraph 1,
25 Code 1991, is amended to read as follows:

26 No A person who has served as an official, or state
27 employee of a state agency, member of the general
28 assembly, or legislative employee shall not within a
29 period of two years after the termination of such
30 service or employment appear before such state the
31 agency or receive compensation for any services
32 rendered on behalf of any person, firm, corporation,
33 or association in relation to any case, proceeding, or
34 application with respect to which such the person was
35 directly concerned and personally participated during
36 the period of service or employment.

37 Sec. 8. Section 68B.10, unnumbered paragraphs 1,
38 2, and 3, Code 1991, are amended to read as follows:

39 There shall be an ethics committee in the senate
40 and an ethics committee in the house, each to consist
41 of seven members; three members to be appointed by the
42 majority leader in each house, two members by the
43 minority leader in each house and two individuals who
44 shall not be employees of the general assembly by the
45 chief justice of the Iowa supreme court such members
46 as determined by the rules of the senate and house,
47 respectively.

48 The two individuals appointed by the chief justice

49 of the supreme court Citizen members shall receive a
50 per diem as specified in section 7E.6 and travel

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1 expenses at the same rate as paid members of interim
2 committees for attending meetings of the ethics
3 committee. Members of the general assembly shall
4 receive a per diem as specified in section 7E.6 and
5 travel expenses at the same rate as paid members of
6 interim committees for attending meetings held when
7 the general assembly is not in session. The per diem
8 and expenses shall be paid from funds appropriated by
9 section 2.12.

10 The president pro tempore of the senate is
11 designated as chairperson of the senate committee.
12 The house committee shall elect a chairperson. The
13 chairperson of each committee ethics committees shall
14 have, but not be limited to, the following powers,
15 duties and functions:

16 Sec. 9. Section 68B.11, Code 1991, is amended to
17 read as follows:

18 68B.11 REPORTING OF GIFTS AND FINANCIAL
19 DISCLOSURE.

20 1. The house of representatives and the senate
21 shall adopt rules requiring the reporting of gifts
22 made to members of the general assembly, legislative
23 employees, and their immediate family members. The
24 rules shall require public disclosure of the nature,
25 amount, date, and donor of a gift or gifts from any
26 one donor made to one of those individuals which
27 exceed fifteen dollars in cumulative value in any one
28 calendar day. The rules shall may require such
29 disclosure by both the donor and donee. However, the
30 rules of either or both houses may waive the reporting
31 of food and beverage provided for immediate
32 consumption in the presence of the donor.

33 2. The governor shall issue an executive order
34 requiring the reporting of gifts made to officials and
35 employees of the executive department of the state and
36 their immediate family members. The executive order
37 shall require public disclosure of the nature, amount,
38 date, and donor of a gift or gifts from any one donor
39 made to one of those individuals which exceeds fifteen
40 dollars in cumulative value in any one calendar day.
41 The executive order shall may require such disclosure
42 by both the donor and donee. The executive order may
43 waive the reporting of food and beverage provided for
44 immediate consumption in the presence of the donor.

45 3. The supreme court of this state shall adopt

46 ~~prescribe~~ rules requiring the reporting of gifts made
47 to officials and employees of the judicial department
48 of this state and their immediate family members. The
49 rules shall require public disclosure of the nature,
50 amount, date, and donor of a gift or gifts from any

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1 one donor made to one of those individuals which
2 exceeds fifteen dollars in cumulative value in any one
3 calendar day. The rules shall may require such
4 disclosure by both the donor and donee. The rules may
5 waive the reporting of food and beverage provided for
6 immediate consumption in the presence of the donor.
7 4. The governing body of a political subdivision
8 of this state shall adopt rules requiring the
9 reporting of gifts made to its respective members and
10 their immediate family members and its local officials
11 and local employees and their immediate family
12 members. The rules as adopted shall require public
13 disclosure of the nature, amount, date, and donor of a
14 gift or gifts from any one donor made to one of those
15 individuals which exceeds fifteen dollars in
16 cumulative value in any one calendar day. The rules
17 shall may require such disclosure by both the donor
18 and donee. The rules may waive the reporting of food
19 and beverage provided for immediate consumption in the
20 presence of the donor. Copies of the rules and
21 reports shall be filed with the county auditor of the
22 county in which the political subdivision is located.
23 The secretary of state shall develop a standard
24 form for public disclosure of gifts in compliance with
25 this subsection which shall be available at every
26 county auditor's office without cost.
27 5. a. In determining the value of a gift, an
28 individual making a gift on behalf of more than one
29 person shall not divide the value of the gift by the
30 number of persons on whose behalf the gift is made.
31 b. The value of a gift to the donee is the value
32 actually received.
33 c. For the purposes of the reporting requirements
34 of this section, a donor of a gift made by more than
35 one individual to one or more donees shall report the
36 gift if the total value of the gift to the donee
37 exceeds fifteen dollars.
38 6. The rules required under this section shall
39 provide that expenses for food, beverages,
40 registration, and scheduled entertainment at group
41 events to which all members of either house or both
42 houses of the general assembly have been invited shall

43 be reported for each such event by reporting the date,
44 location, and total expense incurred by the donor or
45 donors.

46 7. Reporting requirements adopted or issued under
47 this section may include requirements relating to the
48 reporting of income which is not a gift.

49 8. A person who does not make public disclosure of
50 gifts as required by this chapter or the rules adopted

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1 or executive order issued pursuant to this chapter is
2 guilty of a serious misdemeanor.

3 Sec. 10. NEW SECTION. 56.15A PROHIBITING
4 CONTRIBUTIONS DURING LEGISLATIVE SESSION AND OTHER
5 TIMES.

6 1. A lobbyist or political committee, other than a
7 state statutory political committee, county statutory
8 political committee, or a national political party,
9 shall not contribute to, act as an agent or
10 intermediary for contributions to, or arrange for the
11 making of contributions to the campaign funds of an
12 elected state official, member of the general
13 assembly, or candidate for public office on the state
14 level on any day during the regular legislative
15 session and, in the case of the governor or a
16 gubernatorial candidate, during the thirty days
17 following the adjournment of a regular legislative
18 session allowed for the signing of bills. This
19 section shall not apply to the receipt of
20 contributions by an elected state official, member of
21 the general assembly, or other state official who has
22 taken affirmative action to seek nomination or
23 election to a federal elective office.

24 2. A candidate's committee for a person who is
25 seeking nomination and election as a state
26 representative or state senator shall only solicit or
27 receive contributions in the form of a gift during the
28 year in which the election for which the candidate is
29 seeking office is held.

30 Sec. 11. Section 56.42, subsections 1, 2, and 5,
31 Code Supplement 1991, are amended to read as follows:

32 1. In addition to the uses permitted under section
33 56.41, a candidate's committee may only transfer
34 campaign funds in one or more of the following ways:

35 a. Contributions to charitable organizations.

36 b. Contributions to national, state, or local
37 political party central committees; or other
38 candidate's committees.

39 c. Transfers to the treasurer of state for deposit

40 in the general fund of the state.

41 d. Return of contributions to contributors on a
42 pro rata basis, except that any contributor who
43 contributed five dollars or less may be excluded from
44 the distribution.

45 2. If an unexpended balance of campaign funds
46 remains when a candidate ceases to be a candidate or
47 the candidate's committee dissolves, the unexpended
48 balance shall be transferred pursuant to subsection 1.

49 5. A candidate, or candidate's committee, or any
50 other person shall not directly or indirectly receive

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1 or transfer campaign funds with the intent of
2 circumventing the requirements of this section. A
3 candidate for statewide or legislative office shall
4 not establish, direct, or maintain a political
5 committee.

6 Sec. 12. STUDIES.

7 1. The legislative council shall initiate and
8 organize a study relating to ethics and campaign
9 contributions embracing subject matters considered by
10 the Seventy-fourth General Assembly, as well as such
11 other ethics and campaign contribution issues as it
12 deems necessary, as they affect members of the general
13 assembly.

14 2. The governor shall create a task force to study
15 issues relating to ethics and campaign contributions
16 embracing subject matters considered by the Seventy-
17 fourth General Assembly, as well as such other ethics
18 and campaign contributions issues as the task force
19 deems necessary, as they affect members of the
20 executive branch of government.

21 3. The chief justice of the supreme court shall
22 create a study relating to ethics of the members of
23 the judicial branch of government.

24 4. The league of municipalities and the Iowa state
25 association of counties shall create a joint study
26 relating to ethics and campaign contributions
27 embracing subject matters considered by the Seventy-
28 fourth General Assembly, as well as such other ethics
29 and campaign contribution issues as deemed necessary,
30 as they affect officeholders and candidates of city
31 and county elective positions.

32 5. Not later than December 1, 1992,
33 representatives of the study groups and task force
34 created in subsections 1 through 4 shall meet for the
35 purpose of comparing their findings and developing a
36 joint report which shall be made available to the

37 members of the general assembly, the office of the
 38 governor, the chief justice of the supreme court, and
 39 the respective political subdivisions not later than
 40 February 1, 1993.

41 Sec. 13. EFFECTIVE AND APPLICABILITY DATES.

42 1. Except as provided in subsection 2, this Act,
 43 being deemed of immediate importance, takes effect
 44 upon enactment.

45 2. Sections 1, 2; 3, 6, 8, 9, and 10 of this Act
 46 take effect January 1, 1993. Section 11 of this Act
 47 takes effect July 1, 1992.

48 3. Section 5 of this Act applies to members of the
 49 Seventy-fourth General Assembly and subsequent general
 50 assemblies."

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1 2. Title page, by striking line 4, and inserting
 2 the following: "and applicability dates and a study."

GEORGE R. KINLEY

HOUSE AMENDMENT TO
 SENATE FILE 2360

S-5798

1 Amend Senate File 2360 as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 34, by inserting after the word
 4 "expenditures" the following: "and contributions".

5 2. Page 2, line 4, by inserting after the word
 6 "expenditures" the following: "and contributions".

7 3. Page 2, line 9, by striking the words ", with
 8 each signature notarized,".

9 4. Page 2, line 10, by striking the word "ten"
 10 and inserting the following: "fifteen".

11 5. Page 2, lines 14 and 15, by striking the words
 12 ", with each signature notarized,".

13 6. Page 2, line 15, by striking the word "ten"
 14 and inserting the following: "fifteen".

15 7. Page 2, line 21, by inserting after the word
 16 "expenditures" the following: "or contributions".

17 8. Page 2, by striking lines 25 through 29.

18 9. Page 6, by inserting after line 10, the
 19 following:

20 "Sec. ____ NEW SECTION. 56.37A RESTRICTED

21 CAMPAIGNS - LIMITS ON ACCEPTANCE OF CONTRIBUTIONS.

22 If a restricted campaign exists, the acceptance of
 23 contributions by candidates for the following offices

24 from political action committees and individuals is
25 subject to the following limitations:

26 1. Governor.

27 a. Total political action committee contributions,
28 fifty percent of total contributions received by the
29 end of the primary election cycle and fifty percent of
30 total contributions received by the end of the general
31 election cycle.

32 b. Largest political action committee
33 contribution, five thousand dollars.

34 c. Largest individual contribution, excluding
35 contributions made by a candidate to the candidate's
36 own campaign, one thousand dollars.

37 2. Attorney general, secretary of agriculture,
38 secretary of state, treasurer of state, and auditor of
39 state.

40 a. Total political action committee contributions,
41 fifty percent of total contributions received by the
42 end of the primary election cycle and fifty percent of
43 total contributions received by the end of the general
44 election cycle.

45 b. Largest political action committee
46 contribution, five thousand dollars.

47 c. Largest individual contribution, excluding
48 contributions made by a candidate to the candidate's
49 own campaign, one thousand dollars.

50 3. State senator.

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1 a. Total political action committee contributions,
2 fifty percent of total contributions received by the
3 end of the primary election cycle and fifty percent of
4 total contributions received by the end of the general
5 election cycle.

6 b. Largest political action committee
7 contribution, five hundred dollars.

8 c. Largest individual contribution, excluding
9 contributions made by a candidate to the candidate's
10 own campaign, five hundred dollars.

11 4. State representative.

12 a. Total political action committee contributions,
13 fifty percent of total contributions received by the
14 end of the primary election cycle and fifty percent of
15 total contributions received by the end of the general
16 election cycle.

17 b. Largest political action committee
18 contribution, five hundred dollars.

19 c. Largest individual contribution, excluding
20 contributions made by the candidate to the candidate's

21 own campaign, five hundred dollars.

22 5. Individual contributions to the candidate or
23 candidate's committee made by one individual of a
24 cumulative value of one hundred dollars or more shall
25 be reported, including the name, address, occupation,
26 and place of business of the contributor."

27 10. Page 6, line 13, by inserting after the word
28 "expenditure" the following: "or contribution".

29 11. Page 6, line 16, by inserting after the word
30 "expenditures" the following: "or contributions".

31 12. Page 6, line 17, by inserting after the word
32 "expenditures" the following: "or contributions".

33 13. Page 7, line 11, by inserting after the word
34 "expenditure" the following: "or contribution".

35 14. Page 7, line 11, by inserting after the
36 figure "56.35" the following: "or section 56.37A".

37 15. Page 7, by striking lines 19 through 33.

38 16. By striking page 8, line 23 through page 9,
39 line 3.

40 17. Page 9, line 12, by inserting after the word
41 "expenditure" the following: "or contribution".

42 18. Page 9, line 17, by inserting after the word
43 "expenditure" the following: "or contribution".

44 19. Page 9, line 18, by inserting after the
45 figure "56.35" the following: "or section 56.37A".

46 20. By striking page 9, line 32 through page 10,
47 line 15, and inserting the following:

48 "Sec. ____ . 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 of a candidate who is not registered for a
3 restricted campaign pursuant to section 56.34, shall
4 include, on all printed material, a statement, equal
5 in size to the identification information, that the
6 candidate is not registered for a restricted campaign.
7 A similar disclaimer shall also be included, vocally,
8 in all radio and television commercials purchased on
9 behalf of the candidate. Candidates who have not
10 registered for a restricted campaign shall state the
11 following: "(name of candidate) did not agree to
12 voluntarily limit campaign expenditures." The
13 information required under this paragraph may be
14 included on materials and commercials by a candidate
15 who is registered for a restricted campaign."

16 21. Title page, line 2, by inserting after the
17 word "expenditures" the following: "and

18 contributions".
19 22. By renumbering and correcting internal
20 references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2035

S-5799

1 Amend Senate File 2035, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 5.

4 2. Page 1, by inserting after line 5 the

5 following:

6 "Sec. ____ . Section 600A.4, subsection 4, Code
7 1991, is amended to read as follows:

8 4. Either a parent who has signed a release of
9 custody, or a nonsigning parent, may, at any time
10 prior to the entry of an order terminating parental
11 rights, request the juvenile court designated in
12 section 600A.5 to order the revocation of any release
13 of custody previously executed by either parent. If
14 such request is by a signing parent, and is within
15 ninety-six hours of the time such parent signed a
16 release of custody, the juvenile court shall order the
17 release revoked. Otherwise, the juvenile court shall
18 order the release or releases revoked only upon clear
19 and convincing evidence that good cause exists for
20 revocation. Good cause for revocation includes but is
21 not limited to a showing that the release was obtained
22 by fraud, coercion, or misrepresentation of law or
23 fact which was material to its execution. In
24 determining whether good cause, ~~other than fraud,~~
25 ~~coercion or misrepresentation,~~ exists for revocation,
26 the juvenile court shall give paramount consideration
27 to the best interests of the child and including
28 avoidance of a disruption of an existing relationship
29 between a parent and child. The juvenile court shall
30 also give due consideration to the interests of the
31 parents of the child and of any person standing in the
32 place of the parents."

33 3. Page 1, line 11, by inserting after the word
34 "induced" the following: "in accordance with the
35 procedures set out in section 600A.9, subsection 2A".

36 4. Page 1, by inserting after line 11 the
37 following:

38 "Sec. ____ . Section 600A.9, Code 1991, is amended
39 by adding the following new subsection:
40 NEW SUBSECTION. 2A. If an order is issued under
41 subsection 1, paragraph "b", the juvenile court shall

42 have jurisdiction to allow an adoptive parent to
43 request termination of the adoptive parent's parental
44 rights and of the parent-child relationship based upon
45 a showing that the adoption was fraudulently induced
46 and to request that the order issued under subsection
47 1, paragraph "b", be vacated. The juvenile court
48 shall grant the termination and vacation requests only
49 after the parent whose rights have been terminated is
50 given an opportunity to contest the vacation of the

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1 termination order and only if the termination of the
2 adoptive parent's parental rights and the vacation of
3 the termination order are in the best interest of the
4 child."

5 5. Page 1, line 21, by inserting after the word
6 "induced" the following: "and the adoptive father's
7 parental rights have been terminated and the order
8 terminating the natural father's parental rights has
9 been vacated in accordance with the procedures set out
10 in section 600A.9, subsection 2A".

11 6. Page 1, by inserting after line 21 the
12 following:

13 "Sec. ____ . APPLICABILITY. This Act is applicable
14 to fraudulently induced adoptions under adoption
15 decrees which were entered prior to or on or after the
16 effective date of this Act."

17 7. Title page, line 1, by inserting after the
18 word "to" the following: "parental rights and
19 obligations including".

20 8. Title page, line 1, by striking the word
21 "father's" and inserting the following: "parent's".

22 9. Title page, line 2, by inserting after the
23 word "child" the following: ", and providing for the
24 Act's applicability".

25 10. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

S-5800

1 Amend House File 2356, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 455B.103A, subsection 1,
6 unnumbered paragraph 1, Code Supplement 1991, is
7 amended to read as follows:

8 If a permit is required pursuant to this chapter
9 for stormwater discharge or an air contaminant source

10 and a facility to be permitted is representative of a
11 class of facilities which could be described and
12 conditioned by a single permit, the director may
13 issue, modify, deny, or revoke a general permit for
14 all of the following conditions:

15 Sec. 2. Section 455B.103A, Code Supplement 1991,
16 is amended by adding the following new subsection:
17 NEW SUBSECTION. 5. The enforcement provisions of
18 division III, part 1, apply to general permits for
19 stormwater discharge.

20 Sec. 3. Section 455B.103A, Code Supplement 1991,
21 is amended by adding the following new subsection:
22 NEW SUBSECTION. 6. The enforcement provisions of
23 division II apply to general permits for air
24 contaminant sources."

25 2. Page 5, line 30, by striking the words "the
26 university of northern Iowa" and inserting the
27 following: "one of the regents institutions specified
28 in section 262.7, subsections 1 through 3. The
29 program shall be a joint venture of the regents
30 institutions".

31 3. Page 6, line 16, by inserting after the word
32 "sources" the following: ", subject to confirmation
33 by the senate. The state liaison shall be the small
34 business bureau chief of the business division of the
35 department of economic development. The state liaison
36 shall serve a four-year term pursuant to section
37 69.19".

38 4. By renumbering as necessary.

RICHARD VARN

S-5801

1 Amend House File 2466, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 27, the
4 following:

5 "() Members of a legislative staff who are
6 performing their required duties."

7 2. By numbering and renumbering as necessary.

JEAN LLOYD-JONES
DON GETTINGS
MIKE CONNOLLY
H. KAY HEDGE

S-5802

- 1 Amend House File 2466, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 17, by striking lines 11 through 13, and
- 4 inserting the following:
- 5 "3. The president pro tempore of the senate is
- 6 designated as the chairperson of the senate committee.
- 7 The speaker pro tempore of the house of
- 8 representatives is designated as the chairperson of
- 9 the house committee shall elect a".
- 10 2. Page 17, line 14, by striking the word
- 11 "chairperson" and inserting the following:
- 12 "chairperson".

JEAN LLOYD-JONES
MICHAEL E. GRONSTAL

S-5803

- 1 Amend House File 2466, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 40, line 18, by striking the word
- 4 "appropriate" and inserting the following:
- 5 "applicable".

JEAN LLOYD-JONES
DON GETTINGS
MIKE CONNOLLY
H. KAY HEDGE

S-5804

- 1 Amend the amendment, S-5758, to House File 2466, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 10.
- 5 2. Page 1, by striking lines 22 through 38.
- 6 3. Page 1, by striking lines 45 through 49.
- 7 4. By striking page 1, line 50, through page 2,
- 8 line 7.
- 9 5. Page 2, by striking lines 13 through 21.
- 10 6. Page 2, by striking lines 35 through 40.
- 11 7. By striking page 2, line 47 through page 3,
- 12 line 5.
- 13 8. Page 4, by striking lines 7 and 8.
- 14 9. By striking page 4, line 27 through page 8,
- 15 line 2.
- 16 10. Page 8, by striking lines 11 through 32.
- 17 11. Page 8, by striking lines 33 through 35.

- 18 12. Page 9, by striking lines 1 through 3.
 19 13. By renumbering and changing internal
 20 references as necessary.

JEAN LLOYD-JONES
 EMIL J. HUSAK

S-5805

- 1 Amend House File 2466 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, line 27, by inserting after the word
 4 "assembly" the following: "or any political
 5 subdivision of this state".
 6 2. Page 7, line 28, by inserting after the word
 7 "state" the following: "or tax revenues of any
 8 political subdivision of this state".

RICHARD VANDE HOEF

S-5806

- 1 Amend Senate File 2373 as follows:
 2 1. Page 21, by striking line 25 through page 23,
 3 line 3.

DERRYL MCLAREN

S-5807

- 1 Amend House File 2356, as passed by the House, as
 2 follows:
 3 1. Page 8, by inserting after line 3, the
 4 following:
 5 **DIVISION VIII**
 6 **Sec. ____ . NEW SECTION. 455B.521 DEFINITIONS.**
 7 As used in this division unless the context
 8 otherwise requires:
 9 1. "Ambient air" means that portion of the
 10 atmosphere, external to buildings, to which the
 11 general public has access. Ambient air does not
 12 include the atmosphere over land owned or controlled
 13 by the source and to which public access is precluded
 14 by a fence or other physical barriers.
 15 2. "Best available control technology for toxics"
 16 (T-BACT) means an emission limitation based on the
 17 maximum degree of reduction of each toxic air
 18 pollutant which the department determines, on a case-
 19 by-case basis, is achievable for a facility through
 20 application of production processes and available

21 methods, systems, and techniques, taking into account
 22 the potency and toxicity of each toxic air pollutant
 23 discharged as well as energy, environmental, and
 24 economic impacts and other costs.

25 3. "Carcinogen" means any substance listed in

26 Table 1.

27

Table 1

	CAS Number	Unit Risk Factor*
28 Carcinogen		
29 Acetaldehyde	75-07-0	2.2 in 1,000,000
30 Acrylamide	79-06-1	1.3 in 1,000
31 Acrylonitrile	107-13-1	6.8 in 100,000
32 Aldrin	309-00-2	4.9 in 1,000
33 Arsenic, inorganic	7440-38-2	4.3 in 1,000
34 Asbestos	1332-21-4	2.3 in 10**
35 Azobenzene	103-33-3	3.1 in 100,000
36 Benzene	71-43-2	8.3 in 1,000,000
37 Benzidine	92-87-5	6.7 in 100
38 Benzo(a)pyrene (BaP)	50-32-8	1.7 in 1,000
39 Beryllium	7440-41-7	2.4 in 1,000
40 Bis(chloroethyl) ether (BCEE)	111-44-4	3.3 in 10,000
41 Bis(chloromethyl) ether (BCME)	542-88-1	6.2 in 100
42 1,3-Butadiene	106-99-0	2.8 in 10,000
43 Cadmium	7440-43-9	1.8 in 1,000
44 Carbon tetrachloride	56-23-5	1.5 in 100,000
45 Chlordane	57-74-9	3.7 in 10,000
46 Chloroform	67-66-3	2.3 in 100,000
47 Chloromethane	74-87-3	1.8 in 1,000,000
48 Chromium (VI)	18540-29-9	1.2 in 100
49 Coke oven emissions	8007-45-2	6.2 in 10,000
50 1,2-Dibromoethane	106-93-4	2.2 in 10,000

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1 p,p'-Dichlorodiphenyl-		
2 trichloroethane (DDT)	50-29-3	9.7 in 100,000
3 1,2-Dichloroethane	107-06-2	2.6 in 100,000
4 1,1-Dichloroethylene	75-35-4	5.0 in 100,000
5 Dichloromethane	75-09-2	4.7 in 10,000,000
6 Dieldrin	60-57-1	4.6 in 1,000
7 1,2-Diphenylhydrazine	122-66-7	2.2 in 10,000
8 Epichlorohydrin	106-89-8	1.2 in 1,000,000
9 Ethylene dibromide	106-93-4	2.2 in 10,000
10 Ethylene oxide	75-21-8	1.0 in 10,000
11 Formaldehyde	50-00-0	1.3 in 100,000
12 Gasoline (marketing)	8006-61-9	6.6 in 10,000,000
13 Heptachlor	76-44-8	1.3 in 1,000
14 Heptachlor epoxide	1024-57-3	2.6 in 1,000
15 Hexachlorobenzene	118-74-1	4.9 in 10,000
16 Hexachlorobutadiene	87-68-3	2.2 in 100,000
17 alpha-Hexachlorocyclohexane		

18	(alpha-HCH)	319-84-6	1.8 in 1,000
19	beta-Hexachlorocyclohexane		
20	(beta-HCH)	319-85-7	5.3 in 10,000
21	technical Hexachlorocyclohexane		
22	(t-HCH)	608-73-1	5.1 in 10,000
23	Hexachlorodibenzo-p-dioxin,		
24	mixture (HxCDD)	19408-74-3	1.3 in 1,000,000***
25	Hexachloroethane	67-72-1	4.0 in 1,000,000
26	Hydrazine/Hydrazine sulfate	302-01-2	4.9 in 1,000
27	Nickel refinery dust	7440-02-0	2.4 in 10,000
28	Nickel subsulfide	12035-72-2	4.8 in 10,000
29	N-Nitroso-di-n-butylamine	924-16-3	1.6 in 1,000
30	N-Nitrosodiethylamine	55-18-5	4.3 in 100
31	N-Nitrosodimethylamine	62-75-9	1.4 in 100
32	N-Nitrosopyrrolidine	930-55-2	6.1 in 10,000
33	Propylene oxide	75-56-9	3.7 in 1,000,000
34	Styrene	100-42-5	5.7 in 10,000,000
35	2,3,7,8-Tetrachlorodibenzo-		
36	p-dioxin	1746-01-6	3.3 in 100,000***
37	1,1,1,2-Tetrachloroethane	630-20-6	7.4 in 1,000,000
38	1,1,2,2-Tetrachloroethane	79-34-5	5.8 in 100,000
39	Tetrachloroethylene	127-18-4	5.8 in 10,000,000
40	2,4,6-Trichlorophenol	88-06-2	5.7 in 1,000,000
41	Toxaphene	8001-35-2	3.2 in 10,000
42	1,1,2-Trichloroethane	79-00-5	1.6 in 100,000
43	Trichloroethylene	79-01-6	1.7 in 1,000,000
44	Vinyl chloride	75-01-4	4.1 in 1,000,000
45	* per mg/m ³		
46	** per fibers/ml		
47	*** per pg/m ³		
48	4. "CAS number" means a unique numeric code		
49	assigned to substances by the chemical abstract		
50	service division of the American chemical society.		

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- 1 The CAS numbers are listed in Table 1 in subsection 3.
- 2 5. "Control equipment" means any equipment that
- 3 has the function to prevent the formation of or the
- 4 emission to the atmosphere of air contaminants from
- 5 any fuel-burning, incinerator, or process equipment.
- 6 6. "Equipment" means equipment capable of emitting
- 7 air contaminants to produce air pollution such as
- 8 fuel-burning, combustion, or process devices or
- 9 apparatus including but not limited to fuel-burning
- 10 equipment or refuse-burning equipment used for the
- 11 burning of fuel or other combustible material from
- 12 which the products of combustion are emitted; and
- 13 including but not limited to apparatus, equipment, or
- 14 process devices which generate heat and may emit

15 products of combustion, and manufacturing, chemical,
16 metallurgical, or mechanical apparatus or process
17 devices which may emit smoke, particulate matter, or
18 other air contaminants.

19 7. "Existing stationary source of toxic air
20 pollutants" means an installation or source
21 constructed before July 1, 1992, or for which the
22 department issued an air construction permit before
23 July 1, 1992.

24 8. "Modified" or "Modification" means a physical
25 change to equipment including control equipment or an
26 operational change which results in a change in
27 emissions of toxic air pollutants. Modification may
28 include an increase in production rate, an increase in
29 hours of operations, or use of an alternate fuel or
30 raw material.

31 9. "Noncarcinogenic toxic air pollutant" means any
32 substance listed in the chemical substances portion of
33 the American conference of governmental industrial
34 hygienists (ACGIH) - "Threshold Limit Values and
35 Biological Exposure Indices for 1989-1990." If a
36 substance is listed in both Table 1 in subsection 3
37 and the ACGIH document, Table 1 prevails. The
38 following substances are excluded: acetylsalicylic
39 acid, carbon dioxide, carbon monoxide, calcium
40 carbonate, calcium sulfate, cellulose, coal dust,
41 cotton dust, grain dust, kaolin, lead, nitrogen
42 dioxide, nitrous oxide, ozone, particulates not
43 otherwise classified, portland cement, rouge,
44 soapstone, starch, sucrose, sulfur dioxide, and wood
45 dust.

46 10. "Source" or "Stationary source" means any
47 building, structure, facility, or installation which
48 emits or may emit a toxic air pollutant.

49 11. "Threshold limit value" (TLV) means the
50 airborne concentration of a substance that, according

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1 to the American conference of governmental industrial
2 hygienists (ACGIH), represents conditions to which
3 nearly all workers may be exposed without adverse
4 effect and that is published in "TLVs, Threshold
5 Limit Values and Biological Exposure Indices for 1989-
6 1990." TLV includes the following:

7 a. "Ceiling TLV" (TLV-C) means a concentration
8 that ACGIH indicates should not be exceeded even
9 instantaneously in a workplace.

10 b. "Short-term exposure limit" (TLV-STEL or STEL)
11 means a fifteen-minute, time weighted average

12 concentration that ACGIH indicates should not be
13 exceeded at any time during a workday.
14 c. "Threshold limit value-time weighted average"
15 (TLV-TWA) means a time weighted average concentration
16 recommended by ACGIH for a normal eight-hour workday
17 and forty-hour workweek to which nearly all workers
18 may be repeatedly exposed, day after day, without
19 adverse effect.

20 12. "Toxic air pollutant" means an air pollutant
21 for which no applicable ambient air quality standard
22 has been adopted and which, in the judgment of the
23 director, causes or contributes to air pollution which
24 may reasonably be anticipated to result in an increase
25 in mortality or an increase in serious irreversible,
26 or incapacitating reversible illness. In reaching
27 this judgment the director shall take into account the
28 air pollutant's quantity, concentration, and physical
29 or chemical characteristics.

30 13. "Unit risk factor" means an estimate of the
31 lifetime cancer risk occurring in a hypothetical
32 population in which all individuals are exposed
33 continuously from birth throughout a seventy-year life
34 span to a concentration of one microgram per cubic
35 meter of the toxic air pollutant in the air they
36 breathe. Unit risk factors are listed in Table 1 in
37 subsection 3.

38 Sec. — . NEW SECTION. 455B.522 APPLICABILITY.

39 1. Unless exempted in this division, a person
40 shall not discharge or cause or allow the discharge of
41 emissions of toxic air pollutants, except in
42 conformity with this division.

43 2. This division does not apply to existing
44 stationary sources of toxic air pollutants or to the
45 following with the exception of equipment installed to
46 abate or eliminate a hazardous condition:

47 a. Emissions regulated by 567 Iowa administrative
48 code, rule 23.1, subrule 3 (national emission
49 standards for hazardous air pollutants).

50 b. Gasoline-dispensing facilities other than

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1 gasoline bulk plants and terminals.

2 c. Dry cleaning facilities.

3 d. Laboratory equipment used for chemical or
4 physical analysis or experimentation.

5 e. Residences.

6 f. Equipment or control equipment described in 567

7 Iowa administrative code rule 22.1, subrule 2,

8 paragraph d.

9 g. Public utilities, as defined pursuant to
10 section 476.1, until July 1, 1996, or until such time
11 as the United States environmental protection agency
12 adopts a standard or technology in accordance with the
13 federal Clean Air Act Amendments of 1990.

14 Sec. ____ . NEW SECTION. 455B.523 PERMIT AND
15 PUBLIC PARTICIPATION NOTICE.

16 1. A person shall not construct, install,
17 reconstruct, or alter any equipment or control
18 equipment without first obtaining a permit.

19 2. The department shall make a preliminary
20 determination to issue or deny a permit in advance of
21 public notice. If the department determines
22 preliminarily to issue the permit, the department
23 shall prepare a draft permit. The draft permit shall
24 include all of the following:

25 a. Emission limitations for pollutants to be
26 limited.

27 b. If necessary, a proposed schedule of
28 compliance, including interim dates and requirements,
29 for meeting the emission limitations and other permit
30 requirements.

31 c. Any other special conditions.

32 3. A notice of intent to issue a permit shall be
33 published by the department in a newspaper having
34 general circulation in the area affected by the
35 emissions of the proposed source. The notice, draft
36 permit, and a fact sheet shall be made available for
37 public inspection upon request from the department's
38 central office. Publication of the notice shall be
39 made at least thirty days prior to issuing a permit
40 and shall include the department's evaluation of
41 ambient air impacts. The public may submit written
42 comments or request a public hearing. If the response
43 indicates significant interest, a public hearing may
44 be held after due notice.

45 Sec. ____ . NEW SECTION. 455B.524 CONTROL OF TOXIC
46 AIR POLLUTANTS - NEW STATIONARY SOURCES -
47 MODIFICATIONS OF EXISTING STATIONARY SOURCES.

48 1. For each toxic air pollutant emitted by a new
49 or modified stationary source, the owner or operator
50 shall, at a minimum, apply best available control

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1 technology for toxics (T-BACT).

2 2. If the application of T-BACT is not sufficient
3 to reduce residual risk (maximum individual risk) to
4 less than one in one million, additional emission
5 reduction may be required to comply with the risk

6 level.

7 a. Calculation of risk shall involve the use of a
8 unit risk factor developed by the United States
9 environmental protection agency. The unit risk
10 factors are listed in Table 1 in section 455B.521.

11 b. An owner or operator shall submit an air
12 quality impact evaluation, which demonstrates that the
13 emissions from the source, in conjunction with
14 emissions from all other sources at that facility,
15 comply with this section. The evaluation shall
16 include air quality modeling performed in accordance
17 with the United States environmental protection
18 agency's document "Guidelines on Air Quality Models
19 (Revised)", or other methods determined by the
20 director to be reliable.

21 3. If the application of T-BACT is not sufficient
22 to reduce the predicted maximum ambient twenty-four-
23 hour concentration of the toxic air pollutant below
24 one one-hundredth of the threshold limit value-time
25 weighted average, additional emission reduction may be
26 required to comply with this level. If a ceiling
27 threshold limit value or short-term exposure limit is
28 cited in lieu of or in addition to the threshold limit
29 value-time weighted average, one one-hundredth of that
30 value shall not be exceeded on a one-hour basis. The
31 owner or operator of a source shall submit an air
32 quality impact evaluation, as described in subsection
33 2, paragraph "b", to demonstrate that the emissions
34 from the source, in conjunction with emissions from
35 all sources at that facility, comply with this
36 section.

37 Sec. ____ . NEW SECTION. 455B.525 COMPLIANCE --
38 CONTINUED DEMONSTRATION.

39 The director may require the owner or operator of
40 any source of toxic air pollutants to demonstrate
41 compliance.

42 Sec. ____ . NEW SECTION. 455B.526 VARIANCES.

43 A person may apply for a variance from the
44 applicable rules or standards specified in this
45 chapter.

46 Sec. ____ . NEW SECTION. 455B.527 TESTS FOR
47 COMPLIANCE.

48 1. The owner of a new or modified stationary
49 source or the owner's authorized agent shall conduct
50 tests to determine compliance with applicable rules in

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1 accordance with the following:

2 a. The owner of a new or modified stationary

3 source or the owner's authorized agent shall notify
4 the director in writing, not less than fifteen days
5 before a test is performed to determine compliance
6 with applicable rules regarding emission standards for
7 contaminants or temporary air toxics fees before a
8 performance evaluation of any required continuous
9 monitor. The notice shall include, at a minimum, the
10 time, the place, and the name of the person who will
11 conduct the tests. Unless specifically waived by the
12 department, a pretest meeting shall be held not later
13 than fifteen days prior to conducting the compliance
14 demonstration. A representative of the department
15 shall be permitted to witness the tests. Results of
16 the tests shall be submitted, in writing, to the
17 director in the form of a comprehensive report within
18 six weeks of the completion of the testing.

19 b. Unless otherwise specified by the department,
20 all new stationary sources shall be tested by the
21 owner or the owner's authorized agent to determine
22 compliance with applicable emission limits. Tests
23 conducted to demonstrate compliance with the
24 requirements regarding emission standards for
25 contaminants shall be conducted within sixty days of
26 achieving maximum production but no later than one
27 hundred eighty days of a start-up. Tests conducted to
28 demonstrate compliance with the requirements regarding
29 air toxics fees shall be conducted within thirty days
30 of start-up.

31 c. The director may require the owner or the
32 owner's authorized agent to conduct a compliance
33 demonstration test of any stationary source if the
34 director has reason to believe that the stationary
35 source does not comply with applicable requirements.
36 Grounds for requiring a demonstration of compliance
37 include modification of control or process equipment,
38 age of equipment, or observation of opacities or other
39 parameters outside the range of those indicative of
40 properly maintained and operated equipment. Testing
41 may be required as necessary to determine actual
42 emissions from a source if the source is believed to
43 have a significant impact on the public health or
44 ambient air quality of an area. The director shall
45 provide the owner or agent not less than thirty days
46 to perform the compliance demonstration and shall
47 provide written notice of the requirement.

48 2. Stack sampling and associated analytical
49 methods used to evaluate compliance with emission
50 limitations regarding temporary air toxics fees shall

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- 1 be approved by the director."
- 2 2. By renumbering as necessary.

RALPH ROSENBERG
RICHARD VARN

S-5808

- 1 Amend Senate File 2372 as follows:
- 2 1. Page 2, line 15, by striking the word and
- 3 figure "section 91E.3" and inserting the following:
- 4 "~~section 91E.3~~ this chapter".
- 5 2. Page 2, line 26, by striking the word
- 6 "biennially" and inserting the following: "annually".
- 7 3. Page 3, line 1, by inserting after the figure
- 8 "91E.3" the following: "since the previous report".
- 9 4. Page 3, by striking lines 5 through 12 and
- 10 inserting the following:
- 11 "2. An employer subject to subsection 1 shall
- 12 submit the employer's first annual report to the
- 13 division on January 1, 1993. The employer's first
- 14 annual report shall include information regarding the
- 15 previous twelve months."

AL STURGEON

S-5809

- 1 Amend Senate File 2372 as follows:
- 2 1. Page 2, line 5, by inserting after the word
- 3 "dismissed" the following: "for reasons not personal
- 4 to the employee"

RAY TAYLOR

S-5810

- 1 Amend Senate File 2369 as follows:
- 2 1. Page 15, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ . GOVERNMENT INFRASTRUCTURE STUDY
- 5 COMMITTEE ESTABLISHED. The legislative council shall
- 6 appoint a committee for the 1992 interim to study
- 7 governmental infrastructure needs in Iowa. Membership
- 8 on the committee shall consist of the following: one
- 9 member of a school district board; one member of a
- 10 city council; one member of a county board of
- 11 supervisors; four members of the general assembly, two

12 from each chamber and two from each political party;
13 one person representing the building construction
14 industry; one member of a county-wide taxpayer
15 organization; and one member of a county-wide farm
16 organization. Membership on the committee shall be
17 gender balanced.

18 The committee shall study the feasibility of
19 establishing a statewide system for determining the
20 need for local public improvement projects including
21 those which are funded from voter-approved bond
22 issuances or from state funds. The study shall
23 include an analysis of all categories of voter-
24 approved local public improvement projects. The
25 analysis shall include the classification and
26 prioritization of each category on the basis of
27 whether it is a type of project which should be
28 subject to approval by a sixty percent majority or a
29 simple majority in a bond issuance referendum. Each
30 classification and prioritization shall take into
31 account the extent to which a public improvement is of
32 general public benefit, essential to the health or
33 safety of the public, and a cost-effective alternative
34 to any other option available. In addition, the
35 committee shall examine the feasibility of
36 guaranteeing voter-approved bonds with revenue sources
37 other than property taxes and shall examine the
38 process by which state funds are made available to
39 local governments to fund public improvement projects.
40 The committee shall submit its report and
41 recommendations to the general assembly by January 11,
42 1993."

43 2. Title page, line 3, by inserting after the
44 word "bonds" the following: "and establishing an
45 interim legislative study on methods of financing
46 public improvements to infrastructure".

47 3. By renumbering as necessary.

RALPH ROSENBERG

S-5811

1 Amend Senate File 2372 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. NEW SECTION. 1.18 OFFICIAL LANGUAGE.

5 The official language of the state shall be the
6 English language and all official proceedings,
7 records, and publications shall be in the English

8 language.”

9 2. By renumbering as necessary.

MARK R. HAGERLA
JACK W. HESTER
RAY TAYLOR

S-5812

1 Amend House File 2439, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 17 the

4 following:

5 “Sec. ____ . IMPLEMENTATION – FUNDING CONTINGENCY.

6 Implementation of this Act is contingent upon receipt

7 of federal funding.”

8 2. By renumbering as necessary.

FLORENCE BUHR
MIKE CONNOLLY
MAGGIE TINSMAN

S-5813

1 Amend the amendment, S-5758, to House File 2466 as
2 follows:

3 1. Page 1, by striking lines 15 through 21 and

4 inserting the following:

5 “____ . Page 5, by striking line 21 and inserting

6 the following:

7 “(2) A gift or series of gifts.”

8 2. By renumbering as necessary.

RICHARD VARN

S-5814

1 Amend House File 2466, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 23, line 34, by inserting after the word

4 “interest,” the following: “personal conduct which

5 reflects negatively on the person’s office or

6 position.”

7 2. Page 32, by inserting after line 17 the

8 following:

9 “Sec. ____ . NEW SECTION. 68B.10J ILLICIT
10 RELATIONSHIPS PROHIBITED – INFIDELITY.

11 A member of the senate who engages in an act of

12 infidelity involving marital unfaithfulness on the

13 part of the member, or involving another person who is

14 married at the time of the act if the senator is not
 15 married, shall be subject to expulsion from the
 16 senate. The board, after a hearing and upon a finding
 17 by a preponderance of clear and convincing evidence
 18 that a violation of this section has occurred shall
 19 make a written recommendation to the senate that the
 20 senator be expelled from office pursuant to section
 21 68B.10D.”

22 3. By renumbering as necessary.

DON GETTINGS

S-5815

1 Amend House File 2466, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 19, by inserting after line 5 the fol-
 4 lowing:

5 “Sec. 101. Section 68B.10, Code 1991, is amended
 6 by adding the following new unnumbered paragraphs:
 7 NEW UNNUMBERED PARAGRAPH. Upon a determination
 8 that an investigation is to commence on any complaint,
 9 the chairperson of the committee shall submit a
 10 written request to the supreme court requesting that a
 11 senior judge be appointed to act as a master for the
 12 purpose of conducting a hearing at which findings of
 13 fact shall be made for consideration by the committee
 14 during the investigation, and upon which any
 15 recommended sanction shall be based. A master
 16 appointed pursuant to this paragraph shall have the
 17 same powers as provided in Iowa rule of civil
 18 procedure 209.”

19 2. Page 19, by inserting after line 5 the
 20 following:

21 “Sec. 102. Section 68B.10, Code 1991, is amended
 22 by adding the following new unnumbered paragraph:
 23 NEW UNNUMBERED PARAGRAPH. Prior to making any
 24 recommendation concerning the sanctioning of a member
 25 for a violation of the code of ethics, each committee
 26 shall consult with the commission on judicial
 27 qualifications established under section 602.2102 and
 28 request an advisory opinion on the appropriateness of
 29 sanctions being considered by the committee.”

30 3. Page 44, by striking lines 22 through 27 and
 31 inserting the following:

32 “Sec. 103. INTERIM STUDY REQUEST. The legislative
 33 council is requested to establish an interim study
 34 committee to review the report and recommendations of
 35 the reform committee on government ethics and
 36 procedures, and the provisions of this Act, and to

37 make recommendations concerning necessary amendments
 38 to this Act. The committee shall invite, as
 39 necessary, members of the reform committee to make
 40 presentations to the interim committee concerning the
 41 reform committee's findings and recommendations, and
 42 concerning areas which the members of the reform
 43 committee believe should be addressed, but which
 44 currently have not been addressed. The legislative
 45 council shall appoint the members of the study
 46 committee and should consider appointing members of
 47 the house of representatives and the senate, and
 48 representatives of local governments, executive branch
 49 agencies, the judicial branch, and others representing
 50 persons affected by this Act. The study committee

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1 shall file its report with the general assembly,
 2 including any recommendations, on or before January
 3 20, 1993.
 4 Sec. ____ . Sections 1 through 15, 16 through 52,
 5 and 55 of this Act take effect July 1, 1993.
 6 Sec. ____ . Sections 101, 102, and 103 of this Act
 7 take effect July 1, 1992."
 8 4. Renumber as necessary.

DONALD V. DOYLE
 HARRY SLIFE

S-5816

1 Amend House File 2466, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking line 30, and inserting the
 4 following: "controlled by a regulatory agency in
 5 which the donee holds an office or is employed."

RICHARD VARN

HOUSE AMENDMENT TO
 SENATE FILE 2290

S-5817

1 Amend Senate File 2290, 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 368.1, subsection 6, Code
 6 Supplement 1991, is amended to read as follows:

7 6. "Committee" means the board members, and the
8 local representatives appointed as provided in section
9 sections 368.14 and 368.14A, to hear and make a
10 decision on a petition or plan for city development.
11 Sec. 2. Section 368.7, unnumbered paragraphs 2, 3,
12 and 4, Code Supplement 1991, are amended to read as
13 follows:

14 An application for annexation of territory not
15 within the an urbanized area of a city other than the
16 city to which the annexation is directed must be
17 approved by resolution of the council which receives
18 the application. In the discretion of a city council,
19 the resolution may include a provision for a
20 transition for the imposition of taxes as provided in
21 section 368.11, subsection 13. Upon receiving
22 approval of the council, the city clerk shall file a
23 copy of the resolution, map, and legal description of
24 the territory involved with the state department of
25 transportation. The city clerk shall also file a copy
26 of the map and resolution with the county recorder and
27 secretary of state. The secretary of state shall not
28 accept and acknowledge a copy of a map and resolution
29 of annexation which would create an island. The
30 annexation is completed upon acknowledgment by the
31 secretary of state that the secretary of state has
32 received the map and resolution.

33 An application for annexation of territory within
34 the an urbanized area of a city other than the city to
35 which the annexation is directed must be approved both
36 by resolution of the council which receives the
37 application and by the board. The board shall not
38 approve an application which creates an island. A
39 copy Notice of the application shall be mailed by
40 certified mail, by the city to which the annexation is
41 directed, at least ten days prior to the filing of the
42 application with the city council; any action by the
43 city council on the application to the council of each
44 city whose boundary adjoins the territory or is within
45 two miles of the territory, to the board of
46 supervisors of each county which contains a portion of
47 the territory, and to the regional planning authority
48 of the territory. Notice of the filing of the
49 application shall be published in an official county
50 newspaper in each affected county at least ten days

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1 prior to the filing of the application with any action
2 by the city council on the application. In the
3 discretion of a city council, the resolution may

4 include a provision for a transition for the
5 imposition of taxes as provided in section 368.11,
6 subsection 13. The annexation is completed when the
7 board has filed copies of applicable portions of the
8 proceedings as required by section 368.20, subsection
9 2.

10 If one or more applications for a voluntary
11 annexation and one or more petitions for an
12 involuntary annexation for a common territory are
13 submitted to the board within thirty days of each
14 other the date the first application or petition was
15 submitted to the board, the board shall approve the
16 application for voluntary annexation, provided that
17 the application meets the applicable requirements of
18 this chapter, unless the board determines by a
19 preponderance of the evidence that the application was
20 filed in bad faith, or that the application as filed
21 is contrary to the best interests of the citizens of
22 the urbanized area, or that the applicant cannot
23 within a reasonable period of time meet its obligation
24 to provide services to the territory to be annexed
25 sufficient to meet the needs of the territory. In
26 consideration of the requests, the board may appoint a
27 committee in the manner provided in section 368.14 to
28 seek additional information from the applicant for
29 voluntary annexation as necessary, including the
30 information required of petitioners pursuant to
31 section 368.11. The board, or the committee, if
32 applicable, shall hold a public hearing on the
33 application for voluntary annexation in the manner
34 provided for involuntary petitions in section 368.15.
35 The decision of the board under this paragraph shall
36 be made within ninety days of receipt of the
37 application by the board. The failure of the board to
38 approve an application under this paragraph shall be
39 deemed final agency action subject to judicial review.
40 An applicant may appeal a decision of the board no
41 earlier than one hundred eighty days after the
42 decision is issued or not later than thirty days after
43 a final decision is made by the special local
44 committee under section 368.14A, whichever is earlier.

45 Sec. 3. Section 368.8, Code 1991, is amended to
46 read as follows:

47 **368.8 VOLUNTARY SEVERING OF TERRITORY.**

48 Any territory may be severed upon the unanimous
49 consent of all owners of the territory and approval by
50 resolution of the council of the city in which the

Page 3

1 territory is located. The council shall provide in
2 the resolution for the equitable distribution of
3 assets and equitable distribution and assumption of
4 liabilities of the territory as between the city and
5 the severed territory. The city clerk shall file a
6 copy of the resolution, map, and a legal description
7 of the territory involved with the state department of
8 transportation. The city clerk shall also file a copy
9 of the map and resolution with the county recorder and
10 secretary of state. The secretary of state shall not
11 accept and acknowledge a copy of a map and resolution
12 of severance which would create an island. The
13 severance is completed upon acknowledgment by the
14 secretary of state that the secretary of state has
15 received the map and resolution.

16 Sec. 4. Section 368.11, unnumbered paragraph 4,
17 Code Supplement 1991, is amended to read as follows:

18 At least ten days before a petition for involuntary
19 annexation is filed as provided in this section, the
20 petitioner shall make its intention known to all
21 affected parties by sending a letter of intent by
22 certified mail to the council of each city within the
23 urbanized area if the territory is within an urbanized
24 area, or, if the territory is not within an urbanized
25 area, to the council of each city within two miles of
26 the territory, the board of supervisors of each county
27 within the urbanized area, the regional planning
28 authority of the territory involved, and to each
29 property owner listed in the petition. The written
30 notification shall include notice that the petitioners
31 shall hold a public meeting on the petition for
32 involuntary annexation prior to the filing of the
33 petition.

34 Sec. 5. Section 368.17, subsections 6 and 7, Code
35 Supplement 1991, are amended to read as follows:

36 6. An incorporation of territory, any part of
37 which is within an urbanized area of a two miles of an
38 existing city, unless a petition for annexation of
39 substantially the same territory to such city has been
40 dismissed, disapproved, or voted upon unfavorably
41 within the last five years.

42 7. An annexation A city development action which
43 creates an island."

44 2. Page 1, line 11, by striking the words "at
45 least two years" and inserting the following: "one
46 year".

47 3. Page 1, line 12, by striking the words "at
48 least two years" and inserting the following: "one

49 year".

50 4. By striking page 1, line 17 through page 2,

Page 4

- 1 line 2, and inserting the following:
- 2 "3. A private entity which contracts with a city
- 3 pursuant to this section to provide solid waste
- 4 collection services in the area shall provide solid
- 5 waste collection services in accordance with the
- 6 city's comprehensive plan."
- 7 5. Title page, line 1, by inserting after the
- 8 word "the" the following: "procedures for city
- 9 development and to the".
- 10 6. By renumbering, relettering, or redesignating
- 11 and correcting internal references as necessary.

S-5818

- 1 Amend House File 2466, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, line 28, by inserting after the word
- 4 "employee," the following: "judicial officer,".
- 5 2. Page 10, line 29, by inserting after the word
- 6 "assembly," the following: "employee of the judicial
- 7 department,".
- 8 3. Page 10, line 33, by inserting after the words
- 9 "state employee" the following: "; employee of the
- 10 judicial department,".
- 11 4. Page 11, line 4, by inserting after the word
- 12 "official," the following: "judicial officer,".
- 13 5. Page 11, line 5, by inserting after the word
- 14 "assembly," the following: "employee of the judicial
- 15 department,".

JIM LIND

S-5819

- 1 Amend House File 2466, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 19, line 9, by striking the word and
- 4 figure "January 1," and inserting the following:
- 5 "January 31".
- 6 2. Page 44, line 9, by striking the word and
- 7 figure "January 1" and inserting the following:
- 8 "January 31".
- 9 3. Page 44, line 13, by inserting after the word
- 10 "commission." the following: "Rules adopted relating

11 to the conduct of public officials or public employees
12 shall not take effect until after January 31, 1993."

WILLIAM DIELEMAN

S-5820

- 1 Amend House File 2466, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 44, line 14, by striking the figure "7"
- 4 and inserting the following: "9".
- 5 2. Page 44, by striking lines 25 through 27.

JOHN P. KIBBIE

S-5821

- 1 Amend the amendment, S-5797, to House File 2466 as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 8, by striking lines 48 through 50.

JOHN P. KIBBIE

S-5822

- 1 Amend House File 2466, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 19, by striking the figure "1."
- 4 2. Page 9, by striking lines 3 through 8.
- 5 3. Page 29, by striking lines 28 through 30 and
- 6 inserting the following:
- 7 "2. The board shall adopt rules for personal
- 8 financial disclosure by public officials and employees
- 9 which shall be restricted to disclosure of income,
- 10 compensation, indebtedness, and other payments
- 11 received directly from, or as a direct result of, work
- 12 performed that is related to employment, sales or
- 13 services exceeding five hundred dollars in any one
- 14 occurrence, to any state agency or a political
- 15 subdivision of the state. The rules shall establish".

DERRYL MCLAREN

S-5823

- 1 Amend the amendment, S-5797, to House File 2466, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 32 the

5 following:

- 6 "NEW SUBPARAGRAPH. (___) Travel, food, beverages,
7 registration, and scheduled entertainment received for
8 or at a meeting that is sponsored and directed by an
9 organization that meets the requirements of section
10 501(c)(3) of the Internal Revenue Code."
- 11 2. By numbering and renumbering as necessary.

RAY TAYLOR

S-5824

1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 5, by inserting after line 15 the fol-
5 lowing:

6 "Sec. 101. Section 68B.10, Code 1991, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. Upon a determination
9 that an investigation is to commence on any complaint,
10 the chairperson of the committee shall submit a
11 written request to the supreme court requesting that a
12 senior judge be appointed to act as a master for the
13 purpose of conducting a hearing at which findings of
14 fact shall be made for consideration by the committee
15 during the investigation, and upon which any
16 recommended sanction shall be based. A master
17 appointed pursuant to this paragraph shall have the
18 same powers as provided in Iowa rule of civil
19 procedure 209."

20 2. Page 5, by inserting after line 15 the
21 following:

22 "Sec. 102. Section 68B.10, Code 1991, is amended
23 by adding the following new unnumbered paragraph:
24 NEW UNNUMBERED PARAGRAPH. Prior to making any
25 recommendation concerning the sanctioning of a member
26 for a violation of the code of ethics, each committee
27 shall consult with the commission on judicial
28 qualifications established under section 602.2102 and
29 request an advisory opinion on the appropriateness of
30 sanctions being considered by the committee."

31 3. Page 8, by striking lines 41 through 50 and
32 inserting the following:

33 "Sec. ____ . Sections 1 through 8, and 9 through 12
34 of this Act take effect July 1, 1993.

35 Sec. ____ . Sections 101 and 102 of this Act take

36 effect July 1, 1992."

37 4. Renumber as necessary.

DONALD V. DOYLE
HARRY SLIFE
LINN FUHRMAN

S-5825

1 Amend House File 2466, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 37, by inserting after line 25 the
4 following:

5 "Sec. ____ . NEW SECTION. 56.14A LIMITATIONS ON
6 ACCEPTANCE OF CONTRIBUTIONS.

7 A candidate or the candidate's committee shall not
8 accept contributions from political action committees
9 which exceed fifty percent of total contributions
10 received during an election cycle.

11 At least fifty percent of individual contributions
12 received by a candidate or candidate's committee
13 during an election cycle shall have originated as
14 contributions made by individual contributors residing
15 within the counties within the candidate's district."
16 2. By renumbering as necessary.

PAUL PATE
MAGGIE TINSMAN
MARY E. KRAMER

S-5826

1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by inserting after line 4 the
5 following:

6 "Sec. ____ . NEW SECTION. 68B.4B ILLICIT
7 RELATIONSHIPS PROHIBITED -- INFIDELITY.

8 A member of the senate who engages in an act of
9 infidelity involving marital unfaithfulness on the
10 part of the member, or involving another person who is
11 married at the time of the act if the senator is not
12 married, shall be subject to expulsion from the
13 senate. The board, after a hearing and upon a finding
14 by a preponderance of clear and convincing evidence
15 that a violation of this section has occurred shall
16 make a written recommendation to the senate that the
17 senator be expelled from office pursuant to section

18 68B.10D.”

19 2. By renumbering as necessary.

DON GETTINGS

S-5827

1 Amend the amendment, S-5797, to House File 2466 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 8, line 46 by striking the word and
5 figure “Section 11” and inserting the following:
6 “Sections 5 and 11”.

JOHN P. KIBBIE

S-5828

1 Amend House File 2356 as passed by the House as
2 follows:

3 1. Page 4, line 10, by striking the word “ACTION”
4 and inserting the following: “-- CIVIL ACTIONS”.

5 2. Page 4, line 11, by striking the words
6 “negligently or”.

7 3. Page 4, line 15, by striking the words
8 “negligently or”.

9 4. Page 4, by striking lines 19 through 29 and
10 inserting the following: “environmental impacts is
11 guilty of an aggravated misdemeanor for a knowing
12 violation. A conviction for a”.

13 5. Page 5, by inserting after line 21, the
14 following:

15 “A person who negligently violates any provision of
16 division II of this chapter, any permit, rule,
17 standard, or order issued under division II of this
18 chapter, any condition or limitation included in any
19 permit issued under division II of this chapter, or
20 who negligently introduces into the air any pollutant
21 or hazardous substance which the person knew or
22 reasonably should have known could cause personal
23 injury, property damage, or adverse environmental
24 impacts, is subject to a civil penalty of not more
25 than twenty-five thousand dollars for each day of
26 violation, and if the negligent violation is a second
27 or subsequent negligent violation, the person is
28 subject to a civil penalty of not more than fifty
29 thousand dollars for each day of violation.”

DONALD V. DOYLE

S-5829

- 1 Amend House File 2466, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "government." the following: "The Iowa ethics and
- 5 campaign finance board will also serve as an
- 6 instrument to investigate complaints relating to
- 7 ethical violations of judicial officers and court
- 8 employees, to make recommendations for discipline of
- 9 judicial officers to the judicial qualifications
- 10 commission, and to discipline court employees for
- 11 violations of this chapter."
- 12 2. Page 1, line 20, by inserting after the word
- 13 "ethics" the following: "for judicial officers".
- 14 3. Page 1, line 21, by striking the word "those"
- 15 and inserting the following: "judicial officers and
- 16 court employees."
- 17 4. Page 1, by striking lines 22 and 23, and
- 18 inserting the following: "The supreme court is also
- 19 required to prescribe rules relating to the receipt
- 20 and processing of recommendations for the discipline
- 21 of judicial officers by the judicial qualifications
- 22 commission."
- 23 5. Page 1, line 30 by striking the words "or
- 24 legislative" and inserting the following: ",
- 25 legislative, or judicial".
- 26 6. Page 7, line 12, by striking the words "or
- 27 officers or" and inserting the following: "and
- 28 officers and".
- 29 7. Page 7 by striking lines 13 and 14, and
- 30 inserting the following: "the judicial branch of
- 31 government."
- 32 8. Page 8, lines 10 and 11, by striking the words
- 33 "an employee of the judicial department,".
- 34 9. Page 19, line 13, by striking the words "and
- 35 legislative" and inserting the following: ",
- 36 legislative, and judicial".
- 37 10. Page 23, line 28, by inserting after the word
- 38 "legislative" the following: ", judicial,".
- 39 11. Page 28, line 9, by striking the word
- 40 "Publicly" and inserting the following: "Unless the
- 41 violator is a judicial officer, publicly".
- 42 12. Page 28, line 13, by striking the word "Make"
- 43 and inserting the following: "Unless the violator is
- 44 a judicial officer, member of the general assembly, or
- 45 an elected official who can be removed under chapter
- 46 66 or by impeachment, make".
- 47 13. Page 28, by inserting after line 31, the
- 48 following:

49 " ____ . If the violator is a judicial officer,
50 forward a copy of the complaint, supporting

Page 2

1 information, and written recommendations for
2 discipline to the judicial qualifications commission
3 for discipline consistent with the requirements of
4 this chapter and rules adopted by the board pursuant
5 to this chapter."

6 14. Page 28, line 32, by striking the word
7 "Issue" and inserting the following: "Unless the
8 violator is a judicial officer, issue".

9 15. Page 28, line 34, by striking the words "
10 chapter 56,".

11 16. Page 28, line 35, by inserting after the word
12 "board" the following: "pursuant to this chapter".

13 17. Page 28, by inserting after line 35, the
14 following:

15 " ____ . Issue an order requiring the violator to
16 pay a civil penalty of not more than two thousand
17 dollars for each violation of chapter 56 or rules
18 adopted by the board pursuant to chapter 56."

19 18. Page 32, line 21, by striking the words
20 "adopt rules" and inserting the following: "prescribe
21 rules relating to the processing of recommendations
22 received by the judicial qualifications commission
23 from the board concerning violations of the rules
24 adopted by the board and".

25 19. By striking page 40, line 22 through page 41,
26 line 11.

27 20. Page 41, by striking lines 15 through 17, and
28 inserting the following:

29 "1. ~~Charges before the commission shall be in~~
30 ~~writing but may be simple and informal.~~ The
31 commission shall investigate each charge review each
32 allegation contained in the complaint as indicated by
33 its gravity. If the charge allegation or the
34 complaint is".

35 21. Page 41, line 19, by striking the word
36 "charge" and inserting the following: "charge
37 allegation or complaint".

38 22. Page 41, line 22, by striking the words "or
39 employee of the judicial department".

40 23. Page 41, line 23, by striking the word
41 "charge" and inserting the following: "charge
42 allegation or complaint".

43 24. Page 41, line 31, by striking the word
44 "charge" and inserting the following: "charge
45 allegation, the complaint, and the recommendations by

46 the Iowa ethics and campaign finance board.
 47 25. Page 41, lines 32 and 33, by striking the
 48 words "or an employee of the judicial department at
 49 the officer's person's" and inserting the following:
 50 "at the officer's".

Page 3

1 26. Page 41, line 35, by striking the word "or".
 2 27. Page 42, line 1, by striking the words
 3 "employee of the judicial department".
 4 28. Page 42, lines 2 and 3 by striking the words
 5 "or employee of the judicial department".
 6 29. Page 42, by striking lines 5 and 6, and
 7 inserting the following: "during the pendency of the
 8 charge proceeding, unless".
 9 30. Page 42, lines 9 and 10, by striking the
 10 words "or employee of the judicial department".
 11 31. Page 42, line 13, by striking the words
 12 "prosecute the charge" and inserting the following:
 13 "prosecute the charge represent the position of the
 14 board".
 15 32. Page 42, lines 14 and 15, by striking the
 16 words "or employee of the judicial department".
 17 33. Page 42, line 21, by striking the word
 18 "charge" and inserting the following: "charge
 19 allegation or complaint".
 20 34. Page 42, lines 22 and 23, by striking the
 21 words "or to discipline or remove an employee of the
 22 judicial department".
 23 35. By striking page 42, line 24, through page
 24 43, line 19.
 25 36. Page 43 line 23, by striking the word
 26 "charges" and inserting the following: "charges
 27 recommendations".
 28 37. By renumbering and changing internal
 29 references as necessary.

JACK RIFE

S-5830

1 Amend House File 2466, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 9 through 13, and
 4 inserting the following: "of a candidate for public
 5 office in excess of five hundred dollars in the
 6 aggregate in any calendar year."
 7 2. Page 33, by inserting after line 4, the
 8 following:

- 9 "Sec. ____ . Section 56.2, subsection 4, Code
 10 Supplement 1991, is amended by striking the subsection
 11 and inserting in lieu thereof the following:
 12 4. "Candidate's committee" means the committee
 13 designated by a candidate for state, county, city, or
 14 school office to receive contributions, expend funds,
 15 or incur indebtedness on behalf of the candidate in
 16 excess of five hundred dollars in the aggregate in a
 17 calendar year."
 18 -3. Page 35, by inserting after line 18, the
 19 following:
 20 "Sec. ____ . Section 56.5A, Code Supplement 1991, is
 21 amended to read as follows:
 22 56.5A CANDIDATE'S COMMITTEE.
 23 Each candidate for ~~federal~~, state, or county, city,
 24 or school office shall organize one, and only one,
 25 candidate's committee for a specific office sought
 26 when the candidate receives contributions, makes
 27 expenditures, or incurs indebtedness in excess of ~~two~~
 28 five hundred fifty dollars in a calendar year.
 29 ~~Each candidate for city or school office shall~~
 30 ~~organize one, and only one, candidate's committee for~~
 31 ~~a specific office sought when the candidate receives~~
 32 ~~contributions, makes expenditures, or incurs~~
 33 ~~indebtedness in excess of five hundred dollars in a~~
 34 ~~calendar year."~~
 35 4. By numbering and renumbering as necessary.

RICHARD VANDE HOEF

S-5831

- 1 Amend amendment, S-5758, to House File 2466, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. By striking page 4, line 27 through page 8,
 5 line 2 and inserting the following:
 6 "Sec. ____ . NEW SECTION. 68B.11A LOCAL OFFICIALS.
 7 The governing body or authorities of each political
 8 subdivision of the state shall develop and establish a
 9 code of ethics for the officials and employees of the
 10 political subdivision. The code of ethics of each
 11 political subdivision shall be no less strict than the
 12 laws and rules establishing a code of ethics for
 13 officials and employees of the state and shall also
 14 provide a mechanism for the investigation of
 15 complaints alleging violations of the code of ethics

- 16 and for redress for established violations."
17 2. By renumbering as necessary.

JIM LIND

S-5832

- 1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, by inserting after line 2 the
5 following:
6 "Sec. ____ . NEW SECTION. 56.14A LIMITATIONS ON
7 ACCEPTANCE OF CONTRIBUTIONS.
8 A candidate or the candidate's committee shall not
9 accept contributions from political action committees
10 which exceed fifty percent of total contributions
11 received during an election cycle.
12 At least fifty percent of individual contributions
13 received by a candidate or candidate's committee
14 during an election cycle shall have originated as
15 contributions made by individual contributors residing
16 within the counties within the candidate's district."
17 2. By renumbering as necessary.

PAUL PATE

S-5833

- 1 Amend amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 23 the
5 following:
6 "Sec. ____ . RECEIPT OF HONORARIA -- PROHIBITED. A
7 public official or public employee shall not receive
8 an honorarium or other compensation for an appearance,
9 speech, or article. For purposes of this section, an
10 "honorarium" or "compensation" does not include actual
11 expenses of a public official or public employee for
12 food, beverages, travel, and lodging."
13 2. Page 8, by inserting after line 40 the
14 following:
15 "Sec. ____ . Section 56.10A, Code 1991, is
16 repealed."
17 3. By renumbering as necessary.

EMIL HUSAK

S-5834

- 1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by striking lines 19 through 22.
5 2. Page 3, line 12, by striking the words "in any
6 one" and inserting the following: "in any one".
7 3. Page 3, by striking lines 13 and 14, and
8 inserting the following: "calendar day a gift or a
9 series of gifts having a value of thirty-five dollars
10 or more."
11 4. Page 3, by striking lines 19 through 21, and
12 inserting the following: "legislative employee; in
13 any one calendar day, if the gift or series of gifts
14 has a value of thirty-five dollars or more. A person
15 shall not, directly".
16 5. Page 3, by striking lines 26 through 31, and
17 inserting the following: "legislative employee; in
18 any one calendar day, if the gift or series of gifts
19 has a total value of thirty-five dollars or more. The
20 thirty-five dollar limitation of this section applies
21 separately to a person and the person's immediate
22 family member."
23 6. Page 3, line 37, by striking the words
24 "thirty-five fifty" and inserting the following:
25 "thirty-five".
26 7. By renumbering as necessary.

EMIL HUSAK

S-5835

- 1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 5, by inserting after line 15 the fol-
5 lowing:
6 "Sec. 101. Section 68B.10, Code 1991, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. Upon a determination
9 that an investigation is to commence on any complaint,
10 the chairperson of the committee shall submit a
11 written request to the supreme court requesting that a
12 senior judge be appointed to act as a master for the
13 purpose of conducting a hearing at which findings of
14 fact shall be made for consideration by the committee
15 during the investigation, and upon which any
16 recommended sanction shall be based. A master
17 appointed pursuant to this paragraph shall have the

- 18 same powers as provided in Iowa rule of civil
19 procedure 209.”
20 2. Page 8, by striking lines 41 through 50 and
21 inserting the following:
22 “Sec. ____ . Sections 1 through 8, and 9 through 12
23 of this Act take effect July 1, 1993.
24 Sec. ____ . Section 101 of this Act takes effect
25 July 1, 1992.”
26 3. Renumber as necessary.

DONALD V. DOYLE
HARRY SLIFE
LINN FUHRMAN

S-5836

- 1 Amend the amendment, S-5797, to House File 2466 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 7, by inserting after line 29 the
5 following:
6 “Sec. ____ . NEW SECTION. 56.15B CONTRIBUTIONS BY
7 POLITICAL COMMITTEES PROHIBITED.
8 A political committee shall not contribute to, act
9 as an agent or intermediary for contributions to, or
10 arrange for the making of contributions to the
11 campaign funds of an elected state official, member of
12 the general assembly, or candidate for statewide
13 public office or the general assembly at any time.”
14 2. By renumbering and correcting internal
15 references as necessary.

JACK RIFE

S-5837

- 1 Amend House File 2466, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 19, by inserting after line 5 the fol-
4 lowing:
5 “Sec. 101. Section 68B.10, Code 1991, is amended
6 by adding the following new unnumbered paragraphs:
7 NEW UNNUMBERED PARAGRAPH. Upon a determination
8 that an investigation is to commence on any complaint,
9 the chairperson of the committee shall submit a
10 written request to the supreme court requesting that a
11 senior judge be appointed to act as a master for the
12 purpose of conducting a hearing at which findings of
13 fact shall be made for consideration by the committee
14 during the investigation, and upon which any

15 recommended sanction shall be based. A master
16 appointed pursuant to this paragraph shall have the
17 same powers as provided in Iowa rule of civil
18 procedure 209.”
19 2. Page 44, by striking lines 22 through 27 and
20 inserting the following:
21 “Sec. 102. INTERIM STUDY REQUEST. The legislative
22 council is requested to establish an interim study
23 committee to review the report and recommendations of
24 the reform committee on government ethics and
25 procedures, and the provisions of this Act, and to
26 make recommendations concerning necessary amendments
27 to this Act. The committee shall invite, as
28 necessary, members of the reform committee to make
29 presentations to the interim committee concerning the
30 reform committee’s findings and recommendations, and
31 concerning areas which the members of the reform
32 committee believe should be addressed, but which
33 currently have not been addressed. The legislative
34 council shall appoint the members of the study
35 committee and should consider appointing members of
36 the house of representatives and the senate, and
37 representatives of local governments, executive branch
38 agencies, the judicial branch, and others representing
39 persons affected by this Act. The study committee
40 shall file its report with the general assembly,
41 including any recommendations, on or before January
42 20, 1993.
43 Sec. ____ . Sections 1 through 15, 16 through 52,
44 and 55 of this Act take effect July 1, 1993.
45 Sec. ____ . Sections 101 and 102 of this Act take
46 effect July 1, 1992.”
47 3. Renumber as necessary.

DONALD V. DOYLE
HARRY G. SLIFE
LINN FUHRMAN

S-5838

1 Amend the amendment, S-5797, to House File 2466 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 7, by striking line 35 and inserting the
5 following:
6 “a. Contributions to charitable organizations.”

JIM LIND

S-5839

1 Amend the amendment, S-5797, to House File 2466 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 4, line 11, by inserting after the word
5 "report" the following: "pursuant to chapter 22".

JIM LIND

S-5840

1 Amend the amendment, S-5800, to House File 2356, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 31 through 37, and
4 inserting the following:

5 "___ . Page 6, by striking lines 15 and 16, and
6 inserting the following:

7 "2. The director of the department of economic
8 development shall designate an employee of the
9 department who manages small business programs for the
10 state as the state liaison for small business
11 stationary sources. The department of economic
12 development shall notify the general assembly,
13 annually, of the designation made. The state liaison
14 shall be"".

15 2. By renumbering as necessary.

RICHARD VARN

S-5841

1 Amend the amendment, S-5797, to House File 2466 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 2, line 44, by inserting after the word
5 "employee" the following: "judicial officer, employee
6 of the judicial department,".

7 2. Page 2, line 49, by inserting after the word
8 "employee," the following: "employee of the judicial
9 department, judicial officer,".

JIM LIND

S-5842

1 Amend amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, by inserting after line 36 the

5 following:

- 6 "Sec. ____ . Section 68B.7, Code 1991, is amended by
 7 adding the following new unnumbered paragraph after
 8 unnumbered paragraph 1:
 9 NEW UNNUMBERED PARAGRAPH. A person who has served
 10 as a judicial officer or court employee shall not
 11 appear for compensation before the court on which the
 12 person served or for which the person was employed for
 13 a period of two years after termination of the service
 14 or employment."
 15 2. By renumbering as necessary.

JIM LIND

S-5843

- 1 Amend the amendment, S-5797, to House File 2466, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 5 through 15.
 5 2. Page 1, by striking lines 19 through 22.
 6 3. Page 3, line 12, by striking the words "in any
 7 one" and inserting the following: "in any one".
 8 4. Page 3, by striking lines 13 and 14, and
 9 inserting the following: "calendar day a gift or a
 10 series of gifts having a value of thirty-five dollars
 11 or more."
 12 5. Page 3, by striking lines 19 through 21, and
 13 inserting the following: "legislative employee, in
 14 any one calendar day, if the gift or series of gifts
 15 has a value of thirty-five dollars or more. A person
 16 shall not, directly".
 17 6. Page 3, by striking lines 26 through 31, and
 18 inserting the following: "legislative employee, in
 19 any one calendar day, if the gift or series of gifts
 20 has a total value of thirty-five dollars or more. The
 21 thirty-five dollar limitation of this section applies
 22 separately to a person and the person's immediate
 23 family member."
 24 7. Page 3, line 37, by striking the words
 25 "thirty-five fifty" and inserting the following:
 26 "thirty-five".
 27 8. By renumbering as necessary.

EMIL HUSAK

S-5844

- 1 Amend the amendment, S-5797, to House File 2466, as
 2 amended, passed, and reprinted by the House, as

3 follows:

- 4 1. Page 1, by striking lines 5 through 15.
- 5 2. Page 1, by striking lines 19 through 22.
- 6 3. Page 1, by inserting after line 32 the
- 7 following:
8 "Sec. ____ . Section 68B.2, subsection 5, paragraph
9 b, subparagraph (6), Code 1991, is amended by striking
10 the subparagraph."
- 11 4. Page 3, line 12, by striking the words "in any
12 one" and inserting the following: "in any one".
- 13 5. Page 3, by striking lines 13 and 14, and
14 inserting the following: "calendar day a gift or a
15 series of gifts having a value of thirty-five dollars
16 or more."
- 17 6. Page 3, by striking lines 19 through 21, and
18 inserting the following: "legislative employee; in
19 any one calendar day, if the gift or series of gifts
20 has a value of thirty-five dollars or more. A person
21 shall not, directly".
- 22 7. Page 3, by striking lines 26 through 31, and
23 inserting the following: "legislative employee; in
24 any one calendar day, if the gift or series of gifts
25 has a total value of thirty-five dollars or more. The
26 thirty-five dollar limitation of this section applies
27 separately to a person and the person's immediate
28 family member."
- 29 8. Page 3, line 37, by striking the words
30 "thirty-five fifty" and inserting the following:
31 "thirty-five".
- 32 9. By renumbering as necessary.

EMIL HUSAK

S-5845

1 Amend amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 1, by inserting before line 33 the
- 5 following:
6 "NEW SUBPARAGRAPH. () Travel, food, beverages,
7 registration, and scheduled entertainment received for
8 or at a meeting that is sponsored and directed by the
9 American legislative exchange council."
- 10 2. By renumbering as necessary.

RAY TAYLOR

S-5846

- 1 Amend amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, by inserting after line 2 the
5 following:
6 "Sec. ____ . Section 56.10A, subsection 2, Code
7 1991, is amended by adding the following new
8 paragraph:
9 NEW PARAGRAPH. e. Holders of any state elective
10 shall not donate any honoraria received to a
11 charitable organization."
12 2. By renumbering as necessary.

JIM LIND

S-5847

- 1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, lines 37 and 38, by striking the words
5 and figures "unnumbered paragraphs 1, 2, and 3, Code
6 1991, are" and inserting the following: "Code 1991,
7 is".
8 2. By striking page 4, line 39 through page 5,
9 line 15, and inserting the following:
10 "68B.10 LEGISLATIVE ETHICS COMMITTEE.
11 1. There shall be an ethics committee in the
12 senate and an ethics committee in the house, each to
13 consist of ~~seven~~ six members; three members to be
14 appointed by the majority leader in each house; ~~two~~
15 and three members to be appointed by the minority
16 leader in each house ~~and two individuals who shall not~~
17 ~~be employees of the general assembly by the chief~~
18 ~~justice of the Iowa supreme court.~~
19 2. The two individuals appointed by the chief
20 justice of the supreme court shall receive a per diem
21 as specified in section 7E.6 and travel expenses at
22 the same rate as paid members of interim committees
23 for attending meetings of the ethics committee.
24 Members of the general assembly shall receive a per
25 diem as specified in section 7E.6 and travel expenses
26 at the same rate as paid members of interim committees
27 for attending meetings held when the general assembly
28 is not in session. The per diem and expenses shall be
29 paid from funds appropriated by section 2.12.
30 3. The president pro tempore of the senate is
31 designated as chairperson of the senate committee.

32 The house majority leader of each house shall
 33 designate the chairperson and the minority leader of
 34 each house shall designate the ranking member of each
 35 committee. Each committee shall elect a chairperson
 36 vice-chairperson. The chairperson of each committee
 37 shall have the following powers, duties, and
 38 functions:

39 a. Preside over meetings of the committee.
 40 b. Call meetings of the committee during the
 41 legislative session and within a reasonable time after
 42 receipt of a complaint when the legislature is not in
 43 session.
 44 4. Each committee shall have the following powers,
 45 duties, and functions:
 46 1 a. Prepare a code of ethics within thirty days
 47 after the commencement of the session.
 48 2 b. Prepare rules relating to lobbyists and
 49 lobbying activities in the general assembly.
 50 3 c. Issue advisory opinions interpreting the

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1 intent of constitutional and statutory provisions
 2 relating to legislators and lobbyists as well as
 3 interpreting the code of ethics and rules issued
 4 pursuant to this section. Opinions shall be issued
 5 when approved by a majority of the seven members and
 6 may be issued upon the written request of a member of
 7 the general assembly or upon the committee's
 8 initiation. Opinions are not binding on the
 9 legislator or lobbyist.

10 4 d. Receive and investigate complaints and
 11 charges against members of its house alleging a
 12 violation of the code of ethics, rules governing
 13 lobbyists, this chapter, or other matters referred to
 14 it by its house. The committee shall recommend rules
 15 for the receipt and processing of complaints made
 16 during the legislative session and those made after
 17 the general assembly adjourns.

18 5 e. Recommend legislation relating to legislative
 19 ethics and lobbying activities.

20 The ethics committees may employ independent legal
 21 counsel to assist them in carrying out their duties
 22 under this chapter with the approval of a committee's
 23 house when the general assembly is in session and with
 24 the approval of the rules and administration committee
 25 of that house when the general assembly is not in
 26 session. Payment of costs for the independent legal
 27 counsel shall be made from section 2.12.

28 5. The code of ethics and rules relating to

29 lobbyists and lobbying activities shall not become
30 effective until approved by the members of the house
31 to which the proposed code and rules apply. The code
32 or rules may be amended either upon the recommendation
33 of the ethics committee or by members of the general
34 assembly.

35 6. Violation of the code of ethics may result in
36 censure, reprimand, or other sanctions as determined
37 by a majority of the member's house. However, a
38 member may be suspended or expelled and the member's
39 salary forfeited only if directed by a two-thirds vote
40 of the member's house. A suspension, expulsion, or
41 forfeiture of salary shall be for the duration
42 specified in the directing resolution. However, it
43 shall not extend beyond the end of the general
44 assembly during which the violation occurred.
45 Violation of a rule relating to lobbyists and lobbying
46 activities may result in censure, reprimand, or other
47 sanctions as determined by a majority of the members
48 of the house in which the violation occurred.
49 However, a lobbyist may be suspended from lobbying
50 activities for the duration provided in the directing

Page 3

1 resolution only if directed by a two-thirds vote of
2 the house in which the violation occurred."
3 3. By renumbering and changing internal
4 references as necessary.

JIM LIND

S-5848

1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 5, by inserting after line 15 the fol-
5 lowing:
6 "Sec. 101. Section 68B.10, Code 1991, is amended
7 by adding the following new unnumbered paragraph:
8 **NEW UNNUMBERED PARAGRAPH.** Upon a determination
9 that an investigation is to commence on any complaint,
10 the chairperson of the committee shall submit a
11 written request to the supreme court requesting that a
12 senior judge be appointed to act as a master for the
13 purpose of conducting a hearing at which findings of
14 fact shall be made for consideration by the committee
15 during the investigation, and upon which any
16 recommended sanction shall be based. A master

17 appointed pursuant to this paragraph shall have the
18 same powers as provided in Iowa rule of civil
19 procedure 209."

20 2. Page 8, by striking lines 41 through 50 and
21 inserting the following:

22 "Sec. ____ Sections 1 through 8, and 9 through 11
23 of this Act take effect July 1, 1993.

24 Sec. ____ Sections 12 and 101 of this Act take
25 effect July 1, 1992."

26 3. Renumber as necessary.

DONALD V. DOYLE
HARRY G. SLIFE
LINN FUHRMAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2385

S-5849

1 Amend the Senate amendment, H-5759, to House File
2 2385 as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2, the
5 following:

6 " ____ . Page 1, line 19, by inserting after the
7 word "recycling," the following:

8 "The public service monopoly shall utilize private
9 recycling industries in the service area, when
10 possible."

11 2. Page 1, by striking lines 7 through 24 and
12 inserting the following:

13 " ____ . By striking page 3, line 27, through page 4,
14 line 2.

15 ____ . Page 4, line 4, by striking the word
16 "contains" and inserting the following: "is primarily
17 powered by".

18 ____ . Page 4, line 11, by striking the word
19 "manufacturer" and inserting the following: "person".

20 ____ . Page 4, line 16, by striking the word
21 "manufacturer" and inserting the following: "person".

22 ____ . Page 4, by striking lines 19 through 21, and
23 inserting the following:

24 "3. RECYCLING/DISPOSAL REQUIREMENTS FOR HOUSEHOLD
25 BATTERIES.

26 a. Beginning July 1, 1996, a system or systems
27 shall be in place to protect the health".

28 ____ . Page 4, lines 32 and 33, by striking the
29 words "a manufacturer produces" and inserting the

- 30 following: "is sold, distributed, or offered".
- 31 ____ . Page 5, by striking lines 2 through 4, and
32 inserting the following: "rechargeable batteries.
- 33 All participants in the stream of commerce relating to
34 the batteries listed in subparagraph (1) shall,
35 individually or collectively, be responsible for
36 developing and operating a system for collecting and
37 transporting used batteries to the appropriate dry
38 cell battery manufacturer. Dry cell battery
39 manufacturers shall be responsible for the recycling
40 of used batteries in an".
- 41 ____ . Page 5, by striking lines 7 and 8, and
42 inserting the following: "disposal of used household
43 batteries of the types listed in subparagraph (1),
44 which are distributed, sold, or offered for retail
45 sale in the state. For the purposes of".
- 46 ____ . Page 5, line 10, by inserting after the word
47 "laws." the following: "All participants in the
48 stream of commerce relating to the batteries listed in
49 subparagraph (1) shall, individually or collectively,
50 be responsible for developing and operating a system

Page 2

- 1 for collecting and transporting used batteries to the
2 appropriate dry cell battery manufacturer. Dry cell
3 battery manufacturers shall be responsible for proper
4 disposal of the used batteries."
- 5 ____ . Page 5, by striking lines 12 through 14, and
6 inserting the following: "subsection, participants in
7 the systems established under this subsection, either
8 individually or collectively shall do all of the
9 following:"
- 10 ____ . Page 5, by striking lines 18 and 19, and
11 inserting the following: "in subparagraph (1) shall
12 be returned for collection and recycling or disposal."
- 13 ____ . Page 5, line 21, by striking the word "the"
14 and inserting the following: "a safe and convenient".
- 15 ____ . Page 5, line 22, by inserting after the word
16 "for" the following: "recycling or".
- 17 ____ . Page 5, by striking lines 23 through 25, and
18 inserting the following:
19 "c. After July 1, 1996, nickel-cadmium, sealed
20 lead acid, or mercuric oxide household batteries shall
21 not be sold, distributed, or offered for sale in the
22 state".
- 23 ____ . Page 5, line 28, by striking the words
24 "require manufacturers of" and inserting the
25 following: "include".
- 26 ____ . Page 5, by striking lines 30 and 31, and

- 27 inserting the following: "paragraph "a", subparagraph
28 (1) in the requirements of this subsection."
29 ____ . Page 5, by inserting before line 32, the
30 following:
31 "e. This subsection does not apply to batteries
32 subject to regulation under the federal Resource
33 Conservation and Recovery Act, 42 U.S.C. § 6901 et
34 seq."
35 ____ . Page 6, by striking line 4, and inserting
36 the following: "CONSUMER PRODUCTS."
37 ____ . Page 6, line 18, by inserting after the word
38 "A" the following: "consumer product."
39 3. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

S-5850

- 1 Amend amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, by inserting after line 2, the
5 following:
6 "Sec. ____ . Section 2.10, subsection 1, Code
7 Supplement 1991, is amended to read as follows:
8 1. Every member of the general assembly except the
9 presiding officer of the senate, the speaker of the
10 house, the majority and minority floor leader of each
11 house, and the president pro tempore of the senate and
12 speaker pro tempore of the house, shall receive an
13 annual salary of eighteen thousand one hundred dollars
14 for the year 1991 and subsequent years while serving
15 as a member of the general assembly. In addition,
16 each such member shall receive the sum of fifty
17 dollars per day for expenses of office, except travel,
18 for each day the general assembly is in session
19 commencing with the first day of a legislative session
20 and ending with the day of final adjournment of each
21 legislative session as indicated by the journals of
22 the house and senate, except that if the length of the
23 first regular session of the general assembly exceeds
24 one hundred ten calendar days and the second regular
25 session exceeds one hundred calendar days, the
26 payments shall be made only for one hundred ten
27 calendar days for the first session and one hundred
28 calendar days for the second session. However,
29 members from Polk county shall receive thirty-five
30 dollars per day. Each member shall receive a seventy-
31 five dollar per month allowance for legislative
32 district constituency postage, ~~travel~~, telephone
33 costs, and other expenses. Travel expenses shall be

34 paid at the rate established by section 18.117 for
35 actual travel in going to and returning from the seat
36 of government by the nearest traveled route for not
37 more than one time per week during a legislative
38 session. During the period of time which occurs
39 between sessions of the general assembly, travel
40 expenses shall be paid upon the submission of vouchers
41 by the member incurring the expense at the rate
42 established by section 18.117. However, any increase
43 from time to time in the mileage rate established by
44 section 18.117 shall not become effective for members
45 of the general assembly until the convening of the
46 next general assembly following the session in which
47 the increase is adopted; and this provision shall
48 prevail over any inconsistent provision of any present
49 or future statute.”
50 2. By numbering, renumbering, and changing

Page 2

1 internal references as necessary.

RALPH ROSENBERG

S-5851

1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 4 the
5 following:
6 “Section 1. Section 68B.2, subsection 5, paragraph
7 a, subparagraphs (2) and (3), Code 1991, are amended
8 by striking the subparagraphs and inserting in lieu
9 thereof the following:
10 (2) Is engaged in activities which are regulated
11 or controlled by a regulatory agency in which the
12 donee holds an office or is employed.
13 (3) Is a member of a discrete class of persons,
14 who have personal financial or business interests that
15 are identifiably different from other members of the
16 general public, and whose financial interests will be
17 adversely or beneficially affected in a direct,
18 substantial, and material manner by the performance or
19 nonperformance of the donee's official duty. In
20 determining whether a person is a donor under this
21 subparagraph, the donee shall consider whether the
22 giving of a gift by the donor creates an actual
23 unacceptable conflict of interest or appearance of
24 impropriety or whether the situation or circumstances

25 under which the gift is or is to be given would be
26 viewed as usual, customary, appropriate, and a part of
27 normal social interaction. For purposes of this
28 subparagraph, situations and circumstances under which
29 the giving of gifts shall be considered usual,
30 customary, appropriate, and a part of normal social
31 interaction shall include, but are not limited to,
32 weddings, funerals, birthdays, the birth of children,
33 anniversaries, and close personal friendships.”
34 2. By renumbering as necessary.

RICHARD VARN

S-5852

1 Amend Senate File 2373 as follows:
2 1. Page 2, line 31, by striking the words “the
3 general fund” and inserting the following: “funds”.
4 2. Page 2, line 34, by striking the words
5 “general fund” and inserting the following: “funds”.

RICHARD VARN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2454

S-5853

1 Amend the Senate amendment, H-5909, to House File
2 2454, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 7 through page 2,
5 line 2 and inserting the following:
6 “279.46 RETIREMENT INCENTIVES -- TAX.
7 1. The board of directors of a school district may
8 adopt a program for payment of a monetary bonus,
9 continuation of health or medical insurance coverage,
10 or other incentives for encouraging its employees to
11 retire before the normal retirement date as defined in
12 chapter 97B. The program is available only to
13 employees between fifty-nine and sixty-five years of
14 age who notify the board of directors prior to March 1
15 of the fiscal year that they intend to retire not
16 later than the next following June 30. An employee
17 retiring under this section shall apply for a
18 retirement allowance under chapter 97B or chapter 294.
19 If the total estimated accumulated cost to a school
20 district of the health or medical insurance coverage,
21 bonus, or other incentives, for employees who retire

22 under this section does not exceed the estimated
23 savings in salaries and benefits for employees who
24 replace the employees who retire under the program,
25 the board may include in the district management levy
26 an amount to pay the costs of the program provided in
27 this section.

28 2. Page 2, line 11, by inserting after the word
29 "means" the following: "an employee of the executive
30 branch of the state or the judicial branch of the
31 state who is".

32 3. Page 2, line 21, by inserting after the word
33 "assembly." the following: "'Member" does not mean an
34 employee of the state board of regents."

35 4. Page 2, line 24, by striking the word and
36 figures "May 15, 1993" and inserting the following:
37 "January 15, 1993".

38 5. Page 2, line 26, by striking the word "fifty-
39 five" and inserting the following: "fifty-nine".

40 6. Page 2, by striking line 40 and inserting the
41 following: "attains the age of sixty-five. Any".

42 7. Page 2, line 46, by striking the words and
43 figures "prior to March 15, 1993," and inserting the
44 following: "after the effective date of this section
45 and prior to November 15, 1992,".

46 8. Page 3, line 4, by inserting after the word
47 "employer." the following: "However, this subsection
48 shall not apply to a member who is elected to a public
49 office as defined in chapter 56."

50 9. Page 3, line 13, by striking the words

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1 "general fund of the state" and inserting the
2 following: "originating fund".

3 10. Page 3, line 18, by striking the word
4 "personnel" and inserting the following: "revenue and
5 finance".

6 11. Page 3, by striking line 37, and inserting
7 the following: "subsection.

8 It is the intent of the general assembly that the
9 cost of premiums incurred by a state department be
10 included within that department's annual budget and be
11 paid from originating funds."

12 12. Page 4, by striking lines 7 through 12.

13 13. Page 4, by striking lines 34 through 39 and
14 inserting the following:

15 "Sec. ____ . EFFECTIVE DATES. Sections 100 and 102
16 of this Act take effect upon enactment."

17 14. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2367

S-5854

1 Amend Senate File 2367, as passed by the Senate, as
2 follows:

3 1. By striking page 2, line 19 through page 3,
4 line 4.

5 2. Page 3, by striking lines 7 and 8 and
6 inserting the following: "455A.18, or other
7 provisions of law, up to \$200,000 of the unobligated
8 and unencumbered moneys on June 30, 1992, allocated to
9 the conservation education board, up to \$20,000 of the
10 unobligated and unencumbered moneys on June 30, 1992,
11 allocated to the historical resource grant and loan
12 fund, and up to \$68,000 of the unobligated and
13 unencumbered moneys on June 30, 1992, allocated to the
14 living roadway trust fund from moneys in the Iowa
15 resources".

16 3. Page 3, by striking lines 12 through 15 and
17 inserting the following: "general fund of the state.
18 Such transfers may".

19 4. Page 3, by inserting after line 19 the
20 following:

21 "Sec. ____ . Notwithstanding the standing
22 appropriation in section 19.10 to the executive
23 council to pay court costs of state agencies, the
24 amount appropriated from the general fund of the state
25 under section 19.10 for the fiscal year beginning July
26 1, 1991, for payment of court costs shall not exceed
27 \$192,826."

28 5. Page 4, line 14, by striking the figure
29 "404,241" and inserting the following: "302,453".

30 6. Page 4, by inserting after line 14 the
31 following:

32 "If the moneys appropriated in subsection 2, for
33 medical assistance or subsection 7, for foster care,
34 are insufficient to fund the state obligations for
35 those purposes in the fiscal year for which the moneys
36 are appropriated, the governor may utilize use tax
37 revenues collected in the fiscal year beginning July
38 1, 1991, pursuant to section 423.7 to pay the
39 insufficient amount. If the governor elects to take
40 this action, there is appropriated from the use tax
41 revenues collected pursuant to section 423.7, prior to
42 deposit in accordance with section 423.24, to the
43 department of human services for the fiscal year
44 beginning July 1, 1991, and ending June 30, 1992, the

45 amount necessary to fund the insufficient amount of
46 the state obligations for medical assistance or foster
47 care."

48 7. Page 6, by inserting after line 23 the
49 following:

50 "STATE BOARD OF REGENTS

Page 2

1 Sec. ____ . There is appropriated from the general
2 fund of the state to the state board of regents for
3 the fiscal year beginning July 1, 1991, and ending
4 June 30, 1992, to supplement the appropriations made
5 in 1991 Iowa Acts, chapter 267, section 210,
6 subsections 5 and 6, the following amount, or so much
7 thereof as is necessary, for the purposes designated:

8 For the state school for the deaf and the Iowa
9 Braille and sight-saving school:
10 \$ 11,199".

11 8. Page 9, by striking lines 13 through 15 and
12 inserting the following:

13 "DIVISION IV

14 Sec. 401. Section 602.9107A, subsection 3, as
15 enacted by 1992 Iowa Acts, House File 2450, section
16 72, if enacted by the 1992 Session of the Seventy-
17 fourth General Assembly, is amended to read as
18 follows:

19 3. The decreased annuity provided in this section
20 shall be in lieu of the annuities and refunds provided
21 for in sections 602.9107, ~~602.9108~~, ~~602.9115~~,
22 602.9204, 602.9208, and 602.9209.

23 Sec. 402. Section 602.9115A, unnumbered paragraph
24 1, Code 1991, is amended to read as follows:

25 In lieu of the annuities and refunds provided for
26 judges and judges' survivors under sections 602.9107,
27 ~~602.9107A~~, 602.9108, 602.9115, 602.9204, 602.9208, and
28 602.9209, judges may elect to receive an optional
29 retirement annuity during the judge's lifetime and
30 have the optional retirement annuity, or a designated
31 fraction of the optional retirement annuity, continued
32 and paid to the judge's survivor after the judge's
33 death and during the lifetime of the survivor.

34 Sec. 403. Section 602.9115A, unnumbered paragraph
35 3, Code 1991, is amended to read as follows:

36 The optional retirement annuity shall be the
37 actuarial equivalent of the amounts of the annuities
38 payable to judges and survivors under sections
39 602.9107, ~~602.9107A~~, 602.9115, 602.9204, 602.9208, and
40 602.9209. The actuarial equivalent shall be based on
41 the mortality and interest assumptions set out in

42 section 602.9107, subsection 3.

43 DIVISION V

44 Sec. 501. EFFECTIVE DATE. Divisions I, II, III,
45 and this division of this Act, being deemed of
46 immediate importance, take effect upon enactment."

47 9. By renumbering, relettering, or redesignating
48 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2366

S-5855

1 Amend Senate File 2366, as passed by the Senate, as
2 follows:

3 1. Page 4, line 23, by striking the figure

4 "1,064,250" and inserting the following: "1,511,916".

5 2. Page 8, line 18, by striking the figure

6 "4,950,000" and inserting the following: "4,967,755".

7 3. Page 8, line 26, by striking the figure

8 "990,000" and inserting the following: "993,550".

9 4. Page 8, line 32, by striking the word "and".

10 5. Page 8, line 32, by inserting after the word
11 "students" the following: ", for programs of training

12 to enhance the ability of teachers and school

13 counselors to identify, particularly in the early

14 grades, students with reading and reading-related

15 problems which place those students at risk for

16 illiteracy in their adult years".

17 6. Page 11, line 8, by striking the figure

18 "31,853,745" and inserting the following:

19 "31,089,115".

20 7. Page 11, line 18, by striking the figure

21 "1,837,961" and inserting the following: "1,793,842".

22 8. Page 11, line 33, by striking the figure

23 "12,582,229" and inserting the following:

24 "12,280,200".

25 9. Page 11, by striking line 34, and inserting

26 the following:

27 "b. Home-based services:"

28 10. Page 11, line 35, by striking the figure

29 "146,527" and inserting the following: "143,010".

30 11. Page 12, by striking line 1 and inserting the

31 following:

32 "c. Foster care:"

33 12. Page 12, line 2, by striking the figure

34 "14,633,611" and inserting the following:

35 "4,257,392".

36 13. Page 12, line 4, by striking the figure

37 "1,360,155" and inserting the following: "1,327,505".

- 38 14. Page 12, line 5, by inserting after the word
 39 "costs" the following: "and other local services".
 40 15. Page 12, line 6, by striking the figure
 41 "1,165,847" and inserting the following:
 42 "11,142,810".
 43 16. Page 12, line 8, by striking the figure
 44 "127,415" and inserting the following: "124,356".
 45 17. Page 12, by striking lines 9 through 12.
 46 18. By striking page 12, line 32, through page
 47 13, line 20, and inserting the following:
 48 "Sec. ____ . PROJECTS FOR ASSISTANCE IN TRANSITION
 49 FROM HOMELESSNESS. Upon receipt of the minimum
 50 formula grant from the federal alcohol, drug abuse,

Page 2

- 1 and mental health administration to provide mental
 2 health services for the homeless, the division of
 3 mental health, mental retardation, and developmental
 4 disabilities of the department of human services shall
 5 assure that a project which receives funds under the
 6 formula grant from either the federal or local match
 7 share of 25 percent in order to provide outreach
 8 services to persons who are chronically mentally ill
 9 and homeless or who are subject to a significant
 10 probability of becoming homeless shall do all of the
 11 following:
 12 1. Provide community mental health services,
 13 diagnostic services, crisis intervention services, and
 14 habilitation and rehabilitation services.
 15 2. Refer clients to medical facilities for
 16 necessary hospital services, and to entities that
 17 provide primary health services and substance abuse
 18 services.
 19 3. Provide appropriate training to persons who
 20 provide services to persons targeted by the grant.
 21 4. Provide case management to homeless persons.
 22 5. Provide supportive and supervisory services to
 23 certain homeless persons living in residential
 24 settings which are not otherwise supported.
 25 6. Projects may expend funds for housing services
 26 including minor renovation, expansion and repair of
 27 housing, security deposits, planning of housing,
 28 technical assistance in applying for housing,
 29 improving the coordination of housing services, the
 30 costs associated with matching eligible homeless
 31 individuals with appropriate housing, and one-time
 32 rental payments to prevent eviction."
 33 19. Page 28, line 32, by striking the figure
 34 "859,987" and inserting the following: "2,745,199".

35 20. Page 29, by striking line 4 and inserting the
36 following:

37 "6. For foster care, grant number 13658:".

38 21. Page 29, line 5, by striking the figure
39 "5,586,211" and inserting the following: "5,514,139".

40 22. Page 29, by striking line 6 and inserting the
41 following:

42 "7. For home-based services, grant number 13659:".

43 23. Page 29, by striking line 8 and inserting the
44 following:

45 "8. For foster care, grant number 13667:".

46 24. Page 29, line 9, by striking the figure
47 "14,689,272" and inserting the following:

48 "4,684,324".

49 25. Page 30, line 31, by striking the figure
50 "211,997" and inserting the following: "220,572".

Page 3

1 26. Page 30, line 34, by striking the figure
2 "10,397" and inserting the following: "11,522".

3 27. Page 31, line 2, by striking the figure "783"
4 and inserting the following: "653".

5 28. Page 32, by inserting after line 15 the
6 following:

7 "60. For block grant supplementation, grant number
8 13667:

9 \$ 10,004,948".

10 29. Page 33, by striking line 1 and inserting the
11 following:

12 "1. For the home investment partnership program,
13 grant number".

14 30. Page 33, line 3, by striking the figure
15 "32,202,432" and inserting the following:

16 "8,000,000".

17 31. Page 33, by inserting after line 11 the
18 following:

19 "5. For the emergency shelter grants program,
20 grant number 14228:

21 \$ 650,000

22 6. For the small business administration tree
23 planting program, grant number 59009:

24 \$ 161,700

25 7. For economic development administration section
26 302, grant number 11305:

27 \$ 100,000".

28 32. By striking page 33, line 33, through page 34, line 8,
29 and inserting the following:

30 "1. For implementing the federal Intermodal Surface Trans-
31 portation Efficiency Act of 1991 related to transportation planning

32	and construction for state, cities, and counties, grant number 20205:	
33	.....	\$ 190,000,000
34	2. For public transit assistance (section 8,	
35	technical assistance), grant number 20505:	
36	.....	\$ 250,000
37	3. For public transit assistance (section 9, small	
38	urban under 200,000 population), grant number 20507:	
39	.....	\$ 2,700,000
40	4. For public transit assistance (section 18,	
41	rural transit), grant number 20509:	
42	.....	\$ 2,000,000
43	5. For public transit assistance (section 16(b)2,	
44	elderly and handicapped), grant number 20513:	
45	.....	\$ 750,000
46	6. For the motor carrier safety assistance	
47	program, grant number 20218:	
48	.....	\$ 675,000"
49	33. Page 35, lines 27 and 28, by striking the	
50	words "and capital expansion".	

Page 4

- 1 34. Page 35, line 30, by striking the word
- 2 "state".
- 3 35. Page 35, line 33, by inserting after the word
- 4 "of" the following: "the".
- 5 36. Page 36, line 1, by inserting after the word
- 6 "of" the following: "the".
- 7 37. Page 36, line 6, by striking the figure
- 8 "4,890,596" and inserting the following: "4,967,755".
- 9 38. Page 36, line 7, by striking the word "EESA"
- 10 and inserting the following: "the federal Education
- 11 for Economic Success Act,".
- 12 39. By renumbering, relettering, or redesignating
- 13 and correcting internal references as necessary.

S-5856

- 1 Amend Senate File 2373 as follows:
- 2 1. Page 3, by striking lines 20 through 33.
- 3 2. By renumbering as necessary.

MIKE CONNOLLY

S-5857

- 1 Amend the House amendment, S-5854, to Senate File
- 2 2367, as passed by the Senate as follows:
- 3 1. Page 1, by striking lines 30 through 47.

RICHARD F. DRAKE
 JIM LIND
 JOHN W. JENSEN
 RICHARD VANDE HOEF
 RAY TAYLOR
 MAGGIE TINSMAN

S-5858

- 1 Amend Senate File 2373 as follows:
- 2 1. Page 9, by inserting after line 31, the
- 3 following:
- 4 "DIVISION ____
- 5 Sec. ____ . NEW SECTION. 8.63 REVIEW OF TAX
- 6 EXPENDITURES -- AUTHORIZATION AND PURPOSE.
- 7 1. The director of the department of management
- 8 and the director of revenue and finance shall annually
- 9 prepare a tax expenditure review detailing the
- 10 periodic functional review of the tax expenditures
- 11 authorized in the Code of Iowa. This periodic review
- 12 is intended to assure the continued feasibility and
- 13 viability of tax expenditures authorized by the Code
- 14 of Iowa, in order to maintain a balanced state budget,
- 15 a healthy state economy, and the confidence of Iowa
- 16 citizens in government. The primary purpose of the
- 17 tax expenditure review is to determine whether or not
- 18 there is a continuing, genuine public need for a tax
- 19 expenditure and, if so, to determine whether the
- 20 public need is served and whether the expenditure is
- 21 meeting its stated goal or objective. The
- 22 recommendations resulting from the tax expenditure
- 23 review shall be submitted to the governor and the
- 24 general assembly. The working papers associated with
- 25 the recommendations shall be submitted to the
- 26 legislative fiscal bureau.
- 27 2. The purpose of the tax expenditure review is to
- 28 provide a mechanism designed to increase the
- 29 accountability and efficiency of state government and
- 30 the state tax system through increased oversight and
- 31 scrutiny of tax expenditures.
- 32 3. The director of the department of management
- 33 shall have the powers and duties necessary to prepare
- 34 and implement the tax expenditure review.
- 35 Sec. ____ . NEW SECTION. 8.64 TAX EXPENDITURES

36 **DEFINED.**

37 As used in sections 8.63, 8.65, and 8.66, "tax
38 expenditures" means tax credits, exemptions, and
39 deductions including but not limited to the following:
40 exemption credit allowed in section 422.12, the
41 personal income tax, the federal tax deductions under
42 sections 422.7 and 422.35; the sales and services tax
43 exemptions under section 422.45, the real property
44 homestead exemption under chapter 425, and the
45 military service tax credit under chapter 426A.
46 Sec. ____ . NEW SECTION. 8.65 TAX EXPENDITURE
47 **REVIEW SCHEDULE.**
48 A schedule assigning a tax expenditure review date
49 on a four-year cycle to each tax expenditure as
50 identified by the director of revenue and finance,

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1 shall be prepared by the department of management.
2 The review shall include the standards, methodologies,
3 or criteria for review of tax expenditures consistent
4 with the requirements of this chapter.
5 Sec. ____ . NEW SECTION. 8.66 TAX EXPENDITURE
6 **REVIEW REPORT.**
7 The tax expenditure review report shall contain all
8 of the following material for each tax expenditure
9 reviewed:
10 a. A complete description of the tax expenditure,
11 including the goals and objectives of the expenditure
12 as stated in the Code of Iowa.
13 b. A review of all relevant material obtained in
14 the course of the review.
15 c. A determination of whether a continuing public
16 need for the tax expenditure exists, and whether the
17 expenditure is appropriately serving that public need.
18 d. The impact of the tax expenditure on state
19 revenues.
20 e. A determination of whether the tax expenditure
21 is meeting its stated goals and objectives. If a tax
22 expenditure does not have a written goal or objective,
23 the report shall include recommended intent language
24 for the tax expenditure. Any intent language shall be
25 referred to the general assembly as part of the
26 governor's legislative package.
27 f. A recommendation concerning the expenditure.
28 If the report recommends repeal or modification of the
29 expenditure, the recommendation shall be submitted to
30 the general assembly as part of the governor's

- 31 legislative package.”
32 2. By renumbering as necessary.

RALPH ROSENBERG

S-5859

- 1 Amend the House amendment, S-5817, to Senate File
2 2290, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 4, line 2, by striking the words “which
5 contracts with a city” and inserting the following:
6 “providing solid waste collection services”.
7 2. Page 4, line 3, by striking the words “to
8 provide” and inserting the following: “shall
9 provide”.
10 3. Page 4, lines 4 and 5, by striking the words
11 “shall provide solid waste collection services”.

ALVIN MILLER

S-5860

- 1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 5, by inserting after line 15, the
5 following:
6 “Sec. ____ . Section 68B.10, subsection 4, Code
7 1991, is amended to read as follows:
8 4. Receive and investigate complaints and charges
9 against members of its house alleging a violation of
10 the code of ethics, rules governing lobbyists, this
11 chapter, or other matters referred to it by its house.
12 The committee shall recommend rules for the receipt
13 and processing of complaints made during the
14 legislative session and those made after the general
15 assembly adjourns. The rules adopted pursuant to this
16 subsection shall provide for the assessment of fines
17 and the imposition of other sanctions, as deemed
18 appropriate by the committee, against an individual
19 filing a frivolous complaint.”
20 2. By renumbering as necessary.

MAGGIE TINSMAN
H. KAY HEDGE
JIM KERSTEN
RICHARD F. DRAKE

S-5861

- 1 Amend the amendment, S-5788, to House File 2439, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, line 49, by striking the word "shall"
5 and inserting the following: "may".
- 6 2. Page 2, line 5, by striking the word "court"
7 and inserting the following: "county".
- 8 3. Page 3, by inserting after line 38, the
9 following:
10 "___ . Page 6, by striking line 29, and inserting
11 the following: "person who performs lead abatement
12 and who, beginning June 1, 1994, is certified pursuant
13 to section 135.109."
- 14 4. Page 3, by inserting after line 49, the
15 following:
16 "___ . Page 8, by inserting after line 12, the
17 following:
18 "Sec. ___ . DEPARTMENTAL LEAD HAZARD INSPECTIONS --
19 AUTHORIZATION.
- 20 1. Beginning July 1, 1992, and ending June 30,
21 1993, following the reporting of a case of the lead
22 poisoning of a child to the department, and following
23 notification of the owner of the dwelling or structure
24 in which the child diagnosed with lead poisoning
25 resides, has recently resided, or frequently visits,
26 of the need to perform an inspection to determine the
27 existence of lead hazards, the department may inspect
28 the dwelling or structure for lead hazards, if such
29 inspections may be performed within current staffing
30 and budgetary limitations.
- 31 2. If the owner of the dwelling or structure
32 refuses to allow the voluntary performance of an
33 inspection of the dwelling or structure, the
34 department or the department's designee may file a
35 complaint with the district court of the county in
36 which the dwelling or structure is located, and the
37 court may issue a warrant directing the department or
38 the department's designee to enter the dwelling or
39 structure to perform the inspection.
- 40 3. Following a determination that the dwelling
41 contains a lead hazard which constitutes a risk of
42 substantial impairment to the health of the residents
43 or visitors, as determined by rule of the department,
44 the department or the department's designee shall
45 issue a written order to the owner of the dwelling or
46 structure to require the owner to cause the
47 elimination of the lead hazard in a period not to
48 exceed thirty days, which period may be extended at

49 the discretion of the department or the department's
50 designee.

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1 4. Following completion of the lead abatement
2 procedures, the lead abatement contractor shall report
3 completion of the procedure and elimination of the
4 lead hazard to the department or the department's
5 designee, and the department or the department's
6 designee shall inspect the dwelling or structure to
7 determine if the lead hazard has been eliminated.

8 5. If a dwelling or structure, for which a written
9 order to eliminate a lead hazard has been issued in
10 accordance with this section, is vacated by the
11 occupant who occupied the dwelling or structure at the
12 time that the written order was issued, the dwelling
13 or structure shall not be occupied by any other person
14 until the abatement has been reported as completed and
15 the department or the department's designee has
16 inspected the dwelling or structure to determine if
17 the lead hazard has been eliminated.

18 6. The lessor of a dwelling or structure shall not
19 retaliate against a lessee of a dwelling or structure
20 whose occupants have been tested for lead poisoning
21 and shall not prohibit or discourage the occupants of
22 a dwelling or structure from participating in the lead
23 poisoning screening program. An action taken against
24 lessees shall not be considered retaliation if the
25 action occurs more than six months after the
26 occupant's participation in the lead poisoning
27 screening program, if the action is supported by
28 reasonable cause unrelated to the occupant's
29 participation in the lead poisoning screening program,
30 or if the action is demonstrated as having occurred as
31 a result of accident or mistake and is not the
32 intentional act of the lessor.

33 7. As used in this section, "occupant" means a
34 person occupying a dwelling or structure or a visitor
35 to the dwelling or structure and "retaliation" means
36 harassment, breach of the covenant of quiet enjoyment,
37 termination of the tenancy, or discontinuation of
38 utilities or other services."

39 5. By renumbering as necessary.

RALPH ROSENBERG
MIKE CONNOLLY

S-5862

- 1 Amend the amendment, S-5758, to House File 2466, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, by striking lines 3 through 10.
 - 5 2. Page 1, by striking lines 22 through 38.
 - 6 3. Page 1, by striking lines 45 through 49.
 - 7 4. By striking page 1, line 50, through page 2,
 8 line 7.
 - 9 5. Page 2, by striking lines 13 through 21.
 - 10 6. Page 2, by striking lines 32 through 40.
 - 11 7. By striking page 2, line 47 through page 3,
 12 line 5.
 - 13 8. Page 4, by striking lines 5 through 8.
 - 14 9. By striking page 4, line 27 through page 8,
 15 line 2.
 - 16 10. Page 8, by striking lines 11 through 32.
 - 17 11. Page 8, by striking lines 33 through 35.
 - 18 12. Page 9, by striking lines 1 through 3.
 - 19 13. By renumbering and changing internal
 20 references as necessary.

JEAN LLOYD-JONES
 EMIL J. HUSAK

S-5863

- 1 Amend amendment, S-5814, to House File 2466, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, by striking lines 10 through 16 and
 5 inserting the following: "CONDUCT PROHIBITED.
 - 6 A member of the senate who engages in any of the
 7 following activities shall be subject to expulsion
 8 from the senate:
 - 9 1. Worships a god other than the true God.
 - 10 2. Takes the name of the Lord in vain.
 - 11 3. Fails to remember and keep the sabbath day
 12 holy.
 - 13 4. Fails to honor the member's mother or father.
 - 14 5. Kills another person.
 - 15 6. Commits adultery.
 - 16 7. Steals.
 - 17 8. Bears false witness against another person.
 - 18 9. Covets another person's spouse.
 - 19 10. Covets another person's goods.
 - 20 The board, after a hearing and upon a finding".

RICHARD VARN

S-5864

- 1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 4, by striking lines 10 and 11 and
5 inserting the following: "reports of gifts filed with
6 agencies under this subsection are confidential
7 records under chapter 22."

JEAN LLOYD-JONES

S-5865

- 1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, line 6, by striking the figure "1."
5 2. Page 7, by striking lines 24 through 29.
6 3. By renumbering and changing internal
7 references as necessary.

DONALD V. DOYLE
JOHN PETERSON

S-5866

- 1 Amend the amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 4 the
5 following:
6 "Sec. ____ . Section 68B.2, subsection 5, paragraph
7 a, subparagraphs (2) and (3), Code 1991, are amended
8 by striking the subparagraphs and inserting in lieu
9 thereof the following:
10 (2) Is engaged in activities which are regulated
11 or controlled by a regulatory agency in which the
12 donee holds an office or is employed.
13 (3) Is a member of a discrete class of persons,
14 who have personal financial or business interests that
15 are identifiably different from other members of the
16 general public, and whose financial interests will be
17 adversely or beneficially affected in a direct,
18 substantial, and material manner by the performance or
19 nonperformance of the donee's official duty. In
20 determining whether a person is a donor under this
21 subparagraph, the donee shall consider whether the
22 giving of a gift by the donor creates an actual

23 unacceptable conflict of interest or appearance of
 24 impropriety or whether the situation or circumstances
 25 under which the gift is or is to be given would be
 26 viewed as usual, customary, appropriate, and a part of
 27 normal social interaction. For purposes of this
 28 subparagraph, situations and circumstances under which
 29 the giving of gifts shall be considered usual,
 30 customary, appropriate, and a part of normal social
 31 interaction shall include, but are not limited to,
 32 weddings, funerals, birthdays, the birth of children,
 33 anniversaries, and close personal friendships."

34 2. Page 1, by striking lines 5 through 15.

35 3. Page 1, by striking lines 19 through 22.

36 4. Page 1, by inserting after line 32 the
 37 following:

38 "Sec. ____ . Section 68B.2, subsection 5, paragraph
 39 b, subparagraph (6), Code 1991, is amended by striking
 40 the subparagraph."

41 5. Page 3, by striking lines 11 through 37 and
 42 inserting the following: "member shall not, directly
 43 or indirectly, solicit, accept, or receive from any
 44 one donor in any one calendar day a gift or a series
 45 of gifts having a value of thirty-five dollars or
 46 more.

47 2. A person shall not, directly or indirectly,
 48 offer or make a gift or a series of gifts to an
 49 official, employee, local official, local employee,
 50 member of the general assembly, candidate, or

Page 2

1 legislative employee, in any one calendar day, if the
 2 gift or series of gifts has a value of thirty-five
 3 dollars or more. A person shall not, directly or
 4 indirectly, join with one or more other persons to
 5 offer or make a gift or a series of gifts to an
 6 official, employee, local official, local employee,
 7 member of the general assembly, candidate, or
 8 legislative employee, in any one calendar day, if the
 9 gift or series of gifts has a total value of thirty-
 10 five dollars or more. The thirty-five dollar
 11 limitation of this section applies separately to a
 12 person and the person's immediate family member.

13 3. A person may give and an official, employee,
 14 local official, local employee, member of the general
 15 assembly, candidate, legislative employee or the
 16 person's immediate family member may accept in any one
 17 calendar day a gift or a series of gifts which has a

18 value of ~~thirty five dollars or more~~ and".
19 6. By renumbering as necessary.

EMIL HUSAK
JIM LIND

S-5867

1 Amend the amendment, S-5797, to House File 2466 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 2, by inserting after line 26 the
5 following:
6 "Sec. ____ . Section 68B.2, subsection 12, Code
7 1991, is amended by striking the subsection."
8 2. Page 5, by striking line 16 through page 7,
9 line 2 and inserting the following:
10 "Sec. ____ . Section 68B.11, Code 1991, is amended
11 by striking the section."

EMIL J. HUSAK

S-5868

1 Amend amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by striking lines 9 through 11 and
5 inserting the following: "filed with the agency
6 employing the person on forms developed by the agency
7 for that purpose. Forms shall include items that
8 require disclosure of the identity of the donor and
9 recipient of the gift, the total amount or value of
10 the gift received, and the general nature of the
11 circumstances under which the gift was received.
12 Reports of gifts filed under this paragraph are public
13 records under chapter 22."

LARRY MURPHY

S-5869

1 Amend amendment, S-5797, to House File 2466, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 23 the
5 following:
6 "Sec. ____ . RECEIPT OF HONORARIA -- PROHIBITED. A
7 public official or public employee shall not receive
8 an honorarium or other compensation for an appearance,

9 speech, or article. For purposes of this section, an
 10 "honorarium" or "compensation" does not include actual
 11 expenses of a public official or public employee for
 12 food, beverages, travel, and lodging, or a payment
 13 commensurate with the actual personal services
 14 rendered by the public official or public employee in
 15 connection with a bona fide business, trade, or
 16 profession."

17 2. Page 8, by inserting after line 40 the
 18 following:

19 "Sec. ____ . Section 56.10A, Code 1991, is
 20 repealed."

21 3. By renumbering as necessary.

JEAN LLOYD-JONES

S-5870

1 Amend the House amendment, S-5855, to Senate File

2 2366, as passed by the Senate, as follows:

3 1. Page 1, by striking line 9.

LEONARD L. BOSWELL

S-5871

1 Amend the amendment, S-5797, to House File 2466, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 5, by inserting after line 15, the

5 following:

6 "Sec. ____ . NEW SECTION. 68B.10A PERSONAL
 7 FINANCIAL DISCLOSURE -- ELECTED OFFICIALS.

8 1. Each elected official shall file a statement of

9 personal financial disclosure that discloses the

10 sources of the elected official's income and any

11 significant financial interests of the elected

12 official in the manner required by this section.

13 2. For purposes of this section, "disclosure of

14 sources of income" includes disclosure of the nature

15 of each business in which the elected official is

16 engaged and the nature of the business of each company

17 in which the elected official has an income-producing

18 interest. For purposes of this section, "significant

19 financial interests" includes investments in stocks,

20 bonds, bills, notes, mortgages, or other securities

21 offered for sale through recognized financial brokers

22 if greater than five percent of the total outstanding

23 issue of any stock, bonds, bills, notes, mortgages, or

24 other securities of the offering entity, or with a

25 value of greater than five thousand dollars; any in-
26 state or out-of-state business, trade, labor, farm,
27 professional, religious, educational, or charitable
28 association, foundation, or organization which is
29 involved in supporting or opposing any measures
30 brought before the body in which the elected official
31 holds office and by which the elected official is
32 employed or retained or has rendered services for
33 compensation within the previous twelve months; any
34 office or directorship held during the previous twelve
35 months by the elected official in any corporation,
36 firm, enterprise, labor union, farm organization,
37 cooperative, religious, education, or charitable
38 association or organization or trade or professional
39 association.

40 3. A holder of statewide office shall file the
41 statement of personal financial disclosure with the
42 secretary of state. A member of the senate shall file
43 the statement of personal financial disclosure with
44 the secretary of the senate. A member of the house of
45 representatives shall file the statement of personal
46 financial disclosure with the chief clerk of the house
47 of representatives. A person who holds an elective
48 office of a political subdivision of the state shall
49 file the statement of personal financial disclosure
50 with the county commissioner of elections."

Page 2

1 2. By numbering, renumbering, and changing
2 internal references as necessary.

RALPH ROSENBERG

S-5872

1 Amend the amendment, S-5797, to House File 2466 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 5, by inserting after line 15 the
5 following:

6 "Sec. ____ NEW SECTION. 68B.10A PERSONAL
7 FINANCIAL DISCLOSURE -- ELECTED OFFICIALS. Each
8 elected official shall file a statement with the
9 county auditor in the official's county of residence
10 disclosing income, compensation, indebtedness, and
11 other payments received directly from, or as a direct
12 result of, work performed that is related to
13 employment, sales or services exceeding five hundred

14 dollars in any one occurrence, to any state agency or
15 a political subdivision of the state."

DERRYL MCLAREN

S-5873

- 1 Amend Senate File 2374 as follows:
- 2 1. Page 1, by striking line 2 and inserting the
- 3 following: "section 426.1".
- 4 2. Page 1, line 6, by striking the figure and
- 5 word "\$41,198,736 of" and inserting the following:
- 6 "\$41,198,736."
- 7 3. Page 1, by striking lines 7 through 9.
- 8 4. Page 5, by inserting after line 11 the
- 9 following:
- 10 "Sec. ____ . Sections 425A.1 through 425A.6, Code
- 11 Supplement 1991, are repealed.
- 12 Sec. ____ . Sections 425A.7 and 425A.8, Code 1991,
- 13 are repealed."

DERRYL MCLAREN
JOHN SOORHOLTZ
DALE L. TIEDEN

S-5874

- 1 Amend the amendment, S-5797, to House File 2466, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, lines 37 and 38, by striking the words
- 5 and figures "unnumbered paragraphs 1, 2, and 3, Code
- 6 1991, are" and inserting the following: "Code 1991,
- 7 is".
- 8 2. By striking page 4, line 39 through page 5,
- 9 line 15, and inserting the following:
- 10 "68B.10 LEGISLATIVE ETHICS COMMITTEE.
- 11 1. There shall be an ethics committee in the
- 12 senate and an ethics committee in the house, each to
- 13 consist of ~~seven~~ six members; three members to be
- 14 appointed by the majority leader in each house; ~~two~~
- 15 and three members to be appointed by the minority
- 16 leader in each house ~~and two individuals who shall not~~
- 17 ~~be employees of the general assembly by the chief~~
- 18 ~~justice of the Iowa supreme court.~~
- 19 2. The ~~two~~ individuals appointed by the chief
- 20 justice of the supreme court shall receive a per diem
- 21 as specified in section ~~7E-6~~ and travel expenses at
- 22 the same rate as paid members of interim committees
- 23 for attending meetings of the ethics committee.

24 Members of the general assembly shall receive a per
25 diem as specified in section 7E.6 and travel expenses
26 at the same rate as paid members of interim committees
27 for attending meetings held when the general assembly
28 is not in session. The per diem and expenses shall be
29 paid from funds appropriated by section 2.12.

30 3. The president pro tempore of the senate is
31 designated as chairperson of the senate committee.
32 The house majority leader of each house shall
33 designate the chairperson and the minority leader of
34 each house shall designate the ranking member of each
35 committee. Each committee shall elect a chairperson
36 vice-chairperson. The chairperson of each committee
37 shall have the following powers, duties, and
38 functions:

39 a. Preside over meetings of the committee.
40 b. Call meetings of the committee during the
41 legislative session and within a reasonable time after
42 receipt of a complaint when the legislature is not in
43 session.

44 4. Each committee shall have the following powers,
45 duties, and functions:

46 1 a. Prepare a code of ethics within thirty days
47 after the commencement of the session.

48 2 b. Prepare rules relating to lobbyists and
49 lobbying activities in the general assembly.

50 3 c. Issue advisory opinions interpreting the

Page 2

1 intent of constitutional and statutory provisions
2 relating to legislators and lobbyists as well as
3 interpreting the code of ethics and rules issued
4 pursuant to this section. Opinions shall be issued
5 when approved by a majority of the seven ~~six~~ members
6 and may be issued upon the written request of a member
7 of the general assembly or upon the committee's
8 initiation. Opinions are not binding on the
9 legislator or lobbyist.

10 4 d. Receive and investigate complaints and
11 charges against members of its house alleging a
12 violation of the code of ethics, rules governing
13 lobbyists, this chapter, or other matters referred to
14 it by its house. The committee shall recommend rules
15 for the receipt and processing of complaints made
16 during the legislative session and those made after
17 the general assembly adjourns.

18 5 e. Recommend legislation relating to legislative
19 ethics and lobbying activities.

20 The ethics committees may employ independent legal

21 counsel to assist them in carrying out their duties
22 under this chapter with the approval of a committee's
23 house when the general assembly is in session and with
24 the approval of the rules and administration committee
25 of that house when the general assembly is not in
26 session. Payment of costs for the independent legal
27 counsel shall be made from section 2.12.

28 5. The code of ethics and rules relating to
29 lobbyists and lobbying activities shall not become
30 effective until approved by the members of the house
31 to which the proposed code and rules apply. The code
32 or rules may be amended either upon the recommendation
33 of the ethics committee or by members of the general
34 assembly.

35 6. Violation of the code of ethics may result in
36 censure, reprimand, or other sanctions as determined
37 by a majority of the member's house. However, a
38 member may be suspended or expelled and the member's
39 salary forfeited only if directed by a two-thirds vote
40 of the member's house. A suspension, expulsion, or
41 forfeiture of salary shall be for the duration
42 specified in the directing resolution. However, it
43 shall not extend beyond the end of the general
44 assembly during which the violation occurred.
45 Violation of a rule relating to lobbyists and lobbying
46 activities may result in censure, reprimand, or other
47 sanctions as determined by a majority of the members
48 of the house in which the violation occurred.
49 However, a lobbyist may be suspended from lobbying
50 activities for the duration provided in the directing

Page 3

1 resolution only if directed by a two-thirds vote of
2 the house in which the violation occurred."
3 3. By renumbering and changing internal
4 references as necessary.

JIM LIND

S-5875

1 Amend House File 2471, as amended, passed, and re-
2 printed by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. The general assembly supports the
6 investigation of the implementation of AMTRAK
7 passenger service from Chicago to Omaha.
8 Sec. 2. There is created the rail passenger

9 service study committee composed of seven members.
10 Two members shall be appointed by the majority leader
11 of the senate, one member shall be appointed by the
12 minority leader of the senate, two members shall be
13 appointed by the speaker of the house of
14 representatives, one member shall be appointed by the
15 minority leader of the house of representatives, and
16 one member shall be appointed by the director of
17 transportation.

18 1. The rail passenger service study committee may
19 hire a consultant to assist the committee in making
20 its findings and recommendations from the moneys
21 appropriated to the committee.

22 2. The rail passenger service study committee
23 shall include in its final report projections on the
24 amount of subsidy which would be required by the state
25 of Iowa to implement AMTRAK passenger service from
26 Chicago to Omaha, including a listing of cost factors,
27 anticipated ridership, and expected revenues resulting
28 from the service. The final report shall also
29 indicate the impact this rail passenger service would
30 have on other modes of transportation and its economic
31 impact to Iowa's communities.

32 3. Notwithstanding section 423.24, and prior to
33 application of section 423.24, subsection 1, paragraph
34 "c", there is appropriated from revenues derived from
35 the operation of section 423.7 to the rail passenger
36 service study committee for the fiscal year beginning
37 July 1, 1992, and ending June 30, 1993, the sum of
38 \$100,000, or so much thereof as may be necessary, to
39 be used for the purpose of its study.

40 4. The rail passenger service study committee
41 shall transmit to the general assembly its findings
42 and recommendations in a final report in January
43 1993."

44 2. Title page, lines 1 and 2, by striking the
45 words "revolving fund and providing for its
46 administration" and inserting the following: "study
47 committee".

COMMITTEE ON APPROPRIATIONS
LEONARD BOSWELL, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 2254

S-5876

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 1, by inserting before line 1, the
4 following:
- 5 "Section 1. NEW SECTION. 135K.1 DEFINITIONS.
6 As used in this chapter, unless the context
7 otherwise requires:
- 8 1. "Approved course" means a course covering the
9 testing and repair of backflow prevention assemblies
10 which has been approved by the department.
- 11 2. "Backflow prevention assembly" means a device
12 or means to prevent backflow into the potable water
13 system.
- 14 3. "Department" means the Iowa department of
15 public health.
- 16 4. "Registered backflow prevention assembly
17 tester" means a person who has successfully completed
18 an approved course and has registered with the
19 department.
- 20 Sec. 2. NEW SECTION. 135K.2 APPLICABILITY.
21 This chapter applies to all persons who test or
22 repair backflow prevention assemblies.
- 23 Sec. 3. NEW SECTION. 135K.3 REGISTRATION AND
24 APPROVAL REQUIRED.
25 A person shall not test or repair backflow
26 prevention assemblies without first having registered
27 with and having been approved by the department.
- 28 Sec. 4. NEW SECTION. 135K.4 POWERS AND DUTIES.
29 The department shall adopt rules in accordance with
30 chapter 17A, which provide for all of the following:
- 31 1. The establishment of minimum qualifications for
32 registered backflow prevention assembly testers.
- 33 2. The establishment of minimum standards for
34 approved courses.
- 35 3. The establishment and collection of fees to
36 defray the cost of administering this chapter.
- 37 4. The provision of a listing of registered
38 backflow prevention assembly testers to local health
39 officials.
- 40 5. The administration and enforcement of this
41 chapter.
- 42 Sec. 5. NEW SECTION. 135K.5 PENALTY.
43 A person who violates this chapter is guilty of a
44 simple misdemeanor.
- 45 Sec. 6. NEW SECTION. 135K.6 ENFORCEMENT.
46 1. The department shall investigate complaints
47 regarding backflow prevention assembly testers. If
48 the department determines that a provision of this
49 chapter regarding the requirements for a backflow
50 prevention assembly tester has been violated, the

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1 department may order a person not to test or repair
2 backflow prevention assemblies or may revoke the
3 registration of a registered backflow prevention
4 assembly tester until the necessary corrective action
5 has been taken.

6 2. The department shall investigate complaints
7 regarding courses covering the testing and repair of
8 backflow prevention assemblies. If the department
9 determines that a provision of this chapter regarding
10 approved courses has been violated, the department may
11 revoke the approval of a course until the necessary
12 corrective action has been taken."

13 2. Page 1, by inserting before line 1 the
14 following:

15 "Section 1. Section 303.34, unnumbered paragraph
16 2, Code 1991, is amended by striking the unnumbered
17 paragraph."

18 3. Page 2, by inserting after line 30, the
19 following:

20 "4. Water services and a water service plan
21 prepared by the combined district are subject to
22 approval by an affected city as provided in section
23 357.1."

24 4. Page 7, by inserting after line 28 the
25 following:

26 "Sec. ____ . NEW SECTION. 358.30 ANNEXATION OF
27 LAND BY A CITY.

28 A sanitary district shall be fairly compensated for
29 losses resulting from annexation. The governing body
30 of a city or city utility and the board of trustees of
31 the sanitary district may agree to terms which provide
32 that the facilities owned by the sanitary district and
33 located within the city shall be retained by the
34 sanitary district for the purpose of sanitary service
35 to customers outside the city. If an agreement is not
36 reached within ninety days, the issues may be
37 submitted to arbitration. If submitted, an arbitrator
38 shall be selected by a committee which includes one
39 member of the governing body of the city or its
40 designee, one member of the sanitary district's board
41 of trustees or its designee, and a disinterested party
42 selected by the other two members of the committee. A
43 list of qualified arbitrators may be obtained from the
44 American arbitration association or other recognized
45 arbitration organization or association."

46 5. Page 7, by inserting after line 28 the fol-
47 lowing:

48 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed

49 of immediate importance, takes effect upon enactment."
50 6. Title page, line 1, by inserting after the

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1 word "relating" the following: "to special land use
2 districts and".
3 7. Title page, line 1, by inserting after the
4 word "to" the following: "the establishment of a
5 certification program for backflow assembly testers."
6 8. Title page, line 3, by inserting after the
7 word "board," the following: "providing penalties."
8 9. Title page, line 4, by inserting after the
9 word "matters" the following: "and providing an
10 effective date".
11 10. By renumbering, relettering, or redesignating
12 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2218

S-5877

1 Amend Senate File 2218, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 34, by inserting after the word
4 "condominiums," the following: "country clubs
5 neighborhoods".
6 2. Page 2, line 7, by inserting after the word
7 "health." the following: "A fee imposed for the
8 inspection of a swimming pool or spa shall not be
9 collected until the inspection has actually been
10 performed."
11 3. By renumbering, relettering, or redesignating
12 and correcting internal references as necessary.

S-5878

1 Amend the amendment, S-5746, to Senate Joint
2 Resolution 2008 as follows:
3 1. Page 1, by inserting after line 3 the
4 following:
5 "___ . Page 1, line 1, by striking the word
6 "Constitution" and inserting the following: "Laws".
7 ___ . Page 1, line 3, by striking the word
8 "Constitution" and inserting the following: "Laws"."
9 2. Page 7, line 30, by striking the words
10 "Article VII of the Constitution" and inserting the
11 following: "Chapter 8 of the Laws".
12 3. Page 9, by inserting after line 8 the

13 following:

14 "___ . Page 3, line 27, by inserting after the
15 word "amendment" the following: "of the laws of the
16 state".

17 ___ . Page 3, line 30, by striking the word
18 "Constitution" and inserting the following: "Laws of
19 the State of Iowa".

20 4. Page 9, by inserting after line 13 the
21 following:

22 "___ . Page 5, by striking lines 6 through 11, and
23 inserting the following:

24 "Sec. ___ . The foregoing amendment to the Laws of
25 the State of Iowa takes effect July 1, 1993."

26 ___ . Title page, line 1, by striking the word
27 "Constitution" and inserting the following: "Laws".

28 ___ . Title page, line 5, by striking the word
29 "RESOLVED" and inserting the following: "ENACTED".

AL STURGEON

S-5879

1 Amend House File 2356, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 455B.131, Code 1991, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 11. "Threshold limit value" (TLV)

8 means the airborne concentration of a substance that,
9 according to the American conference of governmental
10 industrial hygienists (ACGIH), represents conditions

11 to which nearly all workers may be exposed without
12 adverse effect and that is published in "TLVs,
13 Threshold Limit Values and Biological Exposure
14 Indices for 1989-1990." TLV includes the following:

15 a. "Ceiling TLV" (TLV-C) means a concentration
16 that ACGIH indicates should not be exceeded even
17 instantaneously in a workplace.

18 b. "Short-term exposure limit" (TLV-STEL or STEL)
19 means a fifteen-minute, time weighted average
20 concentration that ACGIH indicates should not be
21 exceeded at any time during a workday.

22 c. "Threshold limit value-time weighted average"
23 (TLV-TWA) means a time weighted average concentration
24 recommended by ACGIH for a normal eight-hour workday
25 and forty-hour workweek to which nearly all workers
26 may be repeatedly exposed, day after day, without
27 adverse effect."

28 2. Page 1, line 29, by inserting after the word

29 "standard." the following: "Notwithstanding the
30 limitations of this unnumbered paragraph regarding the
31 standards or limitations adopted for air contaminant
32 sources, the commission shall adopt rules by January
33 1, 1993, establishing standards for the control of
34 toxic air pollutants for new stationary sources and
35 modifications of existing stationary sources. The
36 commission shall adopt rules establishing standards
37 for the hazardous air pollutants listed in Title III
38 of the federal Clean Air Act Amendments of 1990 and
39 for toxic air pollutants, not listed, that are
40 determined by the department to represent a
41 significant threat to the public health, welfare, or
42 the environment. The rules shall address, at a
43 minimum, the residual health risks for carcinogens not
44 to exceed one in one hundred thousand, and the
45 threshold limit value-time weighted average divided by
46 one hundred for noncarcinogenic toxic air pollutants.
47 The rules are effective upon filing. The rules
48 relating to the hazardous air pollutants listed in
49 Title III of the federal Clean Air Act Amendments of
50 1990 shall remain in effect until such time as the

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1 United States environmental protection agency adopts
2 standards. Following adoption of a standard for any
3 source category or subcategory by the United States
4 environmental protection agency, the department shall
5 replace the standard with the federal standard for
6 that source category or subcategory, upon the
7 different date of the federal standard. The rules
8 adopted by the commission shall not apply to the
9 following with the exception of equipment installed to
10 abate or eliminate a hazardous condition: emissions
11 regulated under federal emission standards for
12 hazardous air pollutants as adopted by rule of the
13 department; gasoline-dispensing facilities other than
14 gasoline bulk plants and terminals; dry cleaning
15 facilities; laboratory equipment used for chemical or
16 physical analysis or experimentation; residences;
17 equipment or control equipment exempted from permit
18 requirements, as established by rule of the
19 department; or public utilities, as defined pursuant
20 to section 476.1, until July 1, 1996, or until such
21 time as the United States environmental protection
22 agency adopts a standard or technology in accordance
23 with the federal Clean Air Act Amendments of 1990.
24 Until such time as the commission adopts rules
25 regarding the standards for the control of toxic air

26 pollutants for new stationary sources and
27 modifications of existing stationary sources, the
28 department shall review and make recommendations to
29 the commission regarding the construction of any
30 stationary source."

31 3. By renumbering as necessary.

RALPH ROSENBERG
RICHARD J. VARN

S-5880

1 Amend the appropriations committee amendment, S-
2 5875, to House File 2471, as amended, passed, and
3 reprinted by the House, as follows:

4 1. Page 1, line 28, by inserting after the word
5 "service." the following: "The final report shall
6 include an analysis of potential improvements of
7 current rail passenger service in Iowa as well as
8 additional rail passenger service for other areas in
9 Iowa."

MARK HAGERLA
DALE L. TIEDEN
DON GETTINGS
RICHARD F. DRAKE

S-5881

1 Amend Senate Joint Resolution 2007 as follows:
2 1. Page 1, by striking lines 17 through 23 and
3 inserting the following: "estimated revenue and by
4 adding any new revenue which may be considered to be
5 eligible for deposit in the general fund. To the
6 extent necessary to keep the cash reserve at the
7 designated five percent amount, the governor shall
8 submit and the general assembly shall adopt a budget
9 in which the general fund of the state maintains a
10 positive ending fiscal year balance in accordance with
11 generally accepted accounting principles."

12 2. Page 2, line 1, by striking the word "two-
13 thirds" and inserting the following: "three-fifths".

RICHARD VARN

S-5882

1 Amend Senate Joint Resolution 2007 as follows:
2 1. Page 1, by striking lines 17 through 23 and
3 inserting the following: "estimated revenue and by

4 adding any new revenue which may be considered to be
 5 eligible for deposit in the general fund. The
 6 governor shall recommend and the general assembly
 7 shall adopt a budget which limits spending to the
 8 extent necessary to maintain the cash reserve at the
 9 level required under this paragraph and to maintain
 10 the general fund so that the general fund of the state
 11 maintains a positive ending fiscal year balance in
 12 accordance with generally accepted accounting
 13 principles. However, the limitations of this
 14 paragraph shall not be construed to require more than
 15 one percent of adjusted revenue estimate for the
 16 general fund of the state to be set aside for these
 17 purposes in any one fiscal year."
 18 2. Page 2, line 1, by striking the word "two-
 19 thirds" and inserting the following: "three-fifths".

RICHARD VARN

S-5883

1 Amend amendment, S-5810, to Senate File 2369 as
 2 follows:
 3 1. Page 1, by inserting after line 42 the
 4 following:
 5 "If the general assembly fails to pass, or the
 6 governor does not approve legislation implementing a
 7 system for prioritizing infrastructure needs, based
 8 upon recommendations made pursuant to this section,
 9 the provisions of this Act are repealed effective June
 10 30, 1993, and for those sections of this Act
 11 containing 1991 Code and 1991 Code Supplement
 12 sections, the Code editor shall return the language in
 13 those sections to the language existing in the 1991
 14 Code or 1991 Code Supplement, whichever is the latest
 15 version of those sections.
 16 Sec. ____ . Sections 1 through 19 of this Act take
 17 effect July 1, 1993."

DERRYL MCLAREN
 WILLIAM D. PALMER
 EMIL J. HUSAK
 MAGGIE TINSMAN

S-5884

1 Amend House File 2477, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 11, by inserting before the word
 4 "vehicle" the following: "multipurpose".

5 2. Page 2, lines 13 and 14 by striking the words
6 "who is either the owner or a member of the owner's
7 household".

8 3. Page 2, by striking lines 17 through 20 and
9 inserting the following: "thereafter. The owner
10 shall certify at first registration and each
11 registration renewal that the vehicle is so equipped
12 and that the equipment is necessary to assist a
13 handicapped person."

14 4. Page 4, lines 9 and 10 by striking the words
15 "who is either the owner or a member of the owner's
16 household".

17 5. Page 4, by striking lines 13 through 17 and
18 inserting the following: "each model year thereafter.
19 The owner shall certify at first registration and each
20 registration renewal that the vehicle is so equipped
21 and that the equipment is necessary to assist a
22 handicapped person."

EUGENE FRAISE

S-5885

1 Amend House File 2477, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 2, by inserting before line 21 the fol-
4 lowing:

5 "The annual registration fee for the owner of a
6 multipurpose vehicle who is sixty-five years of age or
7 older shall be seventy-five dollars for the first
8 through fifth model years and shall be fifty-five
9 dollars for each model year thereafter."

10 2. Page 2, by inserting before line 21 the fol-
11 lowing:

12 "The annual registration fee for the owner of a
13 multipurpose vehicle whose income and earnings do not
14 exceed one hundred fifty percent of the federal
15 poverty level as published by the United States
16 department of health and human services shall be
17 seventy-five dollars for the first through fifth model
18 years and shall be fifty-five dollars for each model
19 year thereafter."

20 3. Page 4, by inserting before line 18 the fol-
21 lowing:

22 "The annual registration fee for the owner of a
23 multipurpose vehicle who is sixty-five years of age or
24 older shall be seventy-five dollars for the first
25 through fifth model years and shall be fifty-five
26 dollars for each model year thereafter."

27 4. Page 4, by inserting before line 18 the

28 following:

29 "The annual registration fee for the owner of a
 30 multipurpose vehicle whose income and earnings do not
 31 exceed one hundred fifty percent of the federal
 32 poverty level as published by the United States
 33 department of health and human services shall be
 34 seventy-five dollars for the first through fifth model
 35 years and shall be fifty-five dollars for each model
 36 year thereafter."

JIM LIND

S-5886

1 Amend the amendment, S-5876, to Senate File 2254,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by striking lines 24 through 45.

RICHARD VARN

S-5887

1 Amend House File 2471, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, by striking lines 22 through 33 and
 4 inserting the following:
 5 "2. FUNDING. To achieve the purposes of this
 6 chapter, moneys shall be credited to the passenger
 7 rail service revolving fund by the treasurer of state
 8 from the following sources:
 9 a. Private grants and gifts intended for these
 10 purposes.
 11 b. Federal grants and loans intended for these
 12 purposes."
 13 2. Title page, lines 2 and 3, by striking the
 14 following: "and providing an appropriation".

LEONARD L. BOSWELL
 DON E. GETTINGS
 JEAN LLOYD-JONES
 BILL HUTCHINS

S-5888

1 Amend the amendment, S-5887, to House File 2471 as
 2 amended, passed, and reprinted by the House as
 3 follows:

4 1. Page 1, line 11, by inserting after the word
5 "grants" the following: ", state grants,".

BILL HUTCHINS

S-5889

1 Amend the House amendment, S-5798, to Senate File
2 2360, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, line 10, by striking the word
5 "fifteen" and inserting the following: "twenty".

6 2. Page 1, line 14, by striking the word
7 "fifteen" and inserting the following: "twenty".

8 3. Page 1, by striking line 17 and inserting the
9 following:

10 "____. Page 2, by striking lines 25 through 29 and
11 inserting the following:

12 "Notwithstanding the dates required for filing
13 disclosure reports pursuant to section 56.6, a
14 candidate who does not agree to a restricted campaign
15 pursuant to section 56.34, shall file a disclosure
16 report each month until June 30 of the year of the
17 election. Beginning July 1 of the year of the
18 election, the candidate shall file a disclosure report
19 every fourteen days until the date of the general
20 election. After the date of election, the candidate
21 shall file a disclosure report each month until the
22 candidate files nomination papers for the same or
23 another public office, or closes the candidate's
24 campaign account.

25 The commissioner required to publish notice of the
26 election and the ballot pursuant to section 49.53
27 shall, simultaneously with such publication, publish
28 the names of candidates who agree and do not agree to
29 a restricted campaign using the following language
30 where applicable: "These candidates refused to limit
31 their campaign spending."; or "These candidates
32 voluntarily agreed to limit their campaign spending.""

33 4. Page 1, by inserting before line 18 the
34 following:

35 "____. Page 3, by striking lines 1 through 21 and
36 inserting the following:

37 "1. Governor. Total expenditure limit, five
38 hundred thousand dollars in a primary election if
39 there is no primary opponent, one million dollars in a
40 primary election if there is a primary opponent, and
41 one million five hundred thousand dollars in a general
42 election.

43 2. Attorney general, secretary of agriculture,

44 secretary of state, treasurer of state, and auditor of
45 state. Total expenditure limit, fifty thousand
46 dollars in a primary election if there is no primary
47 opponent, one hundred thousand dollars in a primary
48 election if there is a primary opponent, and one
49 hundred thousand dollars in a general election.
50 3. State senator. Total expenditure limit, ten

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1 thousand dollars in a primary election if there is no
2 primary opponent, twenty-five thousand dollars in a
3 primary election if there is a primary opponent, and
4 twenty-five thousand dollars in a general election.

5 4. State representative. Total expenditure limit,
6 five thousand dollars in a primary election if there
7 is no primary opponent, fifteen thousand dollars in a
8 primary election if there is a primary opponent, and
9 fifteen thousand dollars in a general election."

10 5. Page 1, by striking lines 27 through 31 and
11 inserting the following:

12 "a. Total political action committee
13 contributions, fifty percent of the candidate's
14 applicable expenditure limit in a primary election,
15 and fifty percent of the candidate's expenditure limit
16 in a general election."

17 6. Page 1, by striking lines 40 through 44 and
18 inserting the following:

19 "a. Total political action committee
20 contributions, fifty percent of the candidate's
21 applicable expenditure limit in a primary election,
22 and fifty percent of the candidate's expenditure limit
23 in a general election."

24 7. Page 2, by striking lines 1 through 5 and
25 inserting the following:

26 "a. Total political action committee
27 contributions, fifty percent of the candidate's
28 applicable expenditure limit in a primary election,
29 and fifty percent of the candidate's expenditure limit
30 in a general election."

31 8. Page 2, line 7, by striking the words "five
32 hundred" and inserting the following: "one thousand".

33 9. Page 2, by striking lines 12 through 16 and
34 inserting the following:

35 "a. Total political action committee
36 contributions, fifty percent of the candidate's
37 applicable expenditure limit in a primary election,
38 and fifty percent of the candidate's expenditure limit
39 in a general election."

40 10. Page 2, line 18, by striking the words "five

41 hundred" and inserting the following: "one thousand".

42 11. Page 2, by striking line 37 and inserting the
43 following:

44 "____. By striking page 7, line 19, through page
45 8, line 22."

46 12. Page 3, by striking lines 11 and 12 and
47 inserting the following: "following: "(name of
48 candidate) refused to limit campaign spending." The".

49 13. By renumbering as necessary.

MICHAEL GRONSTAL
JOHN P. KIBBIE

S-5890

1 Amend the House amendment, S-5798, to Senate File
2 2360 as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 3, by inserting after line 15 the
5 following:

6 "Sec. ____ . NEW SECTION. 56.15A CONTRIBUTIONS BY
7 POLITICAL COMMITTEES PROHIBITED.

8 A political committee shall not contribute to, act
9 as an agent or intermediary for contributions to, or
10 arrange for the making of contributions to the
11 campaign funds of an elected state official, member of
12 the general assembly, or candidate for statewide
13 public office or the general assembly at any time."

14 2. By renumbering and correcting internal
15 references as necessary.

JACK RIFE

S-5891

1 Amend the House amendment, S-5798, to Senate File
2 2360, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 7 through 16, and
5 inserting the following:

6 "____. Page 2, by striking lines 7 through 24."

7 2. By striking page 2, line 48, through page 3,
8 line 15 and inserting the following:

9 "Sec. ____ . NEW SECTION. 56.14A LIMITATIONS ON
10 ACCEPTANCE OF CONTRIBUTIONS.

11 At least fifty percent of individual contributions
12 received by a candidate or candidate's committee
13 during an election cycle shall have originated as
14 contributions made by individual contributors residing

15 within the counties within the candidate's district."'''

16 3. By renumbering as necessary.

PAUL D. PATE

S-5892

1 Amend the House amendment, S-5854, to Senate File
2 2367, as passed by the Senate, as follows:

3 1. Page 1, line 27, by striking the figure
4 "192,826" and inserting the following: "419,746".

5 2. Page 1, by inserting after line 27 the
6 following:

7 " . . . Page 3, by inserting after line 19 the
8 following:

9 "Sec. . . . 1991 Iowa Acts, chapter 267, section
10 407, subsection 1, unnumbered paragraph 1, is amended
11 to read as follows:

12 For salaries of supreme court justices, appellate
13 court judges, district court judges, district
14 associate judges, judicial magistrates and staff,
15 state court administrator, clerk of the supreme court,
16 district court administrators, clerks of the district
17 court, including fully compensating clerks of court,
18 trial court supervisors, trial court technicians II,
19 and financial supervisors I and II for the full 40-
20 hour workweek, juvenile court officers, board of law
21 examiners and board of examiners of shorthand
22 reporters and judicial qualifications commission,
23 receipt and disbursement of child support payments,
24 and maintenance, equipment, and miscellaneous
25 purposes:

26 \$ 73,200,000
27 72,973,080"

28 3. Page 1, by striking lines 30 through 47.

29 4. Page 2, line 6, by striking the word and
30 figures "subsections 5 and 6" and inserting the
31 following: "subsection 7".

LEONARD BOSWELL

S-5893

1 Amend House File 2467, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, lines 13 and 14, by striking the words
4 "the allocation of fifty thousand dollar grants for".

5 2. Page 5, lines 1 and 2, by striking the words
6 "a teen" and inserting the following: "an
7 adolescent".

- 8 3. Page 5, by inserting after line 18, the
 9 following:
 10 "Sec. ____ . DEPARTMENTAL REVIEW. The department of
 11 education shall review the provisions of this Act,
 12 develop estimates of the costs associated with the
 13 establishment of at least three family resource center
 14 demonstration sites, and recommended funding sources
 15 for the establishment of the centers in the manner
 16 provided in this Act. The department shall report the
 17 cost estimates and the funding recommendations to the
 18 general assembly by January 1, 1993."
 19 4. By renumbering as necessary.

COMMITTEE ON EDUCATION
 MIKE CONNOLLY, Chairperson

S-5894

- 1 Amend Senate File 2375 as follows:
 2 1. Page 3, by striking lines 19 through 28.
 3 2. By renumbering as necessary.

LARRY MURPHY

S-5895

- 1 Amend Senate File 2375 as follows:
 2 1. Page 1, by striking lines 13 through 15 and
 3 inserting the following: "~~department.~~ The fee shall
 4 be remitted by the department to the treasurer of
 5 state, who shall place it in the general fund of the
 6 state. If an application is voluntarily withdrawn".

LARRY MURPHY
 FLORENCE BUHR

HOUSE AMENDMENT TO
 SENATE FILE 2241

S-5896

- 1 Amend Senate File 2241, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 27, by striking the figure "7"
 4 and inserting the following: "5".

S-5897

- 1 Amend House File 2475, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. Page 1, by inserting after line 14 the fol-
4 lowing:

5 "Sec. ____ . Section 455D.11, subsection 1,
6 paragraphs d and f, Code Supplement 1991, are amended
7 to read as follows:

8 d. "Tire collector" means a person who owns or
9 operates a site used for the storage, collection, or
10 deposit of more than fifty five hundred waste tires.

11 f. "Waste tire" means a tire that is no longer
12 suitable for its originally intended purpose due to
13 wear, damage, or defect. "Waste tire" does not
14 include a nonpneumatic tire.

15 2. By renumbering as necessary.

RALPH ROSENBERG

S-5898

1 Amend House File 2475 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 23 through 30, and
4 inserting the following: "amount which is eighty-five
5 cents per tire for all waste tires stored at the site
6 above the three-day processing supply of tires as
7 determined by the department."

8 2. Page 4, line 24, by inserting after the word
9 "program:" the following: "Benton,".

10 3. Page 4, line 26, by striking the word
11 "Webster,".

12 4. Page 5, line 1, by striking the figure
13 "200,000" and inserting the following: "218,000".

14 5. Page 5, line 6, by inserting after the word
15 "projects." the following: "Not more than \$18,000 of
16 the \$218,000 collected pursuant to section 455B.310,
17 subsection 2, paragraph "b", subparagraph (4), may be
18 used by the department for administrative costs of the
19 waste tire collection or processing site permit
20 program."

21 6. Page 5, line 18, by inserting after the word
22 "program," the following: "to encourage nonprofit
23 organization participation,".

24 7. Page 5, line 25, by inserting after the word
25 "dealers," the following: "distributors, or
26 manufacturers,".

RALPH ROSENBERG

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2471

S-5899

- 1 Amend the Senate amendment, H-6034, to House File
- 2 2471, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 11, by striking the word
- 5 "Federal" and inserting the following: "Federal,
- 6 state, and local".

HOUSE AMENDMENT TO
SENATE FILE 2329

S-5900

- 1 Amend Senate File 2329, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 18, through page 2,
- 4 line 15.
- 5 2. Page 3, line 25, by striking the figure "2,".

S-5901

- 1 Amend House File 2480, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 6 through 19.
- 4 2. By renumbering as necessary.

JIM RIORDAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2475

S-5902

- 1 Amend the Senate amendment, H-6059, to House File
- 2 2475, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 15 through 19.
- 5 2. Page 1, line 23, by striking the figure
- 6 "218,000" and inserting the following: "233,000".
- 7 3. Page 1, line 26, by striking the figure
- 8 "218,000" and inserting the following: "233,000".
- 9 4. Page 1, by striking line 32, and inserting the
- 10 following: ""program" the following: ", to encourage
- 11 nonprofit".

12 5. Page 1, by inserting after line 36 the
 13 following:
 14 "____. Page 6, by inserting after line 5 the
 15 following:
 16 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
 17 of immediate importance, takes effect upon enactment.
 18 ____ . Title page, line 2, by striking the words
 19 "and providing a penalty" and inserting the following:
 20 ", providing a penalty, and providing an effective
 21 date"."

S-5903

1 Amend House File 2417, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 100. Section 422.43, subsection 11,
 6 unnumbered paragraph 3, as enacted by 1992 Iowa Acts,
 7 Senate File 2116, section 406, is amended to read as
 8 follows:
 9 For purposes of this subsection, "consultant
 10 services" means services provided, except as otherwise
 11 stated in this paragraph, by a person who purports to
 12 give expert or professional advice on any subject
 13 including, but not limited to, advice on audiovisual,
 14 business, computer and data processing, insurance,
 15 management, marketing, security, and weather and
 16 meteorology. "Consultant services" does not mean
 17 services provided by a person licensed, registered, or
 18 certified by boards listed in section 258A.1, or
 19 licensed under chapter 80A, 152A, 154C, 522, or 602,
 20 article 10, or registered under section 455G.18, if
 21 the services provided come within the purview of such
 22 person's license, registration, or certification.
 23 Sec. 101. Section 424.2, subsections 5, 9, and 12,
 24 Code Supplement 1991, are amended to read as follows:
 25 5. "Depositor" means the person who deposits
 26 petroleum into an underground storage tank subject to
 27 regulation under chapter 455G or an aboveground
 28 petroleum storage tank as defined in section 101.21,
 29 located at a retail motor vehicle fuel outlet if the
 30 aboveground storage tank is physically connected
 31 directly to pumps which dispense petroleum that is
 32 sold at the motor vehicle fuel outlet on a retail
 33 basis.
 34 9. "Owner or operator" means "owner or operator"
 35 of an underground storage tank as used in chapter 455G
 36 or the "owner" or "operator" of an aboveground
 37 petroleum storage tank as defined in section 101.21,

38 located at a retail motor vehicle fuel outlet if the
 39 aboveground storage tank is physically connected
 40 directly to pumps which dispense petroleum that is
 41 sold at the motor vehicle fuel outlet on a retail
 42 basis.

43 12. "Tank" means an underground storage tank
 44 subject to regulation under chapter 455G or an
 45 aboveground petroleum storage tank as defined in
 46 section 101.21, located at a retail motor vehicle fuel
 47 outlet if the aboveground storage tank is physically
 48 connected directly to pumps which dispense petroleum
 49 that is sold at the motor vehicle fuel outlet on a
 50 retail basis.

Page 2

1 Sec. ____ . Section 455G.4, subsection 1, Code
 2 Supplement 1991, is amended by adding the following
 3 new paragraph:

4 NEW PARAGRAPH. e. The director of the legislative
 5 fiscal bureau, or the director's designee. The
 6 director under this paragraph shall not participate as
 7 a voting member of the board and shall be prohibited
 8 from attending closed sessions of the board."

9 2. Page 1, line 2, by striking the word
 10 "subsection" and inserting the following:
 11 "subsections".

12 3. Page 1, line 6, by inserting after the word
 13 "practical." the following: "In those situations
 14 where it is determined that public bidding is not
 15 practical, the basis for the determination of
 16 impracticability shall be documented by the board or
 17 its designee."

18 4. Page 1, by inserting after line 7 the
 19 following:

20 "NEW SUBSECTION. 5. CONTRACT APPROVAL.

21 a. The board shall approve any contract entered
 22 into pursuant to this chapter if the cost of the
 23 contract exceeds seventy-five thousand dollars.

24 b. A listing of all contracts entered into
 25 pursuant to this chapter shall be presented at each
 26 board meeting and shall be made available to the
 27 public. The listing shall state the interested
 28 parties to the contract, the amount of the contract,
 29 and the subject matter of the contract.

30 c. The board shall be required to review and
 31 approve or disapprove the administrator's failure to
 32 approve a contract under section 455G.12A. Review by
 33 the board shall not be required for cancellation or
 34 replacement of a contract for a site included in a

35 community remediation project or when an emergency
36 situation exists."

37 5. Page 1, by striking lines 8 through 13 and
38 inserting the following:

39 "Sec. ____ . Section 455G.5, unnumbered paragraph 1,
40 Code 1991, is amended by striking the paragraph and
41 inserting in lieu thereof the following:

42 The board shall administer the fund. A contract
43 entered into on or after July 1, 1992, to retain a
44 person to act as the administrator of the fund shall
45 be subject to public bid. All other contracts to
46 retain a person under this section shall be in
47 compliance with the public bidding requirements of
48 section 455G.4, subsection 4."

49 6. Page 1, by striking lines 16 through 27 and
50 inserting the following:

Page 3

1 "15. a. Subject to the terms of any bond
2 documents, moneys in the fund or fund accounts may be
3 expended for administration expenses, civil penalties,
4 moneys paid under an agreement, stipulation, or
5 settlement, ~~and~~ for the costs associated with sites
6 within a community remediation project, for costs
7 related to contracts entered into with a state agency
8 or university, costs for activities relating to
9 litigation, or for the costs of any other activities
10 as the board may determine are necessary and
11 convenient to facilitate compliance with and to
12 implement the intent of federal laws and regulations
13 and this chapter.

14 b. The authority granted under this subsection
15 which allows the board to expend fund moneys on an
16 activity the board determines is necessary and
17 convenient to facilitate compliance with and to
18 implement the intent of federal laws and regulations
19 and this chapter, shall only be used in accordance
20 with the following:

21 (1) Prior board approval shall be required before
22 expenditure of moneys pursuant to this authority shall
23 be made.

24 (2) If the expenditure of fund moneys pursuant to
25 this authority would result in the board establishing
26 a policy which would substantially affect the
27 operation of the program, rules shall be adopted
28 pursuant to chapter 17A prior to the board or the
29 administrator taking any action pursuant to this
30 proposed policy."

31 7. Page 2, by inserting after line 9 the

32 following:

33 "Sec. ____ . NEW SECTION. 455G.20 FINAL APPROVAL.

34 Notwithstanding any other provision to the
35 contrary, the department of natural resources shall
36 have final approval for a determination as to when
37 remediation shall begin on a site.

38 Sec. 102. The department of revenue and finance
39 shall refund the amount of the environmental
40 protection charge on petroleum diminution paid
41 pursuant to chapter 424, as authorized by 1991 Iowa
42 Acts, chapter 252, section 2, for aboveground storage
43 tanks located at retail motor vehicle fuel outlets
44 that are not physically connected directly to pumps
45 which dispense petroleum that is sold at the motor
46 vehicle fuel outlet on a retail basis.

47 Sec. ____ . Sections 100, 101, and 102 of this Act,
48 being deemed of immediate importance, take effect upon
49 enactment."

50 8. Title page, by striking lines 1 through 4 and

Page 4

1 inserting the following: "An Act relating to
2 groundwater professionals, exempting certain
3 aboveground tanks from payment of the environmental
4 protection charge and providing a refund, relating to
5 the underground storage tank fund board and the
6 board's authority for certain expenditures from the
7 fund, relating to underground storage tank contracts
8 by requiring public bid and board approval of certain
9 contracts, relating to remedial authority of the
10 department of natural resources, and providing an
11 effective date."

12 9. By numbering, renumbering, and correcting
13 internal references as necessary.

RALPH ROSENBERG
RICHARD DRAKE
EMIL J. HUSAK
MICHAEL GRONSTAL
DERRYL MCLAREN

S-5904

1 Amend House File 2401, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 7 the
4 following:

5 "Sec. 100. Section 422.7, Code Supplement 1991, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 26. Subtract, to the extent
 8 included, payments received by an individual providing
 9 unskilled in-home health-related care services
 10 pursuant to section 249.3, subsection 2, paragraph
 11 "a", subparagraph (2), to a member of the individual
 12 caregiver's family. For purposes of this subsection,
 13 a member of the individual caregiver's family includes
 14 a spouse, parent, stepparent, child, stepchild,
 15 brother, stepbrother, sister, stepsister, lineal
 16 ancestor, or lineal descendent, and such persons by
 17 marriage or adoption. A health care professional
 18 licensed by an examination board designated in section
 19 147.13, subsections 1 through 10, is not eligible for
 20 the exemption authorized in this subsection.
 21 Sec. ____ . Notwithstanding section 422.73,
 22 subsection 2, a claim for credit or refund, under
 23 section 100 of this Act, of the state individual
 24 income tax paid for a tax year beginning in the 1988
 25 calendar year, is considered timely filed if the claim
 26 is filed with the department of revenue and finance
 27 before April 30, 1993, and the claim is based upon the
 28 deduction allowed in section 100 of this Act."
 29 2. Page 1, line 8, by striking the word "This"
 30 and inserting the following: "Section 1 of this".
 31 3. Page 1, by inserting after line 9 the
 32 following:
 33 "Sec. ____ . Section 100 of this Act applies
 34 retroactively to January 1, 1988, for tax years
 35 beginning on or after that date."
 36 4. By renumbering as necessary.

JOE WELSH
 WILLIAM W. DIELEMAN
 MICHAEL CONNOLLY
 LARRY MURPHY

S-5905.

1 Amend House File 2480, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 4, line 8, by inserting after the figure
 4 "8." the following: "This subsection applies to
 5 placements in a juvenile shelter care home which is
 6 publicly owned, operated as a county or multicounty
 7 shelter care home, or organized under a chapter 28E
 8 agreement."

MAGGIE TINSMAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2400

S-5906

1 Amend the Senate amendment, H-6027, to House File
2 2400, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 5, through page 4,
5 line 3, and inserting the following:

6 "Section 1. Section 298.14, unnumbered paragraph
7 1, Code 1991, is amended to read as follows:

8 For each fiscal year, the cumulative total of the
9 percents of surtax approved by the board of directors
10 of a school district and collected by the department
11 of revenue and finance under sections 257.21, 257.29,
12 279.54, and 298.2, and the enrichment surtax under
13 section 442.15, Code 1989, and an income surtax
14 collected by a political subdivision under chapter
15 422C, shall not exceed twenty percent.

16 Sec. ____ NEW SECTION. 357F.1 DEFINITIONS.

17 As used in this chapter, unless the context
18 otherwise requires:

19 1. "District" means a benefited emergency medical
20 services district.

21 2. "Board" means the board of supervisors of a
22 county.

23 3. "Trustee" means a trustee of a district.

24 Sec. ____ NEW SECTION. 357F.2 PETITION FOR
25 PUBLIC HEARING.

26 1. The board shall, on the petition of twenty-five
27 percent of the resident property owners in a proposed
28 district if the assessed valuation of the property
29 owned by the petitioners represents at least twenty-
30 five percent of the total assessed value of the
31 proposed district, hold a public hearing concerning
32 the establishment of a proposed district. The
33 petition shall include a statement containing the
34 following information:

35 a. The need for emergency medical services.

36 b. The district to be served.

37 c. The approximate number of families in the
38 district.

39 d. The proposed personnel, equipment, and
40 facilities to provide the emergency medical services.

41 2. The board of supervisors may require a bond of
42 the petitioners conditioned for the payment of all
43 costs and expenses incurred in the proceedings in case
44 the district is not established.

45 Sec. ____ . NEW SECTION. 357F.3 LIMITATION ON
46 AREA.

47 A district may include all or parts of the
48 unincorporated areas of one township and any
49 unincorporated areas of adjoining townships or parts
50 of adjoining townships, but shall not include property

Page 2

1 assessed as agricultural land, or centrally assessed
2 property.

3 Sec. ____ . NEW SECTION. 357F.4 TIME OF HEARING.

4 The public hearing required in section 357F.2 shall
5 be held within thirty days of the presentation of the
6 petition. Notice of hearing shall be given by
7 publication in two successive issues of any paper of
8 general circulation within the district. The last
9 publication shall be not less than one week before the
10 proposed hearing.

11 Sec. ____ . NEW SECTION. 357F.5 ACTION BY BOARD.

12 After, and within ten days of, the hearing, the
13 board shall either establish the district by
14 resolution or disallow the petition.

15 Sec. ____ . NEW SECTION. 357F.6 ENGINEER.

16 1. When the board establishes a district, the
17 board shall appoint a competent disinterested civil
18 engineer, who shall prepare a preliminary plat
19 showing:

20 a. The proper design in general outline of the
21 district.

22 b. The lots and parcels of land within the
23 proposed district as they appear on the county
24 auditor's plat books with the names of the owners.

25 c. The assessed valuation of the lots and parcels.

26 2. The compensation of the engineer on the
27 preliminary investigation shall be determined by the
28 board. The engineer shall file a report with the
29 county auditor within thirty days of appointment. The
30 board may extend the time upon good cause shown.

31 Sec. ____ . NEW SECTION. 357F.7 HEARING ON
32 ENGINEER'S REPORT.

33 After the engineer's report is filed, the board
34 shall give notice as provided in section 357F.4, of a
35 public hearing to be held concerning the engineer's
36 preliminary plat.

37 Sec. ____ . NEW SECTION. 357F.8 ELECTION ON
38 PROPOSED LEVY.

39 When a preliminary plat has been approved by the
40 board, an election shall be held within the district
41 within sixty days to approve or disapprove the levy of

42 a tax of not more than one dollar per thousand dollars
43 of assessed value on all the taxable property within
44 the district and to choose candidates for the offices
45 of trustees of the district. The ballot shall set out
46 the reason for the tax and the amount needed. The tax
47 shall be set to raise only the amount needed. Notice
48 of the election, including the time and place of
49 holding the election, shall be given as provided in
50 section 357F.4. The vote shall be by ballot which

Page 3

1 shall state clearly the proposition to be voted upon
2 and any qualified elector residing within the district
3 at the time of the election may vote. It is not
4 mandatory for the county commissioner of elections to
5 conduct elections held pursuant to this chapter, but
6 the elections shall be conducted in accordance with
7 chapter 49 where not in conflict with this chapter.
8 Judges shall be appointed to serve without pay by the
9 board from among the qualified electors of the
10 district to be in charge of the election. The
11 proposition is approved if sixty percent of those
12 voting on the proposition vote in favor of it.
13 Sec. ____ . NEW SECTION. 357F.9 TRUSTEES - TERM
14 AND QUALIFICATION.

15 At the election, the names of up to three
16 candidates for trustee shall be written in by the
17 voters on blank ballots without formal nomination and
18 the board shall appoint three from among the five
19 receiving the highest number of votes as trustees for
20 the district. One trustee shall be appointed to serve
21 for one year, one for two years, and one for three
22 years. The trustees and their successors must be
23 residents of the district and shall give bond in the
24 amount required by the board, the premium of which
25 shall be paid by the district. Vacancies shall be
26 filled by election, but if there are no candidates for
27 a trustee office, the vacancy may be filled by
28 appointment by the board. The term of succeeding
29 trustees shall be three years.

30 Sec. ____ . NEW SECTION. 357F.10 TRUSTEES' POWERS.

31 The trustees may purchase, own, rent, or maintain
32 emergency medical services apparatus or equipment
33 within the state or outside the territorial
34 jurisdiction and boundary limits of this state,
35 provide housing for such apparatus and equipment,
36 provide emergency medical service and facilities, and
37 may certify for levy an annual tax as provided in
38 section 357F.8. The trustees may purchase material,

39 employ emergency medical service and other personnel,
40 and may perform all other acts necessary to properly
41 maintain and operate the district. The trustees may
42 contract with any city or county or public or private
43 agency under chapter 28E for the purpose of providing
44 emergency medical services under this chapter. The
45 trustees are allowed necessary expenses in the
46 discharge of their duties, but they shall not receive
47 a salary.

48 Sec. ____ . NEW SECTION. 357F.11 BONDS IN
49 ANTICIPATION OF REVENUE.

50 A district may anticipate the collection of taxes

Page 4

1 by the levy authorized in this chapter, and to carry
2 out the purposes of this chapter may issue bonds
3 payable in not more than ten equal installments with
4 the rate of interest not exceeding that permitted by
5 chapter 74A. An indebtedness shall not be incurred
6 under this chapter until authorized by an election.
7 The election shall be held and notice given in the
8 same manner as provided in section 357F.8, and the
9 same sixty percent vote shall be necessary to
10 authorize indebtedness. Both propositions may be
11 submitted to the voters at the same election.

12 Sec. ____ . NEW SECTION. 357F.12 DISSOLUTION OF
13 DISTRICT.

14 Upon petition of thirty-five percent of the
15 resident eligible electors, the board may dissolve a
16 district and dispose of any remaining property, the
17 proceeds of which shall first be applied against
18 outstanding obligations and any balance shall be
19 applied to tax credit of property owners of the
20 district. However, if the district is annexed, the
21 board of supervisors may transfer the remaining
22 property and balance to the city which annexed the
23 territory. The board shall continue to levy a tax
24 after dissolution of a district, of not to exceed
25 twenty-seven cents per thousand dollars of assessed
26 value on all the taxable property of the district,
27 until all outstanding obligations of the district are
28 paid.

29 Sec. ____ . NEW SECTION. 357F.13 INCORPORATION OF
30 DISTRICT LAND.

31 If part of a district is incorporated by a city and
32 there are outstanding indebtedness obligations against
33 the district, the city shall pay the outstanding
34 obligations against the part of the district which is
35 incorporated by the city.

36 Sec. ____ . NEW SECTION. 357F.14 ADDING PROPERTY
37 TO DISTRICT.

38 The owner of any property in an unincorporated area
39 contiguous to the boundaries of an established
40 district may petition the board to be included in the
41 district. Upon receipt of the petition, the board
42 shall submit the request to a competent disinterested
43 civil engineer to investigate the feasibility of
44 adding the additional territory and to make a report
45 to the board. If the board agrees that the property
46 should be added to the district, the tax levy for the
47 next year shall be applied to the property and on the
48 first day of the next fiscal year the property shall
49 become a part of the district. If the district lies
50 in more than one county the joint action of the boards

Page 5

1 involved is required to add additional territory.

2 Sec. ____ . NEW SECTION. 357F.15 DETERMINATION OF
3 FEE.

4 1. The owner of any property joining an
5 established district shall pay to the trustees of the
6 district an initial fee to be computed as follows:

7 a. The trustees shall first determine fair market
8 value of all property and improvements owned by the
9 district, less any indebtedness.

10 b. The board shall then determine the assessed
11 value of all property in the district which is not
12 assessed as agricultural land. This shall be divided
13 into the value determined in paragraph "a".

14 c. The board shall determine the assessed value of
15 the property of each landowner joining the established
16 district which is not assessed as agricultural land.

17 d. The result obtained in paragraph "b" shall be
18 multiplied by the result obtained in paragraph "c".
19 The result shall be the initial fee to be charged each
20 landowner.

21 2. The initial fees paid to the trustees shall be
22 used to help defray the cost and maintenance of the
23 district's emergency medical services."

24 2. Page 4, by striking lines 6 through 8 and
25 inserting the following:

26 "1. A county board of supervisors may offer for
27 voter approval any of".

28 3. Page 4, line 20, by inserting after the word
29 "question." the following: "However, the tax or
30 combination of taxes specified in subsection 1 shall
31 not be imposed on property within or on residents of a
32 benefited emergency medical services district under

33 chapter 357F.”

34 4. Page 4, by inserting after line 35 the
35 following:

36 “Before a county imposes an income surtax as
37 specified in subsection 1, paragraph “a”, a benefited
38 emergency medical services district in the county
39 shall be dissolved, and the county shall be liable for
40 the outstanding obligations of the benefited district.
41 If the benefited district extends into more than one
42 county, the county imposing the income surtax shall be
43 liable for only that portion of the obligations
44 relating to the portion of the benefited district in
45 the county.”

46 5. Page 4, line 45, by inserting after the word
47 “surtax” the following: “as provided in section
48 422C.1”.

49 6. Page 4, line 48, by inserting after the word
50 “year.” the following: “However, the cumulative total

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1 of the percents of income surtax imposed on any
2 taxpayer in the county shall not exceed twenty
3 percent.”

4 7. By striking page 7, line 6, through page 10,
5 line 40.

6 8. Page 10, lines 44 and 45, by striking the
7 words “imposing a surcharge on certain motor vehicle
8 violations,”.

9 9. By renumbering, relettering, or redesignating
10 and correcting internal references as necessary.

S-5907

1 Amend House File 2480, 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 232.2, Code Supplement 1991,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 41A. “Reasonable efforts” means
8 the offer of services to a child’s family in order to
9 prevent or end the placement of the child outside the
10 child’s home, which offer includes a consideration of
11 all of the following circumstances:

12 a. The specific problems which may cause the
13 child’s placement outside the child’s home to occur or
14 continue.

15 b. The likelihood that a particular service will
16 resolve the specific problems.

17 c. The length of time services are to be or have
18 been provided to the child's family.

19 d. If the child is placed outside the child's
20 home, the time frames provided for termination of
21 parental rights under section 232.116.

22 Sec. ____ . Section 232.71, subsections 10 and 13,
23 Code 1991, are amended to read as follows:

24 10. Based on the investigation conducted pursuant
25 to this section, the department shall offer to the
26 family of any child believed to be the victim of abuse
27 such services as are available and appear appropriate
28 for either the child, the family, or both, if it is
29 explained that the department has no legal authority
30 to compel such the family to receive such the
31 services.

32 13. ~~The~~ Within funds available for this purpose,
33 ~~the~~ department of human services shall provide for or
34 arrange for and monitor ~~rehabilitative~~ services for
35 abused children and their families on a voluntary
36 basis or under a final or intermediate order of the
37 juvenile court. The department shall adopt rules
38 defining the services.

39 Sec. ____ . Section 232.141, Code 1991, is amended
40 by adding the following new subsection:

41 NEW SUBSECTION. 8. This subsection applies to
42 placements in a juvenile shelter care home which is
43 publicly owned, operated as a county or multicounty
44 shelter care home, or organized under a chapter 28E
45 agreement. If the department's reimbursement for the
46 allowable costs of a child's shelter care placement
47 exceeds the amount the department is authorized to pay
48 in accordance with law and administrative rule, the
49 unpaid costs may be recovered from the child's county
50 of legal settlement. The unpaid costs are payable

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1 pursuant to filing of verified claims against the
2 county of legal settlement. A detailed statement of
3 the facts upon which a claim is based shall accompany
4 the claim. Any dispute between counties arising from
5 filings of claims pursuant to this subsection shall be
6 settled in the manner provided to determine legal
7 settlement in section 230.12.

8 Sec. ____ . NEW SECTION. 232.143 CHILD WELFARE
9 SERVICES.

10 The court shall not order a child welfare service
11 which is a charge upon the state pursuant to section
12 234.6, subsection 5A, or section 234.35 if there are
13 insufficient funds to pay for the service within that

14 service category of the regional child welfare
15 services allocation.

16 Sec. ____ . Section 232.175, Code 1991, is amended
17 to read as follows:

18 232.175 PURPOSE AND POLICY.

19 It is the purpose and policy of this division to
20 provide court placement oversight for placements that
21 involve a handicapped child placed voluntarily in
22 foster care by the child's parent or guardian, when
23 the parent, guardian, or custodian of a child with
24 mental retardation or other developmental disability
25 requests placement of the child for a period of more
26 than thirty days. The oversight shall be provided
27 through review of the voluntary placements placement
28 every six months by the department's foster care
29 review committees or by a local foster care review
30 board. Court oversight is provided prior to the
31 initial placement and at periodic intervals which
32 shall not exceed eighteen months. It is the purpose
33 and policy of this division to assure the additional
34 safeguard of court oversight existence of oversight
35 safeguards as required by the federal Child Welfare
36 Act of 1980, Pub. L. No. 96-272, as codified in 42
37 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5),
38 while maintaining parental decision-making authority
39 to the extent possible.

40 Sec. ____ . Section 232.178, subsections 1, 3, and
41 4, Code 1991, are amended to read as follows:

42 1. The For a placement initiated on or after July
43 1, 1992, the department shall file a petition to
44 initiate a voluntary placement proceeding prior to the
45 child's placement in accordance with criteria
46 established pursuant to the federal Child Welfare Act
47 of 1980, Pub. L. No. 96-272, as codified in 42 U.S.C.
48 § 627(a). For a placement initiated before July 1,
49 1992, the department shall file the petition on or
50 before September 1, 1992.

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1 3. The petition shall state the names and
2 residence of the child and the child's living parents,
3 guardian, custodian, and guardian ad litem, if any,
4 and the age of the child; and the length of time the
5 child has been in foster care.

6 4. The petition shall allege that the child is
7 placed in foster care on the basis of a signed
8 voluntary placement agreement between the department
9 and the child's parent or guardian; that the child has
10 ~~an~~ describe the child's emotional, physical, or

11 intellectual handicap disability which requires care
 12 and treatment; ~~that the child's parent or guardian has~~
 13 ~~demonstrated a willingness to fulfill the services or~~
 14 support previously provided to maintain the child in
 15 the child's home; and the reason the child's parent,
 16 guardian, or custodian has requested a foster care
 17 placement. The petition shall also describe the
 18 commitment of the parent, guardian, or custodian in
 19 fulfilling the responsibilities to the child as
 20 defined in the case permanency plan; and ~~that how the~~
 21 voluntary placement is in will serve the child's best
 22 interests.

23 Sec. ____ . Section 232.181, Code 1991, is amended
 24 to read as follows:

25 232.181 SOCIAL HISTORY REPORT.

26 Upon the filing of a petition, the department shall
 27 submit a social history report regarding the child and
 28 the child's family. The report shall include a
 29 description of the child's handicap disability and
 30 resultant functional limitations, the case permanency
 31 plan, a description of the proposed foster care
 32 placement, and a description of parental family
 33 participation in developing the child's case
 34 permanency plan and the parent's compliance with
 35 commitment of the parent, guardian, or custodian in
 36 fulfilling the responsibilities to the child as
 37 defined in the plan.

38 Sec. ____ . Section 232.182, subsections 5 and 6,
 39 Code 1991, are amended to read as follows:

40 5. After the hearing is concluded, the court shall
 41 make and file written findings as to whether
 42 reasonable efforts have been made and whether the
 43 voluntary foster care placement is in the child's best
 44 interests. The court shall determine that voluntary
 45 order foster care placement is in the child's best
 46 interests if the court finds that both all of the
 47 following conditions exist:

48 a. The child has an emotional, physical, or
 49 intellectual handicap disability which requires care
 50 and treatment.

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1 b. The child's parent, or guardian, or custodian
 2 has demonstrated a willingness to fulfill the
 3 responsibilities to the child as defined in the case
 4 permanency plan.

5 c. Reasonable efforts have been made and the
 6 placement is in the child's best interests.

7 If the court finds that reasonable efforts have not

8 been made and that services or support are available
9 to prevent the placement, the court may order the
10 services or support to be provided to the child's
11 family. If the court finds that the foster care
12 placement is necessary and the child's parent,
13 guardian, or custodian has not demonstrated a
14 commitment to fulfill the responsibilities defined in
15 the child's case permanency plan, the court shall
16 cause a child in need of assistance petition to be
17 filed.

18 6. The hearing may be waived and the court may
19 issue the findings and order required under subsection
20 5 on the basis of the department's written report if
21 all parties agree to the hearing's waiver.

22 Sec. ____ . Section 232.182, Code 1991, is amended
23 by adding the following new subsection:

24 NEW SUBSECTION. 5A. If the court orders placement
25 of the child into foster care, the court shall
26 establish a support obligation for the costs of the
27 placement pursuant to section 234.39.

28 Sec. ____ . Section 232.183, subsections 2 and 5,
29 Code 1991, are amended to read as follows:

30 2. The dispositional hearing shall be held within
31 eighteen months of the date the child was placed in
32 foster care. The dispositional hearing may be held in
33 conjunction with the initial determination hearing.

34 5. Following the hearing, the court shall issue a
35 dispositional order. The dispositional orders which
36 the court may enter, subject to its continuing
37 jurisdiction, are as follows:

38 a. An order that the child's voluntary placement
39 shall be terminated and the child returned to the
40 child's home and provided with available services and
41 support needed for the child to remain in the home.

42 b. An order that the child's voluntary placement
43 may continue if the department and the child's parent
44 or guardian continue to agree to the voluntary
45 placement.

46 c. ~~An~~ If the court finds that the child's parent,
47 guardian, or custodian has failed to fulfill
48 responsibilities outlined in the case permanency plan,
49 an order that the child remain in foster care and that
50 the county attorney or department file, within three

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1 days, a petition alleging the child to be a child in
2 need of assistance.

3 Sec. ____ . Section 234.1, subsection 4, unnumbered
4 paragraph 1, Code 1991, is amended to read as follows:

5 "Child" means either a person less than eighteen
6 years of age or a person eighteen, or nineteen ~~or~~
7 ~~twenty~~ years of age who meets any of the following
8 conditions:

9 Sec. ____ . Section 234.6, Code 1991, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 5A. Recommend the adoption of
12 rules, with the approval of the director, to do all of
13 the following:

14 a. Develop a state child welfare plan defining
15 child welfare services, standards, and eligibility
16 criteria, including priorities for providing services
17 if funding is insufficient to serve all who are
18 eligible.

19 b. Establish core child welfare services,
20 available statewide in making reasonable efforts, as
21 defined in section 232.2, to prevent or end the
22 placement of a child outside the child's home.

23 c. Authorize regional or local service delivery
24 units to provide certain additional services, as
25 specified by the department, based upon service plans
26 developed by those units.

27 d. Allocate moneys from the child welfare fund.

28 e. Identify unmet service needs based upon
29 information submitted by regional or local service
30 delivery units.

31 Sec. ____ . Section 234.6, subsection 6, paragraph
32 b, Code 1991, is amended by striking the paragraph and
33 inserting in lieu thereof the following:

34 b. Child welfare services, as defined pursuant to
35 subsection 5A.

36 Sec. ____ . Section 234.6, subsection 6, paragraphs
37 c, f, and g, Code 1991, are amended by striking the
38 paragraphs.

39 Sec. ____ . NEW SECTION. 234.7 CHILD WELFARE FUND.

40 A child welfare fund is created in the state
41 treasury under the authority of the administrator.
42 Moneys received from state and federal appropriations,
43 federal matching funds, and foster care recoveries
44 shall be deposited in the fund. The fund shall be
45 used only for certified expenses incurred pursuant to
46 the child welfare plan.

47 Sec. ____ . NEW SECTION. 234.8 FEES FOR CHILD
48 WELFARE SERVICES.

49 The department of human services may charge a fee
50 for child welfare services to a person liable for the

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1 cost of the services. The fee shall not exceed the
2 reasonable cost of the services. The fee shall be
3 based upon the person's ability to pay and
4 consideration of the objectives and responsibilities
5 of the parent, guardian, or custodian identified in
6 the case permanency plan. The department may assess
7 the liable person for the fee and the means of
8 recovery shall include a setoff against an amount owed
9 by a state agency to the person assessed pursuant to
10 section 421.17, subsection 29. In addition the
11 department may establish an administrative process to
12 recover the assessment through automatic income
13 withholding. The department shall adopt rules
14 pursuant to chapter 17A to implement the provisions of
15 this section.

16 Sec. ____ . Section 234.35, Code 1991, is amended to
17 read as follows:

18 234.35 WHEN STATE TO PAY FOSTER CARE COSTS.

19 1. The department of human services ~~shall be~~ is
20 responsible for paying the cost of foster care for a
21 child, according to rates established pursuant to
22 section 234.38, under any of the following
23 circumstances:

24 1 a. When a court has committed the child to the
25 director of human services or the director's designee.

26 2 b. When a court has transferred legal custody of
27 the child to the department of human services.

28 3 c. When the department has agreed to provide
29 foster care services for the child for a period of not
30 more than thirty days on the basis of a signed
31 placement agreement between the department and the
32 child's parent or guardian initiated on or after July
33 1, 1992.

34 4 d. When the child has been placed in emergency
35 care for a period of not more than thirty days upon
36 approval of the director or the director's designee.

37 5 e. When a court has entered an order
38 transferring the legal custody of the child to a
39 foster care placement pursuant to section 232.52,
40 subsection 2, paragraph "d", or section 232.102,
41 subsection 1.

42 f. When the department has agreed to provide
43 foster care services for a child who is eighteen years
44 of age or older on the basis of a signed placement
45 agreement between the department and the child or the
46 person acting on behalf of the child.

47 g. When the court has entered an order in a
48 voluntary foster care placement proceeding and has

49 placed the child into foster care pursuant to section
50 232.182, subsection 5.

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1 h. When the department has agreed to provide
2 foster care services for the child on the basis of a
3 signed placement agreement between the department and
4 the child's parent or guardian initiated before July
5 1, 1992.

6 2. Except as provided under section 234.38 for
7 direct payment of foster parents, payment for foster
8 care costs shall be limited to foster care providers
9 with whom the department has a contract in force.

10 3. Payment for foster care services provided to a
11 child who is eighteen years of age or older shall be
12 limited to the following:

13 a. For a child who is eighteen years of age,
14 family foster care or independent living arrangements.

15 b. For a child who is nineteen years of age,
16 independent living arrangements.

17 4. The responsibility of the state for payment of
18 group foster care shall be limited to the funds
19 appropriated for that purpose.

20 Sec. ____ . Section 235.1, unnumbered paragraph 2,
21 Code 1991, is amended to read as follows:

22 "Child welfare services" means social welfare
23 services for the protection and care of eligible
24 children who are homeless, dependent or neglected, or
25 in danger of becoming delinquent, including when
26 necessary care and maintenance in a foster care
27 facility. Child welfare services are designed to
28 serve a child in the child's home whenever possible.
29 If not possible, and the child is placed outside the
30 child's home, the placement should be in the least
31 restrictive setting available and in close proximity
32 to the child's home."

33 2. Title page, line 2, by inserting after the
34 word "justice," the following: "and".

35 3. Title page, by striking lines 3 and 4 and
36 inserting the following: "care, including
37 establishing a child welfare fund and providing for
38 the allocation of moneys from the fund."

RAY TAYLOR
MAGGIE TINSMAN
MARY KRAMER

S-5908

- 1 Amend House File 2480, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 4, by striking line 8, and inserting the
- 4 following:
- 5 "NEW SUBSECTION. 8. This subsection applies only
- 6 to placements in a juvenile shelter care home which is
- 7 publicly owned, operated as a county or multicounty
- 8 shelter care home, or organized under a chapter 28E
- 9 agreement. If".
- 10 2. Page 4, line 15, by striking the word "claims"
- 11 and inserting the following: "claim".

MAGGIE TINSMAN

S-5909

- 1 Amend House File 2481, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 3, by inserting before the word
- 4 "However," the following: "As a condition for the
- 5 providing of state assistance, the community or
- 6 communities shall participate in the locating of the
- 7 federal project within or adjacent to the border of
- 8 the state by providing money, land, services, or other
- 9 contributions."
- 10 2. Page 2, line 11, by inserting after the word
- 11 "project." the following: "The agreement shall take
- 12 into consideration a provision to assign the
- 13 liability, in regard to the new jobs credit, where the
- 14 employer does not maintain the number of jobs for the
- 15 number of years claimed."

LINN FUHRMAN

S-5910

- 1 Amend Senate File 2376 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "DIVISION I
- 5 ADMINISTRATION
- 6 Sec. 101. There is appropriated from the general
- 7 fund of the state to the following named agencies for
- 8 the fiscal year beginning July 1, 1992, and ending
- 9 June 30, 1993, the following amounts, or so much
- 10 thereof as is necessary, to be used for the purposes
- 11 designated:
- 12 1. COMMISSION ON UNIFORM STATE LAWS

13 For support of the commission and expenses of the
 14 members:
 15 \$ 19,280
 16 2. NATIONAL CONFERENCE OF STATE LEGISLATURES
 17 For support of the membership assessment:
 18 \$ 79,542

19 Sec. 102. REVIEW OF PROFESSIONAL, SCIENTIFIC, OR
 20 EDUCATIONAL DUES. The executive council shall review
 21 dues paid by state agencies of the executive
 22 department of state government for membership in
 23 professional, scientific, and educational
 24 organizations with the goal of reducing membership
 25 costs by one third. The executive council shall give
 26 first consideration to reductions by state agencies
 27 which have multiple memberships.

28 Sec. 103. WORLD FOOD PRIZE. Notwithstanding the
 29 requirement in section 99E.10, subsection 1, to
 30 transfer lottery revenue remaining after expenses are
 31 deducted, before the transfer of the revenue there is
 32 appropriated from the lottery fund to the treasurer of
 33 state for the fiscal year beginning July 1, 1992, and
 34 ending June 30, 1993, the following amount, or so much
 35 thereof as is necessary, to be used for the purpose
 36 designated:

37 For the continued funding of Iowa's participation
 38 in the funding of the world food prize:
 39 \$ 250,000

40 It is the intent of the general assembly that this
 41 appropriation of public funds will result in a
 42 commitment for additional funding for the world food
 43 prize from private sources.

44 The treasurer of state shall only provide the funds
 45 appropriated in this section to the world food prize
 46 foundation if sufficient private funds are raised to
 47 maintain the world food prize foundation in Iowa and
 48 the foundation is structured to include representation
 49 that reflects environmental concerns and sustainable
 50 agriculture.

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1 Sec. 104. There is appropriated from the general
 2 fund of the state to the department of general
 3 services for the fiscal year beginning July 1, 1992,
 4 and ending June 30, 1993, the following amounts, or so
 5 much thereof as is necessary, to be used for the
 6 purposes designated:

7 1. ADMINISTRATION DIVISION
 8 For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-

10	time equivalent positions:		
11	.....	\$	446,267
12	.....	FTEs	13.95
13	2. COMMUNICATIONS DIVISION		
14	For salaries, support, maintenance, miscellaneous		
15	purposes, and for not more than the following full-		
16	time equivalent positions:		
17	.....	\$	148,737
18	.....	FTEs	11.00
19	3. INFORMATION SERVICES DIVISION		
20	For salaries, support, maintenance, miscellaneous		
21	purposes, and for not more than the following full-		
22	time equivalent positions:		
23	.....	\$	5,808,539
24	.....	FTEs	142.50
25	4. PROPERTY MANAGEMENT DIVISION		
26	For salaries, support, maintenance, miscellaneous		
27	purposes, and for not more than the following full-		
28	time equivalent positions:		
29	.....	\$	3,295,919
30	.....	FTEs	133.00
31	5. PRINTING AND MAIL DIVISION		
32	For salaries, support, maintenance, miscellaneous		
33	purposes, and for not more than the following full-		
34	time equivalent positions:		
35	.....	\$	763,211
36	.....	FTEs	32.00
37	The department of general services shall not change		
38	the appropriations for the purposes designated in		
39	subsections 1 through 5 from the amounts appropriated		
40	under those subsections unless notice of the revisions		
41	is given prior to their effective date to the		
42	legislative fiscal bureau. The notice shall include		
43	information on the department's rationale for making		
44	the changes.		
45	Savings achieved in providing telecommunications		
46	services shall be used by the department of general		
47	services to increase efficiencies in the provision of		
48	those services. The department of general services		
49	shall report semiannually to the chairpersons and the		
50	ranking members of the joint administration		

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1 appropriations subcommittee and to the legislative
2 fiscal bureau. The reports shall include a listing of
3 the projects and efficiencies undertaken, the cost of
4 each project, and the benefits, including the
5 projected savings on an annual basis and for the life
6 of the efficiency improvement.

7 Sec. 105. There is appropriated from the general
8 fund of the state to the department of general
9 services for the fiscal year beginning July 1, 1992,
10 and ending June 30, 1993, the following amounts, or so
11 much thereof as is necessary, to be used for the
12 purposes designated:

13 1. CAPITOL PLANNING COMMISSION

14 For expenses of the members in carrying out their
15 duties under chapter 18A:

16 \$ 1,299

17 2. RENTAL SPACE

18 For payment of lease or rental costs of buildings
19 and office space at the seat of government as provided
20 in section 18.12, subsection 9, notwithstanding
21 section 18.16:

22 \$ 549,510

23 3. UTILITY COSTS

24 For payment of utility costs:

25 \$ 2,000,000

26 The department of general services may use funds
27 appropriated in this subsection for utility costs to
28 fund energy conservation projects in the state capitol
29 complex which will have a 100 percent payback within a
30 24-month period. The department of general services
31 shall report quarterly to the chairpersons and ranking
32 members of the joint administration appropriations
33 subcommittee, and to the legislative fiscal bureau,
34 concerning the savings generated as a result of
35 implementation of these projects.

36 Notwithstanding sections 8.33 and 18.12, subsection
37 11, any excess funds appropriated for utility costs in
38 this subsection shall not be deposited in the general
39 fund of the state on June 30, 1993, and these funds
40 shall be used for implementation of energy
41 conservation projects having a payback of 100 percent
42 within a two-year to six-year period. The department
43 of general services shall report semiannually to the
44 chairpersons and ranking members of the joint
45 administration appropriations subcommittee and to the
46 legislative fiscal bureau. The reports shall include
47 a listing of the projects undertaken, the cost of each
48 project, and the projected savings on an annual basis
49 and for the life of the project.

50 Sec. 106. There is appropriated from the revolving

1 funds designated to the department of general services
2 for the fiscal year beginning July 1, 1992, and ending
3 June 30, 1993, the following amounts, or so much

4 thereof as is necessary, to be used for the purposes
5 designated:

6 1. From the centralized printing permanent
7 revolving fund established by section 18.57 for
8 salaries, support, maintenance, miscellaneous
9 purposes, and for not more than the following full-
10 time equivalent positions:

11 \$ 907,489
12 FTEs 28.00

13 2. The remainder of the centralized printing
14 permanent revolving fund is appropriated for the
15 expense incurred in supplying paper stock, offset
16 printing, copy preparation, binding, distribution
17 costs, original payment of printing and binding claims
18 and contingencies arising during the fiscal year
19 beginning July 1, 1992, and ending June 30, 1993,
20 which are legally payable from this fund.

21 3. From the centralized purchasing permanent
22 revolving fund established by section 18.9 for
23 salaries, support, maintenance, miscellaneous
24 purposes, and for not more than the following full-
25 time equivalent positions:

26 \$ 641,739
27 FTEs 17.00

28 4. The remainder of the centralized purchasing
29 permanent revolving fund is appropriated for the
30 payment of expenses incurred through purchases by
31 various state departments and for contingencies
32 arising during the fiscal year beginning July 1, 1992,
33 and ending June 30, 1993, which are legally payable
34 from this fund.

35 5. From the vehicle dispatcher revolving fund
36 established by section 18.119 for salaries, support,
37 maintenance, miscellaneous purposes, and for not more
38 than the following full-time equivalent positions:

39 \$ 574,292
40 FTEs 16.00

41 6. The remainder of the vehicle dispatcher
42 revolving fund is appropriated for the purchase of
43 gasoline, gasohol, oil, tires, repairs, and all other
44 maintenance expenses incurred in the operation of
45 state-owned motor vehicles and for contingencies
46 arising during the fiscal year beginning July 1, 1992,
47 and ending June 30, 1993, which are legally payable
48 from this fund.

49 The vehicle dispatcher shall report, not later than
50 January 2, 1993, to the chairpersons and the ranking

1 members of the joint administration appropriations
 2 subcommittee and to the legislative fiscal bureau
 3 regarding the efficiencies of the vehicle fleet and
 4 the changes in the efficiencies. The report shall
 5 include the cost per mile, fuel efficiencies,
 6 maintenance costs, useful life, the costs of extending
 7 the useful life, and other measures which the vehicle
 8 dispatcher or the legislative fiscal bureau finds
 9 appropriate. The information shall be reported for
 10 each general type of vehicle. The overhead costs
 11 shall also be reported with the total costs of the
 12 vehicle dispatcher operations.

13 The department of general services shall report
 14 semiannually in January and July, the results of the
 15 project testing the potential for burning an 85
 16 percent ethanol mixture in the state's test vehicles.
 17 The report shall include, but is not limited to,
 18 purchase costs, maintenance costs, average mileage,
 19 vehicle life, problems encountered, and likely
 20 benefits.

21 Sec. 107. There is appropriated from the general
 22 fund of the state to the offices of the governor and
 23 the lieutenant governor for the fiscal year beginning
 24 July 1, 1992, and ending June 30, 1993, the following
 25 amounts, or so much thereof as is necessary, to be
 26 used for the purposes designated:

27 1. For salaries, support, maintenance, and
 28 miscellaneous purposes for the general office of the
 29 governor and the general office of the lieutenant
 30 governor, and for not more than the following full-
 31 time equivalent positions:

32	.....	\$	665,989
33	.....	FTEs	17.00

34 2. For the governor's expenses and the lieutenant
 35 governor's expenses connected with office:

36	\$	2,501
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37 3. For salaries, support, maintenance, and
 38 miscellaneous purposes for the governor's quarters at
 39 Terrace Hill, and for not more than the following
 40 full-time equivalent positions;

41	.....	\$	82,904
42	.....	FTEs	2.50

43 4. The ad hoc committees, councils, and task
 44 forces appointed by the governor are subject to
 45 chapters 21 and 22 and the members and the staff shall
 46 be so informed. For the payment of expenses of ad hoc
 47 committees, councils, and task forces appointed by the
 48 governor to research and analyze a particular subject

49 area relevant to the problems and responsibilities of
50 state and local government, including the employment

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1 of professional, technical, and administrative staff
2 and the payment of per diem and actual expenses of
3 committee, council, or task force members as specified
4 pursuant to section 7E.6:
5 \$ 1,667
6 A member shall not receive a per diem if the member
7 is receiving a salary as a full-time public employee,
8 but members shall be reimbursed for actual and
9 necessary expenses.

10 5. For salaries, support, maintenance, and
11 miscellaneous purposes for the office of
12 administrative rules coordinator, and for not more
13 than the following full-time equivalent positions:
14 \$ 85,015
15 FTEs 1.74

16 6. For payment of Iowa's membership in the
17 national governors' conference:
18 \$ 78,353

19 Sec. 108. There is appropriated from the general
20 fund of the state to the office of the drug
21 enforcement and abuse prevention coordinator for the
22 fiscal year beginning July 1, 1992, and ending June
23 30, 1993, the following amounts, or so much thereof as
24 is necessary, to be used for the purposes designated:
25 1. For salaries, support, maintenance,
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions:
28 \$ 138,657
29 FTEs 7.50

30 2. The drug enforcement and abuse prevention
31 coordinator shall use the amount appropriated in this
32 subsection to match and obtain available federal
33 funds, the total amount of these funds to be used for
34 the costs of the clearinghouse.
35 For the Iowa substance abuse clearinghouse in Cedar
36 Rapids for staff, materials, and operating expenses:
37 \$ 34,625

38 Sec. 109. There is appropriated from the general
39 fund of the state to the department of management for
40 the fiscal year beginning July 1, 1992, and ending
41 June 30, 1993, the following amount, or so much
42 thereof as is necessary, to be used for the purposes
43 designated:
44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-

46 time equivalent positions:
 47 \$ 1,130,764
 48 FTEs 29.00
 49 Sec. 110. There is appropriated from the road use
 50 tax fund to the department of management for the

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1 fiscal year beginning July 1, 1992, and ending June
 2 30, 1993, the following amount, or so much thereof as
 3 is necessary, to be used for the purposes designated:
 4 For salaries, support, maintenance, and
 5 miscellaneous purposes:
 6 \$ 56,000

7 The department of management shall report to the
 8 chairpersons and ranking members of the senate and
 9 house committees on appropriations, the chairpersons
 10 and ranking members of the joint administration
 11 appropriations subcommittee, the legislative fiscal
 12 committee, and the legislative fiscal bureau, the
 13 number of furloughs and the number of layoffs that
 14 occur in each state agency, the savings associated
 15 with those furloughs and layoffs, the effect of the
 16 furloughs and layoffs on services provided by the
 17 state agency, and other relevant information. The
 18 department shall provide a year-end report summarizing
 19 the information for fiscal year 1992 on or before
 20 September 1, 1992. The department shall continue this
 21 reporting for fiscal year 1993. A report on the first
 22 five months of the fiscal year is due by January 2,
 23 1993, and a year-end report is due by September 1,
 24 1993.

25 Sec. 111. There is appropriated from the general
 26 fund of the state to the department of management for
 27 the fiscal year beginning July 1, 1992, and ending
 28 June 30, 1993, the following amounts, or so much
 29 thereof as is necessary, to be used for the purposes
 30 designated:

31 1. COUNCIL OF STATE GOVERNMENTS
 32 For support of the membership assessment:
 33 \$ 67,338

34 2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS
 35 For reimbursements to local law enforcement
 36 agencies for the training of officers who resign
 37 pursuant to section 384.15, subsection 7:
 38 \$ 50,000

39 Sec. 112. There is appropriated from the general
 40 fund of the state to the department of personnel for
 41 the fiscal year beginning July 1, 1992, and ending
 42 June 30, 1993, the following amounts, or so much

43 thereof as is necessary, to be used for the purposes
 44 designated including the filing of quarterly reports
 45 as required in the section:
 46 1. ADMINISTRATION
 47 For salaries, support, maintenance, and
 48 miscellaneous purposes for the director's staff,
 49 office services, data-word processing, and employment
 50 law and labor relations, and for not more than the

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1 following full-time equivalent positions:
 2 \$ 1,216,647
 3 FTEs 33.25

4 2. FIELD SERVICES

5 For salaries for the personnel services and for not
 6 more than the following full-time equivalent
 7 positions:
 8 \$ 648,823
 9 FTEs 27.00

10 3. PROGRAM MANAGEMENT

11 a. For salaries for employment and training, and
 12 for not more than the following full-time equivalent
 13 positions:
 14 \$ 595,602
 15 FTEs 24.00

16 b. For salaries for compensation and benefits and
 17 for the administration of the workers' compensation
 18 fund and for not more than the following full-time
 19 equivalent positions:
 20 \$ 772,262
 21 FTEs 25.00

22 Any funds received by the department for workers'
 23 compensation purposes other than the funds
 24 appropriated in paragraph "b" shall be used only for
 25 the payment of workers' compensation claims.
 26 The funds for support, maintenance, and
 27 miscellaneous purposes for personnel assigned to field
 28 operations under subsection 2 and program management
 29 under subsection 3 are payable from the appropriation
 30 made in subsection 1.

31 The department of personnel shall report quarterly
 32 to the chairpersons and ranking members of the joint
 33 administration appropriations subcommittee concerning
 34 the number of vacancies in existing full-time
 35 equivalent positions and the average time taken to
 36 fill the vacancies. The reports shall include
 37 quarterly and annual averages organized according to
 38 state agency and general occupational category as
 39 established by the federal equal employment

40 opportunity commission. All departments and agencies
41 of the state shall cooperate with the department in
42 the preparation of the reports.

43 Sec. 113. There is appropriated from the Iowa
44 public employees' retirement system fund to the
45 department of personnel for the fiscal year beginning
46 July 1, 1992, and ending June 30, 1993, the following
47 amounts, or so much thereof as is necessary, to be
48 used for the purposes designated:

49 1. For salaries, support, maintenance, and other
50 operational purposes to pay the costs of the Iowa

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1 public employees' retirement system:

2 \$ 3,279,418

3 It is the intent of the general assembly that the
4 Iowa public employees' retirement system employ
5 sufficient staff within the appropriation provided in
6 this section to meet the developing requirements of
7 the investment program.

8 2. For design, development, and implementation of
9 the data information system:

10 \$ 783,000

11 a. Notwithstanding section 8.33, funds
12 appropriated in this subsection that remain
13 unencumbered or unobligated on June 30, 1993, shall
14 not revert to the Iowa public employees' retirement
15 system fund but shall be available for expenditure in
16 subsequent years to complete the data information
17 system.

18 b. The department of personnel shall report on or
19 before January 1, 1993, and each six months thereafter
20 until the data information system is fully implemented
21 to the chairpersons and ranking members of the joint
22 administration appropriations subcommittee and to the
23 legislative fiscal bureau, on the progress made in
24 implementing the data information system. The report
25 shall include, but is not limited to, moneys spent and
26 encumbered, progress made relative to the scheduled
27 implementation, and benefits or anticipated benefits
28 of the system.

29 c. The department of personnel shall report to the
30 chairpersons and ranking members of the joint
31 administration appropriations subcommittee and to the
32 legislative fiscal bureau the results and
33 effectiveness of the wellness program pilot project
34 developed and tested by the department of personnel in
35 conjunction with the state department of
36 transportation. The department of personnel shall

37 submit the reports in June and December of each year
38 of the project's existence and shall submit a final
39 report upon completion of the project.

40 d. The department of personnel shall submit,
41 annually, a report to the chairpersons and ranking
42 members of the joint administration appropriations
43 subcommittee and to the legislative fiscal bureau
44 regarding the results of the state's top achievement
45 recognition program. The reports submitted shall
46 include, but are not limited to, identification of the
47 recipients, a description of the meritorious
48 achievements, and the awards conferred.

49 Sec. 114. There is appropriated from the primary
50 road fund to the department of personnel for the

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1 fiscal year beginning July 1, 1992, and ending June
2 30, 1993, the following amount, or so much thereof as
3 is necessary, to be used for the purposes designated:

4 For salaries, support, maintenance, and
5 miscellaneous purposes to provide personnel services
6 for the state department of transportation:

7 \$ 275,346

8 Sec. 115. There is appropriated from the road use
9 tax fund to the department of personnel for the fiscal
10 year beginning July 1, 1992, and ending June 30, 1993,
11 the following amount, or so much thereof as is
12 necessary, to be used for the purposes designated:

13 For salaries, support, maintenance, and
14 miscellaneous purposes to provide personnel services
15 for the state department of transportation:

16 \$ 44,824

17 Sec. 116. There is appropriated from the general
18 fund of the state to the department of revenue and
19 finance for the fiscal year beginning July 1, 1992,
20 and ending June 30, 1993, the following amounts, or so
21 much thereof as is necessary, to be used for the
22 purposes designated, and for not more than the
23 following full-time equivalent positions used for the
24 purposes designated in subsections 1 through 6:

25 FTEs 643.75

26 1. ADMINISTRATION

27 For salaries, support, maintenance, and
28 miscellaneous purposes:

29 \$ 884,454

30 2. AUDIT AND COMPLIANCE

31 For salaries, support, maintenance, and
32 miscellaneous purposes:

33 \$ 9,154,960

34	3. FINANCIAL MANAGEMENT	
35	For salaries, support, maintenance, and	
36	miscellaneous purposes:	
37	.....	\$ 6,568,037
38	4. INFORMATION AND MANAGEMENT SYSTEMS	
39	For salaries, support, maintenance, and	
40	miscellaneous purposes:	
41	.....	\$ 1,716,823
42	5. LOCAL GOVERNMENT SERVICES	
43	For salaries, support, maintenance, and	
44	miscellaneous purposes:	
45	.....	\$ 1,224,490
46	6. TECHNICAL SERVICES	
47	For salaries, support, maintenance, and	
48	miscellaneous purposes:	
49	\$ 2,295,334
50	7. INSURANCE PREMIUMS	

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1	For payments of medical, dental, and life insurance	
2	premiums as required in section 79.23:	
3	.....	\$ 460,000
4	8. SECURITY DEPOSITS	
5	For payments of refunds on security deposits as	
6	required in section 422.52:	
7	.....	\$ 600,000
8	9. RECORDING FEES	
9	For payment of recording fees pursuant to section	
10	422.26:	
11	.....	\$ 48,375
12	10. a. The department of revenue and finance	
13	shall not change the appropriations for the purposes	
14	designated in subsections 1 through 8 from the amounts	
15	appropriated in those subsections unless notice of the	
16	revisions is given prior to their effective date to	
17	the legislative fiscal bureau. The notice shall	
18	include information on the department's rationale for	
19	making the changes.	
20	b. The director shall report annually to the	
21	legislative fiscal committee, the legislative fiscal	
22	bureau, and the chairpersons and ranking members of	
23	the joint administration appropriations subcommittee	
24	concerning the effectiveness of the tax audits and	
25	investigations conducted, the moneys expended, the tax	
26	obligations established, and taxes collected as a	
27	result of the tax collection and enforcement efforts	
28	of the department.	
29	c. The department of revenue and finance shall	
30	report quarterly to the legislative fiscal bureau	

31 concerning progress in the implementation of generally
 32 accepted accounting principles, including
 33 determination of reporting entities, fund
 34 classifications, modification of the Iowa financial
 35 accounting system, progress on preparing a
 36 comprehensive annual financial report, and the most
 37 current estimate of the general fund balance based on
 38 current generally accepted accounting principles.

39 Sec. 117. There is appropriated from the lottery
 40 fund to the department of revenue and finance for the
 41 fiscal year beginning July 1, 1992, and ending June
 42 30, 1993, the following amount, or so much thereof as
 43 is necessary, to be used for the purposes designated:

44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:

47 \$ 7,217,285
 48 FTEs 138.55

49 Sec. 118. There is appropriated from the motor
 50 vehicle fuel tax fund created by section 324.77 to the

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1 department of revenue and finance for the fiscal year
 2 beginning July 1, 1992, and ending June 30, 1993, the
 3 following amount, or so much thereof as is necessary,
 4 to be used for the purposes designated:

5 For salaries, support, maintenance, and
 6 miscellaneous purposes for administration and
 7 enforcement of the provisions of chapter 324 and the
 8 motor vehicle use tax program:

9 \$ 1,283,202

10 Sec. 119. There is appropriated from the general
 11 fund of the state to the department of revenue and
 12 finance for the fiscal year beginning July 1, 1992,
 13 and ending June 30, 1993, the following amount, or so
 14 much thereof as is necessary, for the following
 15 purpose only if Monroe county is not reimbursed for
 16 the machinery and computer equipment tax replacement
 17 with money appropriated pursuant to section 427B.13:

18 To reimburse, under section 427B.12, the taxing
 19 districts of Monroe county for machinery and computer
 20 equipment tax replacement pursuant to sections 427B.10
 21 through 427B.12 and 427B.14:

22 \$ 470,000

23 If a state agency, other than the department of
 24 revenue and finance, has outstanding accounts
 25 receivable over six months which are delinquent, the
 26 state agency shall issue a request for proposal to
 27 private collection agencies to collect the outstanding

28 delinquent accounts receivable. State agencies shall
29 report to the department of revenue and finance by
30 January 1, 1993, on the costs and returns associated
31 with this section.

32 Sec. 120. There is appropriated from the general
33 fund of the state to the office of the secretary of
34 state for the fiscal year beginning July 1, 1992, and
35 ending June 30, 1993, the following amounts, or so
36 much thereof as is necessary, to be used for the
37 purposes designated:

38 1. ADMINISTRATION AND ELECTIONS

39 For salaries, support, maintenance, relocation of
40 office facilities outside of the state capitol
41 building, miscellaneous purposes, including funds to
42 match federal grants, for areawide arts and cultural
43 service organizations which meet the requirements of
44 chapter 303C, for the administration of the state data
45 center, the arts and historical divisions, and
46 community cultural grants, for planning and
47 programming for the community cultural grants program
48 under section 303.3, and for not more than the
49 following full-time equivalent positions:

50 \$ 4,213,083

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1 FTEs 86.50

2 Of the funds appropriated in this subsection, the
3 secretary shall allocate \$10,000 for operating and
4 maintenance costs of the Plum Grove residence of
5 former Governor Lucas.

6 2. BUSINESS SERVICES

7 For salaries, support, maintenance, miscellaneous
8 purposes, and for not more than the following full-
9 time equivalent positions:

10 \$ 1,434,518

11 FTEs 40.00

12 Sec. 121. There is appropriated from the general
13 fund of the state to the office of state-federal
14 relations for the fiscal year beginning July 1, 1992,
15 and ending June 30, 1993, the following amount, or so
16 much thereof as is necessary, to be used for the
17 purposes designated:

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent positions:

21 \$ 200,768

22 FTEs 2.83

23 Sec. 122. There is appropriated from the general
24 fund of the state to the office of treasurer of state

25 for the fiscal year beginning July 1, 1992, and ending
26 June 30, 1993, the following amount, or so much
27 thereof as is necessary, to be used for the purposes
28 designated:

29 For salaries, support, maintenance, relocation of
30 office facilities outside of the state capitol
31 building, miscellaneous purposes, and for not more
32 than the following full-time equivalent positions:

33	\$	705,300
34	FTEs	28.80

35 The office of treasurer of state shall supply
36 clerical and secretarial support for the executive
37 council.

38 Sec. 123. STATE CAPITOL OFFICES VACATED. The
39 auditor of state, secretary of state, and treasurer of
40 state, and their staff shall vacate their respective
41 office facilities in the state capitol building on or
42 before December 1, 1992, so as to provide more
43 effective and efficient management and operation of
44 state government. The auditor of state, secretary of
45 state, and treasurer of state shall cooperate with the
46 legislative council pursuant to section 2.43 and the
47 director of the department of general services in
48 relocating their respective offices to other buildings
49 within the state capitol complex as provided in
50 section 18.12, subsection 9. The legislative council

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1 may authorize the use of formal personal office
2 facilities in the state capitol building by the
3 auditor of state, secretary of state, and treasurer of
4 state.

5 Sec. 124. IOWA SPECIAL OLYMPICS FUND. There is
6 appropriated from the general fund of the state to the
7 Iowa special olympics fund for the fiscal year
8 beginning July 1, 1992, and ending June 30, 1993, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:

11 For the Iowa special olympics fund established in
12 the office of the treasurer of state:

13	\$	4,837
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14 The moneys in the Iowa special olympics fund shall
15 be expended at the request of the honorary chairperson
16 of the Iowa special olympics.

17 Sec. 125. Notwithstanding the standing
18 appropriation in section 307.45, and 1991 Iowa Acts,
19 chapter 267, section 507, there is appropriated from
20 the general fund of the state to the city of
21 Guttenberg for the fiscal year beginning July 1, 1991,

22 and ending June 30, 1992, to pay the cost of a public
23 improvement assessment against the state-owned land
24 the following amount:

25 \$ 37,911

26 Sec. 126. Notwithstanding section 8.55, the moneys
27 in the Iowa economic emergency fund are transferred to
28 the general fund of the state if necessary to avoid a
29 deficit in the general fund of the state and to defray
30 expenses at the conclusion of the fiscal year
31 beginning July 1, 1992, and ending June 30, 1993.

32 Sec. 127. IMPLEMENTATION OF FUNDING REDUCTIONS --
33 INTENT OF GENERAL ASSEMBLY. It is the intent of the
34 general assembly that the departments, agencies, and
35 offices of the executive department of state
36 government shall implement funding reductions through
37 organizational changes which reduce supervisory
38 positions, vertically and horizontally, and increase
39 the span of control of the remaining supervisors as
40 recommended by the governor's committee on government
41 spending reform.

42 The reductions of the department of general
43 services shall not be achieved by discontinuing the
44 computer mainframe upgrades which began in the fiscal
45 year 1992.

46 Sec. 128. NEW SECTION. 9.8 ARTS DIVISION,
47 HISTORICAL DIVISION, COMMUNITY CULTURAL GRANTS, STATE
48 DATA CENTER, HISTORICAL PRESERVATION DISTRICTS, AND
49 ARTS AND CULTURAL ENHANCEMENT ENDOWMENT.

50 Notwithstanding sections 7E.5, 7G.1, 10A.202,

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1 12.52, 15.108, 15.272, 18.97, 18.98, 19A.3, 103A.45,
2 108B.2, 111E.2, 111F.2, 111F.3, 218.22, 246.601,
3 303.1, 303.1A, 303.2, 303.3, 303.4 through 303.34,
4 303.86 through 303.90, chapter 303C, sections 304.3,
5 304.10, 304A.9, 304A.21, 305B.8, 305B.11, 306D.2,
6 321.252, 427.16, 455A.19, 470.5, and any provisions to
7 the contrary, the office of secretary of state shall
8 perform the duties and exercise the authority
9 delegated to the department of cultural affairs, and
10 its director, for purposes of administering the arts
11 division, the historical division, community cultural
12 grants, the state data center, the historical
13 preservation districts, and the arts and cultural
14 enhancement endowment.

15 Sec. 129. Section 19A.32, Code 1991, is amended to
16 read as follows:

17 19A.32 WORKERS' COMPENSATION CLAIMS.
18 The director of the department of personnel shall

19 employ appropriate staff to handle and adjust claims
20 of state employees for workers' compensation benefits
21 pursuant to chapters 85, 85A, 85B, and 86, or with the
22 approval of the executive council contract for the
23 services or purchase workers' compensation insurance
24 coverage for state employees or selected groups of
25 state employees. The director shall quarterly
26 determine an appropriate amount, based upon the cost
27 of workers' compensation insurance, that shall be
28 collected from the agencies, departments, or divisions
29 which have not received an appropriation for the
30 payment of workers' compensation insurance and which
31 operate from moneys other than from the general fund;
32 and the amounts collected shall be deposited in the
33 general fund. A state employee workers' compensation
34 fund is established to pay state employee workers'
35 compensation claims. The department shall establish a
36 rating formula and assess premiums to all agencies,
37 departments, and divisions of the state including
38 those which have not received an appropriation for the
39 payment of workers' compensation insurance and which
40 operate from moneys other than from the general fund
41 of the state. The department shall collect the
42 premiums and deposit them into the state employee
43 workers' compensation fund. Notwithstanding section
44 8.33, moneys deposited in the state employee workers'
45 compensation fund shall not revert to the general fund
46 of the state at the end of any fiscal year but shall
47 remain in the state employee workers' compensation
48 fund and be continuously available to pay state
49 employee workers' compensation claims. The director
50 of revenue and finance is authorized and directed to

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1 draw warrants on this fund for the payment of state
2 employee workers' compensation claims.
3 Sec. 130. STATE EMPLOYEE WORKERS' COMPENSATION
4 CLAIMS -- REPEAL. Sections 85.57 and 85.58, Code
5 1991, are repealed.
6 Sec. 131. STATE WORKERS' COMPENSATION CLAIMS.
7 There is appropriated from the general fund of the
8 state to the department of personnel for the fiscal
9 year beginning July 1, 1992, and ending June 30, 1993,
10 the following amount, or so much thereof as is
11 necessary, to be used for the purpose designated:
12 For distribution, subject to approval of the
13 department of management, to various state departments
14 to fund the premiums for paying workers' compensation
15 claims which are assessed to and collected from the

16 state department by the department of personnel based
17 upon a rating formula established by the department of
18 personnel:

19 \$ 6,325,000

20 The premiums collected by the department of
21 personnel shall be segregated into a separate workers'
22 compensation fund in the state treasury to be used for
23 payment of state employees' workers' compensation
24 claims. Notwithstanding section 8.33, unencumbered or
25 unobligated moneys remaining in this workers'
26 compensation fund shall not revert.

27 Sec. 132. Section 421.17, Code Supplement 1991, is
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 34. a. To establish, administer
30 and make available a centralized debt collection
31 capability and procedure for the use by any state
32 agency as defined in subsection 29 to collect
33 delinquent accounts, charges, fees, loans, or other
34 indebtedness due the state. The department's
35 collection facilities shall only be available for use
36 by other state agencies for their discretionary use
37 when resources are available to the director and
38 subject to the director's determination that use of
39 the procedure is feasible. The director shall
40 prescribe the appropriate form and manner in which
41 this information is to be submitted to the office of
42 the department. The obligations or indebtedness must
43 be delinquent and not subject to litigation, claim,
44 appeal, or review pursuant to the appropriate remedies
45 of each state agency.

46 b. The director shall establish, as provided in
47 this section, a centralized computer data bank to
48 compile the information provided and shall establish
49 in the centralized data bank all information provided
50 from all sources within the state concerning

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1 addresses, financial records, and other information
2 useful in assisting the department in collection
3 services.

4 c. The director shall establish a formal debt
5 collection policy for use by state agencies which have
6 not established their own policy. Other state
7 agencies may use the collection facilities of the
8 department pursuant to formal agreement with the
9 department. The agreement shall provide that the
10 information provided to the department shall be
11 sufficient to establish the obligation in a court of
12 law and to render it as a legal judgment on behalf of

13 the state. After transferring the file to the
14 department for collection, an individual state agency
15 shall terminate all collection procedures and be
16 available to provide assistance to the department.
17 Upon receipt of the file, the department shall assume
18 all liability for its actions without recourse to the
19 agency, and shall comply with all applicable state and
20 federal laws governing collection of the debt. The
21 department has the powers granted in section 421.17
22 regarding setoff from income tax refunds or other
23 accounts payable by the state for any of the
24 obligations transferred by state agencies.

25 d. The department's existing right to credit
26 against tax due shall not be impaired by any right
27 granted to, or duty imposed upon, the department or
28 other state agency by this section.

29 e. All state agencies shall be given access, at
30 the discretion of the director, to the centralized
31 computer data bank and may deny any license or renewal
32 authorized by the laws of this state to any person who
33 has defaulted on an obligation owing to the state.

34 The confidentiality provisions of sections 422.20 and
35 422.72 do not apply to tax information contained in
36 the centralized computer data bank. State agencies
37 shall endeavor to obtain the applicant's social
38 security or federal tax identification number, or
39 state driver's license number from all applicants.

40 f. At the director's discretion, the department
41 may accept payment of debts, interest, and fees, or
42 any portion by credit card. The director may adjust
43 the payable amount to reflect the costs of processing
44 the payment as determined by the treasurer of state
45 and the payment by credit card shall include, in
46 addition to all other charges, any discount charge by
47 the credit card issuer.

48 g. The director shall adopt administrative rules
49 to implement this section, including, but not limited
50 to, rules necessary to prevent conflict with federal

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1 laws and regulations or the loss of federal funds, to
2 establish procedures necessary to guarantee due
3 process of law, and to provide for reimbursement of
4 the department by other state agencies for the
5 department's costs related to debt collection.

6 h. The director shall report quarterly to the
7 legislative fiscal committee, the legislative fiscal
8 bureau, and the chairpersons and ranking members of
9 the joint administration appropriations subcommittee

10 concerning the implementation of the centralized debt
11 collection program, the number of departmental
12 collection programs initiated, the amount of debts
13 collected, and an estimate of future costs and
14 benefits which may be associated with the collection
15 program. It is the intent of the general assembly
16 that the centralized debt collection program will
17 result in the collection of at least two dollars of
18 indebtedness for every dollar expended in
19 administering the collection program during a fiscal
20 year. It is also the intent of the general assembly
21 that the centralized debt collection program be
22 administered without the anticipation of future
23 additional commitments of computer equipment and
24 personnel.

25 Sec. 133. Section 556.13, Code 1991, is amended to
26 read as follows:

27 556.13 PAYMENT OR DELIVERY OF ABANDONED PROPERTY.

28 Every person who has filed a report under section
29 556.11 shall, within twenty days after the time
30 specified in section 556.12 for claiming the property
31 from the holder, or at the time of filing the report
32 in the discretion of the holder, or in the case of
33 sums payable on traveler's checks or money orders
34 presumed abandoned under section 556.2, or property
35 for which the holder is not required to report the
36 name of the owner, ~~shall, at the time of filing the~~
37 ~~report,~~ pay or deliver to the treasurer of state all
38 abandoned property specified in this report, except
39 that, if the owner establishes the owner's right to
40 receive the abandoned property to the satisfaction of
41 the holder within the time specified in section
42 556.12, or if it appears that for some other reason
43 the presumption of abandonment is erroneous, the
44 holder need not pay or deliver the property, which
45 will no longer be presumed abandoned, to the treasurer
46 of state, but in lieu thereof shall file a verified
47 written explanation of the proof of claim or of the
48 error in the presumption of abandonment.

49 Sec. 134. Section 125 of this Act, being deemed of
50 immediate importance, takes effect upon enactment."

LEONARD L. BOSWELL
JOHN A. PETERSON

S-5911

1 Amend Senate File 2376 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION II

5 Sec. 201. DEPARTMENT FOR THE BLIND. There is
6 appropriated from the general fund of the state to the
7 department for the blind for the fiscal year beginning
8 July 1, 1992, and ending June 30, 1993, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purposes designated:

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-
13 time equivalent positions:

14 \$ 1,344,555
15 FTEs 99.50

16 Sec. 202. CIVIL RIGHTS COMMISSION. There is
17 appropriated from the general fund of the state to the
18 Iowa state civil rights commission for the fiscal year
19 beginning July 1, 1992 and ending June 30, 1993, the
20 following amount, or so much thereof as is necessary,
21 to be used for the purposes designated:

22 For salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-
24 time equivalent positions:

25 \$ 1,015,791
26 FTEs 31.00

27 Sec. 203. DEPARTMENT OF ELDER AFFAIRS. There is
28 appropriated from the general fund of the state to the
29 department of elder affairs for the fiscal year
30 beginning July 1, 1992, and ending June 30, 1993, the
31 following amounts, or so much thereof as is necessary,
32 to be used for the purposes designated:

33 1. For salaries, support, maintenance,
34 miscellaneous purposes, and for not more than the
35 following full-time equivalent positions:

36 \$ 370,554
37 FTEs 29.00

38 2. For the administration of area agencies on
39 aging:

40 \$ 151,654

41 3. For elderly services programs:

42 \$ 1,412,241

43 All funds appropriated under this subsection shall
44 be received and disbursed by the director of elder
45 affairs for the elderly services program, shall not be
46 used for administrative purposes, and shall be used
47 for citizens of Iowa over 60 years of age for chore,
48 telephone reassurance, adult day care, respite care,
49 case management for the frail elderly, and home repair
50 services, including the winterizing of homes, and for

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1 the construction of entrance ramps which meet the
2 requirements of section 104A.4 and make residences
3 accessible to the physically handicapped. Funds
4 appropriated in this subsection may be used to
5 supplement federal funds under federal regulations.
6 Funds appropriated in this subsection may be used for
7 elderly services not specifically enumerated in this
8 subsection only if approved by an area agency on aging
9 for provision of the service within the area.

10 4. For the retired Iowans community employment
11 program:

12 \$ 119,969

13 5. For the Alzheimer's disease support program:

14 \$ 68,933

15 6. For retired senior volunteer program projects:

16 \$ 67,094

17 7. For the long-term care residents' advocate and
18 the care review committees at the local area agency on
19 aging level:

20 \$ 80,000

21 To receive funds appropriated in this subsection, a
22 local area agency on aging shall match the funds with
23 funds from other sources on a \$4 to \$1 basis.

24 Sec. 204. DEPARTMENT OF PUBLIC HEALTH. There is
25 appropriated from the general fund of the state to the
26 Iowa department of public health for the fiscal year
27 beginning July 1, 1992, and ending June 30, 1993, the
28 following amounts, or so much thereof as is necessary,
29 to be used for the purposes designated:

30 1. a. ADMINISTRATION AND SUPPORT DIVISION

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-
33 time equivalent positions:

34 \$ 1,495,217

35 FTEs 55.50

36 Of the funds appropriated in this subsection,
37 \$730,051 shall be used for the chronic renal disease
38 program. The types of assistance available to
39 eligible recipients under the program may include
40 hospital and medical expenses, home dialysis supplies,
41 insurance premiums, travel expenses, prescription and
42 nonprescription drugs, and lodging expenses for
43 persons in training. The program expenditures shall
44 not exceed this allocation. If projected expenditures
45 will exceed the allocation, the department shall
46 establish by administrative rule a mechanism to reduce
47 financial assistance under the renal disease program
48 in order to keep expenditures within the allocations.

49 b. PROFESSIONAL LICENSURE

50 For salaries, support, maintenance, miscellaneous

Page 3

1 purposes, and for not more than the following full-
 2 time equivalent positions:
 3 \$ 540,757
 4 FTEs 11.50

5 c. LOCAL HEALTH

6 (1) For salaries, support, maintenance, and
 7 miscellaneous purposes:
 8 \$ 688,226
 9 FTEs 14.00

10 (2) Of the funds appropriated in this paragraph,
 11 \$67,721 is allocated for the office of rural health.

12 (3) Of the funds appropriated in this paragraph,
 13 \$96,750 is allocated to provide technical assistance
 14 to rural areas in the area of health care delivery,
 15 including technical assistance in the recruitment of
 16 physicians and health care professionals.

17 (4) Of the funds appropriated in this paragraph,
 18 \$523,755 shall be used for the training of emergency
 19 medical services (EMS) personnel at the state, county,
 20 and local levels.

21 If a person in the course of responding to an
 22 emergency renders aid to an injured person and becomes
 23 exposed to bodily fluids of the injured person, that
 24 emergency responder shall be entitled to hepatitis
 25 testing and immunization in accordance with the latest
 26 available medical technology to determine if infection
 27 with hepatitis has occurred. The person shall be
 28 entitled to reimbursement from the EMS funds available
 29 under this subsection only if the reimbursement is not
 30 available through any employer or third-party payor.

31 d. HEALTH POLICY AND PLANNING

32 For salaries, support, maintenance, miscellaneous
 33 purposes, and for not more than the following full-
 34 time equivalent positions:

35 \$ 425,294
 36 FTEs 10.75

37 e. HEALTH DATA CLEARINGHOUSE. For the health data
38 clearinghouse of the health data commission:

39 \$ 274,750

40 The funds appropriated under this paragraph shall
 41 be used for the collection, verification, updating,
 42 and storage of data, including long-term care data,
 43 received pursuant to chapters 145 and 255A, and for
 44 the production of mandated reports. The health data
 45 commission shall establish a fee schedule, in

46 consultation with its consultant, for the costs of
47 providing data to organizations which request the
48 data. The fee established shall be based upon the
49 marginal cost and a portion of the fixed cost of
50 providing the data.

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1 Notwithstanding section 145.3, subsection 5, the
2 health data commission may contract to purchase a tape
3 from the Iowa hospital association containing data
4 from all in-patient admissions to Iowa hospitals. The
5 health data commission shall specify the data to be
6 contained on the tape to ensure the utility of the
7 tape for the production of health data commission
8 reports.

9 2. HEALTH PROTECTION DIVISION

10 a. For salaries, support, maintenance,
11 miscellaneous purposes, and for not more than the
12 following full-time equivalent positions:

13	\$ 2,036,230
14	FTEs 76.50

15 b. Of the funds appropriated in this subsection,
16 \$72,750 shall be used for chlamydia testing.

17 c. Of the funds appropriated in this subsection,
18 \$15,000 is allocated to support the surveillance and
19 reporting of disabilities suffered by persons engaged
20 in agriculture resulting from diseases or injuries,
21 including identifying the amount and severity of
22 agriculture-related injuries and diseases in the
23 state, identifying causal factors associated with
24 agriculture-related injuries and diseases, and
25 evaluating the effectiveness of intervention programs
26 designed to reduce injuries and diseases. The
27 department shall cooperate with the department of
28 agriculture and land stewardship, Iowa state
29 university of science and technology, and the college
30 of medicine at the state university of Iowa in
31 accomplishing these duties.

32 d. Of the funds appropriated in this subsection,
33 \$74,497 shall be used for the lead abatement program.

34 e. The state university of Iowa hospitals and
35 clinics shall not receive indirect costs from the
36 funds appropriated under this subsection.

37 f. The department shall maintain a brain and
38 spinal cord injuries registry.

39 3. SUBSTANCE ABUSE DIVISION

40 a. For salaries, support, maintenance,
41 miscellaneous purposes, and for not more than the
42 following full-time equivalent positions:

43 \$ 392,614
 44 FTEs 19.00
 45 b. For program grants:
 46 \$ 7,704,389
 47 4. FAMILY AND COMMUNITY HEALTH 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 \$ 3,120,870
 2 FTEs 81.00
 3 (1) Of the funds appropriated in this lettered
 4 paragraph at least \$563,694 shall be allocated for the
 5 birth defects and genetics counseling program and of
 6 these funds, \$273,773 shall be allocated for regional
 7 genetic counseling services contracted from the state
 8 university of Iowa hospitals and clinics under the
 9 control of the state board of regents.
 10 (2) Of the funds appropriated in this lettered
 11 paragraph, the following amounts shall be allocated to
 12 the state university of Iowa hospitals and clinics
 13 under the control of the state board of regents for
 14 the following programs under the Iowa specialized
 15 child health care services:
 16 (a) Mobile and regional child health specialty
 17 clinics:
 18 \$ 392,931
 19 The regional clinic located in Sioux City shall
 20 maintain a social worker component to assist the
 21 families of children participating in the clinic
 22 program.
 23 (b) Muscular dystrophy and related genetic disease
 24 programs:
 25 \$ 115,613
 26 (c) Statewide perinatal program:
 27 \$ 61,693
 28 (3) The birth defects and genetic counseling
 29 service shall apply a sliding fee scale to determine
 30 the amount a person receiving the services is required
 31 to pay for the services. These fees shall be
 32 considered repayment receipts and used for the
 33 program.
 34 (4) Of the funds allocated to the mobile and
 35 regional child health specialty clinics in
 36 subparagraph (2), subparagraph subdivision (a),
 37 \$97,937 shall be used for a specialized medical home
 38 care program providing care planning and coordination
 39 of community support services for children who require

40 technical medical care in the home.
 41 (5) The state university of Iowa hospitals and
 42 clinics shall not receive indirect costs from the
 43 funds for each program.
 44 (6) Of the funds appropriated in this lettered
 45 paragraph, \$1,279,422 shall be used for maternal and
 46 child health services.
 47 (7) The Iowa department of public health shall
 48 administer the statewide maternal and child health
 49 program and the crippled children's program by
 50 conducting mobile and regional child health specialty

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1 clinics and conducting other activities to improve the
 2 health of low-income women and children and to promote
 3 the welfare of children with actual or potential
 4 handicapping conditions and chronic illnesses in
 5 accordance with the requirements of Title V of the
 6 Social Security Act.

7 (8) The department shall track the appropriation
 8 made in this paragraph in accordance with the program
 9 performance-based budgeting method.

10 (9) The department shall work with the department
 11 of elder affairs to realize the "Healthy Iowans 2000"
 12 goal of providing nutrition screening to 90 percent of
 13 the elderly persons participating in well-elderly
 14 screening clinics, congregate meal programs, and
 15 homemaker-home health aide programs, and shall submit
 16 a progress report to the general assembly by January
 17 1, 1993, regarding the number of personnel trained and
 18 the number of persons served.

19 (10) The department shall continue efforts to
 20 realize the "Healthy Iowans 2000" goal of the
 21 involvement of 50 counties in the Iowa community
 22 nutrition coalition by January 1, 1993, and shall
 23 submit a progress report to the general assembly by
 24 January 1, 1993.

25 b. Sudden infant death syndrome autopsies:
 26 For reimbursing counties for expenses resulting
 27 from autopsies of suspected victims of sudden infant
 28 death syndrome required under section 331.802,
 29 subsection 3, paragraph "j":
 30 \$ 9,675

31 c. For grants to local boards of health for the
 32 public health nursing program:
 33 \$ 2,361,291

34 (1) Funds appropriated in this lettered paragraph
 35 shall be used to maintain and expand the existing
 36 public health nursing program for elderly and low-

37 income persons with the objective of preventing or
38 reducing inappropriate institutionalization. The
39 funds shall not be used for any other purpose. As
40 used in this lettered paragraph, "elderly person"
41 means a person who is 60 years of age or older and
42 "low-income person" means a person whose income and
43 resources are below the guidelines established by the
44 department.

45 (2) One-fourth of the total amount to be allocated
46 shall be divided so that an equal amount is available
47 for use in each county in the state. Three-fourths of
48 the total amount to be allocated shall be divided so
49 that the share available for use in each county is
50 proportionate to the number of elderly and low-income

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1 persons living in that county in relation to the total
2 number of elderly and low-income persons living in the
3 state.

4 (3) In order to receive allocations under this
5 lettered paragraph, the local board of health having
6 jurisdiction shall prepare a proposal for the use of
7 the allocated funds available for that jurisdiction
8 that will provide the maximum benefits of expanded
9 public health nursing care to elderly and low-income
10 persons in the jurisdiction. After approval of the
11 proposal by the department, the department shall enter
12 into a contract with the local board of health. The
13 local board of health shall subcontract with a
14 nonprofit nurses' association, an independent
15 nonprofit agency, or a suitable local governmental
16 body to use the allocated funds to provide public
17 health nursing care. Local boards of health shall
18 make an effort to prevent duplication of services.

19 (4) If by July 30 of the fiscal year, the
20 department is unable to conclude contracts for use of
21 the allocated funds in a county, the department shall
22 consider the unused funds appropriated under this
23 lettered paragraph an unallocated pool. If the
24 unallocated pool is \$50,000 or more it shall be
25 reallocated to the counties in substantially the same
26 manner as the original allocations. The reallocated
27 funds are available for use in those counties during
28 the period beginning January 1 and ending June 30 of
29 the fiscal year. If the unallocated pool is less than
30 \$50,000, the department may allocate it to counties
31 with demonstrated special needs for public health
32 nursing.

33 (5) The department shall maintain rules governing

34 the expenditure of funds appropriated by this lettered
35 paragraph. The rules require each local agency
36 receiving funds to establish and use a sliding fee
37 scale for those persons able to pay for all or a
38 portion of the cost of the care.

39 (6) The department shall annually evaluate the
40 success of the public health nursing program. The
41 evaluation shall include the extent to which the
42 program reduced or prevented inappropriate
43 institutionalization, the extent to which the program
44 increased the availability of public health nursing
45 care to elderly and low-income persons, and the extent
46 of public health nursing care provided to elderly and
47 low-income persons. The department shall submit a
48 report of each annual evaluation to the governor and
49 the general assembly.

50 d. For grants to county boards of supervisors for

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1 the homemaker-home health aide program:
2 \$ 8,071,276

3 Funds appropriated in this lettered paragraph shall
4 be used to provide homemaker-home health aide services
5 with emphasis on services to elderly and persons below
6 the poverty level and children and adults in need of
7 protective services with the objective of preventing
8 or reducing inappropriate institutionalization. In
9 addition, up to 15 percent of the funds appropriated
10 in this lettered paragraph may be used to provide
11 chore services. The funds shall not be used for any
12 other purposes. In providing services to elderly
13 persons, the service provider shall coordinate efforts
14 with the integrated case management for frail elderly
15 program of the department of elder affairs. As used
16 in this lettered paragraph:

17 (1) "Chore services" means services provided to
18 individuals or families, who, due to incapacity, or
19 illness, are unable to perform certain home
20 maintenance functions. The services include but are
21 not limited to yard work such as mowing lawns, raking
22 leaves, and shoveling walks; window and door
23 maintenance such as hanging screen windows and doors,
24 replacing windowpanes, and washing windows; and minor
25 repairs to walls, floors, stairs, railings, and
26 handles. It also includes heavy house cleaning which
27 includes cleaning attics or basements to remove fire
28 hazards, moving heavy furniture, extensive wall
29 washing, floor care or painting, and trash removal.

30 (2) "Elderly person" means a person who is 60

31 years of age or older.

32 (3) "Homemaker-home health aide services" means
33 services intended to enhance the capacity of household
34 members to attain or maintain the independence of the
35 household members and provided by trained and
36 supervised workers to individuals or families, who,
37 due to the absence, incapacity, or limitations of the
38 usual homemaker, are experiencing stress or crisis.
39 The services include but are not limited to essential
40 shopping, housekeeping, meal preparation, child care,
41 respite care, money management and consumer education,
42 family management, personal services, transportation
43 and providing information, assistance, and household
44 management.

45 (4) "Low-income person" means a person whose
46 income and resources are below the guidelines
47 established by the department.

48 (5) "Protective services" means those homemaker-
49 home health aide services intended to stabilize a
50 child's or an adult's residential environment and

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1 relationships with relatives, caretakers, and other
2 persons or household members in order to alleviate a
3 situation involving abuse or neglect or to otherwise
4 protect the child or adult from a threat of abuse or
5 neglect.

6 The amount appropriated in this lettered paragraph
7 shall be allocated for use in the counties of the
8 state. Fifteen percent of the amount shall be divided
9 so that an equal amount is available for use in each
10 county in the state. The following percentages of the
11 remaining amount shall be allocated to each county
12 according to that county's proportion of residents
13 with the following demographic characteristics: 60
14 percent according to the number of elderly persons
15 living in the county, 20 percent according to the
16 number of persons below the poverty level living in
17 the county, and 20 percent according to the number of
18 substantiated cases of child abuse in the county
19 during the 3 most recent fiscal years for which data
20 is available.

21 In order to receive allocations in this lettered
22 paragraph, the county board of supervisors, after
23 consultation with the local boards of health, county
24 board of social welfare, area agency on aging advisory
25 council, local office of the department of human
26 services, and other in-home health care provider
27 agencies in the jurisdiction, shall prepare a proposal

28 for the use of the allocated funds available for that
29 jurisdiction that will provide the maximum benefits of
30 homemaker-home health aide services to elderly and
31 low-income persons and children and adults in need of
32 protective services in the jurisdiction. An agency
33 requesting service or financial information about a
34 current subcontractor shall provide similar
35 information concerning its own homemaker-home health
36 aide or chore services program to the current
37 subcontractor. The proposal may provide that a
38 maximum of 15 percent of the allocated funds will be
39 used to provide chore services. The proposal shall
40 include a statement assuring that children and adults
41 in need of protective services are given priority for
42 homemaker-home health aide services and that the
43 appropriate local agencies have participated in the
44 planning for the proposal. After approval of the
45 proposal by the department, the department shall enter
46 into a contract with the county board of supervisors
47 or a governmental body designated by the county board
48 of supervisors. The county board of supervisors or
49 its designee shall subcontract with a nonprofit
50 nurses' association, an independent nonprofit agency,

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1 the department of human services, or a suitable local
2 governmental body to use the allocated funds to
3 provide homemaker-home health aide services and chore
4 services providing that the subcontract requires any
5 service provided away from the home to be documented
6 in a report available for review by the department,
7 and that each homemaker-home health aide
8 subcontracting agency shall maintain the direct
9 service workers' time assigned to direct client
10 service at 70 percent or more of the workers' paid
11 time and that not more than 35 percent of the total
12 cost of the service be included in the combined costs
13 for service administration and agency administration.
14 The subcontract shall require that each homemaker-home
15 health aide subcontracting agency shall pay the
16 employer's contribution of Social Security and provide
17 workers' compensation coverage for persons providing
18 direct homemaker-home health aide service and meet any
19 other applicable legal requirements of an employer-
20 employee relationship.
21 If by July 30 of the fiscal year, the department is
22 unable to conclude contracts for use of the allocated
23 funds in a county, the department shall consider the
24 unused funds appropriated in this lettered paragraph

25 an unallocated pool. The department shall also
26 identify any allocated funds which the counties do not
27 anticipate spending during the fiscal year. If the
28 anticipated excess funds to any county are
29 substantial, the department and the county may agree
30 to return those excess funds, if the funds are other
31 than program revenues, to the department, and if
32 returned, the department shall consider the returned
33 funds a part of the unallocated pool. The department
34 shall, prior to February 15 of the fiscal year,
35 reallocate the funds in the unallocated pool among the
36 counties in which the department has concluded
37 contracts under this lettered paragraph. The
38 department shall also review the first 10 months'
39 expenditures for each county in May of the fiscal
40 year, to determine if any counties possess contracted
41 funds which they do not anticipate spending. If such
42 funds are identified and the county agrees to release
43 the funds, the released funds will be considered a new
44 reallocation pool. The department may, prior to June
45 1 of the fiscal year, reallocate funds from this new
46 reallocation pool to those counties which have
47 experienced a high utilization of protective service
48 hours for children and dependent adults.
49 The department shall maintain rules governing the
50 expenditure of funds appropriated in this lettered

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1 paragraph. The rules require each local agency
2 receiving funds to establish and use a sliding fee
3 scale for those persons able to pay for all or a
4 portion of the cost of the services and shall require
5 the payments to be applied to the cost of the
6 services. The department shall also maintain rules
7 for standards regarding training, supervision,
8 recordkeeping, appeals, program evaluation, cost
9 analysis, and financial audits, and rules specifying
10 reporting requirements.
11 The department shall annually evaluate the success
12 of the homemaker-home health aide program. The
13 evaluation shall include a description of the program
14 and its implementation, the extent of local
15 participation, the extent to which the program reduced
16 or prevented inappropriate institutionalization, the
17 extent to which the program provided or increased the
18 availability of homemaker-home health aide services to
19 elderly and low-income persons and children and adults
20 in need of protective services, any problems and
21 recommendations concerning the program, and an

22 analysis of the costs of services across the state.

23 The department shall submit a report of the annual
24 evaluation to the governor and the general assembly.

25 e. For the development and maintenance of well-
26 elderly clinics in the state:

27 \$ 547,287

28 Appropriations made in this lettered paragraph
29 shall be provided by a formula to well-elderly clinics
30 located in counties which provide funding on a
31 matching basis for the well-elderly clinics.

32 f. For the physician care for children program:

33 \$ 411,187

34 The physician services shall be subject to managed
35 care and selective contracting provisions and shall be
36 used to provide treatment of the children in a
37 physician's office and shall include coverage of
38 diagnostic procedures and prescription drugs required
39 for the treatment. Services provided under this
40 lettered paragraph shall be reimbursed according to
41 Title XIX reimbursement rates.

42 g. For primary and preventive health care for
43 children:

44 \$ 75,000

45 Funds appropriated in this lettered paragraph shall
46 be for the public purpose of providing a renewable
47 grant, following a request for proposals, to a
48 statewide charitable organization within the meaning
49 of section 501(c)(3) of the Internal Revenue Code
50 which was organized prior to April 1, 1989, and has as

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1 one of its purposes the sponsorship or support for
2 programs designed to improve the quality, awareness,
3 and availability of health care for the young, to
4 serve as the funding mechanism for the provision of
5 primary health care and preventive services to
6 children in the state who are uninsured and who are
7 not eligible under any public plan of health
8 insurance, provided all of the following conditions
9 are met:

10 The organization shall provide a match in advance
11 of each state dollar provided of four dollars for the
12 fiscal year beginning July 1, 1992.

13 (1) The organization coordinates services with new
14 or existing public programs and services provided by
15 or funded by appropriate state agencies in an effort
16 to avoid inappropriate duplication of services and
17 ensure access to care to the extent as is reasonably
18 possible. The organization shall work with the Iowa

19 department of public health, family and community
 20 health division, to ensure duplication is minimized.

21 (2) The organization's governing board includes in
 22 its membership representatives from the executive and
 23 legislative branches of state government.

24 (3) Grant funds are available as needed to provide
 25 services and shall not be used for administrative
 26 costs of the department or the grantee.

27 5. STATE BOARD OF DENTAL EXAMINERS

28 For salaries, support, maintenance, miscellaneous
 29 purposes, and for not more than the following full-
 30 time equivalent positions:

31	.....	\$	194,430
32	.....	FTEs	4.00

33 6. STATE BOARD OF MEDICAL EXAMINERS

34 For salaries, support, maintenance, miscellaneous
 35 purposes, and for not more than the following full-
 36 time equivalent positions:

37	.....	\$	823,307
38	.....	FTEs	18.00

39 7. STATE BOARD OF NURSING EXAMINERS

40 For salaries, support, maintenance, miscellaneous
 41 purposes, and for not more than the following full-
 42 time equivalent positions:

43	.....	\$	682,129
44	.....	FTEs	16.00

45 8. STATE BOARD OF PHARMACY EXAMINERS

46 For salaries, support, maintenance, miscellaneous
 47 purposes, and for not more than the following full-
 48 time equivalent positions:

49	\$	532,685
50	FTEs	11.75

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1 9. Professional licensure pursuant to subsection
 2 1, paragraph "b", and the professional practice boards
 3 pursuant to subsections 5 through 8 shall prepare
 4 estimates of projected receipts to be generated by the
 5 licensing, certification, and examination fees of each
 6 board as well as a projection of the fairly
 7 apportioned administrative costs and rental expenses
 8 attributable to each board. Each board shall annually
 9 review and adjust its schedule of fees so that, as
 10 nearly as possible, projected receipts equal projected
 11 costs.

12 Sec. 205. DEPARTMENT OF HUMAN RIGHTS. There is
 13 appropriated from the general fund of the state to the
 14 department of human rights for the fiscal year
 15 beginning July 1, 1992 and ending June 30, 1993, the

16 following amounts, or so much thereof as is necessary,
 17 to be used for the purposes designated:

18 **1. CENTRAL ADMINISTRATION DIVISION**

19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:

22 \$ 212,022
 23 FTEs 7.60

24 **2. COMMUNITY ACTION AGENCIES DIVISION**

25 For the expenses of the community action agencies
 26 commission:

27 \$ 3,526

28 **3. DEAF SERVICES DIVISION**

29 For salaries, support, maintenance, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:

32 \$ 260,934
 33 FTEs 8.00

34 The fees collected by the division for provision of
 35 interpretation services by the division to obligated
 36 agencies shall be disbursed pursuant to the provisions
 37 of section 8.32, and shall be dedicated and used by
 38 the division for the provision of continued and
 39 expanded interpretation services.

40 **4. PERSONS WITH DISABILITIES DIVISION**

41 For salaries, support, maintenance, miscellaneous
 42 purposes, and for not more than the following full-
 43 time equivalent positions:

44 \$ 127,016
 45 FTEs 3.00

46 **5. LATINO AFFAIRS DIVISION**

47 For salaries, support, maintenance, miscellaneous
 48 purposes, and for not more than the following full-
 49 time equivalent positions:

50 \$ 86,966

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1 FTEs 2.00

2 **6. STATUS OF WOMEN DIVISION**

3 For salaries, support, maintenance, miscellaneous
 4 purposes, and for not more than the following full-
 5 time equivalent positions:

6 \$ 333,166
 7 FTEs 4.00

8 Of the funds appropriated in this subsection, no
 9 less than \$125,775 shall be spent for the displaced
 10 homemaker program.

11 Of the funds appropriated in this subsection, no
 12 less than \$42,570 shall be spent for domestic violence

13 and sexual assault related grants.

14 7. STATUS OF AFRICAN-AMERICANS DIVISION

15 For salaries, support, maintenance, miscellaneous
16 purposes, and for not more than the following full-
17 time equivalent positions:

18	\$	76,027
19	FTEs	2.00

20 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

21 For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-
23 time equivalent positions:

24	\$	325,760
25	FTEs	9.75

26 a. The criminal and juvenile justice planning
27 advisory council and the juvenile justice advisory
28 council shall coordinate their efforts in carrying out
29 their respective duties relative to juvenile justice.

30 b. Of the funds appropriated in this subsection,
31 no less than \$36,300 shall be spent for expenses
32 relating to the administration of federal funds for
33 juvenile assistance. It is the intent of the general
34 assembly that the department of human rights employ
35 sufficient staff to meet the federal funding match
36 requirements established by the federal office for
37 juvenile justice delinquency prevention. The
38 governor's advisory council on juvenile justice shall
39 determine the staffing level necessary to carry out
40 federal and state mandates for juvenile justice.

41 Sec. 206. Section 135.22, subsection 1, Code 1991,
42 is amended to read as follows:

43 1. As used in this section, section 135.22A, and
44 section 225C.23, and section 601K.80, "brain injury"
45 means clinically evident brain damage or spinal cord
46 injury resulting directly or indirectly from trauma,
47 infection, anoxia, or vascular lesions not primarily
48 related to degenerative or aging processes, which
49 temporarily or permanently impairs a person's physical
50 or cognitive functions.

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1 Sec. 207. NEW SECTION. 135.22A ADVISORY COUNCIL
2 ON HEAD INJURIES.

3 1. For purposes of this section, unless the
4 context otherwise requires:

5 a. "Head injury" means "brain injury" as defined
6 in section 135.22.

7 b. "Council" means the advisory council on head
8 injuries.

9 2. The advisory council on head injuries is

10 established. The following persons or their designees
11 shall serve as ex officio, nonvoting members of the
12 council:
13 a. The director of public health.
14 b. The director of human services and any division
15 administrators of the department of human services so
16 assigned by the director.
17 c. The director of the department of education.
18 d. The chief of the special education bureau of
19 the department of education.
20 e. The administrator of the division of vocational
21 rehabilitation of the department of education.
22 f. The director of the department for the blind.
23 g. The commissioner of insurance.
24 3. The council shall be composed of a minimum of
25 nine members appointed by the governor in addition to
26 the ex officio members, and the governor may appoint
27 additional members. Insofar as practicable, the
28 council shall include persons with head injuries,
29 family members of persons with head injuries,
30 representatives of industry, labor, business, and
31 agriculture, representatives of federal, state, and
32 local government, and representatives of religious,
33 charitable, fraternal, civic, educational, medical,
34 legal, veteran, welfare, and other professional groups
35 and organizations. Members shall be appointed
36 representing every geographic and employment area of
37 the state and shall include members of both sexes.
38 4. Members of the council appointed by the
39 governor shall be appointed for terms of two years.
40 Vacancies on the council shall be filled for the
41 remainder of the term of the original appointment.
42 Members whose terms expire may be reappointed.
43 5. The voting members of the council shall appoint
44 a chairperson and a vice chairperson and other
45 officers as the council deems necessary. The officers
46 shall serve until their successors are appointed and
47 qualified. Members of the council shall receive
48 actual expenses for their services. Members may also
49 be eligible to receive compensation as provided in
50 section 7E.6. The council shall adopt rules pursuant

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1 to chapter 17A.

2 6. The council shall do all of the following:

3 a. Promote meetings and programs for the
4 discussion of methods to reduce the debilitating
5 effects of head injuries, and disseminate information
6 in cooperation with any other department, agency, or

7 entity on the prevention, evaluation, care, treatment,
8 and rehabilitation of persons affected by head
9 injuries.

10 b. Study and review current prevention,
11 evaluation, care, treatment, and rehabilitation
12 technologies and recommend appropriate preparation,
13 training, retraining, and distribution of manpower and
14 resources in the provision of services to persons with
15 head injuries through private and public residential
16 facilities, day programs, and other specialized
17 services.

18 c. Participate in developing and disseminating
19 criteria and standards which may be required for
20 future funding or licensing of facilities, day
21 programs, and other specialized services for persons
22 with head injuries in this state.

23 d. Make recommendations to the governor for
24 developing and administering a state plan to provide
25 services for persons with head injuries.

26 e. Meet at least quarterly.

27 f. Report on or before February 15 of each year to
28 the governor and the general assembly on council
29 activities, and submit recommendations believed
30 necessary to promote the welfare of persons with head
31 injuries.

32 7. The council is assigned to the department for
33 administrative purposes. The director shall be
34 responsible for budgeting, program coordination, and
35 related management functions.

36 8. The council may receive gifts, grants, or
37 donations made for any of the purposes of its programs
38 and disburse and administer them in accordance with
39 their terms and under the direction of the director.

40 Sec. 208. Section 135I.2, Code 1991, is amended to
41 read as follows:

42 135I.2 APPLICABILITY.

43 This chapter applies to all swimming pools and spas
44 owned or operated by local or state government, or
45 commercial interests or private entities including,
46 but not limited to, facilities operated by cities,
47 counties, public or private school corporations,
48 hotels, motels, camps, apartments, condominiums, and
49 health or country clubs. This chapter does not apply
50 to facilities intended for single family use. To

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1 avoid duplication and promote coordination of
2 inspection activities, the department may enter into
3 agreements pursuant to chapter 28E with a local board

4 of health or multiple boards of health representing
5 contiguous areas to provide for inspection and
6 enforcement in accordance with this chapter.

7 Sec. 209. Section 135I.4, subsection 6, Code 1991,
8 is amended to read as follows:

9 6. Enter into agreements with a local board of
10 health or local boards of health in a contiguous area
11 to implement the inspection and enforcement provisions
12 of this chapter. The agreements shall provide that
13 the fees established by the local board or boards of
14 health for inspection and enforcement shall be
15 retained by the local board or boards. A local board
16 of health or boards of health in a contiguous area may
17 enter into such an agreement with the department.
18 However, inspection fees shall not be charged by the
19 department for facilities which are inspected by
20 third-party authorities. Third-party authorities
21 shall be approved by the department. The department
22 shall monitor and certify the inspection and
23 enforcement programs of local boards of health and
24 approved third-party authorities.

25 Sec. 210. Section 135I.6, Code 1991, is amended to
26 read as follows:

27 135I.6 ENFORCEMENT.

28 If the department or a local board or boards of
29 health acting pursuant to agreement with the
30 department determines that a provision of this chapter
31 or a rule adopted pursuant to this chapter has been or
32 is being violated, the department or the local board
33 or boards of health may order that a facility or item
34 of equipment not be used until the necessary
35 corrective action has been taken. The department or
36 the local board of health may request the county
37 attorney to bring appropriate legal proceedings to
38 enforce this chapter, including an action to enjoin
39 violations. The attorney general may also institute
40 appropriate legal proceedings at the request of the
41 department. This remedy is in addition to any other
42 legal remedy available to the department or a local
43 board or boards of health.

44 Sec. 211. NEW SECTION. 136E.7 SUSPENSION AND
45 REVOCATION OF LICENSES.

46 The department may suspend, revoke, or impose
47 probationary conditions upon a license issued pursuant
48 to rules adopted in accordance with section 136E.3.

49 Sec. 212. NEW SECTION. 514B.4A DIRECT PROVISION
50 OF HEALTH CARE SERVICES.

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1 1. An application for a certificate of authority
2 to provide health care services, directly, shall be
3 forwarded by the commissioner to the director of
4 public health for review, comment, and recommendation,
5 with respect to the health care services to be
6 provided directly, to assure that the applicant has
7 demonstrated the willingness and potential ability to
8 provide the health care services through adequate
9 personnel and facilities.

10 2. Rules proposed by the commissioner for adoption
11 for the direct provision of health care services by a
12 health maintenance organization, shall be forwarded by
13 the commissioner to the director of public health for
14 review, comment, and recommendation, prior to
15 submission to the administrative rules coordinator
16 pursuant to section 17A.4.

17 3. The director of public health shall respond to
18 the commissioner, with respect to an application or
19 proposed rule, with any comments or recommendations
20 within thirty days of the forwarding of the
21 application or proposed rules to the director of
22 public health.

23 Sec. 213. Section 601K.92A, subsection 2, Code
24 1991, is amended to read as follows:

25 2. Commission members shall serve three-year terms
26 which shall begin and end pursuant to section 69.19.
27 Vacancies on the commission shall be filled for the
28 remainder of the term of the original appointment.
29 Members whose terms expire may be reappointed.
30 Members of the commission shall receive actual
31 expenses for their services. Members may also be
32 eligible to receive compensation as provided in
33 section 7E.6. Members as specified under subsection
34 1, paragraph "c", however, shall receive per diem
35 compensation as provided in section 7E.6 and actual
36 expenses. The membership of the commission shall also
37 comply with the political party affiliation and gender
38 balance requirements of sections 69.16 and 69.16A.

39 Sec. 214. INTERIM STUDY -- LICENSING AND EXAMINING
40 BOARDS. The legislative council is requested to
41 establish an interim study committee to review and
42 make recommendations for the reorganization of
43 professional licensure and the professional examining
44 boards under the purview of the Iowa department of
45 public health. The study shall include but not be
46 limited to an evaluation of and recommendation
47 regarding the establishment of a health profession
48 review commission to address scope of practice issues.

49 Sec. 215. FEDERAL AND NONSTATE FUNDS. Federal
50 grants, receipts, and funds and other nonstate grants,

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1 receipts, and funds, available in whole or in part for
2 the fiscal year beginning July 1, 1992, and ending
3 June 30, 1993, are appropriated to the receiving
4 department for the purposes set forth in the grants,
5 receipts, or conditions accompanying the receipt of
6 the funds, unless otherwise provided by law.
7 Sec. 216. Section 601K.80, Code 1991, is
8 repealed."

LEONARD BOSWELL
FLORENCE BUHR

S-5912

1 Amend Senate File 2376 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:

4 "DIVISION III

5 Sec. 301. AUDITOR OF STATE. There is appropriated
6 from the general fund of the state to the office of
7 the auditor of state for the fiscal year beginning
8 July 1, 1992, and ending June 30, 1993, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purposes designated:

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-
13 time equivalent positions:

14	\$	881,351
15	FTEs	109.78

16 The auditor of state may expend additional moneys
17 and retain additional full-time equivalent positions
18 as is reasonable and necessary to perform audits,
19 including audits for local governments, if the amount
20 expended is proportional to the costs that are
21 reimbursable from the entity being audited, including
22 but not limited to expenses reimbursable pursuant to
23 section 11.5A, 11.5B, 11.20, or 11.21. The auditor of
24 state shall notify the legislative fiscal committee
25 and the legislative fiscal bureau at the time the
26 additional funds are requested.

27 Sec. 302. CAMPAIGN FINANCE DISCLOSURE COMMISSION.
28 There is appropriated from the general fund of the
29 state to the campaign finance disclosure commission
30 for the fiscal year beginning July 1, 1992, and ending
31 June 30, 1993, the following amount, or so much

32 thereof as is necessary, for the purposes designated:

33 For salaries, support, maintenance, miscellaneous
34 purposes, and for not more than the following full-
35 time equivalent positions:

36	.....	\$	241,127
37	.....	FTEs	6.75

38 Sec. 303. DEPARTMENT OF EMPLOYMENT SERVICES.

39 There is appropriated from the general fund of the
40 state to the department of employment services for the
41 fiscal year beginning July 1, 1992, and ending June
42 30, 1993, the following amounts, or so much thereof as
43 is necessary, for the purposes designated:

44 1. DIVISION OF LABOR SERVICES

45 For salaries, support, maintenance, miscellaneous
46 purposes, and for not more than the following full-
47 time equivalent positions, contingent upon the
48 enactment of section 5 of this Act and the provision
49 which requires moneys appropriated from the special
50 employment security contingency fund to first be used

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1 to fully fund the appropriation of \$296,508 to the
2 division of labor services in subsection 1 of section
3 5 of this Act prior to funding the appropriations in
4 section 5 of this Act to the division of industrial
5 services and the division of job service:

6	.....	\$	2,090,179
7	.....	FTEs	90.00

8 From the contractor registration fees, the division
9 of labor services shall reimburse the department of
10 inspections and appeals for all costs associated with
11 hearings under chapter 91C, relating to contractor
12 registration.

13 2. DIVISION OF INDUSTRIAL SERVICES

14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions:

17	.....	\$	1,719,098
18	.....	FTEs	35.00

19 Sec. 304. ADMINISTRATIVE CONTRIBUTION SURCHARGE

20 FUND. There is appropriated from the administrative
21 contribution surcharge fund of the state to the
22 department of employment services for the fiscal year
23 beginning July 1, 1992, and ending June 30, 1993, the
24 following amount, or so much thereof as is necessary,
25 for the purposes designated:

26 DIVISION OF JOB SERVICE

27 Notwithstanding section 96.7, subsection 12,
28 paragraph "c", for salaries, support, maintenance,

29 conducting labor availability surveys, miscellaneous
 30 purposes, and for not more than the following full-
 31 time equivalent positions:
 32 \$ 6,259,913
 33 FTEs 161.50

34 Of the amount appropriated under this section,
 35 \$200,000 shall be used by the department to conduct
 36 labor availability surveys. As a condition of this
 37 expenditure, the department shall adopt rules
 38 providing that all communities which are scheduled to
 39 be surveyed during the fiscal year shall contribute
 40 forty percent of the cost of completing the community
 41 surveys.

42 1. The department of employment services shall
 43 provide services throughout the fiscal year beginning
 44 July 1, 1992, and ending June 30, 1993, in all
 45 communities in which job service offices are operating
 46 on July 1, 1992. However, this provision shall not
 47 prevent the consolidation of multiple offices within
 48 the same city or the colocation of job service offices
 49 with another public agency.

50 2. The division of industrial services shall not

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1 reduce the number of scheduled hearings of contested
 2 cases or eliminate the venue of such hearings, as
 3 established by the division for the period beginning
 4 January 1, 1992, and ending January 20, 1993. The
 5 division shall also establish a substantially similar
 6 schedule for such hearings for the period beginning
 7 January 20, 1993, and ending June 30, 1993. The
 8 division shall report to the legislative fiscal bureau
 9 concerning any modification of the established
 10 schedule, or any changes which the division determines
 11 are necessary in establishing the schedule for the
 12 period beginning January 20, 1993, and ending June 30,
 13 1993.

14 3. The division shall continue charging a \$65
 15 filing fee for workers' compensation cases. The
 16 filing fee shall be paid by the petitioner of a claim.
 17 However, the fee can be taxed as a cost and paid by
 18 the losing party, except in cases where it would
 19 impose an undue hardship or be unjust under the
 20 circumstances.

21 4. The industrial commissioner shall study and
 22 make written recommendations concerning options to
 23 fund the division involving all employers relieved
 24 from the requirement of obtaining insurance pursuant
 25 to section 87.11, all group self-insured associations

26 or plans authorized by section 87.4, and all insurance
 27 companies writing insurance policies authorized by
 28 section 515.48, subsection 5, paragraph "d".
 29 Recommendations made shall provide for complete and
 30 total funding of the operations of the division of
 31 industrial services and shall also provide a plan of
 32 implementation and any legislative proposals or
 33 actions necessary to implement the recommendations.
 34 The report shall be provided in writing to the general
 35 assembly and the legislative fiscal bureau no later
 36 than January 20, 1993.

37 5. The department of employment services, the
 38 department of personnel, and the department of
 39 management shall work together to ensure that as
 40 nearly as possible all full-time equivalent positions
 41 authorized and funded for the department of employment
 42 services will be utilized during the fiscal year
 43 beginning July 1, 1992, and ending June 30, 1993, and
 44 future fiscal years, to ensure that the backlog of
 45 cases in that department will be reduced as rapidly as
 46 possible.

47 **Sec. 305. EMPLOYMENT SECURITY CONTINGENCY FUND.**

48 There is appropriated from the special employment
 49 security contingency fund to the department of
 50 employment services for the fiscal year beginning July

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1 1, 1992, and ending June 30, 1993, the following
 2 amounts, or so much thereof as is necessary, for the
 3 purposes designated and subject to the requirement.
 4 that the appropriation to the division of labor
 5 services under this section be fully funded from the
 6 special employment security contingency fund prior to
 7 any amounts being used to fund the appropriations made
 8 to the division of industrial services and the
 9 division of job service under this section:

10 **1. DIVISION OF LABOR SERVICES**

11 For salaries, support, maintenance, and
 12 miscellaneous purposes:
 13 \$ 296,508

14 **2. DIVISION OF INDUSTRIAL SERVICES**

15 For salaries, support, maintenance, and
 16 miscellaneous purposes:
 17 \$ 175,494

18 **3. DIVISION OF JOB SERVICE**

19 For asbestos removal and remodeling:
 20 \$ 75,000

21 **Sec. 306. DEPARTMENT OF INSPECTIONS AND APPEALS.**

22 There is appropriated from the general fund of the

23 state to the department of inspections and appeals for
 24 the fiscal year beginning July 1, 1992, and ending
 25 June 30, 1993, the following amounts, or so much
 26 thereof as is necessary, for the purposes designated:

27 1. FINANCE AND SERVICES DIVISION

28 For salaries, support, maintenance, miscellaneous
 29 purposes, and for not more than the following full-
 30 time equivalent positions:

31 \$ 439,437
 32 FTEs 24.00

33 2. AUDITS DIVISION

34 For salaries, support, maintenance, miscellaneous
 35 purposes, and for not more than the following full-
 36 time equivalent positions:

37 \$ 391,877
 38 FTEs 15.00

39 3. APPEALS AND FAIR HEARINGS DIVISION

40 For salaries, support, maintenance, miscellaneous
 41 purposes, and for not more than the following full-
 42 time equivalent positions:

43 \$ 185,765
 44 FTEs 24.00

45 4. INVESTIGATIONS DIVISION

46 For salaries, support, maintenance, miscellaneous
 47 purposes, and for not more than the following full-
 48 time equivalent positions:

49 \$ 431,445
 50 FTEs 35.00

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1 5. HEALTH FACILITIES DIVISION

2 For salaries, support, maintenance, miscellaneous
 3 purposes, and for not more than the following full-
 4 time equivalent positions:

5 \$ 1,286,113
 6 FTEs 118.00

7 6. INSPECTIONS DIVISION

8 For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-
 10 time equivalent positions:

11 \$ 668,612
 12 FTEs 20.00

13 7. EMPLOYMENT APPEAL BOARD

14 For salaries, support, maintenance, miscellaneous
 15 purposes, and for not more than the following full-
 16 time equivalent positions:

17 \$ 40,214
 18 FTEs 16.80

19 The employment appeal board shall be reimbursed by

20 the labor services division of the department of
 21 employment services for all costs associated with
 22 hearings conducted under chapter 91C, related to
 23 contractor registration. The board may expend, in
 24 addition to the amount appropriated under this
 25 subsection, such amounts as are directly billable to
 26 the labor services division under this subsection and
 27 to retain such additional full-time equivalent
 28 positions as needed to conduct hearings required
 29 pursuant to chapter 91C.

30 Sec. 307. STATE PUBLIC DEFENDER. There is
 31 appropriated from the general fund of the state to the
 32 office of the state public defender for the fiscal
 33 year beginning July 1, 1992, and ending June 30, 1993,
 34 the following amounts, or so much thereof as is
 35 necessary, for the purposes designated:

36 1. For salaries, support, maintenance,
 37 miscellaneous purposes, and for not more than the
 38 following full-time equivalent positions:

39 \$ 5,897,694
 40 FTEs 144.75

41 The office of the state public defender shall
 42 submit monthly written reports to the legislative
 43 fiscal bureau indicating the status of the activities
 44 of the office as a result of its expansion.

45 The judicial department shall provide, within
 46 thirty days after the end of each calendar quarter, a
 47 written report concerning adult and juvenile indigent
 48 defense, to the state public defender's office and the
 49 department of inspections and appeals, including the
 50 amount of restitution collected for attorney fees as

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1 follows:

2 a. By county.

3 b. By case type in the following categories:

4 (1) Juvenile cases involving delinquency actions,
 5 child in need of assistance actions, or termination of
 6 parental rights actions.

7 (2) Adult cases involving misdemeanor or felony
 8 prosecutions.

9 2. For indigent court-appointed attorney fees for
 10 adults and juveniles, notwithstanding section 232.141
 11 and chapter 815:

12 \$ 7,941,777

13 Sec. 308. The department of inspections and
 14 appeals may charge state departments, agencies, and
 15 commissions for services rendered and the payment
 16 received shall be considered repayment receipts as

17 defined in section 8.2.

18 Sec. 309. ROAD USE TAX FUND. There is
19 appropriated from the use tax receipts collected under
20 chapter 423 prior to deposit in the road use tax fund,
21 to the department of inspections and appeals for the
22 fiscal year beginning July 1, 1992, and ending June
23 30, 1993, the following amount, or so much thereof as
24 is necessary, for the purposes designated:

25 For salaries, support, maintenance, and
26 miscellaneous purposes:
27 \$ 821,929

28 Sec. 310. PUBLIC EMPLOYMENT RELATIONS BOARD.

29 There is appropriated from the general fund of the
30 state to the public employment relations board for the
31 fiscal year beginning July 1, 1992, and ending June
32 30, 1993, the following amount, or so much thereof as
33 is necessary, 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 \$ 605,590
38 FTEs 13.00

39 Sec. 311. DEPARTMENT OF COMMERCE. There is
40 appropriated from the general fund of the state to the
41 department of commerce for the fiscal year beginning
42 July 1, 1992, and ending June 30, 1993, the following
43 amounts, or so much thereof as is necessary, for the
44 purposes designated:

45 1. PROFESSIONAL LICENSING AND REGULATION DIVISION

46 For salaries, support, maintenance, miscellaneous
47 purposes, and for not more than the following full-
48 time equivalent positions:
49 \$ 754,885
50 FTEs 11.00

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1 2. ADMINISTRATIVE SERVICES DIVISION

2 For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-
4 time equivalent positions:
5 \$ 1,124,230
6 FTEs 30.50

7 3. ALCOHOLIC BEVERAGES DIVISION

8 For salaries, support, maintenance, miscellaneous
9 purposes, and for not more than the following full-
10 time equivalent positions:
11 \$ 2,545,412
12 FTEs 27.00

13 4. BANKING DIVISION

14 For salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions:

17 \$ 4,661,976
18 FTEs 99.00

19 The banking division may expend additional funds,
20 including funds for additional personnel, if those
21 additional expenditures are actual expenses which
22 exceed the funds budgeted for bank examinations and
23 directly result from examinations of banks. The
24 amounts necessary to fund the excess examination
25 expenses shall be collected from banks being
26 regulated, and the collections shall be treated as
27 repayment receipts as defined in section 8.2. The
28 division shall notify in writing the legislative
29 fiscal bureau and the department of management when
30 hiring additional personnel. The written notification
31 shall include documentation that any additional
32 expenditure related to such hiring will be totally
33 reimbursed to the general fund, and shall also include
34 the division's justification for hiring such
35 personnel. The division must obtain the approval of
36 the department of management only if the number of
37 additional personnel to be hired exceeds the number of
38 full-time equivalent positions authorized by this
39 section.

40 5. CREDIT UNION DIVISION

41 For salaries, support, maintenance, miscellaneous
42 purposes, and for not more than the following full-
43 time equivalent positions:

44 \$ 807,142
45 FTEs 20.00

46 The credit union division may expend additional
47 funds, including funds for additional personnel, if
48 those additional expenditures are actual expenses
49 which exceed the funds budgeted for credit union
50 examinations and directly result from examinations of

1 credit unions. The amounts necessary to fund the
2 excess examination expenses shall be collected from
3 credit unions being regulated, and the collections
4 shall be treated as repayment receipts as defined in
5 section 8.2. The division shall notify in writing the
6 legislative fiscal bureau and the department of
7 management when hiring additional personnel. The
8 written notification shall include documentation that
9 any additional expenditure related to such hiring will
10 be totally reimbursed to the general fund, and shall

11 also include the division's justification for hiring
12 such personnel. The division must obtain the approval
13 of the department of management only if the number of
14 additional personnel to be hired exceeds the number of
15 full-time equivalent positions authorized by this
16 section.

17 6. INSURANCE DIVISION

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent positions:

21	\$ 4,054,943
22	FTEs 91.00

23 The division of insurance may reallocate authorized
24 full-time equivalent positions as necessary to respond
25 to accreditation criticisms or requirements.

26 The insurance division may expend additional funds,
27 including funds for additional personnel, if those
28 additional expenditures are actual expenses which
29 exceed the funds budgeted for insurance company
30 examinations or accreditation purposes, directly
31 result from examinations of insurance companies or
32 accreditation purposes, and the additional funds
33 expended for such purposes are fully reimbursable
34 from insurance companies. Before the division expends
35 or encumbers an amount in excess of the funds budgeted
36 for examinations or accreditation, the director of the
37 department of management shall approve the expenditure
38 or encumbrance. Before approval is given, the
39 director of the department of management shall
40 determine that the examination or accreditation
41 expenses exceed the funds budgeted by the general
42 assembly to the division and that the division does
43 not have other funds from which examination or
44 accreditation expenses can be paid. Upon approval of
45 the director of the department of management the
46 division may expend and encumber funds for excess
47 examination or accreditation expenses. The amounts
48 necessary to fund the excess examination or
49 accreditation expenses shall be collected from those
50 insurance companies being regulated which caused the

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1 excess expenditures, and the collections shall be
2 treated as repayment receipts as defined in section
3 8.2.

4 7. UTILITIES DIVISION

5 For salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-
7 time equivalent positions:

8	.....	\$ 4,129,904
9	.....	FTEs 84.00

10 The utilities division may expend additional funds,
 11 including funds for additional personnel, if those
 12 additional expenditures are actual expenses which
 13 exceed the funds budgeted for utility regulation.
 14 Before the division expends or encumbers an amount in
 15 excess of the funds budgeted for regulation, the
 16 director of the department of management shall approve
 17 the expenditure or encumbrance. Before approval is
 18 given, the director of the department of management
 19 shall determine that the regulation expenses exceed
 20 the funds budgeted by the general assembly to the
 21 division and that the division does not have other
 22 funds from which regulation expenses can be paid.
 23 Upon approval of the director of the department of
 24 management the division may expend and encumber funds
 25 for excess regulation expenses. The amounts necessary
 26 to fund the excess regulation expenses shall be
 27 collected from those utility companies being regulated
 28 which caused the excess expenditures, and the
 29 collections shall be treated as repayment receipts as
 30 defined in section 8.2.

31 **Sec. 312. RACING AND GAMING COMMISSION.** There is
 32 appropriated from the general fund of the state to the
 33 racing and gaming commission of the department of
 34 inspections and appeals for the fiscal year beginning
 35 July 1, 1992, and ending June 30, 1993, the following
 36 amount, or so much thereof as is necessary, to be used
 37 for the purposes designated:

38	For salaries, support, maintenance, miscellaneous	
39	purposes, and for not more than the following full-	
40	time equivalent positions:	
41	.....	\$ 1,556,615
42	.....	FTEs 18.71

43 **Sec. 313. EXCURSION BOAT REGULATION.** There is
 44 appropriated from the general fund of the state to the
 45 racing and gaming commission of the department of
 46 inspections and appeals for the fiscal year beginning
 47 July 1, 1992, and ending June 30, 1993, the following
 48 amount, or so much thereof as is necessary, to be used
 49 for the purposes designated:

50 For salaries, support, maintenance, miscellaneous

1 purposes for administration and enforcement of the
 2 excursion boat gambling laws, and for not more than
 3 the following full-time equivalent positions:
 4 \$ 582,565

- 5 FTEs 12.84
- 6 Sec. 314. Section 11.4, subsection 6, unnumbered
 7 paragraph 3, Code 1991, is amended to read as follows:
 8 The state auditor is hereby authorized to obtain,
 9 maintain, and operate, under the auditor's exclusive
 10 control such ~~offset printing~~ machinery as may be
 11 necessary to print confidential reports and documents
 12 originating in the auditor's office.
- 13 Sec. 315. Section 11.5B, Code 1991, is amended by
 14 adding the following new unnumbered paragraph:
 15 NEW UNNUMBERED PARAGRAPH. The reimbursement of the
 16 department or agency to the auditor of state shall be
 17 allocated to each funding source of the department or
 18 agency in proportion to the percentage each funding
 19 source is of the total funding to the department or
 20 agency.
- 21 Sec. 316. Section 11.6, subsection 5, Code
 22 Supplement 1991, is amended to read as follows:
 23 5. The auditor of state may, within three years of
 24 filing, during normal business hours upon reasonable
 25 notice of at least twenty-four hours, review the audit
 26 work papers prepared by a ~~certified public accountant~~
 27 in the performance of an audit or examination
 28 conducted pursuant to this section.
- 29 Sec. 317. Section 11.6, subsection 11, Code
 30 Supplement 1991, is amended by striking the
 31 subsection.
- 32 Sec. 318. Section 13B.4, Code Supplement 1991, is
 33 amended by adding the following new subsection:
 34 NEW SUBSECTION. 5A. The state public defender
 35 shall report in writing to the general assembly on
 36 January 20 of each year regarding any funds recouped
 37 or collected pursuant to section 331.756, subsection
 38 86, during the previous calendar year.
- 39 Sec. 319. Section 96.13, subsection 3, Code
 40 Supplement 1991, is amended to read as follows:
 41 3. Special employment security contingency fund.
 42 a. There is created in the state treasury a
 43 special fund to be known as the special employment
 44 security contingency fund. All interest, fines, and
 45 penalties, regardless of when they become payable,
 46 collected from employers under section 96.14 shall be
 47 paid into the fund. The moneys shall not be expended
 48 or available for expenditure in any manner which would
 49 permit their substitution for federal funds which
 50 would in the absence of the moneys be available to

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1 finance expenditures for the administration of the
2 ~~employment security law~~ department. However, the
3 moneys may be used as a revolving fund to cover
4 expenditures for which federal funds have been duly
5 requested but not yet received, subject to the
6 charging of the expenditures against the funds when
7 received. The moneys may be used for the payment of
8 costs of administration which are found not to have
9 been properly and validly chargeable against federal
10 grants or other funds, received for ~~or in the~~
11 ~~employment security administration fund~~ the
12 department. The moneys in the fund are specifically
13 made available to replace, within a reasonable time,
14 any moneys received by this state in the form of
15 grants from the federal government for administrative
16 expenses which because of any action or contingency
17 have been expended for purposes other than, or in
18 excess of, those necessary for the proper
19 administration of the ~~employment security law~~
20 department. All moneys in the fund shall be
21 deposited, administered, and disbursed in the same
22 manner and under the same conditions and requirements
23 as are provided by law for other special funds in the
24 state treasury. Interest earned upon moneys in the
25 fund shall be deposited in and credited to the fund.
26 The treasurer of state shall be the custodian of
27 the fund and shall give a separate and additional bond
28 conditioned upon the faithful performance of the
29 treasurer's duties in connection with the fund in an
30 amount and with sureties as shall be fixed and
31 approved by the governor. The premium for the bond
32 shall be paid from the moneys in the fund. All sums
33 recovered on the bond for losses sustained by the fund
34 shall be deposited in the fund. Refunds of interest
35 and penalties shall be paid only from the fund.
36 Balances to the credit of the fund shall not lapse
37 at any time but shall continuously be available to the
38 ~~division of job service~~ department for expenditures
39 consistent with this subsection. Moneys remaining in
40 the fund at the end of each fiscal year shall not
41 revert to any fund and shall remain in the fund.
42 b. The ~~division~~ department shall annually report
43 to the joint ~~regulatory and finance~~ regulations
44 appropriations subcommittee on its plans for
45 expenditures during the next state fiscal year from
46 the special employment security contingency fund. The
47 report shall describe the specific expenditures and
48 explain why the expenditures are to be made from the

49 fund and not from federal administrative funds.
50 c. The ~~division~~ department may appear before the

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1 executive council and request funds to meet
2 unanticipated emergencies.

3 Sec. 320. Section 117.29, Code 1991, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 10. Noncompliance with the trust
6 account requirements under section 117.46.

7 Sec. 321. Section 117.34, unnumbered paragraph 1,
8 Code 1991, is amended to read as follows:

9 The real estate commission may upon its own motion
10 and shall upon the verified complaint in writing of
11 any person, if the complaint together with evidence,
12 documentary or otherwise, presented in connection with
13 the complaint makes out a prima-facie case, request
14 the department of inspections and appeals commission
15 staff or any other duly authorized representative or
16 designee to investigate the actions of any real estate
17 broker, real estate salesperson, or other person who
18 assumes to act in either capacity within this state,
19 and may suspend or revoke a license issued under this
20 chapter at any time if the licensee has by false or
21 fraudulent representation obtained a license, or if
22 the licensee is found to be guilty of any of the
23 following:

24 Sec. 322. Section 117.46, subsections 3 and 5,
25 Code 1991, are amended to read as follows:

26 3. Each broker shall authorize the ~~department of~~
27 inspections and appeals real estate commission to
28 examine each trust account and shall obtain the
29 certification of the bank or savings and loan
30 association attesting to each trust account and
31 consenting to the examination and audit of each
32 account by a duly authorized representative of the
33 department commission. The certification and consent
34 shall be furnished on forms prescribed by the
35 department commission. This does not apply to an
36 individual farm account maintained in the name of the
37 owner or owners for the purpose of conducting ongoing
38 farm business whether it is conducted by the farm
39 owner or by an agent or farm manager when the account
40 is part of a farm management agreement between the
41 owner and agent or manager.

42 5. A broker may maintain more than one trust
43 account provided the department commission is advised
44 of said account as specified in subsections 2 and 3
45 above.

46 Sec. 323. Section 117.46, Code 1991, is amended by
47 adding the following new subsections:
48 NEW SUBSECTION. 6. The commission will verify on
49 a test basis, a random sampling of the brokers,
50 corporations, and partnerships for their trust account

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1 compliance as a condition of licensure renewal. Each
2 broker, corporation, and partnership shall submit a
3 special report or audit of their trust account to the
4 commission when required.
5 The special report or audit shall be submitted with
6 the filed renewal application or at such other time as
7 the commission may direct. In addition, the
8 commission may upon reasonable cause request or order
9 an audit or special report. All audits and special
10 reports addressed in this section shall be conducted
11 at the expense of the broker by a certified public
12 accountant.

13 NEW SUBSECTION. 7. The examination of a trust
14 account shall have been conducted within the twelve
15 months immediately preceding expiration of the license
16 or at such other times as directed by the commission.
17 The report shall be in the approved form and shall
18 include, but is not limited to, a list of all trust
19 account numbers examined and their location and
20 statement indicating if the broker's trust accounts
21 are maintained in accordance with this chapter and the
22 rules adopted for this chapter.

23 NEW SUBSECTION. 8. The commission shall adopt
24 rules to ensure implementation of this section.

25 Sec. 324. Section 123.24, Code 1991, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 5. Notwithstanding subsection 4,
28 the division shall assess a bottle surcharge to be
29 included in the price of alcoholic liquor in an amount
30 sufficient, when added to the amount not refunded to
31 class "E" liquor control licensees pursuant to section
32 455C.2, to pay the costs incurred by the division for
33 collecting and properly disposing of the liquor
34 containers. The amount collected pursuant to this
35 subsection, in addition to any amounts not refunded to
36 class "E" liquor control licensees pursuant to section
37 455C.2, shall be deposited in the beer and liquor
38 control fund established under section 123.53.

39 Sec. 325. Section 123.53, Code 1991, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 4. The treasurer of state, after
42 making the transfer provided for in subsection 3,

43 shall transfer to the division from the beer and
44 liquor control fund and before any other transfer to
45 the general fund, an amount sufficient to pay the
46 costs incurred by the division for collecting and
47 properly disposing of the liquor containers.
48 Sec. 326. Section 135C.16, subsection 1, Code
49 1991, is amended by striking the subsection and
50 inserting in lieu thereof the following:

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1 1. In addition to the inspections required by
2 sections 135C.9 and 135C.38, the department shall make
3 or cause to be made such further unannounced
4 inspections as it deems necessary to adequately
5 enforce this chapter. At least one general
6 unannounced inspection shall be conducted for each
7 health care facility within a fifteen-month period.
8 The inspector shall show identification to the person
9 in charge of the facility and state that an inspection
10 is to be made before beginning the inspection. An
11 employee of the department who gives unauthorized
12 advance notice of an inspection made or planned to be
13 made under this subsection or section 135C.38 shall be
14 disciplined as determined by the director, except that
15 if the employee is employed pursuant to the merit
16 system provisions of chapter 19A the discipline shall
17 not exceed the discipline authorized pursuant to that
18 chapter.

19 Sec. 327. Section 331.756, subsection 5, Code
20 1991, is amended to read as follows:

21 5. Enforce all forfeited bonds and recognizances
22 and prosecute all proceedings necessary for the
23 recovery of debts, revenues, moneys, fines, penalties,
24 restitution of court-appointed attorney fees or
25 expense of a public defender, and forfeitures accruing
26 to the state or the county or to a school district or
27 road district in the county, and all suits in the
28 county against public service corporations which are
29 brought in the name of the state. To assist in this
30 duty, the county attorney may procure professional
31 collection services provided by persons or
32 organizations which are generally considered to have
33 knowledge and special abilities which are not
34 generally available to state or local government or
35 may designate another county official or agency to
36 assist with collection efforts.

37 If professional collection services are procured,
38 the county attorney shall enter on the appropriate
39 record of the clerk of the district court an

40 indication of the satisfaction of each obligation to
41 the full extent of all moneys collected in
42 satisfaction of that obligation, including all fees
43 and compensation retained by the collection service
44 incident to the collection and not paid into the
45 office of the clerk.

46 Before a county attorney designates another county
47 official or agency to assist with collection of debts,
48 revenues, moneys, fines, penalties, restitution of
49 court-appointed attorney fees or expense of a public
50 defender, and forfeitures, the board of supervisors of

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1 the county must approve the designation.
2 Notwithstanding the disposition provisions of sections
3 602.8106 and 911.3, the county may retain up to
4 thirty-five percent of all moneys collected, excluding
5 amounts collected for victim restitution, as
6 compensation for collection services. The county
7 attorney shall enter on the appropriate record of the
8 clerk of the district court an indication of the
9 satisfaction of each obligation, including the amount
10 retained by the county for collection services and not
11 paid into the office of the clerk.

12 Sec. 328. Section 331.756, Code 1991, is amended
13 by adding the following new subsections:
14 NEW SUBSECTION. 64A. Assist the department of
15 revenue and finance in the implementation of the
16 setoff under section 421.17, subsection 25, in regard
17 to moneys owed to the state.

18 NEW SUBSECTION. 64B. Make a written report to the
19 department of inspections and appeals within fifteen
20 days of the end of each calendar quarter of the amount
21 of funds which were owed to the state for indigent
22 defense services and which were recouped pursuant to
23 subsection 5 or 64A.

24 Sec. 329. Section 421.17, subsection 25, Code
25 Supplement 1991, is amended to read as follows:

26 25. To establish and maintain a procedure to set
27 off against a debtor's income tax refund or rebate any
28 debt which is in the form of a liquidated sum due,
29 owing, and payable to the clerk of the district court
30 as a criminal fine, civil penalty, surcharge, or court
31 costs, or restitution of attorney fees incurred as a
32 result of services provided under chapters 13B and
33 815, and section 232.141. The procedure shall meet
34 the following conditions:

35 a. Before setoff all outstanding tax liabilities
36 collectible by the department shall be satisfied

37 except that no portion of a refund or rebate shall be
38 credited against tax liabilities which are not yet
39 due.

40 b. Before setoff the ~~clerk of the district court~~
41 ~~county attorney~~ shall obtain and forward to the
42 department the full name and social security number of
43 the debtor. The department shall cooperate in the
44 exchange of relevant information with the ~~clerk county~~
45 ~~attorney~~. However, only relevant information required
46 by the ~~clerk county attorney~~ shall be provided by the
47 department. The information shall be held in
48 confidence and shall be used for purposes of setoff
49 only.

50 c. The clerk shall, at least quarterly and monthly

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1 if practicable, county attorney, on the first day of
2 February and August of each calendar year, shall
3 submit to the department for setoff the debts
4 described in this subsection, which are at least fifty
5 dollars.

6 d. Upon submission of a claim the department shall
7 notify the ~~clerk county attorney~~ if the debtor is
8 entitled to a refund or rebate and of the amount of
9 the refund or rebate and the debtor's address on the
10 income tax return.

11 e. Upon notice of entitlement to a refund or
12 rebate the ~~clerk county attorney~~ shall send written
13 notification to the debtor of the ~~clerk's county~~
14 ~~attorney's~~ assertion of rights to all or a portion of
15 the debtor's refund or rebate and the entitlement to
16 recover the debt through the setoff procedure, the
17 basis of the assertion, the opportunity to request
18 that a joint income tax refund or rebate be divided
19 between spouses, and the debtor's opportunity to give
20 written notice of intent to contest the amount of the
21 claim. The ~~clerk county attorney~~ shall send a copy of
22 the notice to the department.

23 f. Upon the request of a debtor or a debtor's
24 spouse to the ~~clerk county attorney~~, filed within
25 fifteen days from the mailing of the notice of
26 entitlement to a refund or rebate, and upon receipt of
27 the full name and social security number of the
28 debtor's spouse, the ~~clerk county attorney~~ shall
29 notify the department of the request to divide a joint
30 income tax refund or rebate. The department shall
31 upon receipt of the notice divide a joint income tax
32 refund or rebate between the debtor and the debtor's
33 spouse in proportion to each spouse's net income as

34 determined under section 422.7.

35 g. The department shall, after notice has been
36 sent to the debtor by the clerk county attorney, set
37 off the debt against the debtor's income tax refund or
38 rebate. The department shall transfer at least
39 quarterly and monthly if practicable, sixty-five
40 percent of the amount set off to the clerk treasurer
41 of state for deposit in the general fund of the state.
42 The remaining thirty-five percent shall be remitted to
43 the county and deposited in the general fund of the
44 county. If the debtor gives timely written notice of
45 intent to contest the amount of the claim, the
46 department shall hold the refund or rebate until final
47 determination of the correct amount of the claim. The
48 clerk county attorney shall notify the debtor in
49 writing upon completion of setoff.

50 Sec. 330. Section 421.17, subsection 26, Code

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1 Supplement 1991, is amended to read as follows:
2 26. To provide that in the case of multiple claims
3 to payments filed under subsections 21, 23, 25, and 29
4 that priority shall be given to claims filed by the
5 child support recovery unit or the foster care
6 recovery unit under subsection 21, next priority shall
7 be given to claims filed by the college student aid
8 commission under subsection 23, next priority shall be
9 given to claims filed by the investigations division
10 of the department of inspections and appeals under
11 subsection 21, next priority shall be given to claims
12 filed by a clerk of the district court county attorney
13 under subsection 25, and last priority shall be given
14 to claims filed by other state agencies under
15 subsection 29. In the case of multiple claims under
16 subsection 29, priority shall be determined in
17 accordance with rules to be established by the
18 director.

19 Sec. 331. Section 455C.2, subsection 1, Code
20 Supplement 1991, is amended to read as follows:
21 1. Except purchases of alcoholic liquor as defined
22 in section 123.3, subsection 8, by holders of class
23 "A", "B", "C", and "E" liquor control licenses, a A
24 refund value of not less than five cents shall be paid
25 by the consumer on each beverage container sold in
26 this state by a dealer for consumption off the
27 premises. Upon return of the empty beverage container
28 upon which a refund value has been paid to the dealer
29 or person operating a redemption center and acceptance
30 of the empty beverage container by the dealer or

31 person operating a redemption center, the dealer or
32 person operating a redemption center shall return the
33 amount of the refund value to the consumer.
34 Sec. 332. Section 455C.3, subsection 5, Code
35 Supplement 1991, is amended by striking the subsection
36 and inserting in lieu thereof the following:
37 5. The alcoholic beverages division of the
38 department of commerce shall provide for the disposal
39 of empty beverage containers as required under
40 subsection 2. The division shall give priority
41 consideration to the recycling of the empty beverage
42 containers to the extent possible, before any other
43 appropriate disposal method is considered or
44 implemented.

45 Sec. 333. Section 910.2, Code 1991, is amended to
46 read as follows:

47 **910.2 RESTITUTION OR COMMUNITY SERVICE TO BE**
48 **ORDERED BY SENTENCING COURT.**

49 In all criminal cases except simple misdemeanors
50 under chapter 321, in which there is a plea of guilty,

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1 verdict of guilty, or special verdict upon which a
2 judgment of conviction is rendered, the sentencing
3 court shall order that restitution be made by each
4 offender to the victims of the offender's criminal
5 activities and, if the court so orders and to the
6 extent that the offender is reasonably able to do so
7 pay, for crime victim assistance reimbursement, court
8 costs, court-appointed attorney's fees or the expense
9 of a public defender when applicable. However,
10 victims shall be paid in full before restitution is
11 paid for crime victim assistance reimbursement, court
12 costs, court-appointed attorney's fees or for the
13 expense of a public defender. In structuring a plan
14 of restitution, the court shall provide for payments
15 in the following order of priority: victim, crime
16 victim assistance reimbursement, court costs, and
17 court-appointed attorney's fees or the expense of a
18 public defender. When the offender is not reasonably
19 able to pay all or a part of the crime victim
20 assistance reimbursement, court costs, court-appointed
21 attorney's fees or the expense of a public defender,
22 the court may require the offender in lieu of that
23 portion of the crime victim assistance reimbursement,
24 court costs, court-appointed attorney's fees, or
25 expense of a public defender for which the offender is
26 not reasonably able to pay, to perform a needed public
27 service for a governmental agency or for a private,

28 nonprofit agency which provides a service to the
29 youth, elderly or poor of the community. When
30 community service is ordered, the court shall set a
31 specific number of hours of service to be performed by
32 the offender. The judicial district department of
33 correctional services shall provide for the assignment
34 of the offender to a public agency or private
35 nonprofit agency to perform the required service.

36 Sec. 334. NEW SECTION. 910.7A JUDGMENT --
37 ENFORCEMENT.

38 1. An order requiring an offender to pay
39 restitution constitutes a judgment and lien against
40 all property of a liable defendant for the amount the
41 defendant is obligated to pay under the order and may
42 be recorded in any office for the filing of liens
43 against real or personal property.

44 2. A judgment of restitution may be enforced by
45 the state, a victim entitled under the order to
46 receive restitution, a deceased victim's estate, or
47 any other beneficiary of the judgment in the same
48 manner as a civil judgment.

49 Sec. 335. Sections 123.24 and 123.53, section
50 455C.2, subsection 1, and section 455C.3, subsection

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1 5, as amended in this Act, take effect September 1,
2 1992.

3 Sec. 336. 1989 Iowa Acts, chapter 272, sections 35
4 and 36, are repealed.

5 Sec. 337. 1989 Iowa Acts, chapter 272, section 42,
6 as amended by 1990 Iowa Acts, chapter 1261, section
7 43, and 1991 Iowa Acts, chapter 268, section 442, is
8 amended to read as follows:

9 SEC. 42. Sections Section 34, 35, and 36 of this
10 Act are is effective July September 1, 1992.

11 Sec. 338. 1990 Iowa Acts, chapter 1234, section
12 76, as amended by 1991 Iowa Acts, chapter 213, section
13 35, is repealed.

14 Sec. 339. 1991 Iowa Acts, chapter 268, section
15 404, subsection 2, unnumbered paragraph 2, is amended
16 to read as follows:

17 The division shall expend up to \$550,000 for the
18 following: \$50,000, or so much thereof as is
19 necessary, for the removal of 2 chillers and 1
20 underground storage tank, and \$100,000, or so much
21 thereof as is necessary, for asbestos removal or
22 encapsulation at the job service site located at 1000
23 East Grand, Des Moines, Iowa, and \$400,000, or so much
24 thereof as is necessary, for the support of the labor

25 survey, economic development teams to assist in
26 conducting "labor availability surveys".
27 Notwithstanding section 8.33 or this section,
28 unencumbered and unobligated funds remaining on June
29 30, 1992, from the appropriations in this subsection
30 for asbestos removal or encapsulation at the job
31 service site located at 1000 East Grand, Des Moines,
32 shall not revert but shall be available for
33 expenditure for the same purpose for the fiscal year
34 beginning July 1, 1992.

35 Sec. 340. The supreme court shall review the
36 indigency criteria and procedures used by district
37 court judges for reviewing attorney fee claims for
38 indigent defense in an effort to implement uniform
39 application of such criteria and procedures. This
40 review shall be completed no later than January 1,
41 1993.

42 Sec. 341. PILOT PROJECT.

43 1. The state public defender shall establish a
44 two-year pilot project to contract with private
45 attorneys for the provision of legal services to
46 indigent persons in two counties, with such counties
47 to be determined by the chief justice of the supreme
48 court, pursuant to this section.

49 2. If the local public defender is unable to
50 handle a case, because of a conflict of interest or

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1 overload of cases, or if a county is not served by a
2 local public defender, the court shall appoint other
3 counsel for the indigent person as follows:

4 a. Subject to paragraph "b", the court shall
5 appoint an attorney designated by the state public
6 defender as a contract attorney in the county to
7 handle the case. Appointment of contract attorneys
8 shall be on a rotational or equalizational basis,
9 while taking into consideration the experience of the
10 contract attorneys and the difficulty of the case.

11 b. If the court determines that the nature of the
12 charge or the complexity of the issues in a case
13 requires that an attorney, other than the attorney or
14 attorneys who have contracted with the state public
15 defender, be appointed, the court may appoint a
16 noncontract attorney that the court deems appropriate
17 to provide legal services to the indigent person. If
18 the court appoints a noncontract attorney under this
19 paragraph, the court shall notify the state public
20 defender in writing of the reasons for not appointing
21 the attorney specified in the state public defender

22 contract for legal services to indigent persons and
23 submit a copy of the notification to the state public
24 defender within five working days of the date of the
25 appointment of other counsel.

26 3. This section is repealed June 30, 1994.

27 Sec. 342. REPORT.

28 1. The state public defender shall make a written
29 report to the legislative fiscal bureau on or before
30 January 10, 1994, concerning the pilot project
31 established in section 101 of this Act. The report
32 shall include the following information:

33 a. Type and number of cases, and the number of
34 cases which proceed to trial, for which legal services
35 are being provided under the pilot project.

36 b. The rate paid to the contract attorneys.

37 c. The total number of hours dedicated to
38 providing the legal services.

39 d. The total cost incurred in providing the legal
40 services.

41 2. The information collected pursuant to
42 subsection 1 shall be provided to the indigent defense
43 advisory commission established pursuant to section
44 13B.2A, which shall review the information and make
45 recommendations to the general assembly concerning the
46 elimination or continuation of the use of contract
47 attorneys in providing indigent defense. The
48 recommendations shall be provided prior to March 1,
49 1994.

50 Sec. 343. FEDERAL GRANTS. All federal grants to

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1 and the federal receipts of agencies appropriated
2 funds under this Act, not otherwise appropriated, are
3 appropriated for the purposes set forth in the federal
4 grants or receipts unless otherwise provided by the
5 general assembly.

6 Sec. 344. EFFECTIVE DATES. Sections 327 through
7 330 of this Act, being deemed of immediate importance,
8 are effective upon enactment."

9 2. By renumbering as necessary.

LEONARD BOSWELL
RICHARD V. RUNNING

S-5913

1 Amend Senate File 2376 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION IV

5 IOWA LAW ENFORCEMENT ACADEMY

6 Sec. 401. There is appropriated from the general
7 fund of the state to the Iowa law enforcement academy
8 for the fiscal year beginning July 1, 1992, and ending
9 June 30, 1993, the following amount, or so much
10 thereof as is necessary, to be used for the purposes
11 designated:

12 For salaries, support, maintenance, miscellaneous
13 purposes, including jailer training and technical
14 assistance, and for not more than the following full-
15 time equivalent positions:

16 \$ 839,317
17 FTEs 24.20

18 For basic and in-service training relating to
19 public offenses perpetrated due to a victim's
20 protected class status, as provided in section 80B.11,
21 subsection 3, if and as amended by the Seventy-fourth
22 General Assembly, 1992 Session:

23 \$ 10,000

24 DEPARTMENT OF PUBLIC DEFENSE

25 Sec. 402. There is appropriated from the general
26 fund of the state to the department of public defense
27 for the fiscal year beginning July 1, 1992, and ending
28 June 30, 1993, the following amounts, or so much
29 thereof as is necessary, to be used for the purposes
30 designated:

31 1. MILITARY DIVISION

32 For salaries, support, maintenance, miscellaneous
33 purposes, and for not more than the following full-
34 time equivalent positions:

35 \$ 3,298,201
36 FTEs 208.59

37 2. DISASTER SERVICES DIVISION

38 For salaries, support, maintenance, miscellaneous
39 purposes, and for not more than the following full-
40 time equivalent positions:

41 \$ 265,960
42 FTEs 10.00

43 3. VETERANS AFFAIRS DIVISION

44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-
46 time equivalent positions:

47 \$ 143,619
48 FTEs 4.16

49 4. WAR ORPHANS

50 For the war orphans educational-aid fund

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1 established pursuant to chapter 35:

2 \$ 9,854

3 DEPARTMENT OF PUBLIC SAFETY

4 Sec. 403. There is appropriated from the general
5 fund of the state to the department of public safety
6 for the fiscal year beginning July 1, 1992, and ending
7 June 30, 1993, the following amounts, or so much
8 thereof as is necessary, to be used for the purposes
9 designated:

10 1. For the department's administrative functions,
11 including the medical examiner's office and the
12 criminal justice information system; and for not more
13 than the following full-time equivalent positions:

14 \$ 2,190,629

15 FTEs 43.00

16 a. The department shall continue to pursue its
17 five-year plan to colocate the state medical
18 examiner's office and the department of criminal
19 investigation crime lab. The department of general
20 services shall assist the department of public safety
21 in identifying potential facilities that will
22 adequately meet the department's needs.

23 b. Funds are provided in this subsection so that
24 the department of public safety shall continue to
25 collect, classify, and disseminate statistics as
26 provided in section 80.40 and section 236.9 on
27 violations relating to section 729.5 and on incidents
28 involving domestic abuse.

29 c. The department shall conduct a study to
30 determine the most appropriate handgun and holster to
31 be used by peace officers in the divisions of capitol
32 security and highway safety, uniformed force, and
33 radio communications. The department shall report the
34 results of the study to the chairpersons and ranking
35 members of the transportation and safety
36 appropriations subcommittee and the legislative fiscal
37 bureau by January 1, 1993.

38 2. For the division of criminal investigation and
39 bureau of identification including the state's
40 contribution to the peace officers' retirement,
41 accident, and disability system provided in chapter
42 97A in the amount of 18 percent of the salaries for
43 which the funds are appropriated, to meet federal fund
44 matching requirements, and for not more than the
45 following full-time equivalent positions:

46 \$ 6,700,894

47 FTEs 150.00

48 a. It is the intent of the general assembly that

49 the division of criminal investigation shall employ no
50 more than 15 new riverboat police officers.

Page 3

1 b. It is the intent of the general assembly that
2 any new classification of riverboat law enforcement
3 officers shall be included within the Iowa public
4 employees' retirement system as members of a
5 protection occupation under section 97B.49, subsection
6 16, paragraph "d".

7 3. For the division of narcotics enforcement:
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 18 percent of the
11 salaries for which the funds are appropriated, to meet
12 federal fund matching requirements, and for not more
13 than the following full-time equivalent positions:

14 \$ 2,059,713
15 FTEs 42.00

16 b. Undercover purchases:

17 \$ 251,792

18 4. For the fire marshal's office, including the
19 state's contribution to the peace officers'
20 retirement, accident, and disability system provided
21 in chapter 97A in the amount of 18 percent of the
22 salaries for which the funds are appropriated, and for
23 not more than the following full-time equivalent
24 positions:

25 \$ 1,323,512
26 FTEs 30.00

27 5. For the capitol security division, and for not
28 more than the following full-time equivalent
29 positions:

30 \$ 1,025,564
31 FTEs 29.00

32 6. For use by the department to provide law
33 enforcement officials for project D.A.R.E. (drug abuse
34 resistance education) within local communities:

35 \$ 28,584

36 Sec. 404. There is appropriated from the road use
37 tax fund to the division of highway safety, uniformed
38 force, and radio communications of the department of
39 public safety for the fiscal year beginning July 1,
40 1992, and ending June 30, 1993, the following amounts,
41 or so much thereof as is necessary, to be used for the
42 purposes designated:

43 1. For salaries, support, maintenance, and
44 miscellaneous purposes, including the state's
45 contribution to the peace officers' retirement,

46 accident, and disability system provided in chapter
 47 97A in the amount of 18 percent of the salaries for
 48 which the funds are appropriated, and for not more
 49 than the following full-time equivalent positions:
 50 \$ 28,445,736

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1 FTEs 529.50

2 a. It is the intent of the general assembly, that
 3 so much as is necessary of the appropriation in this
 4 subsection, shall support federal Highway Safety Act
 5 programs.

6 b. It is the intent of the general assembly that
 7 the department of public safety, department of
 8 personnel, and the department of management take every
 9 action necessary to fill the entire complement of
 10 positions authorized for the division of highway
 11 safety, uniformed force and radio communications, in
 12 this appropriation as soon after the effective date of
 13 this Act as possible.

14 c. The Iowa law enforcement academy may annually
 15 select at least five automobiles of the department of
 16 public safety, division of highway safety, uniformed
 17 force and radio communications, which are being turned
 18 in to the state vehicle dispatcher to be disposed of
 19 by public auction and the Iowa law enforcement academy
 20 may exchange any automobile owned by the academy for
 21 each automobile selected if the selected automobile is
 22 used in training law enforcement officers at the
 23 academy. However, any automobile exchanged by the
 24 academy shall be substituted for the selected vehicle
 25 of the department of public safety and sold by public
 26 auction with the receipts being deposited in the
 27 depreciation fund to the credit of the department of
 28 public safety, division of highway safety, uniformed
 29 force and radio communications.

30 d. An employee of the department of public safety
 31 or its successor who retires after the effective date
 32 of this section of this Act but prior to June 30,
 33 1993, is eligible for payment of life or health
 34 insurance premiums as provided for in the collective
 35 bargaining agreement covering the public safety
 36 bargaining unit at the time of retirement if that
 37 employee previously served in a position which would
 38 have been covered by the agreement. The employee
 39 shall be given credit for the service in that prior
 40 position as though it were covered by that agreement.
 41 This section shall not operate to reduce any
 42 retirement benefits an employee may have earned under

43 other collective bargaining agreements or retirement
 44 programs.
 45 2. For the purchase of radar units:
 46 \$ 150,000
 47 3. For payments to the department of personnel for
 48 expenses incurred in administering workers'
 49 compensation on behalf of the division of highway
 50 safety, uniformed force, and radio communications:

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1 \$ 403,475

2 4. For payments to the department of personnel for
 3 expenses incurred in administering the merit system on
 4 behalf of the division of highway safety, uniformed
 5 force and radio communications:
 6 \$ 88,390

7 Sec. 405. There is appropriated from use tax
 8 receipts collected under chapter 423 prior to deposit
 9 in the road use tax fund, to the department of public
 10 safety for the fiscal year beginning July 1, 1992, and
 11 ending June 30, 1993, the following amount, or so much
 12 thereof as may be necessary, to be used for the
 13 purpose designated:

14 1. For the costs associated with the automated
 15 fingerprint information system local remote terminals:
 16 \$ 247,471

17 2. For the continued purchase of the automated
 18 fingerprint information system (AFIS):
 19 \$ 509,378

20 3. For salaries, support, maintenance, and
 21 miscellaneous purposes of the pari-mutuel law
 22 enforcement agents, including the state's contribution
 23 to the peace officers' retirement, accident, and
 24 disability system provided in chapter 97A in the
 25 amount of 18 percent of the salaries for which the
 26 funds are appropriated, and for not more than the
 27 following full-time equivalent positions:
 28 \$ 277,662

29 FTEs 5.00

STATE DEPARTMENT OF TRANSPORTATION

31 Sec. 406. There is appropriated from the road use
 32 tax fund to the state department of transportation for
 33 the fiscal year beginning July 1, 1992, and ending
 34 June 30, 1993, the following amounts, or so much
 35 thereof as is necessary, for the purposes designated:

36 1. For the payment of costs associated with the
 37 production of motor vehicle licenses, as defined in
 38 section 321.1, subsection 77:
 39 \$ 570,000

40 2. For salaries, support, maintenance,
 41 miscellaneous purposes, and for not more than the
 42 following full-time equivalent positions:
 43 a. (1) Administrative services:
 44 \$ 3,862,250
 45 FTEs 45.00
 46 The legislative fiscal bureau with the assistance
 47 of the state department of transportation shall
 48 develop an effective legislative oversight report to
 49 be distributed to the transportation and safety joint
 50 appropriations subcommittee. This report shall

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1 include, but is not to be limited to, expenditure
 2 information for all appropriated funds relating to
 3 budget, accounting and payroll, and cash flow
 4 statements and cash balances for all funds, and all
 5 contract expenditures and obligations.
 6 (2) For a handicapped accessibility study:
 7 \$ 8,400
 8 b. General counsel:
 9 \$ 177,240
 10 FTEs 1.00
 11 c. Planning and research:
 12 \$ 344,875
 13 FTEs 8.00
 14 d. Aeronautics and public transit:
 15 \$ 246,120
 16 FTEs 5.00
 17 e. (1) Motor vehicles:
 18 \$ 18,968,624
 19 FTEs 529.00
 20 It is the intent of the general assembly that the
 21 motor vehicle division of the department shall conduct
 22 all salvage theft examinations and component part
 23 reviews required under section 321.52.
 24 (2) For replacement of obsolete equipment:
 25 \$ 47,000
 26 f. Rail and water:
 27 \$ 603,400
 28 FTEs 13.00
 29 3. For payments to the department of personnel for
 30 expenses incurred in administering the merit system on
 31 behalf of the state department of transportation, as
 32 required by chapter 19A:
 33 \$ 35,000
 34 4. Unemployment compensation:
 35 \$ 12,250
 36 5. For payments to the department of personnel for

37 paying workers' compensation claims under chapter 85
 38 on behalf of employees of the state department of
 39 transportation:
 40 \$ 75,000
 41 6. For payment to the general fund for indirect
 42 cost recoveries:
 43 \$ 120,000
 44 Sec. 407. There is appropriated from the primary
 45 road fund to the state department of transportation
 46 for the fiscal year beginning July 1, 1992, and ending
 47 June 30, 1993, the following amounts, or so much
 48 thereof as is necessary, to be used for the purposes
 49 designated:
 50 1. For salaries, support, maintenance,

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1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:
 3 a. (1) Administrative services:
 4 \$ 23,725,250
 5 FTEs 278.50
 6 (2) For a handicapped accessibility study:
 7 \$ 51,600
 8 b. General counsel:
 9 \$ 1,088,760
 10 FTEs 7.00
 11 It is the intent of the general assembly that
 12 should a lawsuit result from the redesignation of
 13 interstate 80 or if the attorney general deems such a
 14 suit necessary, that moneys appropriated under
 15 paragraph "b" of this subsection may be used by the
 16 attorney general to protect the state's interests in
 17 the matter and that such action by the attorney
 18 general shall be in cooperation with the I-80 defense
 19 task force in Davenport. However, this paragraph does
 20 not limit other uses for moneys appropriated under
 21 paragraph "b" of this subsection.
 22 c. Planning and research:
 23 \$ 6,552,625
 24 FTEs 151.00
 25 d. Aeronautics and public transit:
 26 \$ 246,120
 27 FTEs 5.00
 28 It is the intent of the general assembly that any
 29 state agency or individual using an airplane from the
 30 state aircraft pool shall be billed in an amount
 31 sufficient to cover operation and aircraft maintenance
 32 expense, including engine overhaul.
 33 e. (1) Highways:

AMENDMENTS FILED

34	.....	\$ 140,128,500
35	.....	FTEs 2,861.00
36	(2) For software module:	
37	.....	\$ 30,000
38	f. Motor vehicles:	
39	.....	\$ 767,076
40	.....	FTEs 21.00
41	g. Rail and water:	
42	.....	\$ 258,600
43	.....	FTEs 6.00
44	2. For deposit in the state department of	
45	transportation's highway materials and equipment	
46	revolving fund established by section 307.47 for	
47	funding the increased replacement cost of vehicles:	
48	.....	\$ 3,079,000
49	The appropriation in this subsection is provided on	
50	the basis that no more than \$2,741,091 from the	

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1	highway materials and equipment revolving fund, plus	
2	an allocation for salary adjustment, may be expended	
3	for salaries and benefits for not more than 91 FTEs.	
4	3. For payments to the department of personnel for	
5	expenses incurred in administering the merit system on	
6	behalf of the state department of transportation, as	
7	required by chapter 19A:	
8	.....	\$ 665,000
9	4. Unemployment compensation:	
10	.....	\$ 232,750
11	5. For payments to the department of personnel for	
12	paying workers' compensation claims under chapter 85	
13	on behalf of the employees of the state department of	
14	transportation:	
15	.....	\$ 1,425,000
16	6. For costs associated with fuel tank replacement	
17	and cleanup:	
18	.....	\$ 1,000,000
19	7. For payment to the general fund for indirect	
20	cost recoveries:	
21	.....	\$ 880,000
22	8. For replacement or modification of field	
23	facilities in Ames, Mt. Ayr, Soldier, and Le Mars:	
24	.....	\$ 2,525,000
25	The provisions of section 8.33 do not apply to the	
26	funds appropriated by subsection 8, which shall remain	
27	available for expenditure for the purposes designated	
28	until June 30, 1996. Unencumbered or unobligated	
29	funds remaining on June 30, 1996, from funds	
30	appropriated in this subsection, for the fiscal year	

31 beginning July 1, 1992, shall revert to the fund from
 32 which appropriated on August 30, 1996.

33 9. For the expansion of a field facility at

34 Maquoketa:

35 \$ 375,000

36 The provisions of section 8.33 do not apply to the
 37 funds appropriated by this subsection, which shall
 38 remain available for expenditure for the purposes
 39 designated until June 30, 1994. Unencumbered or
 40 unobligated funds remaining on June 30, 1994, from
 41 funds appropriated in this subsection for the fiscal
 42 year beginning July 1, 1992, shall revert to the fund
 43 from which appropriated on September 30, 1994.

44 Sec. 408. The state department of transportation
 45 anticipates receipts totaling \$726,550,000 in the road
 46 use tax fund for the period beginning July 1, 1992,
 47 and ending June 30, 1993.

48 It is estimated that standing, formula-based, and
 49 direct appropriations made by the general assembly for
 50 this fiscal year will include the following:

Page 9

- 1 1. Primary road fund, \$11,500,000.
- 2 2. Farm-to-market road fund, \$1,500,000.
- 3 3. Secondary road fund, \$7,600,000.
- 4 4. Revitalize Iowa's sound economy fund,
- 5 \$26,300,000.
- 6 5. Function classification board expenses, \$5,000.
- 7 6. Park and institutional road fund, \$4,720,000.
- 8 7. Reimbursements to the state department of
- 9 transportation for assistance to local jurisdictions,
- 10 \$500,000.
- 11 8. Living roadway trust fund, \$250,000.
- 12 9. Highway grade crossing safety fund, \$700,000.
- 13 10. Highway railroad grade crossing surface repair
- 14 fund, \$900,000.
- 15 11. Secondary bridge fund, \$2,000,000.
- 16 12. City bridge fund, \$500,000.
- 17 13. License plate, titling, and registration
- 18 supplies, \$2,000,000.
- 19 14. Traffic safety improvement projects,
- 20 \$3,630,000.
- 21 15. Personal delivery of driver license suspension
- 22 notices, \$225,000.
- 23 16. Appropriation to the department of inspections
- 24 and appeals.
- 25 17. Public transit assistance fund, \$6,230,000.
- 26 18. Recreational trails development, \$1,000,000.
- 27 19. Odometer fraud fund, \$200,000.

28 20. Motorcycle education fund, \$90,000.
 29 21. Upgrade vehicle registration and titling
 30 equipment in county treasurers' offices, \$650,000.
 31 22. Appropriations to the state department of
 32 transportation for operations.
 33 23. Appropriation for the highway patrol.
 34 24. Appropriation to the department of management
 35 for support staff.
 36 25. Appropriation for the production cost of
 37 driver's license costs.
 38 26. Appropriation for the purchase of radar units
 39 for the highway patrol.
 40 Of the estimated remaining funds, 47.5 percent
 41 (\$285,950,000) shall be distributed to the primary
 42 road fund, 24.5 percent (\$147,490,000) shall be
 43 distributed to the secondary road fund, 8 percent
 44 (\$48,160,000) shall be distributed to the farm-to-
 45 market road fund, and 20 percent (\$120,400,000) shall
 46 be distributed to the city street fund.
 47 The state department of transportation anticipates
 48 federal funds totaling \$220,202,000 for the period
 49 beginning October 1, 1991, and ending September 30,
 50 1992. Of this amount approximately \$191,165,000 is

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1 for highway maintenance and construction, \$17,292,000
 2 is for public transit, \$10,427,000 is for airport
 3 improvement, and \$1,318,000 is for local rail
 4 assistance.

5 Sec. 409. There is appropriated from the general
 6 fund of the state to the state department of
 7 transportation for the fiscal year beginning July 1,
 8 1992, and ending June 30, 1993, the following amounts,
 9 or so much thereof as is necessary, to be used for the
 10 purposes designated:

11 1. a. For providing assistance for the
 12 restoration, conservation, improvement, and
 13 construction of railroad main lines, branch lines,
 14 switching yards, and sidings as required in section
 15 327H.18; for use by the railway finance authority as
 16 provided in chapter 307B; for airport engineering
 17 studies and improvement projects as provided in
 18 chapter 328:

19 \$ 3,760,631

20 2. For aeronautics and public transit, for
 21 salaries, support, maintenance, miscellaneous
 22 purposes, and for not more than the following full-
 23 time equivalent positions:

24 \$ 386,760

25 FTEs 8.00

26 Sec. 410.

27 1. Except for subsection 2 of this section, the
28 moneys deposited in the general fund and the interest
29 earned from the deposit of those moneys, that would
30 have been deposited into the following funds but for
31 the provisions of 1991 Iowa Acts, chapter 260,
32 division XII, sections 1222, 1224, 1228, 1229, and
33 1249, shall only be used for the purposes for which
34 the moneys were to be collected prior to the enactment
35 of 1991 Iowa Acts, chapter 260, division XII, sections
36 1222, 1224, 1228, 1229, and 1249:

37 a. Railroad assistance fund established under
38 section 327H.18.

39 b. Special railroad facility fund established
40 under section 307B.23.

41 c. State aviation fund established under section
42 328.36.

43 d. Public transit assistance fund established
44 under section 601J.6.

45 2. Of the moneys deposited in the general fund of
46 the state pursuant to subsection 1, \$1,549,922 which
47 otherwise would have been deposited in the railroad
48 assistance fund, the special railroad facility fund or
49 the state aviation fund, shall be used for any general
50 fund purpose.

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1 Sec. 411. There is appropriated from moneys, other
2 than federal moneys, deposited in the victim
3 compensation fund established under section 912.14 to
4 the department of justice for the fiscal year be-
5 ginning July 1, 1992, and ending June 30, 1993, the
6 following amount, or so much thereof as is necessary,
7 to be used for the purpose designated:

8 For use by the prosecuting attorneys training
9 coordinator in implementing a course of instruction
10 relating to public offenses perpetrated due to a
11 victim's protected class status, as provided in
12 section 729A.4, if and as amended by the Seventy-
13 fourth General Assembly, 1992 Session:

14 \$ 10,000

15 Sec. 412. The state department of transportation
16 shall place a moratorium on the placement of tourist-
17 oriented directional signs within the territorial
18 limits of the Amana colonies and the Amana colonies
19 land use district shall not initiate any action
20 regarding the removal of any existing tourist-oriented
21 directional sign until such time as a comprehensive

22 signing program has been established within the area.

23 The moratorium shall go into effect as of the

24 effective date of this section.

25 Sec. 413. STATE OPPOSITION EXPRESSED. To the

26 extent that Iowa motor vehicle license suspension and

27 revocation law is contrary to or inconsistent with 23

28 U.S.C. § 104(a)(3)(A) both houses of the general

29 assembly do hereby resolve and the governor does

30 hereby certify their combined opposition to the

31 enactment and enforcement in the state of Iowa of the

32 law described in 23 U.S.C. § 104(a)(3)(A).

33 Sec. 414. Section 2.45, Code 1991, is amended by

34 adding the following new subsection:

35 NEW SUBSECTION. 5. The transportation policy

36 review committee which shall be composed of eight

37 members consisting of the chairpersons or their

38 designated committee members and the ranking minority

39 party members or their designated committee members of

40 the house and senate transportation standing

41 committees and the house and senate joint

42 transportation and safety appropriations

43 subcommittees. The transportation policy review

44 committee shall meet at least two times, but not more

45 than four times per year, in conjunction with the

46 state transportation commission, and shall exchange

47 information and discuss state policy concerns

48 affecting transportation-related issues.

49 Sec. 415. Section 29A.27, unnumbered paragraph 1,

50 Code 1991, is amended to read as follows:

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1 Officers and enlisted persons while in active state

2 service shall receive the same pay, per diem, and

3 allowances as are paid for the same rank or grade for

4 service in the armed forces of the United States.

5 However, a person shall not be paid at a base rate of

6 pay of less than fifty seventy-five dollars per

7 calendar day of active state service.

8 Sec. 416. Section 29A.57, subsection 3, Code 1991,

9 is amended by adding the following new paragraph:

10 NEW PARAGRAPH. d. Grant a temporary or permanent

11 easement with or without monetary consideration for

12 utility or public highway purposes if granting the

13 easement will not adversely affect use of the real

14 estate for military purposes.

15 Sec. 417. Section 70.1, subsection 1, Code 1991,

16 is amended to read as follows:

17 1. In every public department and upon all public

18 works in the state, and of the counties, cities, and

19 school corporations ~~thereof of the state~~, honorably
20 discharged persons from the military or naval forces
21 of the United States in any war in which the United
22 States has been engaged, including the Korean Conflict
23 at any time between June 25, 1950 and January 31,
24 1955, both dates inclusive, ~~and~~ the Vietnam Conflict
25 beginning August 5, 1964, and ending on May 7, 1975,
26 both dates inclusive, and the Persian Gulf Conflict
27 beginning August 2, 1990, and ending on the date
28 specified by the president or the congress of the
29 United States as the date of permanent cessation of
30 hostilities, both dates inclusive, who are citizens
31 and residents of this state are entitled to preference
32 in appointment and employment over other applicants of
33 no greater qualifications. However, if the congress
34 of the United States enacts a date different from
35 August 2, 1990, as the beginning of the Persian Gulf
36 Conflict to determine the eligibility of a veteran for
37 military benefits as a veteran of the Persian Gulf
38 Conflict, the date enacted by the congress of the
39 United States shall be substituted for August 2, 1990.
40 The preference in appointment and employment for
41 employees of cities under a municipal civil service is
42 the same as provided in section 400.10. For the
43 purposes of this section service in World War II means
44 service in the armed forces of the United States
45 between December 7, 1941, and December 31, 1946, both
46 dates inclusive.
47 Sec. 418. Section 80.9, subsection 2, Code
48 Supplement 1991, is amended by adding the following
49 new paragraph:
50 NEW PARAGRAPH. h. To maintain a vehicle theft

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1 unit in the Iowa highway safety patrol to investigate
2 and assist in the examination and identification of
3 stolen, altered, or forfeited vehicles.
4 Sec. 419. Section 80B.5, Code 1991, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. The director shall be
7 appointed by the Iowa law enforcement academy council.
8 Sec. 420. Section 80B.11, subsection 5, Code
9 Supplement 1991, is amended to read as follows:
10 5. Minimum standards of mental fitness which shall
11 govern the initial recruitment, selection and
12 appointment of law enforcement officers. The rules
13 shall include, but are not limited to, providing a
14 battery of psychological tests to determine cognitive
15 skills, personality characteristics and suitability of

16 an applicant for a law enforcement career. However,
17 this battery of tests need only be given to applicants
18 being considered in the final selection process for a
19 law enforcement position. Notwithstanding any
20 provision of chapter 400, an applicant shall not be
21 hired if the employer determines from the tests that
22 the applicant does not possess sufficient cognitive
23 skills, personality characteristics, or suitability
24 for a law enforcement career. The director of the
25 academy shall, beginning July 1, 1986, provide for the
26 cognitive and psychological examinations and their
27 administration at no cost to the law enforcement
28 agencies or applicants, and shall identify and procure
29 persons who can be hired to interpret the
30 examinations.

31 Sec. 421. Section 80B.11B, subsection 1, Code
32 1991, is amended to read as follows:

33 1. Notwithstanding section 80B.11, subsection 5,
34 not more than one-half of the The full cost of
35 providing cognitive and psychological examinations of
36 law enforcement officer candidates may be charged for
37 taking the examinations by the Iowa law enforcement
38 academy.

39 Sec. 422. NEW SECTION. 80B.16 AUDIOVISUAL FEES
40 ESTABLISHED.

41 The academy may charge state departments,
42 independent agencies, or other governmental offices a
43 fee not to exceed the actual costs, including the cost
44 of equipment, production, and duplication, for
45 audiovisual services provided by the academy. Fees
46 shall be deposited in a separate fund in the state
47 treasury to be known as the audiovisual equipment
48 fund. Funds generated from the audiovisual fees are
49 appropriated and shall be used at the direction of the
50 academy only to maintain and upgrade academy

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1 audiovisual equipment. Notwithstanding section 8.33,
2 unencumbered or unobligated moneys in the separate
3 fund at the end of a fiscal year shall not revert to
4 the general fund of the state.

5 Sec. 423. Section 309.10, unnumbered paragraph 2,
6 Code Supplement 1991, is amended to read as follows:

7 A county shall not use farm-to-market road funds as
8 described in this section unless the total funds that
9 the county transferred or provided during the prior
10 fiscal year pursuant to section 331.429, subsection 1,
11 paragraphs "a", "b", "d", and "e", are at least
12 seventy-five percent of the sum of the following for

13 the fiscal year ending June 30, 1993, eighty percent
14 of the sum of the following for the fiscal year ending
15 June 30, 1994, eighty-five percent of the sum of the
16 following for the fiscal year ending June 30, 1995,
17 and ninety percent of the sum of the following for
18 each fiscal year beginning on or after July 1, 1995:

19 Sec. 424. Section 312.2, subsection 8, unnumbered
20 paragraph 1, Code Supplement 1991, is amended to read
21 as follows:

22 The treasurer of state, before making any
23 allotments to counties under this section, shall
24 reduce the allotment to a county for the secondary
25 road fund by the amount by which the total funds that
26 the county transferred or provided during the prior
27 fiscal year under section 331.429, subsection 1,
28 paragraphs "a", "b", "d", and "e", are less than
29 seventy-five percent of the sum of the following for
30 the fiscal year ending June 30, 1993, eighty percent
31 of the sum of the following for the fiscal year ending
32 June 30, 1994, eighty-five percent of the sum of the
33 following for the fiscal year ending June 30, 1995,
34 and ninety percent of the sum of the following for
35 each fiscal year beginning on or after July 1, 1995:

36 Sec. 425. Section 312.2, subsection 15, Code
37 Supplement 1991, is amended to read as follows:

38 15. The treasurer of state, before making the
39 allotments provided for in this section, shall credit
40 monthly from the road use tax fund to the public
41 transit assistance fund, created under section 601J.6,
42 from revenue credited to the road use tax fund under
43 section 423.24, subsection 1, paragraph "c", an amount
44 equal to one-twentieth of the revenue credited to the
45 road use tax fund under section 423.24, subsection 1,
46 paragraph "c" derived from the use tax on motor
47 vehicles, trailers, and motor vehicle accessories and
48 equipment as collected pursuant to section 423.7.

49 Notwithstanding the provisions of this subsection
50 directing that one-twentieth of the revenue credited

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1 to the road use tax fund under section 423.24,
2 subsection 1, paragraph "c" derived from the use tax
3 on motor vehicles, trailers, and motor vehicle
4 accessories and equipment as collected pursuant to
5 section 423.7, be deposited into the public transit
6 assistance fund, for the fiscal period beginning on
7 July 1, 1991, and ending June 30, 1993, such amount
8 shall be deposited into the general fund of the state.
9 There is appropriated from the general fund of the

10 state for each fiscal year to the state department of
11 transportation the amount of revenues credited to the
12 general fund of the state during the fiscal year under
13 this subsection to be used for purposes of public
14 transit assistance under chapter 601J.

15 Sec. 426. Section 312.2, subsection 22, Code
16 Supplement 1991, is amended by striking the
17 subsection.

18 Sec. 427. Section 312.3, subsection 1, Code
19 Supplement 1991, is amended by striking the subsection
20 and inserting in lieu thereof the following:

21 1. Apportion among the counties in the ratio that
22 the needs of the secondary roads of each county bear
23 to the total needs of the secondary roads of the state
24 for each fiscal year based upon the total needs of
25 secondary roads of the state as shown in the latest
26 quadrennial need study report developed by the state
27 department of transportation, and which is on record
28 at the department, seventy percent of the allocation
29 from road use tax funds which is credited to the
30 secondary road fund of the counties, and apportion
31 among the counties in the ratio that the area of each
32 county bears to the total area of the state, thirty
33 percent of the allocation from road use tax funds
34 which is credited to the secondary road fund of the
35 counties.

36 Sec. 428. Section 312.5, subsection 5, Code
37 Supplement 1991, is amended by striking the
38 subsection.

39 Sec. 429. Section 313.4, subsection 4, unnumbered
40 paragraph 1, Code 1991, is amended to read as follows:

41 Such fund is appropriated and shall be used by the
42 department to provide energy and for the operation and
43 maintenance of those primary road freeway lighting
44 systems within the corporate boundaries of cities
45 including energy and maintenance costs associated with
46 interchange conflict lighting on existing and future
47 freeway and expressway segments constructed to
48 interstate standards.

49 Sec. 430. Section 315.4, subsection 1, Code 1991,
50 is amended to read as follows:

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1 1. Twenty thirty-firsts for deposit in the primary
2 road fund for the use of the department on primary
3 road projects exclusively for highways which are
4 identified under section 307A.2 as being part of the
5 network of commercial and industrial highways.

6 Sec. 431. Section 321.89, subsection 1, paragraph

7 a, Code 1991, is amended to read as follows:

8 a. "Police authority" means the Iowa highway
9 safety patrol, or any law enforcement agency of a
10 county or city or any special security officer
11 employed by the state board of regents under section
12 262.13.

13 Sec. 432. Section 321.152, subsection 1, Code
14 Supplement 1991, is amended to read as follows:

15 1. Four ~~and one-quarter~~ percent of the total
16 collection for each annual or semiannual vehicle
17 registration and each duplicate registration card or
18 plate issued.

19 Sec. 433. Section 321.153, Code 1991, is amended
20 to read as follows:

21 321.153 TREASURER'S REPORT TO DEPARTMENT.

22 The county treasurer ~~shall~~ on the tenth day of each
23 month shall certify under county seal to the
24 department, on forms furnished by it, a full and
25 complete statement of all fees and penalties received
26 by the county treasurer during the preceding calendar
27 month and shall remit all moneys not retained for
28 deposit under section 321.152 to the treasurer of
29 state.

30 Sec. 434. Section 321.211, unnumbered paragraph 2,
31 Code 1991, is amended to read as follows:

32 There is appropriated each year from the road use
33 tax fund to the department of transportation one
34 hundred sixty two hundred twenty-five thousand dollars
35 or as much thereof as is necessary to be used to pay
36 the cost of notice and personal delivery of service,
37 as necessary to meet the notice requirement of this
38 section. The department shall adopt rules governing
39 the payment of the cost of personal delivery of
40 service. The reinstatement fees collected under
41 section 321.191 shall be deposited in the road use tax
42 fund in the manner provided in section 321.145, as
43 reimbursement for the costs of notice under this
44 section.

45 Sec. 435. Section 321.463, unnumbered paragraph 6,
46 Code 1991, is amended to read as follows:

47 In addition, the weight on any one axle, including
48 a tandem axle, of a vehicle which is transporting raw
49 materials ~~which are removed from a road under~~
50 construction from a designated borrow site to a

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1 construction project or transporting raw materials
2 from a construction project, may exceed the legal
3 maximum weight otherwise allowed under this chapter by

4 ten percent if the gross weight on any particular
5 group of axles on the vehicle does not exceed the
6 gross weight allowed under this chapter for that group
7 of axles. However, if the vehicle exceeds the ten
8 percent tolerance allowed for any one axle or tandem
9 axle under this paragraph the fine to be assessed for
10 the axle or tandem axle shall be computed on the
11 difference between the actual weight and the ten
12 percent tolerance weight allowed for the axle or
13 tandem axle under this paragraph. This paragraph
14 applies only to vehicles operating along a route of
15 travel approved by the department.

16 Sec. 436. Section 400.10, unnumbered paragraph 1,
17 Code 1991, is amended to read as follows:

18 In all examinations and appointments under this
19 chapter, other than promotions and appointments of
20 chief of the police department and chief of the fire
21 department, honorably discharged veterans from the
22 military or naval forces of the United States in any
23 war in which the United States has been engaged,
24 including the Korean Conflict at any time between June
25 25, 1950 and January 31, 1955, both dates inclusive,
26 and the Vietnam Conflict beginning August 5, 1964, and
27 ending May 7, 1975, both dates inclusive, and the
28 Persian Gulf Conflict beginning August 2, 1990, and
29 ending on the date specified by the president or the
30 congress of the United States as the date of permanent
31 cessation of hostilities, both dates inclusive, and
32 who are citizens and residents of this state, shall
33 have five points added to the veteran's grade or score
34 attained in qualifying examinations for appointment to
35 positions and five additional points added to the
36 grade or score if the veteran has a service-connected
37 disability or is receiving compensation, disability
38 benefits or pension under laws administered by the
39 veterans administration. However, if the congress of
40 the United States enacts a date different from August
41 2, 1990, as the beginning of the Persian Gulf Conflict
42 to determine the eligibility of a veteran for military
43 benefits as a veteran of the Persian Gulf Conflict,
44 the date enacted by the congress of the United States
45 shall be substituted for August 2, 1990. An honorably
46 discharged veteran who has been awarded the Purple
47 Heart for disabilities incurred in action shall be
48 considered to have a service-connected disability.
49 However, the points shall be given only upon passing
50 the exam and shall not be the determining factor in

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1 passing.

2 Sec. 437. NEW SECTION. 441.73 LITIGATION EXPENSE

3 FUND.

4 1. A litigation expense fund is created in the
5 state treasury. The litigation expense fund shall be
6 used for the payment of litigation expenses incurred
7 by the state to defend property valuations established
8 by the director of revenue and finance pursuant to
9 section 428.24 and chapters 430A, 433, 434, 436, 437,
10 and 438.

11 2. If the director of revenue and finance
12 determines that foreseeable litigation expenses will
13 exceed the amount available from appropriations made
14 to the department of revenue and finance, the director
15 of revenue and finance may apply to the executive
16 council for use of funds on deposit in the litigation
17 defense fund. The initial application for approval
18 shall include an estimate of potential litigation
19 expenses, allocated to each of the next four
20 succeeding calendar quarters and substantiated by a
21 breakdown of all anticipated costs for legal counsel,
22 expert witnesses, and other applicable litigation
23 expenses.

24 3. The executive council may approve expenditures
25 from the litigation expense fund on a quarterly basis.
26 Prior to each quarter, the director of revenue and
27 finance shall report to the executive council and give
28 a full accounting of actual litigation expenses to
29 date as well as estimated litigation expenses for the
30 remaining calendar quarters of the fiscal year. The
31 executive council may adjust quarterly expenditures
32 from the litigation expense fund based on this
33 information.

34 4. The executive council shall transfer for the
35 fiscal year beginning July 1, 1992, and each fiscal
36 year thereafter, from funds established in sections
37 405A.8, 425.1, and 426.1, an amount necessary to pay
38 litigation expenses. However, the amount of funds
39 transferred to the litigation expense fund for the
40 fiscal year beginning July 1, 1992, shall not exceed
41 three hundred fifty thousand dollars and the amount of
42 the fund for the succeeding fiscal years shall not
43 exceed seven hundred thousand dollars. The executive
44 council shall determine annually the proportionate
45 amounts to be transferred from the three separate
46 funds. At any time when no litigation is pending or
47 in progress the balance in the litigation defense fund
48 shall not exceed one hundred thousand dollars. Any

49 excess moneys shall be transferred in a proportionate
50 amount back to the funds from which they were

Page 19

1 originally transferred.

2 Sec. 438. 1988 Iowa Acts, chapter 1278, section
3 17, subsection 2, unnumbered paragraph 3, is amended
4 to read as follows:

5 The provisions of section 8.33 do not apply to the
6 funds appropriated by this subsection. Unencumbered
7 or unobligated funds remaining on June 30, ~~1992~~ 1994,
8 from funds appropriated for the fiscal year beginning
9 July 1, 1988, shall revert to the fund from which
10 appropriated on September 30, ~~1992~~ 1994.

11 Sec. 439. 1990 Iowa Acts, chapter 1267, section 9,
12 subsection 2, is amended to read as follows:

13 2. To be used to implement section 306D.3:

14 \$ 500,000

15 Notwithstanding section 8.33, the funds
16 appropriated in this subsection shall remain available
17 for obligation until June 30, ~~1992~~ 1993, and once
18 obligated shall remain available until expended.
19 Public or private entities willing to donate land for
20 scenic highway projects shall be given preference in
21 project selection if the land is accepted by the
22 department.

23 Sec. 440. 1991 Iowa Acts, chapter 268, section
24 507, unnumbered paragraph 2, is amended to read as
25 follows:

26 The provisions of section 8.33 do not apply to the
27 funds appropriated by ~~subsection~~ subsections 8 and 9,
28 but remain available for expenditure for the purposes
29 designated until June 30, 1995. Unencumbered or
30 unobligated funds remaining on June 30, 1995, from
31 funds appropriated by ~~subsection~~ subsections 8 and 9,
32 for the fiscal year beginning July 1, 1991, shall
33 revert to the fund from which appropriated on August
34 30, 1995.

35 Sec. 441. That section of 1992 Iowa Acts, Senate
36 File 2354, which amends 1990 Iowa Acts, chapter 1234,
37 section 76, as amended by 1991 Iowa Acts, chapter 213,
38 section 35, is repealed.

39 Sec. 442. LITIGATION EXPENSE FUND RECOMMENDATIONS.

40 The legislative fiscal committee shall request the
41 attorney general's office to make recommendations as
42 to the potential for recoupment of costs expended from
43 the litigation expense fund under Section 200 of this
44 Act. The legislative fiscal bureau and the
45 legislative service bureau shall work in cooperation

46 with the attorney general's office. The
47 recommendations shall be presented to the legislative
48 council and the members of the transportation and
49 safety appropriations subcommittee on or before
50 January 15, 1993.

Page 20

- 1 Sec. 443. Section 307.39, Code 1991, is repealed.
- 2 Sec. 444. Chapter 307D, Code 1991, is repealed.
- 3 Sec. 445. Sections 412, 438, and 440 of this Act,
- 4 being deemed of immediate importance, take effect upon
- 5 enactment.
- 6 Sec. 446. Sections 427 and 428 of this Act take
- 7 effect on July 1, 1993."

LEONARD L. BOSWELL
DON GETTINGS

S-5914

- 1 Amend Senate File 2376 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:

"DIVISION V

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

6 Sec. 501. There is appropriated from the general
7 fund of the state to the department of agriculture and
8 land stewardship for the fiscal year beginning July 1,
9 1992, and ending June 30, 1993, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12 1. ADMINISTRATIVE DIVISION

13 a. For salaries, support, maintenance, the support
14 of the state 4-H foundation, support of the statistics
15 bureau, and miscellaneous purposes:

16 \$ 1,006,128

17 Of the funds appropriated in paragraph "a", \$35,000
18 shall be allocated to the state 4-H foundation to
19 foster the development of Iowa's youth and to
20 encourage them to study the subject of agriculture.

21 Of the funds appropriated in paragraph "a",
22 \$140,000 and 5.00 FTEs shall be allocated to the
23 statistics bureau to provide county-by-county
24 information on land in farms, production by crop,
25 acres by crop, and county prices by crop. This
26 information shall be made available to the department
27 of revenue and finance for use in the productivity
28 formula for valuing and equalizing agricultural land.

29 b. For the operations of the dairy trade practices

30 bureau:
 31 \$ 70,000
 32 Of the funds appropriated in this paragraph "b" not
 33 more than \$47,207 shall be used to support the
 34 operations of the dairy trade practices bureau for the
 35 fiscal year beginning July 1, 1992, and ending June
 36 30, 1993. Notwithstanding section 8.39, moneys
 37 appropriated under this paragraph shall not be
 38 transferred by the department to support a purpose
 39 other than the operations of the bureau.
 40 Notwithstanding section 8.33, unobligated or
 41 unencumbered moneys remaining on June 30, 1993, shall
 42 not revert, but shall be available for expenditure for
 43 the bureau for the next fiscal year and any of these
 44 moneys remaining on June 30, 1994, shall revert to the
 45 general fund of the state.
 46 c. For the operations of the agricultural
 47 marketing bureau:
 48 \$ 731,140
 49 Of the funds appropriated in paragraph "c",
 50 \$325,000 and 8.00 FTEs shall be used to support

Page 2

1 horticulture.
 2 d. For the purpose of performing commercial feed
 3 audits:
 4 \$ 56,470
 5 e. For the purpose of performing fertilizer
 6 audits:
 7 \$ 56,470
 8 f. Funds appropriated by this subsection are for
 9 the salaries and support of not more than the
 10 following full-time equivalent positions:
 11 FTEs 54.20
 12 2. FARMERS' MARKET COUPON PROGRAM
 13 For salaries, support, maintenance, and
 14 miscellaneous purposes, to be used by the department
 15 to continue and expand the farmers' market coupon
 16 program by providing federal special supplemental food
 17 program recipients with coupons redeemable at farmers'
 18 markets, and for not more than the following full-time
 19 equivalent positions:
 20 \$ 191,887
 21 FTEs 1.00
 22 3. REGULATORY DIVISION
 23 a. For salaries, support, maintenance,
 24 miscellaneous purposes, and for not more than the
 25 following full-time equivalent positions:
 26 \$ 3,607,044

27	.....	FTEs	135.00
28	b. To cover the costs of inspection, sampling,		
29	analysis, and other expenses necessary for the		
30	administration of chapters 192, 194, and 195:		
31	.....	\$	652,191
32	4. LABORATORY DIVISION		
33	a. For salaries, support, maintenance, and		
34	miscellaneous purposes, including the administration		
35	of the gypsy moth program:		
36	.....	\$	674,280
37	Of the amount appropriated under this paragraph		
38	"a", \$50,000 shall be used to administer a program		
39	relating to the detection, surveillance, and		
40	eradication of the gypsy moth. The department shall		
41	not allocate moneys other than appropriated under this		
42	paragraph "a" to support the program.		
43	b. For the operations of the commercial feed		
44	programs:		
45	.....	\$	709,373
46	c. For the operations of the pesticide programs:		
47	.....	\$	1,195,741
48	d. For the operations of the fertilizer programs:		
49	.....	\$	626,149
50	e. Funds appropriated by this subsection are for		

Page 3

1	the salaries and support of not more than the		
2	following full-time equivalent positions:		
3	.....	FTEs	79.25
4	5. SOIL CONSERVATION DIVISION		
5	a. For salaries, support, maintenance, assistance		
6	to soil conservation districts, miscellaneous		
7	purposes, and for not more than the following full-		
8	time equivalent positions:		
9	.....	\$	5,000,784
10	.....	FTEs	173.52
11	Of the funds appropriated in paragraph "a",		
12	\$330,000 shall be used to reimburse commissioners of		
13	soil and water conservation districts for		
14	administrative expenses. Moneys used for the payment		
15	of meeting dues by counties shall be matched on a		
16	dollar-for-dollar basis by the soil conservation		
17	division.		
18	b. To provide financial incentives for soil		
19	conservation practices under chapter 467A:		
20	.....	\$	5,980,673
21	c. The following requirements apply to the moneys		
22	appropriated by paragraph "b":		
23	(1) Not more than 5 percent of the moneys		

24 appropriated in paragraph "b" may be allocated for
25 cost sharing to abate complaints filed under section
26 467A.47.

27 (2) Of the moneys appropriated in paragraph "b", 5
28 percent shall be allocated for financial incentives to
29 establish practices to protect watersheds above
30 publicly owned lakes of the state from soil erosion
31 and sediment. The financial incentives shall be
32 awarded to watersheds which are of the highest
33 importance based on soil loss as established by the
34 natural resource commission pursuant to section
35 107.33A. The financial incentives shall not exceed
36 seventy-five percent of the estimated cost of
37 establishing the practices as determined by the
38 commissioners or seventy-five percent of the actual
39 cost of establishing the practices, whichever is less.

40 (3) The commissioners of a soil and water
41 conservation district may allocate financial
42 incentives to encourage summer construction of
43 permanent soil and water conservation practices. The
44 practices must be constructed on or after June 1 but
45 not later than August 15. The commissioners may also
46 provide for the payment of moneys on a prorated basis
47 to compensate persons for the production loss on an
48 area disturbed by construction, according to rules
49 which shall be adopted by the division. The
50 commissioners shall not allocate cost-share moneys to

Page 4

1 support summer construction during a fiscal year in
2 which applications for cost-share moneys required to
3 establish permanent soil and water conservation
4 practices, other than established by summer
5 construction, equal the total amount available to
6 support the nonsummer construction practices. The
7 financial incentives shall not exceed sixty percent of
8 the estimated cost of establishing the practice as
9 determined by the commissioners, or sixty percent of
10 the actual cost of establishing the practice,
11 whichever is less.

12 (4) The commissioners of a soil and water
13 conservation district may allocate financial
14 incentives under a special agreement with owners of
15 land in the district who promise to adopt a watershed
16 conservation plan as provided by rules which shall be
17 adopted by the division. The watershed conservation
18 plan shall be in conjunction with the owners'
19 respective farm unit soil conservation plans. The
20 funding agreement must provide for the funding of a

21 project which includes five or more contiguous farm
22 units which have at least five hundred acres of
23 agricultural land and which constitutes at least
24 seventy-five percent of the agricultural land located
25 within a watershed or subwatershed. The financial
26 incentives shall not exceed sixty percent of the
27 estimated cost of the project as determined by the
28 commissioners or sixty percent of the actual cost,
29 whichever is less.

30 (5) Except as otherwise provided in subparagraphs
31 (1) through (4), the moneys appropriated in paragraph
32 "b" shall not be used alone or in combination with
33 other public funds to provide a financial incentive
34 payment greater than fifty percent of the approved
35 cost for a voluntary permanent soil conservation
36 practice. Priority for funding shall be given to
37 family-operated farms.

38 (6) Not more than 30 percent of a district's
39 allocation of moneys as financial incentives may be
40 provided for the purpose of establishing management
41 practices to control soil erosion on land that is row
42 cropped, including but not limited to no-till
43 planting, ridge-till planting, contouring, and contour
44 strip-cropping. The division shall by rule establish
45 limits on the amount of incentives which shall be
46 authorized for payment to landowners upon
47 establishment of the practice.

48 (7) The soil conservation committee may allocate
49 moneys to conduct research and demonstration projects
50 to promote conservation tillage and nonpoint sources

Page 5

1 pollution control practices.

2 (8) Of the moneys appropriated under paragraph
3 "b", \$100,000 shall be used for a stream degradation
4 pilot project in western Iowa. However, only those
5 counties which have levied the maximum rate of levy
6 for rural county services under section 331.423,
7 subsection 2, shall be eligible to participate in the
8 pilot project.

9 (9) The financial incentive payments may be used
10 in combination with department of natural resources
11 funds.

12 d. The provisions of section 8.33 shall not apply
13 to the funds appropriated by paragraph "b".
14 Unencumbered or unobligated funds remaining on June
15 30, 1996, from funds appropriated under paragraph "b"
16 for the fiscal year beginning July 1, 1992, shall
17 revert to the general fund on September 30, 1996.

18 Sec. 502. There is appropriated from the general
 19 fund of the state to the department of agriculture and
 20 land stewardship for the fiscal year beginning July 1,
 21 1992, and ending June 30, 1993, the following amount,
 22 or so much thereof as is necessary, to be used for the
 23 purposes designated:
 24 To fund lamb and wool management education projects
 25 approved by the department at community colleges
 26 selected as project sites as provided in section
 27 99E.32, subsection 3, paragraph "m":
 28 \$ 193,500

29 Sec. 503. There is appropriated from the general
 30 fund of the state to the department of agriculture and
 31 land stewardship for the fiscal year beginning July 1,
 32 1992, and ending June 30, 1993, the following amount,
 33 or so much thereof as is necessary, to be used for the
 34 purpose designated:
 35 For support of the pseudorabies eradication
 36 program:
 37 \$ 800,000

38 Sec. 504. There is appropriated from the funds
 39 available under section 99D.13 to the regulatory
 40 division of the department of agriculture and land
 41 stewardship for the fiscal year beginning July 1,
 42 1992, and ending June 30, 1993, the following amount,
 43 or so much thereof as is necessary, to be used for the
 44 purposes designated:
 45 For salaries, support, maintenance, and
 46 miscellaneous purposes for the administration of
 47 section 99D.22:
 48 \$ 174,342

49 INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

50 Sec. 505. There is appropriated from the general

Page 6

1 fund of the state to the interstate agricultural grain
 2 marketing commission for the fiscal year beginning
 3 July 1, 1992, and ending June 30, 1993, the following
 4 amount, or so much thereof as is necessary, to be used
 5 for the purpose designated:
 6 For carrying out duties of the commission as
 7 provided in Article IV of the interstate compact on
 8 agricultural grain marketing as provided in chapter
 9 183:
 10 \$ 61,950

DEPARTMENT OF NATURAL RESOURCES

12 Sec. 506. There is appropriated from the general
 13 fund of the state to the department of natural
 14 resources for the fiscal year beginning July 1, 1992,

15 and ending June 30, 1993, the following amounts, or so
16 much thereof as is necessary, to be used for the
17 purposes designated:

18 1. ADMINISTRATIVE AND SUPPORT SERVICES

19 For salaries, support, maintenance, miscellaneous
20 purposes, and for not more than the following full-
21 time equivalent positions:

22 \$ 2,094,541
23 FTEs 135.00

24 2. PARKS AND PRESERVES DIVISION

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28 \$ 5,205,155
29 FTEs 210.57

30 3. FORESTS AND FORESTRY DIVISION

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-
33 time equivalent positions:

34 \$ 1,336,597
35 FTEs 54.44

36 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

37 For salaries, support, maintenance, miscellaneous
38 purposes, and for not more than the following full-
39 time equivalent positions:

40 \$ 1,332,440
41 FTEs 52.02

42 5. ENVIRONMENTAL PROTECTION DIVISION

43 For salaries, support, maintenance, miscellaneous
44 purposes, and for not more than the following full-
45 time equivalent positions:

46 \$ 2,113,501
47 FTEs 174.00

48 6. FISH AND WILDLIFE DIVISION

49 For not more than the following full-time
50 equivalent positions:

Page 7

1 FTEs 338.78

2 7. WASTE MANAGEMENT ASSISTANCE DIVISION

3 For not more than the following full-time
4 equivalent positions:

5 FTEs 18.75

6 8. For the green thumb program for the employment
7 of the elderly in conservation and outdoor recreation
8 related fields in coordination with other agencies as
9 provided by law, and for not more than the following
10 full-time equivalent positions:

11 \$ 130,000

12 FTEs 10.00

13 Of the amount appropriated under subsection 1
14 \$25,000 shall be used by the department of natural
15 resources for purposes of participating and assisting
16 in developing the Lewis and Clark rural water system.
17 Sec. 507. There is appropriated from the state
18 fish and game protection fund to the division of fish
19 and wildlife of the department of natural resources
20 for the fiscal year beginning July 1, 1992, and ending
21 June 30, 1993, the following amounts, or so much
22 thereof as is necessary, to be used for administrative
23 support, and for salaries, support, maintenance,
24 equipment, and miscellaneous purposes:

25 \$ 18,386,561

26 The department shall not expend more moneys from
27 the fish and game protection fund than provided in
28 this section, unless the expenditure derives from
29 contributions made by a public or private entity,
30 including the federal government, and is approved by
31 the natural resource commission. The department of
32 natural resources shall promptly notify the
33 legislative fiscal bureau of the commission's
34 approval, and the chairpersons and ranking members of
35 the agriculture and natural resources appropriation
36 subcommittee.

37 Sec. 508. There is appropriated from the marine
38 fuel tax receipts deposited in the general fund of the
39 state to the department of natural resources for the
40 fiscal year beginning July 1, 1992, and ending June
41 30, 1993, the following amounts, or so much thereof as
42 is necessary, to be used for the purposes designated:

43 a. For purposes of funding expenditures
44 traditionally funded from marine fuel tax revenues,
45 but not considered as capitals or operations:
46 \$ 200,000

47 b. For purposes of funding capitals traditionally
48 funded from marine fuel tax receipts for the purposes
49 specified in section 324.79, and providing for lake
50 preservation as provided in this paragraph:

Page 8

1 \$ 1,540,000

2 (1) Of the moneys appropriated under this
3 paragraph "b", \$400,000 shall be allocated by the
4 department to continue lake preservation, including
5 dredging operations, at Black Hawk Lake, located at
6 Lake View, Iowa. Remaining moneys previously
7 designated for Black Hawk Lake from the federal clean
8 lakes program shall be allocated on a matching basis

9 with moneys appropriated under this paragraph "b" for
10 purposes of preserving Black Hawk Lake. The
11 allocation of moneys shall be contingent upon land
12 used as a spoil site for the lake being provided
13 without financial obligation to the state and the
14 active participation of a local entity in preparing
15 the spoil site. This subparagraph (1) shall become
16 effective upon enactment.

17 (2) Notwithstanding section 8.33, the unencumbered
18 or unobligated moneys remaining on June 30, 1993, from
19 moneys appropriated for purposes of funding capitals
20 traditionally funded from marine fuel tax receipts as
21 provided in this paragraph "b" for the fiscal year
22 beginning July 1, 1992, shall revert on September 30,
23 1994.

24 Sec. 509. There is transferred on July 1, 1992,
25 from the fees deposited under section 321G.7 to the
26 fish and game protection fund and appropriated to the
27 department of natural resources for the fiscal year
28 beginning July 1, 1992, and ending June 30, 1993, the
29 following amount, or so much thereof as is necessary,
30 to be used for the purpose designated:

31 For the purpose of enforcing snowmobile laws as
32 part of the state snowmobile program administered by
33 the department of natural resources:

34 \$ 100,000

35 Sec. 510. There is transferred on July 1, 1992,
36 from the fees deposited under section 106.52 to the
37 fish and game protection fund and appropriated to the
38 department of natural resources for the fiscal year
39 beginning July 1, 1992, and ending June 30, 1993, the
40 following amount, or so much thereof as is necessary,
41 to be used for the purpose designated:

42 For purposes of administration and enforcement of
43 navigation laws and water safety:

44 \$ 950,000

MISCELLANEOUS

45 Sec. 511. POLYSTYRENE PRODUCTS. There is
46 appropriated from the solid waste account of the
47 groundwater protection fund created pursuant to
48 section 455E.11, from the moneys allocated to the
49 department of natural resources for the development
50

1 and implementation of landfill alternatives to solid
2 waste disposal including recycling programs, for the
3 fiscal year beginning July 1, 1992, and ending June
4 30, 1993, the following amount, or so much thereof as
5 is necessary, to Iowa state university to assist

6 businesses involved in the manufacturing and use of
 7 polystyrene products to increase the use of recycled
 8 materials in the manufacture of packaging products or
 9 food service items and in the conversion of
 10 manufacturing equipment to provide for the use of
 11 materials, other than polystyrene, which are
 12 ecologically sound:

13 \$ 50,000

14 Sec. 512. WILDLIFE DAMAGE CONTROL. There is
 15 transferred from moneys appropriated to the
 16 agricultural experiment station at Iowa state
 17 university of science and technology to the department
 18 of natural resources for the fiscal year beginning
 19 July 1, 1992, and ending June 30, 1993, the following
 20 amount to be used for purposes of supporting a
 21 wildlife damage management program:

22 \$ 50,000

23 The program shall provide for controlling wildlife,
 24 including deer and predators, which interfere with
 25 agricultural production. A primary purpose of the
 26 program shall be to reduce damages or injury to
 27 property involved in farming as defined in section
 28 172C.1. The program shall emphasize the prevention of
 29 wildlife damage through management techniques which
 30 preserve the life and habitat of wildlife. An animal
 31 or an animal's habitat shall not be destroyed only
 32 because the animal belongs to a particular species.
 33 The department shall cooperate with the department of
 34 agriculture and land stewardship and either department
 35 may contract with the United States department of
 36 agriculture to operate the program. The program shall
 37 be conducted in accordance with federal and state law,
 38 notwithstanding laws relating to open seasons.

39 Sec. 513. Notwithstanding the amount of the
 40 standing appropriation from the general fund of the
 41 state under section 455A.18, subsection 3, there is
 42 appropriated from the general fund of the state, in
 43 lieu of the appropriation made in section 455A.18, for
 44 the fiscal year beginning July 1, 1992, to the Iowa
 45 resources enhancement and protection fund the sum of
 46 \$5,000,000.

47 Sec. 514. The department of agriculture and land
 48 stewardship is not required to reimburse a person not
 49 employed by the department, including the auditor of
 50 state or the attorney general, for rendering services

3 and charges rendered by the person for performing
4 these services.

5 This section, being deemed of immediate importance,
6 takes effect upon enactment of this Act.

7 Sec. 515. The department of agriculture and land
8 stewardship and the department of natural resources,
9 in cooperation as necessary with the department of
10 management and the department of personnel, shall
11 provide a list to the legislative fiscal bureau, on a
12 quarterly basis, of all permanent positions added to
13 or deleted from the departments' table of organization
14 in the previous fiscal quarter. This list shall
15 include at least the position number, salary range,
16 projected funding source or sources of each position,
17 and the reason for the addition or deletion. The
18 legislative fiscal bureau may use this information to
19 assist in the establishment of the full-time
20 equivalent position limits contained in the
21 appropriation bill for the departments.

22 Sec. 516. The department of revenue and finance in
23 cooperation with the department of agriculture and
24 land stewardship and the department of natural
25 resources shall track receipts to the general fund
26 which have traditionally been deposited into the
27 following funds:

- 28 1. The fertilizer fund created in section 200.9.
- 29 2. The pesticide fund created in section 206.12.
- 30 3. The dairy trade practices trust fund pursuant
31 to section 192A.30.
- 32 4. The milk fund created in section 192.111.
- 33 5. The commercial feed fund created in section
34 198.9.
- 35 6. The marine fuel tax fund created in section
36 324.79.
- 37 7. The energy research and development fund
38 provided in section 93.11.

39 The departments designated in this section shall
40 prepare reports detailing revenue from receipts
41 traditionally deposited into each of the funds. A
42 report shall be submitted to the legislative fiscal
43 bureau at least once for each three-month period as
44 designated by the legislative fiscal bureau.

45 Sec. 517. The department of natural resources
46 shall provide the legislative fiscal bureau
47 information and financial data by cost center, on at
48 least a monthly basis, relating to the indirect cost
49 accounting procedure, the amount of funding from each
50 funding source for each cost center, and the internal

Page 11

1 budget system used by the department. The information
2 shall include but is not limited to financial data
3 covering the department's budget by cost center and
4 funding source prior to the start of the fiscal year,
5 and to the department's actual expenditures by cost
6 center and funding source after the accounting system
7 has been closed for that fiscal year.

8 Sec. 518. Notwithstanding section 17A.2,
9 subsection 7, paragraph "g", the department of natural
10 resources shall by rule establish prices of plant
11 material grown at the state forest nurseries to cover
12 all expenses related to the growing of the plants.

13 The department shall develop programs to encourage
14 the wise management and preservation of existing
15 woodlands and shall continue its efforts to encourage
16 forestation and reforestation on private and public
17 lands in the state.

18 The department shall encourage a cooperative
19 relationship between the state forest nurseries and
20 private nurseries in the state in order to achieve
21 these goals.

22 Sec. 519. During the fiscal year for which funds
23 are appropriated by sections 506 and 507 of this Act,
24 the department of natural resources shall not require
25 the installation or use of equipment to control the
26 emission of dust or other particulate matter on or by
27 facilities for storage of grain which are located
28 within the ambient air quality attainment areas for
29 suspended particulates.

30 Sec. 520. ZERO-BASE BUDGET PROPOSAL. The parks
31 and preserves division of the department of natural
32 resources shall submit a zero-base budget proposal for
33 the fiscal year beginning July 1, 1993, and ending
34 June 30, 1994, to the joint appropriations
35 subcommittee on agriculture and natural resources by
36 January 15, 1993.

37 Sec. 521. CODE EDITOR. The Code editor shall
38 change the name of the waste management authority
39 within the department of natural resources to the
40 waste management assistance division wherever it
41 appears in the Code.

42 Sec. 522. AGRICULTURAL CHEMICAL DEALER SITE
43 CONTAMINATION STUDY.

44 1. STUDY. The department of natural resources
45 shall conduct a study to evaluate the existence of
46 pesticide contamination at agricultural chemical
47 dealer sites in the state. The study shall do all of
48 the following:

49 a. Define what constitutes pesticide
50 contamination.

Page 12

1 b. Evaluate and assess site conditions and
2 operational practices at agricultural chemical dealer
3 sites.

4 c. Determine the extent to which pesticide
5 contamination actually exists at agricultural chemical
6 dealer sites throughout the state. This determination
7 shall be made with existing information. This study
8 shall not require additional testing for pesticide
9 contamination at agricultural chemical dealer sites.

10 d. Develop procedures, methods, and guidelines for
11 addressing pesticide contamination at agricultural
12 chemical dealer sites, including cost-effective
13 procedures for site assessments and the use of
14 remedial technologies.

15 e. Evaluate the use of land application of
16 pesticide-contaminated soils and groundwaters as a
17 remedial technique.

18 f. Recommend the extent to which the general
19 assembly should take future action on this issue and
20 include recommendations regarding the long-term
21 financial resources which may be necessary to
22 remediate sites in the state and a cost benefit
23 analysis of providing those resources to agricultural
24 chemical dealers.

25 2. ADVISORY COMMITTEE. An advisory committee
26 shall be formed to provide consultation to the
27 department, to determine the locations of the
28 agricultural chemical dealer sites to be included in
29 the pilot project, and to supervise the study. The
30 advisory committee shall consist of the following
31 persons:

32 a. A representative of the environmental
33 protection division of the department of natural
34 resources, who shall serve as chairperson of the
35 committee and who shall be chosen by the director of
36 the department of natural resources.

37 b. A representative of the environmental
38 protection commission chosen by the members of the
39 commission.

40 c. A representative of the pesticide division of
41 the Iowa department of agriculture and land
42 stewardship, chosen by the secretary of agriculture.

43 d. A representative of the Iowa fertilizer and
44 chemical association.

45 e. An agriculture chemical and fertilizer dealer

46 who has annual sales of less than five million dollars
47 within the state, who shall be chosen by the
48 legislative council.
49 f. A researcher from Iowa state university of
50 science and technology who shall be chosen by the dean

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1 of the Iowa state university college of agriculture.
2 g. One public member who is an active farmer who
3 shall be chosen by the legislative council.
4 3. PILOT PROJECT. As part of the study, the
5 department shall conduct remediation on a minimum of
6 two sites.
7 Within six months of the effective date of this
8 Act, the advisory committee shall choose the sites
9 from a list which shall contain those sites which are
10 already required to undergo cleanup and those sites
11 for which the dealer volunteered to participate in the
12 pilot project. The sites chosen shall be
13 representative of the geological distinctions which
14 exist within the state. The department shall
15 authorize a private contractor to conduct the
16 assessment and remediation of the chosen sites. An
17 agricultural chemical dealer whose site is chosen for
18 the study shall pay the initial ten thousand dollars
19 of cleanup costs which are incurred. Thereafter, the
20 dealer shall pay twenty-five percent of the costs
21 incurred which do not exceed fifty thousand dollars.
22 The dealer shall be responsible for payment of all
23 costs which exceed one hundred thousand dollars.
24 Moneys appropriated to conduct the study shall be used
25 to pay all other remediation costs. If a dealer site
26 is chosen which is in the process of being assessed or
27 is in active remediation, the costs already incurred
28 and paid by the dealer shall be applied toward the
29 dealer's contribution as required under this
30 subsection and any benefits which the dealer may
31 receive shall apply to that portion of the costs which
32 remain unpaid. An agricultural chemical dealer shall
33 not be required to participate in the study, but may
34 choose to do so on a voluntary basis.
35 4. POLICIES. Notwithstanding any other provision
36 to the contrary, the following policies shall apply to
37 the remediation of sites as required for this study
38 and the remediation of any agricultural chemical
39 dealer site which has been determined by the
40 department to have pesticide contamination to the
41 extent which warrants remediation:
42 a. The land application of pesticide-contaminated

43 soils and groundwaters shall be an accepted
44 remediation technique and shall be authorized by the
45 department.

46 b. Only those sites for which the pesticide
47 contamination both exceeds existing cleanup guidelines
48 and is actually affecting groundwater used as a
49 municipal drinking water source shall be required to
50 actively remediate. No further action shall be

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1 required on all other sites until the results of the
2 study are released.

3 c. The department shall have the authority to take
4 any action necessary to protect the public health and
5 shall not be restricted from cleaning up future
6 incidents of sudden and accidental release of
7 pesticides.

8 d. The department shall release to the advisory
9 committee a list of all existing pesticide-
10 contaminated sites which are currently under
11 investigation. The names and addresses of the dealers
12 and the sites shall be omitted from the list, but the
13 list shall state the levels of contamination and other
14 relevant information.

15 5. APPROPRIATION. There is appropriated from the
16 agricultural management account of the groundwater
17 protection fund to the department of natural resources
18 for the fiscal year beginning July 1, 1992, the
19 following amount, or so much thereof as is necessary,
20 to be used for the purpose designated:

21 For the implementation of this section:
22 \$ 250,000

23 The appropriation shall be made prior to any
24 statutory appropriations made from the agricultural
25 management account pursuant to section 455E.11,
26 subsection 2, paragraph "b". Any moneys remaining
27 after the completion of the study shall revert to the
28 agricultural management account of the groundwater
29 protection fund.

30 6. REPORT. The department, in consultation with
31 the advisory committee, shall prepare a final report
32 which shall be submitted to the general assembly by
33 January 1, 1994. The department shall be required to
34 submit interim reports which inform the general
35 assembly of the progress which is being made on the
36 study. These reports shall be filed on January 1,
37 1993, and July 1, 1993.

38 This section, being deemed of immediate importance,
39 takes effect upon enactment.

40 Sec. 523. Section 93.11, subsection 1, paragraph
41 f, unnumbered paragraph 2, Code Supplement 1991, is
42 amended to read as follows:

43 Notwithstanding the provisions of this section
44 directing that moneys be deposited into the energy
45 research and development fund, for the fiscal period
46 beginning July 1, 1991, and ending June 30, 1993, all
47 moneys shall be deposited into the general fund of the
48 state. There is appropriated annually from the
49 general fund of the state the sum of one hundred fifty
50 thousand dollars to be used for the purposes of this

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1 section:

2 Sec. 524. NEW SECTION. 111.17A PAYMENT IN LIEU
3 OF PROPERTY TAXES.

4 Notwithstanding any other provision to the
5 contrary, as a part of the annual budget proposal
6 submitted to the general assembly under section
7 455A.4, subsection 1, paragraph "c", the director of
8 the department of natural resources shall submit a
9 budget request to pay the annual property taxes on any
10 property held by the department, which was acquired on
11 or after July 1, 1992, in any manner which would
12 otherwise be subject to the levy of property taxes.
13 The assessed value of property held by the department
14 shall be that determined under section 427.1,
15 subsection 31, and the director may protest the
16 assessed value in the manner provided by law for any
17 property owner to protest an assessment. For the
18 purposes of chapter 257, the assessed value of any
19 property which was acquired by the department on or
20 after July 1, 1992, shall be included in the valuation
21 base of the school district and the payments made
22 pursuant to this section shall be considered as
23 property tax revenues and not as miscellaneous income.
24 The county treasurer shall certify the amount of taxes
25 due to the department. The taxes shall be paid
26 annually from the departmental fund or account from
27 which the property acquisition was funded. If the
28 departmental fund or account has no moneys, no longer
29 exists, or if the acquisition of property was made
30 without an expenditure of funds by the department, the
31 taxes shall be paid from funds in the manner provided
32 by the general assembly. If the total amount of taxes
33 due, as certified to the department, exceeds the
34 amount available for expenditure under this section,
35 the property taxes due shall be reduced
36 proportionately so that the total amount due equals

37 the amount available for expenditure.

38 Sec. 525. NEW SECTION. 159.6A CONTRIBUTIONS.

39 The department may accept contributions, including
40 gifts and grants, in order to carry out and administer
41 the provisions of this chapter. The department shall
42 maintain an itemized accounting of the contributions.
43 At the end of each fiscal year, the department shall
44 prepare a list recognizing private contributors.

45 Sec. 526. Section 159.20, unnumbered paragraph 1,
46 Code Supplement 1991, is amended to read as follows:

47 ~~An agricultural marketing division is created~~
48 ~~within the department.~~ The division department shall
49 perform duties designed to lead to more advantageous
50 marketing of Iowa agricultural commodities. The

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1 ~~division department~~ may do any of the following:

2 Sec. 527. Section 159.20, subsections 5 and 9,
3 Code Supplement 1991, are amended to read as follows:

4 5. Accumulate and diffuse information concerning
5 the marketing of agricultural commodities in
6 cooperation with persons, agencies, or the federal
7 government. The division department shall establish
8 an agricultural commodity informational data base.
9 9. Cooperate with the Iowa department of economic
10 development to avoid duplication of efforts between
11 the division department and the agricultural marketing
12 program operated by the Iowa department of economic
13 development.

14 Sec. 528. Section 159.20, unnumbered paragraph 2,
15 Code Supplement 1991, is amended by striking the
16 paragraph.

17 Sec. 529. Section 159.22, Code Supplement 1991, is
18 amended to read as follows:

19 159.22 GRANTS AND GIFTS OF FUNDS.

20 The ~~division may with the approval of the secretary~~
21 ~~may~~ accept grants and allotments of funds from the
22 federal government and enter into co-operative
23 agreements with the United States department of
24 agriculture for projects to effectuate a purpose
25 described in this subchapter. The ~~division may accept~~
26 ~~grants, gifts or allotments of funds from any person~~
27 ~~for the purpose of carrying out the provisions of this~~
28 ~~subchapter. If funds are accepted from a person, the~~
29 ~~director shall prepare an itemized accounting to the~~
30 ~~department at the end of each fiscal year.~~

31 Sec. 530. Section 159.23, Code 1991, is amended to
32 read as follows:

33 159.23 SPECIAL FUND.

34 All fees collected as a result of the inspection
35 and grading provisions set out herein shall be paid
36 into the state treasury, there to be set aside in a
37 separate fund which is hereby appropriated for the use
38 of the ~~division~~ department except as indicated.
39 Withdrawals therefrom shall be by warrant of the
40 director of revenue and finance upon requisition by
41 the ~~administrator of the division approved by the~~
42 secretary of agriculture. Such fund shall be
43 continued from year to year, provided, however, that
44 if there be any balance remaining at the end of the
45 biennium which, in the opinion of the governor,
46 director of management and secretary of agriculture,
47 is greater than necessary for the proper
48 administration of the inspection and grading program
49 referred to herein, the treasurer of state is hereby
50 authorized on the recommendation and with the approval

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1 of the governor, director of management and secretary
2 of agriculture, to transfer to the general fund of the
3 state that portion of such account as they shall deem
4 advisable.

5 Sec. 531. Section 159.24, Code 1991, is amended to
6 read as follows:

7 159.24 GRADES OR CLASSIFICATIONS OF FARM PRODUCTS.

8 A certificate of the grade, or other
9 classification, of any farm products issued under this
10 ~~division~~ of this chapter shall be accepted in any
11 court of this state as prima facie evidence of the
12 true grade or classification of such farm products as
13 the same existed at the time of their classification.

14 Sec. 532. Section 159.37, subsection 1, Code 1991,
15 is amended to read as follows:

16 1. The department shall establish ~~within the~~
17 ~~international trade bureau of the marketing division a~~
18 special quality grains electronic bulletin board
19 system. The system shall be available to any and all
20 buyers and sellers of special quality grains for the
21 purpose of posting the availability of special quality
22 grains, or a demand for special quality grains.

23 Sec. 533. Section 159A.3, subsection 1, unnumbered
24 paragraph 1, Code Supplement 1991, is amended to read
25 as follows:

26 An office of renewable fuel is created within the
27 ~~agricultural marketing division~~ of the department and
28 shall be staffed by a coordinator who shall be
29 appointed by the ~~division administrator~~ secretary. It
30 shall be the policy of the office to further renewable

31 fuel activities. The office shall first further
32 renewable fuel activities based on the following
33 considerations:
34 Sec. 534. Section 176B.6, unnumbered paragraph 1,
35 Code 1991, is amended to read as follows:
36 An owner of farmland may submit a proposal to the
37 county board for the creation of an agricultural area
38 within the county. An agricultural area, at its
39 creation, shall include at least five one hundred
40 sixty acres of farmland, however, a smaller area may
41 be created if the farmland is adjacent to farmland
42 subject to an agricultural land preservation ordinance
43 pursuant to section 358A.27. The proposal shall
44 include a description of the proposed area, including
45 its boundaries. The territory shall be as compact and
46 as nearly adjacent as feasible. Land shall not be
47 included in an agricultural area without the consent
48 of the owner. Agricultural areas shall not exist
49 within the corporate limits of the city. Agricultural
50 areas may be created in a county which has adopted

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1 zoning ordinances. Except as provided in this
2 section, the use of the land in agricultural areas is
3 limited to farm operations.
4 Sec. 535. Section 176B.9, unnumbered paragraph 2,
5 Code 1991, is amended to read as follows:
6 The board shall cause the description of that
7 agricultural area filed with the county auditor and
8 recorded with the county recorder to be modified to
9 reflect any withdrawal. Withdrawal shall be effective
10 on the date of recording. The agricultural area from
11 which the land is withdrawn shall continue in
12 existence even if smaller than five one hundred sixty
13 acres after withdrawal.
14 Sec. 536. Section 199.3, subsection 4, Code 1991,
15 is amended by adding the following new paragraph:
16 NEW PARAGRAPH. g. The last date on which the
17 variety of seed will normally germinate according to
18 standards established by rules adopted by the
19 department.
20 Sec. 537. Section 199.11, Code 1991, is amended to
21 read as follows:
22 199.11 AUTHORITY OF SECRETARY OF AGRICULTURE THE
23 DEPARTMENT.
24 1. For the purpose of carrying out the provisions
25 of this chapter, the state secretary of agriculture
26 who may act through authorized agents is hereby
27 authorized and directed department shall do all of the

28 following:

29 a. To sample Sample, inspect, make analysis of
30 analyze, and test agricultural seeds seed other than
31 lawn seed, if the agricultural seed is transported,
32 sold, offered, or exposed for sale within this state
33 for sowing purposes, The department shall perform
34 these duties at such a time and place and to such an
35 extent as the secretary may deem necessary to
36 determine whether said the agricultural seeds are seed
37 is in compliance with the provisions of this chapter;
38 and to notify, The department shall promptly notify
39 the person who transported, sold, offered, or exposed
40 the seed for sale, of any a violation.

41 b. To prescribe and, after public hearing
42 following due public notice, to adopt Adopt rules and
43 regulations governing the methods of sampling,
44 inspecting, analysis, tests analyzing, testing, and
45 examination of examining agricultural seed; and the
46 other than lawn seed. The rules shall include
47 tolerances to be followed in the administration of
48 this chapter, which shall be in general accord with
49 officially prescribed practice in interstate commerce
50 under the federal seed Act and such other rules and or

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1 regulations as may be necessary to secure for the
2 efficient enforcement of this chapter.

3 2. Further, for For the purpose of carrying out
4 the provisions of this chapter, the state secretary of
5 agriculture, individually or through authorized
6 agents, is authorized and directed department may:

7 a. To enter Enter upon any public or private
8 premises during regular business hours in order to
9 have access to seeds commercial seed other than lawn
10 seed, subject to this chapter and the departmental
11 rules and regulations thereunder.

12 b. To issue Issue and enforce a written or printed
13 "stop sale" order to the owner or custodian of any lot
14 of agricultural seed other than lawn seed which the
15 state secretary of agriculture or the secretary's
16 authorized agents believe department believes is in
17 violation of any of the provisions of this chapter
18 which or departmental rules. The order shall prohibit
19 further sale of such the seed until such officer the
20 department has evidence that the law has been complied
21 with; provided, that of compliance. However, the
22 owner or custodian of such the seed shall be permitted
23 to remove said the seed from a salesroom open to the
24 public; provided further, that in respect to seeds

25 which have been denied sale as provided in this
 26 subsection; judicial, Judicial review of the order
 27 may be sought in accordance with the terms of the Iowa
 28 administrative procedure Act chapter 17A.
 29 Notwithstanding the terms of said Act However,
 30 notwithstanding chapter 17A, petitions for judicial
 31 review may be filed in the district court; and
 32 provided further, that the provisions of this, This
 33 subsection shall does not be construed as limiting
 34 limit the right of the enforcement officer department
 35 to proceed as authorized by other sections of this
 36 chapter.

37 c. ~~To establish~~ Establish and maintain or make
 38 provision for seed testing facilities essential to the
 39 enforcement of this chapter; ~~to,~~ The department may
 40 employ qualified persons, and ~~to incur such expenses~~
 41 ~~as may be necessary to comply with these provisions.~~

42 d. ~~To co-operate~~ Cooperate with the United States
 43 department of agriculture in seed law enforcement.

44 Sec. 538. NEW SECTION. 206.34 LOCAL LEGISLATION
 45 PROHIBITED.

46 1. As used in this section, unless the context
 47 otherwise requires:

48 a. "Local governmental entity" means a city as
 49 defined in section 362.2, county, township, or any
 50 special purpose district or authority which is not

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1 under the authority of a principal central department
 2 of the state as enumerated in section 7E.5.

3 b. "Legislation" means a legislative action
 4 enacted by a local governmental entity, including but
 5 not limited to a motion, rule, regulation, resolution,
 6 amendment, or ordinance.

7 2. A local governmental entity shall not enact or
 8 enforce legislation enacted by the local governmental
 9 entity relating to pesticides to the extent that
 10 matters contained in the legislation are subject of a
 11 statute or a rule adopted by a principal central
 12 department of state, including but not limited to
 13 matters involving any of the following:

14 a. The sale of or distribution of pesticides or
 15 devices.

16 b. The use of pesticides or devices, including the
 17 prohibition of the use of pesticide brands.

18 c. The registration of pesticides.

19 d. The reporting of information regarding the
 20 ingredients in, or the sale or distribution of, a
 21 pesticide.

22 e. The training, examination, licensing, or
23 certification of pesticide applicators.

24 f. The inspection or confiscation of pesticides or
25 devices.

26 g. The storage or disposal of pesticide
27 containers.

28 Sec. 539. Section 214.3, subsection 1, Code 1991,
29 is amended to read as follows:

30 1. The license for inspection of a commercial
31 weighing and measuring device shall expire on December
32 31 of each year, and for a motor vehicle fuel pump on
33 June 30 of each year. The amount of the fee due for
34 each license shall be as provided in subsection 3,
35 except that the fee for a motor vehicle fuel pump
36 shall be ~~three~~ four dollars and fifty cents if paid
37 within one month from the date the license is due.

38 Sec. 540. Section 214.3, subsection 3, paragraphs
39 a through e, Code 1991, are amended to read as
40 follows:

41 a. Class S-III.

42 (1) Railroad track scales, ~~seventy-one one hundred~~
43 six dollars and fifty cents.

44 (2) Other scales.

45 (a) 500 to 1,000 pounds capacity, ~~eleven sixteen~~
46 dollars and fifty cents.

47 (b) 1,001 to 30,000 pounds capacity, ~~twenty-one~~
48 thirty-one dollars and fifty cents.

49 (c) 30,001 to 50,000 pounds capacity, ~~forty-one~~
50 sixty-one dollars and fifty cents.

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1 (d) 50,001 pounds capacity or more, ~~fifty-six~~
2 eighty-four dollars.

3 (3) A minimum fee of ~~thirty-one~~ forty-six dollars
4 and fifty cents shall be charged for each vehicle or
5 livestock scale.

6 b. Class S-II and S-III, ~~six~~ nine dollars.

7 (1) Bench scale, ~~six~~ nine dollars.

8 (2) Counter scale, ~~six~~ nine dollars.

9 (3) Portable platform scale, ~~six~~ nine dollars.

10 (4) Livestock monorail scale, ~~six~~ nine dollars.

11 (5) Single animal scale, ~~six~~ nine dollars.

12 (6) Grain test scale, ~~six~~ nine dollars.

13 (7) Precious metal and gems scale, ~~six~~ nine
14 dollars.

15 (8) Postal scale, ~~six~~ nine dollars.

16 c. (1) Grain moisture meters, ~~sixteen~~ twenty-four
17 dollars.

18 (2) Additional meters at the same location, ~~eleven~~

- 19 sixteen dollars and fifty cents.
 20 d. Class M-I. One hundred-gallon prover.
 21 (1) Bulk meters, ~~six~~ nine dollars.
 22 (2) Bulk liquid petroleum gas meters, ~~thirty-five~~
 23 fifty-two dollars and fifty cents.
 24 (3) Bulk refined fuel meters, ~~six~~ nine dollars.
 25 (4) Mass flow meters, ~~six~~ nine dollars.
 26 e. Class M-II. Five-gallon prover.
 27 (1) Slow flow meters, ~~six~~ nine dollars.
 28 (2) Retail motor vehicle fuel pump, ~~six~~ nine
 29 dollars.
 30 Sec. 541. Section 215.2, subsections 1 and 2, Code
 31 1991, are amended to read as follows:
 32 1. Class S, scales, ~~fifty~~ seventy-five dollars per
 33 hour.
 34 2. Class M, meters, ~~thirty-five~~ fifty-two dollars
 35 and fifty cents per hour.
 36 Sec. 542. Section 215.17, Code 1991, is amended to
 37 read as follows:
 38 215.17 TEST WEIGHTS TO BE USED.
 39 ~~Any~~ A person, ~~firm or corporation~~ engaged in scale
 40 repair work for hire shall use only test weights
 41 sealed by the department in determining the
 42 effectiveness of repair work and ~~said~~ the test weights
 43 shall be sealed as to their accuracy once each year.
 44 ~~Provided, however, that it shall be unlawful for such~~
 45 ~~However, a person to~~ shall not claim to be an official
 46 scale inspector ~~or to~~ and shall not use ~~said~~ the test
 47 weights except to determine the accuracy of scale
 48 repair work done by the person and the person shall
 49 ~~not~~ be entitled to ~~no~~ a fee for their use. A fee
 50 shall be charged and collected at time of inspection

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- 1 for the inspection of such weights as follows:
 2 All weights up to and including 25 pounds \$.75 1.10 each
 3 ~~All weights~~
 4 Over twenty-five pounds capacity,
 5 up to and including 50 pounds 1.50 2.25 each
 6 Over 50 pounds capacity, up to and
 7 including 100 pounds 2.00 3.00 each
 8 Over 100 pounds capacity, up to
 9 and including 500 pounds 3.00 4.50 each
 10 Over 500 pounds capacity, up to
 11 and including 1,000 pounds 5.00 7.50 each
 12 The fee for all tank calibrations shall be as
 13 follows:
 14 100 gallons up to and including 300
 15 gallons \$ 3.00 4.50

16	301 gallons up to and including 500	
17	gallons	5.00 <u>7.50</u>
18	501 gallons up to and including 1,000	
19	gallons	7.50 <u>11.25</u>
20	1,001 gallons up to and including 2,000	
21	gallons	10.00 <u>15.00</u>
22	2,001 gallons up to and including 3,000	
23	gallons	12.00 <u>18.00</u>
24	3,001 gallons up to and including 4,000	
25	gallons	14.00 <u>21.00</u>
26	4,001 gallons up to and including 5,000	
27	gallons	16.00 <u>24.00</u>
28	5,001 gallons up to and including 6,000	
29	gallons	18.00 <u>27.00</u>
30	6,001 gallons up to and including 7,000	
31	gallons	20.00 <u>30.00</u>
32	7,001 gallons and up	25.00 <u>37.50</u>
33	No calibration will <u>Calibration shall not be</u>	
34	required of any a tank which is not used for the	
35	purpose of measuring, or which is equipped with a	
36	meter, nor shall and vehicle tanks loaded from meters	
37	and carrying a printed ticket showing gallonage <u>shall</u>	
38	<u>not</u> be required to be calibrated.	
39	Sec. 543. Section 215A.9, unnumbered paragraph 2,	
40	Code 1991, is amended to read as follows:	
41	A fee of ten <u>fifteen</u> dollars shall be charged for	
42	each device subject to reinspection under section	
43	215A.5. All moneys received by the department under	
44	the provisions of this chapter shall be handled in the	
45	same manner as "repayment receipts" as defined in	
46	chapter 8, and shall be used for the administration	
47	and enforcement of the provisions of this chapter.	
48	Sec. 544. Section 455A.5, subsection 6, Code	
49	Supplement 1991, is amended by adding the following	
50	new paragraph:	

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1 NEW PARAGRAPH. f. Approve or disapprove proposals
2 involving the dredging or renovation of lakes; the
3 acquisition, development, and maintenance of boating
4 facilities; and the acquisition, development, and
5 maintenance of recreational facilities associated with
6 recreational boating.

7 Sec. 545. Section 455A.6, subsection 6, paragraph
8 d, Code Supplement 1991, is amended to read as
9 follows:

10 d. Approve the budget request prepared by the
11 director for the programs authorized by chapters 455B,
12 455C, 455E, and 455F. The commission shall approve

13 the budget request prepared by the director for
14 programs administered by the energy and geological
15 resources division; ~~the coordination and information~~
16 ~~division~~; the administrative services division, and
17 the office of the director, as provided in section
18 455A.7. The commission may increase, decrease, or
19 strike any item within the department budget request
20 for the specified programs before granting approval.
21 Sec. 546. Section 455A.7, subsection 1, paragraph
22 f, Code Supplement 1991, is amended by striking the
23 paragraph.

24 Sec. 547. Section 455A.7, subsection 1, paragraph
25 j, Code Supplement 1991, is amended to read as
26 follows:

27 j. Office of the director which has
28 responsibilities for administering the department,
29 including information dissemination, education, and
30 government liaison services.

31 Sec. 548. Section 455B.310, subsection 2,
32 paragraph b, subparagraph (5), Code Supplement 1992,
33 is amended to read as follows:

34 (5) Five cents per ton per year is appropriated to
35 the department of economic development to establish,
36 in cooperation with the department of natural
37 resources, a marketing initiative to assist Iowa
38 businesses producing recycling or reclamation
39 equipment or services, recyclable products, or
40 products from recycled materials to expand into
41 national markets. Efforts shall include the reuse and
42 recycling of sawdust. For the each fiscal year
43 beginning July 1, 1991, and ending June 30, 1992, and
44 beginning July 1, 1992, and ending June 30, 1993,
45 fifty thousand dollars of the moneys appropriated
46 under this subparagraph shall be allocated for the
47 purposes of developing advanced microbiological
48 technologies for reduction, destruction, or disposal
49 of wet solid waste. For the each fiscal year
50 beginning July 1, 1992 1993, and thereafter, fifty

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1 thousand dollars of the moneys appropriated under this
2 subparagraph shall be used by the department of
3 economic development to provide grants or loans to
4 Iowa businesses which have participated in the waste
5 reduction assistance program of the department of
6 natural resources or the program provided by the waste
7 reduction center at the university of northern Iowa,
8 and which have identified needs for equipment or
9 retooling to achieve waste reduction.

10 Sec. 549. Section 455B.310, subsection 10, Code
 11 Supplement 1991, is amended by striking the subsection
 12 and inserting in lieu thereof the following:

13 10. a. Notwithstanding the tonnage fee schedule
 14 prescribed under subsection 2, foundry sand used by a
 15 sanitary landfill as daily cover, road base, or berm
 16 material or for other purposes defined as beneficial
 17 uses by rule of the department is exempt from
 18 imposition of the tonnage fee imposed under this
 19 section.

20 b. Sanitary landfills shall use foundry sand for
 21 beneficial uses as defined by rule of the department
 22 as a replacement for earthen material, if the foundry
 23 sand is generated by a foundry located within the
 24 state and if the foundry sand is provided to the
 25 sanitary landfill at no cost to the sanitary landfill.

26 Sec. 550. Section 455D.16, Code 1991, is amended
 27 to read as follows:

28 455D.16 PACKAGING PRODUCTS - RECYCLING -
 29 PROHIBITION OF POLYSTYRENE PRODUCTS.

30 The department, in cooperation with businesses
 31 involved in the manufacturing and use of packaging
 32 products or food service items, shall establish a
 33 recycling program to increase the recycling of
 34 packaging products or food service items by twenty-
 35 five percent by January 1, 1992, and by fifty percent
 36 by January 1, 1993.

37 Businesses involved in the manufacturing and use of
 38 packaging products or food service items, shall
 39 establish ten recycling programs in the state to
 40 increase the recycling of packaging products or food
 41 service items. The recycling programs shall include
 42 collection systems at participating locations and a
 43 central processing facility or equipment in the county
 44 in which the project is operated. Additionally, if
 45 transportation of the processed material is not
 46 provided by the business operating the recycling
 47 program, transportation shall be subsidized by the
 48 business operating the program. There shall be at
 49 least one recycling program in each congressional
 50 district.

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1 PARAGRAPH DIVIDED. If the recycling goals are not
 2 reached, beginning January 1, 1994 1995, and if the
 3 recycling programs are not established by January 1,
 4 1993, and are not in operation for at least one year
 5 by January 1, 1995, a person shall not manufacture,
 6 offer for sale, sell, or use any polystyrene packaging

7 products or food service items in this state.

8 Sec. 551. Section 467A.7, subsections 17 and 19,

9 Code 1991, are amended by striking the subsections.

10 This section shall become effective only if House File

11 2343 is enacted by the Seventy-fourth General

12 Assembly.

13 Sec. 552. Section 467A.73, subsection 1, paragraph

14 b, as enacted by 1992 Iowa Acts, House File 2343,

15 section 8, is amended to read as follows:

16 b. The allocation of moneys as financial

17 incentives provided for the purpose of establishing

18 management practices to control soil erosion on land

19 that is row cropped, including but not limited to no-

20 till planting, ridge-till planting, contouring, and

21 contour strip-cropping. The division shall by rule

22 establish limits on the amount of incentives which

23 shall be authorized for payment to landowners upon

24 establishment of the practice.

25 Sec. 553. Section 467A.73, subsection 2, paragraph

26 a, as enacted in House File 2343 by the Seventy-fourth

27 General Assembly, is amended to read as follows:

28 a. The allocation of cost-share moneys as

29 financial incentives under a special agreement with

30 owners of land in the district who promise to adopt a

31 watershed conservation plan as provided by rules which

32 shall be adopted by the division. The watershed

33 conservation plan shall be in conjunction with the

34 district soil and water resource conservation plan

35 provided under section 467A.7 the owners' respective

36 farm unit soil conservation plans. The funding

37 agreement must provide for the funding of a project

38 which ~~shall include~~ includes five or more contiguous

39 farm units which have at least five hundred acres of

40 agricultural land and which constitutes at least

41 seventy-five percent of the agricultural land located

42 within a watershed or subwatershed. The financial

43 incentives shall not exceed sixty percent of the

44 estimated cost of the project as determined by the

45 commissioners or sixty percent of the actual cost,

46 whichever is less.

47 Sec. 554. Section 467A.74, subsection 1, paragraph

48 a, as enacted in House File 2343 by the Seventy-fourth

49 General Assembly, is amended to read as follows:

50 a. The financial incentives shall not exceed more

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1 than fifty percent of the estimated cost of

2 establishing the practices as determined by the

3 commissioners, or fifty percent of the actual cost of

4 establishing the practices, whichever is less.
5 However, the commissioners may allocate an amount
6 determined by the division committee for management of
7 soil and water conservation practices, except as
8 otherwise provided regarding land classified as
9 agricultural land under conservation cover.

10 Sec. 555. Section 467A.74, subsection 2, as
11 enacted in House File 2343 by the Seventy-fourth
12 General Assembly, is amended to read as follows:

13 2. The committee shall review requirements of this
14 section once each year. The division committee may
15 authorize commissioners in districts to condition the
16 establishment of a mandatory soil and water
17 conservation practice in a specific case on a higher
18 proportion of public cost-sharing than is required by
19 this section. The commissioners shall determine the
20 amount of cost-sharing moneys allocated to establish a
21 specific soil and water conservation practice in
22 accordance with an administrative order issued
23 pursuant to section 467A.47 by considering the extent
24 to which the practice will contribute benefits to the
25 individual owner or occupant of the land on which the
26 practice is to be established.

27 Sec. 556. Section 542.1, Code 1991, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 10. "Good cause" means that the
30 department has cause to believe that the net worth or
31 current asset to current liability ratio of a grain
32 dealer presents a danger to sellers with whom the
33 grain dealer does business, based on evidence of any
34 of the following:

35 a. The making of a payment by use of a financial
36 instrument which is a check, share draft, draft, or
37 written order on a financial institution, and a
38 financial institution refuses payment on the
39 instrument because of insufficient funds in a grain
40 dealer's account.

41 b. A violation of recordkeeping requirements
42 provided in this chapter or rules adopted pursuant to
43 this chapter by the department.

44 c. A substantial risk of loss to the grain
45 depositors and sellers indemnity fund caused by the
46 possible insolvency of the grain dealer based on a
47 statistical model provided in section 542.22.

48 Sec. 557. Section 542.3, subsection 4, paragraph
49 b, Code 1991, is amended to read as follows:

50 b. The grain dealer shall submit, as required by

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1 the department, a financial statement that is
2 accompanied by an unqualified opinion based upon an
3 audit performed by a certified public accountant
4 licensed in this state. However, the department may
5 accept a qualification in an opinion that is
6 unavoidable by any audit procedure that is permitted
7 under generally accepted accounting principles. An
8 opinion that is qualified because of a limited audit
9 procedure or because the scope of an audit is limited
10 shall not be accepted by the department. The
11 department shall not require that a grain dealer
12 submit more than one such unqualified opinion per
13 year. The grain dealer, except as provided in section
14 542.15, may elect, ~~however~~, to submit a financial
15 statement that is accompanied by the report of a
16 certified public accountant licensed in this state
17 that is based upon a review performed by the certified
18 public accountant in lieu of the audited financial
19 statement specified in this paragraph. However, at
20 any time the department may require a financial
21 statement that is accompanied by the report of a
22 certified public accountant licensed in this state
23 that is based upon a review performed by a certified
24 public accountant if the department has good cause to
25 believe that the net worth or current asset to current
26 liability ratio of a licensee presents a danger to
27 producers or sellers with whom the licensee deals.
28 "Good cause" means that the department has evidence
29 that the licensee issued checks on insufficient funds;
30 evidence of a quality or quantity shortage in a
31 warehouse facility; or evidence of violations of
32 recordkeeping requirements. If a grain dealer making
33 the election engages in credit sale contracts, the
34 grain dealer shall also comply with the provisions of
35 section 542.15, subsection 8.

36 Sec. 558. Section 542.3, subsection 5, paragraph
37 b, Code 1991, is amended to read as follows:
38 b. The grain dealer shall submit, as required by
39 the department, a financial statement that is
40 accompanied by an unqualified opinion based upon an
41 audit performed by a certified public accountant
42 licensed in this state. However, the department may
43 accept a qualification in an opinion that is
44 unavoidable by any audit procedure that is permitted
45 under generally accepted accounting principles. An
46 opinion that is qualified because of a limited audit
47 procedure or because the scope of an audit is limited
48 shall not be accepted by the department. The

49 department shall not require that a grain dealer
50 submit more than one such unqualified opinion per

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1 year. The grain dealer may elect, however, to submit
2 a financial statement that is accompanied by the
3 report of a certified public accountant licensed in
4 this state that is based upon a review performed by
5 the certified public accountant in lieu of the audited
6 financial statement specified in this paragraph.
7 However, at any time the department may require a
8 financial statement that is accompanied by the report
9 of a certified public accountant licensed in this
10 state that is based upon a review performed by a
11 certified public accountant if the department has good
12 cause to believe that the net worth or current asset
13 to current liability ratio of a licensee presents a
14 danger to producers or sellers with whom the licensee
15 deals. "Good cause" means that the department has
16 evidence that the licensee issued checks on
17 insufficient funds; evidence of a quality or quantity
18 shortage in a warehouse facility; or evidence of
19 violations of recordkeeping requirements. If a grain
20 dealer making the election engages in credit sale
21 contracts, the grain dealer shall also comply with the
22 provisions of section 542.15, subsection 8:

23 Sec. 559. Section 542.5, unnumbered paragraph 1,
24 Code 1991, is amended to read as follows:

25 Upon the filing of the application and compliance
26 with the terms and conditions of this chapter and
27 rules of the department, the department shall issue a
28 license to the applicant. The license shall terminate
29 on at the thirtieth of June of each year end of the
30 third calendar month following the close of the grain
31 dealer's fiscal year. A grain dealer's license may be
32 renewed annually by the filing of a renewal fee and a
33 renewal application on a form prescribed by the
34 department. An application for renewal shall be
35 received by the department on or before the thirtieth
36 of June end of the third calendar month following the
37 close of the grain dealer's fiscal year. A grain
38 dealer license which has terminated may be reinstated
39 by the department upon receipt of a proper renewal
40 application, the renewal fee, and the reinstatement
41 fee as provided in section 542.6 if filed within
42 thirty days from the date of termination of the grain
43 dealer license. The department may cancel a license
44 upon request of the licensee unless a complaint or
45 information is filed against the licensee alleging a

46 violation of a provision of this chapter. Fees for
47 licenses issued for less than a full year shall be
48 prorated from the date of the application.

49 Sec. 560. Section 542.6, subsection 1, Code 1991,
50 is amended to read as follows:

Page 29

1 1. For the issuance or renewal of a license for a
2 grain dealer required under section 542.3, and for any
3 inspection of a grain dealer, the fee shall be
4 determined on the basis of dollar volume of all
5 bushels of grain purchased during the grain dealer's
6 previous calendar fiscal year as follows according to
7 the grain dealer's financial statement required in
8 section 542.3. The fee shall be calculated according
9 to the following schedule:

10 a. If the total number of bushels purchased is one
11 hundred thirty-five thousand dollars or less, the
12 license fee is forty sixty-six dollars and the
13 inspection fee is fifty eighty-three dollars.

14 b. If the total number of bushels purchased is
15 more than one hundred thirty-five thousand dollars,
16 but not more than seven two hundred fifty thousand
17 dollars, the license fee is seventy one hundred
18 sixteen dollars and the inspection fee is seventy-five
19 one hundred twenty-five dollars.

20 c. If the total number of bushels purchased is
21 more than seven two hundred fifty thousand dollars,
22 but not more than one million five hundred thousand
23 dollars, the license fee is one hundred sixty-six
24 dollars and the inspection fee is one hundred fifteen
25 ninety-one dollars.

26 d. If the total number of bushels purchased is
27 more than one million five hundred thousand dollars,
28 but not more than three one million dollars, the
29 license fee is one two hundred seventy-five ninety-one
30 dollars and the inspection fee is one two hundred
31 fifty forty-nine dollars.

32 e. If the total number of bushels purchased is
33 more than three one million dollars, but not more than
34 four one million seven eight hundred fifty thousand
35 dollars, the license fee is three four hundred ninety-
36 eight dollars and the inspection fee is one three
37 hundred eighty-five seven dollars.

38 f. If the total number of bushels purchased is
39 more than four one million seven eight hundred fifty
40 thousand dollars, but not more than nine three million
41 five two hundred thousand dollars, the license fee is
42 four seven hundred twenty-five six dollars and the

43 inspection fee is ~~two~~ three hundred ~~twenty-five~~
 44 seventy-four dollars.
 45 g. If the total number of bushels purchased is
 46 more than ~~nine~~ three million ~~five~~ two hundred thousand
 47 dollars, the license fee is ~~five~~ nine hundred ~~seventy-~~
 48 ~~five~~ fifty-five dollars and the inspection fee is ~~two~~
 49 four hundred ~~sixty-five~~ forty dollars.
 50 If the applicant did not purchase grain in the

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1 applicant's previous calendar fiscal year, the
 2 applicant will shall pay the fee specified in
 3 paragraph "a". If during the license period
 4 licensee's fiscal year the total number of bushels of
 5 grain actually purchased exceeds ~~one hundred~~ thirty-
 6 five thousand dollars, the licensee shall notify the
 7 department and the license and inspection fee shall be
 8 adjusted accordingly. Subsequent adjustments shall be
 9 made as necessary. An applicant may elect licensing
 10 in any category of this subsection. New Fees for new
 11 licenses issued for less than a full year shall be
 12 prorated from the date of application.
 13 Sec. 561. Section 542.9, unnumbered paragraph 1,
 14 Code 1991, is amended to read as follows:
 15 The department may inspect the premises used by any
 16 grain dealer in the conduct of the dealer's business
 17 at any time, and the books, accounts, records, and
 18 papers of every grain dealer which pertain to grain
 19 purchases are subject to inspection by the department
 20 during ordinary business hours. The department shall
 21 cause the business premises and books, accounts,
 22 records, and papers of every grain dealer to be
 23 inspected ~~not less than at least~~ once during each
 24 ~~twelve-month~~ eighteen-month period; but not more than
 25 ~~four times in a twenty-four month period~~ without good
 26 cause justification. The department shall prioritize
 27 inspections based on the system provided in section
 28 542.22. The department may use a risk rating produced
 29 by a statistical model provided in section 542.22 as
 30 justification to conduct an inspection. The
 31 transporter of grain in transit shall possess bills of
 32 lading or other documents covering the grain, and
 33 shall present them to any law enforcement officer or
 34 to a person designated as an enforcement officer under
 35 section 542.13 on demand. If there is ~~good cause~~
 36 justification to believe that a person is engaged
 37 without a license in the business of a grain dealer in
 38 this state, the department may inspect the books,
 39 papers, and records of the person which pertain to

40 grain purchases.

41 Sec. 562. Section 542.11, subsection 4, Code 1991,
42 is amended to read as follows:

43 4. A person in violation of this chapter, or a in
44 violation of chapter 714 or 715A involving, which
45 violation involves the business of a grain dealer, is
46 subject to prosecution by the county attorney in the
47 county where the business is located. However, if the
48 county attorney fails to initiate prosecution within
49 thirty days and upon request by the department, the
50 attorney general may initiate and carry out the

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1 prosecution in cooperation, if possible, with the
2 county attorney. The person in violation may be
3 restrained by an injunction in an action brought by
4 the department or the attorney general upon request by
5 the department.

6 Sec. 563. NEW SECTION. 542.12A LIEN ON GRAIN
7 DEALER ASSETS.

8 1. A statutory lien is imposed on all grain dealer
9 assets in favor of sellers who have surrendered
10 warehouse receipts or other written evidence of
11 ownership as part of a grain sale transaction or who
12 possess written evidence of the sale of grain to a
13 grain dealer, without receiving full payment for the
14 grain.

15 2. "Grain dealer assets" includes proceeds
16 received or due a grain dealer upon the sale,
17 including exchange, collection, or other disposition,
18 of grain sold by the grain dealer. As used in this
19 section, "proceeds" means noncash and cash proceeds as
20 provided in section 554.9306. "Grain dealer assets"
21 also includes any other funds or property of the grain
22 dealer which can be directly traced as being from the
23 sale of grain by the grain dealer, or which were
24 utilized in the business operation of the grain
25 dealer. A court, upon petition by an affected party,
26 may order that claimed grain dealer assets are not
27 grain dealer assets as defined in this section. The
28 burden of proof shall be upon the petitioner to
29 establish that the assets are not grain dealer assets
30 as defined in this section.

31 3. The lien shall arise at the time of surrender
32 of warehouse receipts or other written evidence of
33 ownership as part of a grain sale transaction or the
34 time of delivery of the grain for sale, and shall
35 terminate when the liability of the grain dealer to
36 the seller has been discharged. The lien of all

37 sellers is hereby assigned to the Iowa grain indemnity
38 fund board, on behalf of the grain depositors and
39 sellers indemnity fund.

40 4. To perfect the lien, the Iowa grain indemnity
41 fund board must file a lien statement with the office
42 of the secretary of state. The lien statement is
43 valid only if filed on or after the date of suspension
44 but not later than sixty days after the incurrence
45 date as provided in section 543A.6. The lien
46 statement shall disclose the name of the grain dealer,
47 the address of the dealer's principal place of
48 business, a description of identifiable grain dealer
49 assets, and the amount of the lien. The lien amount
50 shall be the board's estimate of the final cost of

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1 reimbursing the grain depositors and sellers indemnity
2 fund for the payment of claims against the fund
3 resulting from the breach of the grain dealer's
4 obligations. The board shall correct the amount not
5 later than one hundred eighty days following the
6 incurrence date. A court, upon petition by an
7 affected person, may correct the amount. The board
8 shall have the burden of proving that the amount is an
9 accurate estimate.

10 5. The Iowa grain indemnity fund board shall upon
11 written demand of the grain dealer file a termination
12 statement with the secretary of state, if the license
13 of the grain dealer is not revoked, terminated, or
14 canceled after one hundred eighty days from the date
15 that the lien is perfected. Upon filing the
16 termination statement, the lien becomes unperfected.
17 The board shall also deliver a copy of the termination
18 statement to the grain dealer.

19 6. The secretary of state shall note the filing of
20 a lien statement under this section in a manner
21 provided by chapter 554, the uniform commercial code.
22 The secretary shall note the filing of a termination
23 statement with the lien statement.

24 7. A lien statement filed under this section shall
25 be a security interest perfected under chapter 554 and
26 subject to the same priority as provided under section
27 554.9312.

28 8. If the grain dealer is also licensed under
29 chapter 543, and in the event the department is
30 appointed as a receiver under section 543.3, assets
31 under the authority of the receiver are free from this
32 statutory lien. However, if there are receivership
33 assets in excess of those necessary to fully reimburse

34 depositors, the perfected lien will attach to those
35 excess assets.

36 9. The board may enforce the lien in the manner
37 provided in chapter 554, article 9, part 5, for the
38 enforcement of security interests. If, upon
39 enforcement of the lien, the lien amount is satisfied
40 in full without exhaustion of the grain dealer assets,
41 the remaining assets shall be returned to the grain
42 dealer or, if there are competing claims to those
43 remaining assets by other creditors, shall place those
44 assets in the custody of the district court and
45 implead the known creditors.

46 For purposes of enforcement of the lien, the board
47 is deemed to be the secured party and the grain dealer
48 is deemed to be the debtor, and each has the
49 respective rights and duties of a secured party and a
50 debtor as provided in chapter 554, article 9, part 5.

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1 If a right or duty under chapter 554, article 9, part
2 5, is contingent upon the existence of express
3 language in a security agreement, or may be waived by
4 express language in a security agreement, the
5 requisite language is deemed not to exist for purposes
6 of enforcement of the lien created by this section.

7 10. Actions relating to this section shall be
8 brought in the district court in the county in which
9 the grain dealer's primary place of business is
10 located or in Polk county.

11 Sec. 564. Section 542.15, subsection 7, Code 1991,
12 is amended by striking the subsection and inserting in
13 lieu thereof the following:

14 7. a. A grain dealer shall not purchase grain on
15 credit-sale contract during any time period in which
16 the grain dealer fails to maintain fifty cents of net
17 worth for each outstanding bushel of grain purchased
18 under credit. The grain dealer may maintain a
19 deficiency bond or an irrevocable letter of credit in
20 the amount of two thousand dollars for each one
21 thousand dollars or fraction thereof of deficiency in
22 net worth.

23 b. A grain dealer holding a federal or state
24 warehouse license who does not have a sufficient
25 quantity or quality of grain to satisfy the warehouse
26 operator's obligations based on an examination by the
27 department or the United States department of
28 agriculture shall not purchase grain on credit-sale
29 contract to correct the shortage of grain.

30 c. A grain dealer must meet at least one of the

31 following conditions:

32 (1) The grain dealer's current assets are at least
33 one hundred twenty-five percent of the grain dealer's
34 current liabilities.

35 (2) The grain dealer's last financial statement
36 required to be submitted to the department pursuant to
37 section 542.3 is accompanied by an unqualified opinion
38 based upon an audit performed by a certified public
39 accountant licensed in this state.

40 (3) The grain dealer files a bond with the
41 department in the amount of one hundred thousand
42 dollars payable to the department. The bond shall be
43 used to indemnify sellers for losses resulting from a
44 breach of a credit-sale contract as provided by rules
45 adopted by the department. The rules shall include,
46 but are not limited to, procedures and criteria for
47 providing notice, filing claims, valuing losses, and
48 paying claims. The bond provided in this paragraph
49 shall be in addition to any other bond required in
50 this chapter.

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1 A bond filed with the department under this
2 paragraph shall not be canceled by the issuer on less
3 than ninety days notice by certified mail to the
4 department and the principal. When the department
5 receives notice from an issuer that it has canceled
6 the bond, the department shall automatically suspend
7 the grain dealer's license if a replacement bond is
8 not received by the department within sixty days of
9 the issuance of the notice of cancellation. The
10 department shall cause an inspection of the licensed
11 grain dealer immediately at the end of the sixty-day
12 period. If a replacement bond is not filed within
13 another thirty days following the suspension, the
14 grain dealer license shall be automatically revoked.
15 When a license is revoked, the department shall
16 provide notice of the revocation by ordinary mail to
17 the last known address of each holder of an
18 outstanding credit-sale contract and all known
19 sellers.

20 Sec. 565. Section 542.15, Code 1991, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 7A. The department may adopt
23 rules to suspend the right of a grain dealer to
24 purchase grain by credit-sale contract based on any of
25 the following conditions:

26 a. The grain dealer holding a federal or state
27 warehouse license does not have a sufficient quantity

28 or quality of grain to satisfy the warehouse
29 operator's obligations based on an examination by the
30 department or the United States department of
31 agriculture.

32 b. The grain dealer holding a state or federal
33 warehouse license issues back to the grain dealer a
34 warehouse receipt for purposes of providing
35 collateral, if the grain which is the subject of the
36 warehouse receipt was purchased on credit and is
37 unpaid for by the grain dealer.

38 c. The grain dealer fails to maintain requirements
39 relating to net worth or fails to maintain a ratio of
40 current assets to current liabilities, as required in
41 section 542.3.

42 d. The grain dealer violates this section.

43 e. The grain dealer's total liabilities are
44 greater than seventy-five percent of the grain
45 dealer's total assets.

46 f. The grain dealer has made payment by use of a
47 financial instrument which is a check, share draft,
48 draft, or written order on a financial institution,
49 and a financial institution refuses payment on the
50 instrument because of insufficient funds in a grain

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1 dealer's account.

2 g. The department discovers that a grain dealer
3 has delayed payment for grain purchased since the
4 department last inspected the grain dealer pursuant to
5 section 542.9.

6 Sec. 566. NEW SECTION. 542.22 PRIORITIZATION OF
7 INSPECTIONS OF GRAIN DEALERS.

8 The department shall develop a system to prioritize
9 the inspections of grain dealers provided in section
10 542.9. The system of prioritization shall be computed
11 each year based on the risk of loss to the grain
12 depositories and sellers indemnity fund caused by the
13 possible insolvency of the grain dealer. The
14 department shall compute the risk by utilizing an
15 available statistical model to measure the financial
16 condition of grain dealers, and especially grain
17 dealers who execute credit-sale contracts. Procedures
18 for utilizing the statistical model shall be adopted
19 by department rules. The statistical model shall be
20 used to provide risk ratings. A risk rating shall be
21 used as a factor by the department to prioritize its
22 inspection schedule. The department may use a risk
23 rating produced by the statistical model as
24 justification to inspect the grain dealer at any time.

25 A substantial risk of loss to the grain depositors and
26 sellers indemnity fund caused by the possible
27 insolvency of the grain dealer based on the
28 statistical model shall be good cause.
29 Sec. 567. Section 543.1, Code 1991, is amended by
30 adding the following new subsection:
31 **NEW SUBSECTION. 7A.** "Good cause" means that the
32 department has cause to believe that the net worth or
33 current asset to current liability ratio of a
34 warehouse operator presents a danger to depositors
35 with whom the warehouse operator does business, based
36 on evidence of any of the following:
37 a. The making of a payment by use of a financial
38 instrument which is a check, share draft, draft, or
39 written order on a financial institution, and a
40 financial institution refuses payment on the
41 instrument because of insufficient funds in the
42 warehouse operator's account.
43 b. A violation of recordkeeping requirements
44 provided in this chapter or rules adopted pursuant to
45 this chapter by the department.
46 c. A quality or quantity shortage in the warehouse
47 facility.
48 d. A high risk of loss to the grain depositors and
49 sellers indemnity fund caused by the possible
50 insolvency of the warehouse operator based on a

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1 statistical model provided in section 543.40.
2 Sec. 568. Section 543.2, unnumbered paragraph 1,
3 Code 1991, is amended to read as follows:
4 The department may exercise general supervision
5 over the storage, warehousing, classifying according
6 to grade or otherwise, weighing, and certification of
7 agricultural products. The department may inspect or
8 cause to be inspected any warehouse. Inspections may
9 be made at times and for purposes as the department
10 determines. Except as provided in section 543.6, the
11 department shall cause every licensed warehouse and
12 its contents to be inspected once in every twelve-
13 month period. The department shall prioritize
14 inspections based on the system provided in section
15 543.40. The department may require the filing of
16 reports relating to a warehouse or its operation. If
17 upon inspection a deficiency is found to exist as to
18 the quantity or quality of agricultural products
19 stored, as indicated on the warehouse operator's books
20 and records according to official grain standards, the
21 department may require an employee of the department

22 to remain at the licensed warehouse and supervise all
23 operations involving agricultural products stored
24 there under this chapter until the deficiency is
25 corrected. The charge for the cost of maintaining an
26 employee of the department at a warehouse to supervise
27 the correction of a deficiency is one hundred fifty
28 dollars per day.

29 Sec. 569. Section 543.4, subsection 6, Code 1991,
30 is amended to read as follows:

31 6. The department is entitled to reimbursement out
32 of commodities or proceeds held in receivership for
33 all expenses incurred as court costs or in handling
34 and disposing of stored commodities, and for all other
35 costs directly attributable to the receivership. The
36 right of reimbursement of the department is prior to
37 any claims against the commodities or proceeds of
38 sales of commodities, and constitutes a claim against
39 a deficiency bond or irrevocable letter of credit.
40 Notwithstanding section 8.33, the reimbursement amount
41 received by the department in a fiscal year shall not
42 revert unless unobligated or unencumbered on June 30
43 of the following fiscal year.

44 Sec. 570. Section 543.6, subsection 4, paragraph
45 b, Code 1991, is amended to read as follows:

46 b. The warehouse operator shall submit, as
47 required by the department, a financial statement that
48 is accompanied by an unqualified opinion based upon an
49 audit performed by a certified public accountant
50 licensed in this state. However, the department may

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1 accept a qualification in an opinion that is
2 unavoidable by any audit procedure that is permitted
3 under generally accepted accounting principles. An
4 opinion that is qualified because of a limited audit
5 procedure or because the scope of an audit is limited
6 shall not be accepted by the department. The
7 department shall not require that a warehouse operator
8 submit more than one such unqualified opinion per
9 year. The warehouse operator may elect, however, to
10 submit a financial statement that is accompanied by
11 the report of a certified public accountant licensed
12 in this state that is based upon a review performed by
13 the certified public accountant in lieu of the audited
14 financial statement specified in this paragraph.
15 However, at any time the department may require a
16 financial statement that is accompanied by the report
17 of a certified public accountant licensed in this
18 state that is based upon a review performed by a

19 certified public accountant if the department has good
20 cause to believe that the net worth or current asset
21 to current liability ratio of a licensee presents a
22 danger to producers or sellers with whom the licensee
23 deals. "Good cause" means that the department has
24 evidence that the licensee issued checks on
25 insufficient funds, evidence of a quality or quantity
26 shortage in a warehouse facility, or evidence of
27 violations of recordkeeping requirements.

28 Sec. 571. Section 543.6, subsection 5, paragraph
29 b, Code 1991, is amended to read as follows:

30 b. The warehouse operator shall submit, as
31 required by the department, a financial statement that
32 is accompanied by an unqualified opinion based upon an
33 audit performed by a certified public accountant
34 licensed in this state. However, the department may
35 accept a qualification in an opinion that is
36 unavoidable by any audit procedure that is permitted
37 under generally accepted accounting principles. An
38 opinion that is qualified because of a limited audit
39 procedure or because the scope of an audit is limited
40 shall not be accepted by the department. The
41 department shall not require that a warehouse operator
42 submit more than one such unqualified opinion per
43 year. The warehouse operator may elect, however, to
44 submit a financial statement that is accompanied by
45 the report of a certified public accountant licensed
46 in this state that is based upon a review performed by
47 the certified public accountant in lieu of the audited
48 financial statement specified in this paragraph.
49 However, at any time the department may require a
50 financial statement that is accompanied by the report

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1 of a certified public accountant licensed in this
2 state that is based upon a review performed by a
3 certified public accountant if the department has good
4 cause to believe that the net worth or current asset
5 to current liability ratio of a licensee presents a
6 danger to producers or sellers with whom the licensee
7 deals. "Good cause" means that the department has
8 evidence that the licensee issued checks on
9 insufficient funds, evidence of a quality or quantity
10 shortage in a warehouse facility, or evidence of
11 violations of recordkeeping requirements.

12 Sec. 572. NEW SECTION. 543.12A LIEN ON WAREHOUSE
13 OPERATOR ASSETS.

14 1. A statutory lien is imposed on all warehouse
15 operator assets in favor of depositors possessing

16 warehouse receipts covering grain stored by the
17 warehouse operator and depositors with written
18 evidence of ownership other than warehouse receipts
19 disclosing a storage obligation of a warehouse
20 operator.

21 2. "Warehouse operator assets" includes proceeds
22 received or due a warehouse operator upon the sale,
23 including exchange, collection, or other disposition,
24 of grain sold by the warehouse operator. As used in
25 this section, "proceeds" means noncash and cash
26 proceeds as provided in section 554.9306. "Warehouse
27 operator assets" also includes storage payments
28 received or due to a warehouse operator, grain owned
29 by the warehouse operator, and any other funds or
30 property of the warehouse operator which can be
31 directly traced as being from the sale of grain by the
32 warehouse operator, or which were utilized in the
33 business operation of the warehouse operator. A
34 court, upon petition by an affected party, may order
35 that claimed warehouse operator assets are not
36 warehouse operator assets as defined in this section.
37 The burden of proof shall be upon the petitioner to
38 establish that the assets are not warehouse operator
39 assets as defined in this section.

40 3. The lien shall arise at the commencement of the
41 storage obligation, and shall terminate when the
42 liability of the warehouse operator to the depositor
43 has been discharged. The lien of all depositors is
44 hereby assigned to the Iowa grain indemnity fund
45 board, on behalf of the grain depositors and sellers
46 indemnity fund.

47 4. To perfect the lien, the Iowa grain indemnity
48 fund board must file a lien statement with the office
49 of the secretary of state. The lien statement is
50 valid only if filed on or after the date of suspension

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1 but not later than sixty days after the incurrence
2 date as provided in section 543A.6. The lien
3 statement shall disclose the name of the warehouse
4 operator, the address of the warehouse operator's
5 principal place of business, a description of
6 identifiable warehouse operator assets, and the amount
7 of the lien. The lien amount shall be the board's
8 estimate of the final cost of reimbursing the grain
9 depositors and sellers indemnity fund for the payment
10 of claims made against the fund resulting from the
11 breach of the warehouse operator's obligations. The
12 board shall correct the amount not later than one

13 hundred eighty days following the incurrence date. A
14 court, upon petition by an affected person, may
15 correct the amount. The board shall have the burden
16 of proving that the amount is an accurate estimate.

17 5. The Iowa grain indemnity fund board shall upon
18 written demand of the warehouse operator file a
19 termination statement with the secretary of state, if
20 the license of the warehouse operator is not revoked,
21 terminated, or canceled after one hundred eighty days
22 from the date that the lien is perfected. Upon filing
23 the termination statement, the lien becomes
24 unperfected. The board shall also deliver a copy of
25 the termination statement to the warehouse operator.

26 6. The secretary of state shall note the filing of
27 a lien statement under this section in a manner
28 provided by chapter 554, the uniform commercial code.
29 The secretary shall note the filing of a termination
30 statement with the lien statement.

31 7. A lien statement filed under this section shall
32 be a security interest perfected under chapter 554 and
33 subject to the same priority as provided under section
34 554.9312.

35 8. In the event the department is appointed as a
36 receiver under section 543.3, assets under the
37 authority of the receiver are free from this statutory
38 lien. However, if there are receivership assets in
39 excess of those necessary to fully reimburse
40 depositors, the perfected lien will attach to those
41 excess assets.

42 9. The Iowa grain indemnity fund board may enforce
43 the lien in the manner provided in chapter 554,
44 article 9, part 5, for the enforcement of security
45 interests. If, upon enforcement of the lien, the lien
46 amount is satisfied in full without exhaustion of the
47 warehouse operator assets, the remaining assets shall
48 be returned to the warehouse operator or, if there are
49 competing claims to those remaining assets by other
50 creditors, those assets shall be placed in the custody

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1 of the district court and the known creditors
2 impleaded.

3 For purposes of enforcement of the lien, the board
4 is deemed to be the secured party and the warehouse
5 operator is deemed to be the debtor, and each has the
6 respective rights and duties of a secured party and a
7 debtor as provided in chapter 554, article 9, part 5.
8 If a right or duty under chapter 554, article 9, part
9 5, is contingent upon the existence of express

10 language in a security agreement, or may be waived by
11 express language in a security agreement, the
12 requisite language is deemed not to exist for purposes
13 of enforcement of the lien created by this section.

14 10. Actions relating to this section shall be
15 brought in the district court in the county in which
16 the warehouse operator's primary place of business is
17 located or in Polk county.

18 Sec. 573. Section 543.17, Code 1991, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 6A. A licensed warehouse operator
21 who does not have a sufficient quantity or quality of
22 grain to satisfy the warehouse operator's obligations
23 based on an examination by the department shall not
24 purchase grain on credit-sale contract to correct the
25 shortage of grain. A licensed warehouse operator
26 shall not issue a warehouse receipt for purposes of
27 providing collateral, if the grain which is the
28 subject of the warehouse receipt was purchased by
29 credit-sale contract and is unpaid for by the
30 warehouse operator.

31 Sec. 574. Section 543.17, subsection 7, Code 1991,
32 is amended to read as follows:

33 7. Every licensed warehouse operator shall, on or
34 before July 1 of each year, send a statement for each
35 holder of a warehouse receipt covering grain held for
36 more than one year at that warehouse to the holder's
37 last known address. The statement shall show the
38 amount of all grain held pursuant to warehouse receipt
39 for such warehouse receipt holder and the amount of
40 any storage charges held by the licensed warehouse
41 operator against that grain. However, a licensed
42 warehouse operator need not prepare this annual
43 statement for a holder of a warehouse receipt, if the
44 licensed warehouse operator prepares such statements
45 monthly, quarterly or for any other period more
46 frequent than annually. ~~Failure~~ The failure to
47 prepare a statement required by this subsection is a
48 simple misdemeanor.

49 PARAGRAPH DIVIDED. Violation of this section shall
50 not constitute grounds for suspension, revocation, or

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1 modification of the license of anyone licensed under
2 this chapter.

3 Sec. 575. Section 543.33, subsection 1, paragraphs
4 a through g, Code 1991, are amended to read as
5 follows:

6 a. If the total storage capacity is one hundred

7 thousand bushels or less, the fee is ~~thirty-five~~
8 fifty-eight dollars.

9 b. If the total storage capacity is more than one
10 hundred thousand bushels, but not more than seven
11 hundred fifty thousand bushels, the fee is ~~seventy-~~
12 five one hundred twenty-five dollars.

13 c. If the total storage capacity is more than
14 seven hundred fifty thousand bushels, but not more
15 than one million five hundred thousand bushels, the
16 fee is one hundred ~~fifteen~~ ninety-one dollars.

17 d. If the total storage capacity is more than one
18 million five hundred thousand bushels, but not more
19 than three million bushels, the fee is ~~one two~~ hundred
20 fifty forty-nine dollars.

21 e. If the total storage capacity is more than
22 three million bushels, but not more than four million
23 seven hundred fifty thousand bushels, the fee is ~~one~~
24 three hundred eighty-five seven dollars.

25 f. If the total storage capacity is more than four
26 million seven hundred fifty thousand bushels, but not
27 more than nine million five hundred thousand bushels,
28 the fee is ~~two three~~ hundred ~~twenty-five~~ seventy-four
29 dollars.

30 g. If the total storage capacity is more than nine
31 million five hundred thousand bushels, the fee is ~~two~~
32 four hundred sixty-five forty dollars.

33 Sec. 576. Section 543.36, subsection 4, Code 1991,
34 is amended to read as follows:

35 4. A person in violation of this chapter, or a in
36 violation of chapter 714 or 715A involving, which
37 violation involves the business of a warehouse
38 operator, is subject to prosecution by the county
39 attorney in the county where the business is located.
40 However, if the county attorney fails to initiate
41 prosecution within thirty days, and upon request by
42 the department, the attorney general may initiate and
43 carry out the prosecution in cooperation, if possible,
44 with the county attorney. The person in violation may
45 be restrained by injunction in an action brought by
46 the department or the attorney general upon request by
47 the department.

48 Sec. 577. Section 543.37, Code 1991, is amended to
49 read as follows:

50 543.37 FAILURE TO PAY FEE.

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1 Failure to pay the annual license fee provided for
2 in section 543.33 on or before June 30 of the year for
3 which due the end of the third calendar month

4 following the close of the licensee's fiscal year
5 shall cause a license to terminate. A warehouse
6 license which has terminated may be reinstated by the
7 department upon receipt of a proper renewal
8 application, the renewal fee, and the reinstatement
9 fee as provided for in section 543.33, if filed within
10 thirty days from the date of termination of the
11 warehouse license. The department may cancel the
12 license upon request of the licensee unless a
13 complaint or information is filed against the licensee
14 alleging a violation of a provision of this chapter.
15 Sec. 578. NEW SECTION. 543.40 PRIORITIZATION OF
16 INSPECTIONS OF WAREHOUSE OPERATORS.

17 The department shall develop a system to prioritize
18 the inspections of warehouse operators provided in
19 section 543.2. The system of prioritization shall be
20 computed each year based on the risk of loss to the
21 grain depositors and sellers indemnity fund caused by
22 the possible insolvency of the warehouse operator.
23 The department shall compute the risk by utilizing an
24 available statistical model to measure the financial
25 condition of warehouse operators. Procedures for
26 utilizing the statistical model shall be adopted by
27 department rules. The statistical model shall be used
28 to provide risk ratings. A risk rating shall be used
29 as a factor by the department to prioritize its
30 inspection schedule. The department may inspect a
31 warehouse operator at any time based on a risk of loss
32 to the fund according to the risk rating. A
33 substantial risk of loss to the grain depositors and
34 sellers indemnity fund caused by the possible
35 insolvency of the warehouse operator based on the
36 statistical model shall be good cause.

37 Sec. 579. NEW SECTION. 543A.5A LIEN ON
38 LICENSEE'S ASSETS.

39 The board may enforce a lien attached to assets
40 held by a licensee under chapter 542 or 543. The lien
41 shall be perfected and enforced pursuant to section
42 542.12A or 543.12A.

43 Sec. 580. Section 554.9407, subsection 3, Code
44 1991, is amended by adding the following new
45 unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. Upon written request,
47 the filing officer shall issue a certificate showing
48 whether there is on file on the date and hour stated,
49 an effective financing statement, lien statement, or
50 termination statement under chapter 542 or 543 naming

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- 1 a grain dealer or warehouse operator as a debtor, the
2 address of the grain dealer's or warehouse operator's
3 principal place of business, and the grain indemnity
4 fund board as secured creditor, identifiable grain
5 proceeds subject to the lien, and the amount of the
6 lien. The uniform fee for a certificate is five
7 dollars if the request for the certificate is on a
8 form conforming to standards prescribed by the
9 secretary of state, or the fee is six dollars if the
10 request is not on a form conforming to the standards.
- 11 Sec. 581. Section 715A.2, subsection 2, paragraph
12 a, Code 1991, is amended to read as follows:
13 a. Forgery is a class "D" felony if the writing is
14 or purports to be part of an issue of money,
15 securities, postage or revenue stamps, or other
16 instruments issued by the government, or part of an
17 issue of stock, bonds, credit-sale contracts as
18 defined in section 542.1, or other instruments
19 representing interests in or claims against any
20 property or enterprise, or a check, draft, or other
21 writing which ostensibly evidences an obligation of
22 the person who has purportedly executed it or
23 authorized its execution.
- 24 Sec. 582. TRANSITION PERIOD. There shall be a
25 transition period for implementing and enforcing
26 provisions of this Act relating to any license period
27 as provided in sections 542.5 and 543.37 as amended by
28 this Act. Within the transition period, the
29 department of agriculture and land stewardship may
30 issue or renew licenses under chapter 542 or 543 for a
31 period less than twelve consecutive months. The
32 department shall prorate the fees charged for issuing
33 or renewing the licenses for a period of less than
34 twelve consecutive months. The transition period
35 shall terminate on June 30, 1993.
- 36 Sec. 583. DATES OF APPLICABILITY. The liens
37 established in sections 542.12A and 543.12A are
38 applicable and enforceable against all grain dealer
39 and warehouse operator licenses with an incurrence
40 date on or after July 1, 1992.
- 41 Sec. 584. 1991 Iowa Acts, chapter 268, sections
42 212 and 213, are repealed.
- 43 This section, being deemed of immediate importance,
44 takes effect upon enactment.
- 45 Sec. 585. REPEALS.
- 46 1. Section 428.35, Code 1991, is repealed.
47 2. Section 542.21, Code 1991, is repealed.
- 48 Sec. 586. This Act takes effect on July 1, 1992,

49 except as otherwise provided in specific sections of
50 this Act."

LEONARD L. BOSWELL
EMIL J. HUSAK

S-5915

1 Amend Senate File 2376 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION VI

5 ECONOMIC DEVELOPMENT APPROPRIATIONS

6 Sec. 601. There is appropriated from the general
7 fund of the state to the department of economic
8 development for the fiscal year beginning July 1,
9 1992, and ending June 30, 1993, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12 1. ADMINISTRATIVE SERVICES DIVISION

13 a. General administration

14 For salaries, support, maintenance, miscellaneous
15 purposes, to implement total quality management, and
16 for not more than the following full-time equivalent
17 positions:

18	.....	\$	789,000
19	.....	FTEs	21.00

20 The department shall plan for and initiate a long-
21 term process for the continuous improvement of the
22 services provided to the citizens of Iowa using the
23 principles of total quality management.

24 b. Information management center

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28	.....	\$	361,000
29	.....	FTEs	7.50

30 c. Film office

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-
33 time equivalent positions:

34	.....	\$	182,000
35	.....	FTEs	2.00

36 2. BUSINESS DEVELOPMENT DIVISION

37 a. Small business programs

38 For salaries, support, maintenance, miscellaneous
39 purposes, and for not more than the following full-
40 time equivalent positions for the small business
41 program, the small business advisory council, targeted
42 small business program, and business incubators, of

43 which \$46,424 shall be allocated for the
 44 administration of the targeted small business program:
 45 \$ 273,000
 46 FTEs 5.50
 47 b. Federal procurement 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 \$ 96,953
 2 FTEs 3.00
 3 Notwithstanding section 8.33, moneys remaining
 4 unencumbered or unobligated on June 30, 1993, shall
 5 not revert and shall be available for expenditure
 6 during the fiscal year beginning July 1, 1993, for the
 7 same purposes.

8 c. Regionally based business outreach program
 9 To implement the regionally based business outreach
 10 program:
 11 \$ 318,000

12 d. Strategic investment fund
 13 For deposit in the strategic investment fund for
 14 salaries, support, and for not more than the following
 15 full-time equivalent positions:
 16 \$ 3,800,733
 17 FTEs 10.00

18 Notwithstanding section 8.33, moneys in the
 19 strategic investment fund at the end of each fiscal
 20 year shall not revert to the general fund but shall
 21 remain in the strategic investment fund.

22 e. Small business investment company
 23 capitalization
 24 For transfer to the treasurer of state for the
 25 purpose of facilitating the organization and private
 26 capitalization of the small business investment
 27 company under sections 28.162 through 28.164. If the
 28 small business investment company for which the funds
 29 are to be used is not organized within eighteen months
 30 of the effective date of this Act, unused funds shall
 31 revert to the general fund of the state:
 32 \$ 200,000

33 3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

34 a. Community assistance
 35 For salaries, support, maintenance, miscellaneous
 36 purposes, and for not more than the following full-
 37 time equivalent positions for administration of the
 38 community economic preparedness program, the Iowa
 39 community betterment program, and the city development

40 board:

41	.....	\$	500,000
42	.....	FTEs	7.50
43	b. Main street/rural main street program		
44	For salaries and support for not more than the		
45	following full-time equivalent positions:		
46	.....	\$	373,386
47	.....	FTEs	3.00
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 c. Rural development program

4 For salaries, support, maintenance, miscellaneous
5 purposes, and for not more than the following full-
6 time equivalent positions for rural resource
7 coordination, rural community leadership, and the
8 rural enterprise fund:

9	.....	\$	600,000
10	.....	FTEs	3.50

11 Notwithstanding section 8.33, moneys obligated or
12 committed to grantees under contract that remain
13 unexpended at the end of the fiscal year shall not
14 revert but shall be available for expenditure for
15 purposes of the contract during succeeding fiscal
16 years.

17 d. Community development block grant and HOME

18 For administration and related federal housing and
19 urban development grant administration for salaries,
20 support, maintenance, miscellaneous purposes, and for
21 not more than the following full-time equivalent
22 positions:

23	.....	\$	375,397
24	.....	FTEs	18.75

25 4. INTERNATIONAL DIVISION

26 a. International trade operations

27 For conducting foreign trade missions on behalf of
28 Iowa businesses, salaries, support, maintenance,
29 miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:

31	.....	\$	375,000
32	.....	FTEs	6.00

33 b. Foreign trade offices

34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions for two trade offices:

37	.....	\$	518,000
38	.....	FTEs	3.50
39	c. Export trade assistance program		
40	For export trade activities, including a program to		
41	encourage and increase participation in trade shows		
42	and trade missions by providing financial assistance		
43	to businesses for a percentage of their costs of		
44	participating in trade shows and trade missions, by		
45	providing for the lease/sublease of showcase space in		
46	existing world trade centers, by providing temporary		
47	office space for foreign buyers, international		
48	prospects, and potential reverse investors, and by		
49	providing other promotional and assistance activities,		
50	including salaries and support for not more than the		

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1	following full-time equivalent positions:		
2	\$	334,000
3	FTEs	.25
4	d. Agricultural product advisory council		
5	For support, maintenance, and miscellaneous		
6	purposes:		
7	.....	\$	1,400

8 5. TOURISM DIVISION

9	a. Tourism operations		
10	For salaries, support, maintenance, miscellaneous		
11	purposes, and for not more than the following full-		
12	time equivalent positions, provided that the		
13	appropriation shall not be used for advertising		
14	placements for in-state and out-of-state tourism		
15	marketing:		

16	.....	\$	650,000
17	.....	FTEs	17.77

18	b. Tourism advertising		
19	For contracting exclusively for tourism advertising		
20	for in-state and out-of-state tourism marketing		
21	services, tourism promotion programs, electronic		
22	media, print media, and printed materials:		
23	.....	\$	2,250,000

24 The department shall not use the moneys
 25 appropriated in this paragraph unless the department
 26 develops public-private partnerships with Iowa
 27 businesses in the tourism industry, Iowa tour groups,
 28 Iowa tourism organizations, and political subdivisions
 29 in this state to assist in the development of
 30 advertising efforts. The department shall, to the
 31 fullest extent possible, develop cooperative efforts
 32 for advertising with contributions from other sources.

33 c. Welcome center program

34 To implement the recommendations of the statewide
 35 long-range plan for developing and operating welcome
 36 centers throughout the state:
 37 \$ 208,625
 38 Notwithstanding section 8.33, pursuant to 1990 Iowa
 39 Acts, chapter 1255, section 37, subsection 1, as
 40 amended by 1991 Iowa Acts, chapter 260, section 1001,
 41 the department may use up to \$200,000 for a welcome
 42 center project based upon the department's
 43 prioritization report, dated December 1991, and moneys
 44 committed to grantees under contract that remain
 45 unexpended on June 30 of any fiscal year shall not
 46 revert to any fund but shall be available for
 47 expenditure for purposes of the contract during the
 48 succeeding fiscal year.
 49 6. WORK FORCE DEVELOPMENT DIVISION
 50 a. Youth work force programs

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1 For purposes of the conservation corps, including
 2 salary, support, maintenance, miscellaneous purposes,
 3 and for not more than the following full-time
 4 equivalent positions:
 5 \$ 1,000,000
 6 FTEs 1.90
 7 Notwithstanding section 8.33, moneys committed to
 8 grantees under contract that remain unexpended on June
 9 30 of any fiscal year shall not revert to any fund but
 10 shall be available for expenditure for purposes of the
 11 contract during the succeeding fiscal year.
 12 b. Job retraining program
 13 To the Iowa employment retraining fund created in
 14 section 15.298, including salaries and support for not
 15 more than the following full-time equivalent
 16 positions:
 17 \$ 932,831
 18 FTEs .60
 19 c. Work force investment program
 20 For purposes of the work force investment program,
 21 for projects that increase Iowa's pool of available
 22 labor via training and support services, including
 23 salaries and support for not more than the following
 24 full-time equivalent positions and for the
 25 administration of the program on a competitive grant
 26 basis, with priority in the expenditure of job
 27 training partnership Act and workforce investment
 28 program funds given to projects which serve welfare
 29 recipients and displaced homemakers, by the department
 30 in consultation with the state job training

31 coordinating council:
 32 \$ 500,000
 33 FTEs .90
 34 Notwithstanding section 8.33, moneys obligated or
 35 committed to grantees under contract that remain
 36 unexpended at the end of the fiscal year, shall not
 37 revert but shall be available for expenditure for
 38 purposes of the contract during succeeding fiscal
 39 years.
 40 d. Labor management councils
 41 For salaries, support, maintenance, miscellaneous
 42 purposes, and for not more than the following full-
 43 time equivalent positions:
 44 \$ 195,745
 45 FTEs 1.00
 46 The department shall not use moneys appropriated in
 47 this paragraph for grants to grantees who do not
 48 facilitate the active participation of labor as
 49 members of labor management councils or who fail to
 50 make a good faith effort to either schedule meetings

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1 during nonworking hours or obtain voluntary agreements
 2 with employers to allow employees time off to attend
 3 labor management council meetings with no loss of pay
 4 or other benefits.
 5 Notwithstanding section 8.33, moneys committed to
 6 grantees under contract that remain unexpended on June
 7 30 of any fiscal year shall not revert to any fund but
 8 shall be available for expenditure for purposes of the
 9 contract during the succeeding fiscal year.
 10 7. For transfer to the Iowa product development
 11 corporation fund established in section 28.89:
 12 \$ 887,500
 13 FTEs 5.00
 14 Sec. 602. There is appropriated from the general
 15 fund, from moneys which would otherwise be
 16 appropriated to the peace institute, to the department
 17 of economic development for the fiscal year beginning
 18 July 1, 1992, and ending June 30, 1993, the following
 19 amount, or so much thereof as may be necessary, to be
 20 used for the operation of the interstate welcome
 21 center system:
 22 \$ 41,586
 23 Sec. 603. Notwithstanding section 28.120,
 24 subsections 5, 6, and 7, and section 15.287, there is
 25 appropriated from the Iowa community development loan
 26 fund to the department of economic development for the
 27 fiscal year beginning July 1, 1992, and ending June

28 30, 1993, \$50,000, or so much thereof as is necessary,
29 to be used for rural development financing, \$20,000 to
30 be transferred to the main street program, and
31 \$436,000 or the remainder of the Iowa community
32 development loan fund available during the fiscal year
33 beginning July 1, 1992, and ending June 30, 1993,
34 whichever is greater, to be transferred only to the
35 rural development program.

36 Sec. 604. Notwithstanding section 15.251,
37 subsection 2, there is appropriated from the job
38 training fund created in the office of the treasurer
39 of state to the department of economic development for
40 the fiscal year beginning July 1, 1992, and ending
41 June 30, 1993, the following amounts, or so much
42 thereof as is necessary, to be used for the purposes
43 designated:

44 1. For administration of chapter 280B, including
45 salaries, support, maintenance, miscellaneous
46 purposes, and for not more than the following full-
47 time equivalent positions:

48	\$	125,000
49	FTEs	2.40

50 2. For the target alliance program:

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1	\$	30,000
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2 3. For allocation to the community colleges to
3 supplement the coordination and instruction of
4 apprentice related instruction, and instructional
5 equipment for apprenticeship programs as provided in
6 section 280A.44 on the basis of the percentage of
7 total contact hours enrolled in apprenticeship
8 training at community colleges as of July 1, 1992, if
9 funds remain in the job training fund after the
10 appropriations in subsections 1 and 2 are made:

11	\$	125,000
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12 Sec. 605. There is appropriated from the community
13 college job training fund created in section 280C.6,
14 subsection 1, to the department of economic
15 development for the fiscal year beginning July 1,
16 1992, and ending June 30, 1993, the following amount,
17 or so much thereof as is necessary, to be used for the
18 purposes designated:

19 For salaries, support, maintenance, and
20 miscellaneous purposes for the administration of the
21 Iowa small business new jobs training Act, and for not
22 more than the following full-time equivalent
23 positions:

24	\$	38,954
----	-------	----	--------

25 FTEs .70
 26 Sec. 606. There is appropriated from the general
 27 fund of the state to the Iowa finance authority for
 28 the fiscal year beginning July 1, 1992, and ending
 29 June 30, 1993, the following amount, or so much
 30 thereof as is necessary, to be used for the purpose
 31 designated:

32 For deposit in the housing improvement fund created
 33 in section 220.100 for purposes of the fund:
 34 \$ 2,203,443

35 Sec. 607. There is appropriated from the general
 36 fund of the state to the Wallace technology transfer
 37 foundation for the fiscal year beginning July 1, 1992,
 38 and ending June 30, 1993, the following amounts, or so
 39 much thereof as is necessary, to be used for the
 40 purposes designated:

41 For salaries, support, maintenance, and other
 42 operational purposes, for approving and submitting to
 43 the governor and general assembly not later than
 44 January 15 an annual report relating to performance
 45 goals of and efforts by the foundation to improve the
 46 modernization of industrial facilities for funding the
 47 small business innovation research program, for
 48 funding activities as provided in section 28.158, and
 49 for transferring \$75,000 of the funds appropriated in
 50 this subsection to the Iowa quality coalition for

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1 productivity enhancement projects:
 2 \$ 2,850,000
 3 FTEs 6.00

4 Sec. 608. There is appropriated from the general
 5 fund of the state to INTERNET for the fiscal year
 6 beginning July 1, 1992, and ending June 30, 1993, the
 7 following amount, or so much thereof as is necessary,
 8 to be used for the purposes designated:

9 For deposit in the international network on trade
 10 fund created by the INTERNET board, provided that
 11 \$290,250 shall be allocated to the department of
 12 economic development for the Iowa international
 13 development foundation for the salaries and support
 14 for not more than 1.50 full-time equivalent positions
 15 for employees of the department of economic
 16 development, \$55,164 shall be allocated to the peace
 17 institute, and \$96,750 shall be allocated for the
 18 partner state program and the department may contract
 19 with private groups or organizations which are the
 20 most appropriate to administer this program, and the
 21 groups and organizations participating in the program

22 shall, to the fullest extent possible, provide the
 23 funds to match the appropriation made in this section:
 24 \$ 846,750
 25 FTEs 4.50
 26 INTERNET shall use moneys appropriated in this
 27 section, unless otherwise specified, for the purposes
 28 set out in chapter 18B.
 29 Sec. 609. There is appropriated from the general
 30 fund of the state to the Iowa state university of
 31 science and technology for the fiscal year beginning
 32 July 1, 1992, and ending June 30, 1993, the following
 33 amount, or so much thereof as is necessary, to be used
 34 for the purposes designated:
 35 For funding the small business development centers:
 36 \$ 991,325
 37 For funding the institute for physical research and
 38 technology:
 39 \$ 3,000,000
 40 Sec. 610. There is appropriated from the general
 41 fund of the state to the university of Iowa for the
 42 fiscal year beginning July 1, 1992, and ending June
 43 30, 1993, the following amount, or so much thereof as
 44 is necessary, to be used for the purpose designated:
 45 For funding the advanced drug development program
 46 at the Oakdale research park:
 47 \$ 500,000
 48 Sec. 611. There is appropriated from the general
 49 fund of the state to the university of northern Iowa
 50 for the fiscal year beginning July 1, 1992, and ending

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1 June 30, 1993, the following amounts, or so much
 2 thereof as is necessary, to be used for the purposes
 3 designated:
 4 For funding the decision-making institute:
 5 \$ 600,000
 6 For funding the applied technology program:
 7 \$ 225,000
 8 Sec. 612. Section 15.108, Code Supplement 1991, is
 9 amended by adding the following new subsections:
 10 **NEW SUBSECTION. 10. ECONOMIC DEVELOPMENT PLANNING**
 11 **AND RESEARCH ACTIVITIES.** To provide leadership and
 12 support for economic and community development
 13 activities statewide. To carry out this
 14 responsibility, the department may establish a
 15 research center for economic development programs and
 16 services whose duties may include but are not limited
 17 to the following:
 18 a. Implementation of a comprehensive statewide

19 economic development planning process and provision of
20 leadership, coordination, and support to regional and
21 local economic and community planning efforts.

22 b. Coordination of the delivery of economic and
23 community development programs with other local,
24 regional, state, federal, and private sector programs
25 and activities.

26 c. Collection and analysis of data and
27 information, development of databases and performing
28 research to keep abreast of Iowa's present economic
29 base, changing market demands, and emerging trends,
30 including identification of targeted markets and
31 development of marketing strategies.

32 d. Provision of access to databases to facilitate
33 sales and exports by Iowa businesses.

34 e. Establishment of a database of community and
35 economic information to aid local regional and
36 statewide economic development and service delivery
37 efforts.

38 **NEW SUBSECTION. 11. REGIONALLY BASED BUSINESS**

39 **OUTREACH PROGRAM.** To create and stimulate economic
40 opportunity for entrepreneurs and existing businesses
41 in the state by providing outreach, assistance, and
42 support and to coordinate economic development
43 services and programs for individuals, businesses, and
44 communities. To carry out this responsibility the
45 department may establish a regionally based business
46 outreach program to:

47 a. Identify business needs that can be served by
48 programs of the department.

49 b. Assure that there is equal access statewide to
50 a basic set of programs and services to assist

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1 business.

2 c. Develop partnerships and better coordination
3 between statewide and regional service providers.

4 d. Offer a regionally based outreach opportunity
5 for existing business.

6 e. Utilize a statewide network for business
7 assistance to provide a mechanism for regular
8 coordination statewide among service providers.

9 f. Promote cooperative efforts among business
10 assistance service providers.

11 Sec. 613. Section 15.241, unnumbered paragraphs 1
12 and 2, Code 1991, are amended to read as follows:

13 The department shall establish, contingent upon the
14 availability of funds authorized for the program, a Δ
15 "self-employment loan program; account" is established

16 within the strategic investment fund created in
 17 section 15.313 to provide funding for the self-
 18 employment loan program which is to be conducted in
 19 coordination with the job training partnership program
 20 and other programs administered under section 15.108,
 21 subsection 6, paragraph "c". The department may
 22 contract with local community action agencies or other
 23 local entities in administering the program, and shall
 24 work with the department of employment services and
 25 the department of human services in developing the
 26 program.

27 The self-employment loan program shall administer a
 28 low-interest loan program to provide loans to low-
 29 income persons for the purpose of establishing or
 30 expanding small business ventures. The terms of the
 31 loans shall be determined by the department, but shall
 32 not be in excess of ~~five~~ ten thousand dollars to any
 33 single applicant or at a rate to exceed five percent
 34 simple interest per annum. ~~A self-employment loan~~
 35 ~~program revolving loan fund shall be established~~
 36 ~~within the department.~~ The department shall maintain
 37 records of all loans approved and the effectiveness of
 38 those loans in establishing or expanding small
 39 business ventures.

40 Sec. 614. Section 15.241, Code 1991, is amended by
 41 adding the following new unnumbered paragraph:
 42 NEW UNNUMBERED PARAGRAPH. Payments of interest,
 43 recaptures of awards, and repayments of moneys loaned
 44 under this program shall be deposited into the
 45 strategic investment fund.

46 Sec. 615. Section 15.247, subsections 2 and 3,
 47 Code 1991, are amended to read as follows:

48 2. ~~The department shall establish, contingent upon~~
 49 ~~the availability of funds authorized for the program,~~
 50 ~~a~~ A "targeted small business financial assistance

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1 program account" is established within the strategic
 2 investment fund created in section 15.313, to provide
 3 for loans, loan guarantees, revolving loans, loans
 4 secured by accounts receivable, or grants to targeted
 5 small businesses. A targeted small business in any
 6 year shall receive under this program not more than
 7 twenty-five thousand dollars in a loan or grant, and
 8 not more than forty thousand dollars in a guarantee,
 9 or a combination of loans, grants, or guarantees. The
 10 program shall provide guarantees not to exceed
 11 seventy-five percent for loans made by qualified
 12 lenders. The department shall establish a financial

13 assistance reserve account from funds ~~provided for~~
 14 ~~this allocated to the program account~~, from which any
 15 default on a guaranteed loan under this section shall
 16 be paid. In administering the program the department
 17 shall not guarantee loan values in excess of the
 18 amount credited to the reserve account and only moneys
 19 set aside in the loan reserve account may be used for
 20 the payment of a default.

21 3. All moneys designated for the targeted small
 22 business financial assistance program shall be
 23 credited to the financial assistance reserve program
 24 account. ~~The department shall also establish an~~
 25 ~~administrative account from which the operating costs~~
 26 ~~of the program shall be paid. The department may~~
 27 ~~transfer moneys between the reserve and the~~
 28 ~~administrative accounts except that not more than~~
 29 ~~twenty-five percent of the moneys shall be used to~~
 30 ~~administer the fund. The department shall determine~~
 31 the actuarially sound reserve requirement for the
 32 amount of guaranteed loans outstanding.

33 Sec. 616. Section 15.247, Code 1991, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 6. Payments of interest,
 36 recaptures of awards, and repayments of moneys loaned
 37 under this program shall be deposited into the
 38 strategic investment fund.

39 Sec. 617. Section 15.303, Code 1991, is amended by
 40 striking the section and inserting in lieu thereof the
 41 following:

42 15.303 REGIONALLY BASED BUSINESS OUTREACH PROGRAM
 43 -- AUTHORITY OF THE DIRECTOR.

44 The director has the authority in regard to the
 45 regionally based business outreach program to do any
 46 of the following:

47 1. Contract with each community college for the
 48 employment of a business outreach specialist to be
 49 located within a regional business and industry
 50 services center who is to be part of a statewide

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1 network for business assistance coordinated by the
 2 department.

3 2. Establish regional coordinating councils to
 4 coordinate the regional delivery of economic
 5 development programs and services to businesses and to
 6 establish and adopt the policy and work plan for the
 7 business outreach specialist.

8 3. Cooperate with the councils of governments,
 9 community colleges, small business development

10 centers, the center for industrial research and
11 service, the Iowa quality coalition, and other public
12 and private service providers in the state to
13 coordinate the delivery of economic development and
14 community development programs and services to avoid
15 duplication in the delivery of such programs and
16 services.

17 4. Adopt policies for the monitoring and
18 enforcement of contracts awarded to community colleges
19 to carry out the purposes of this program. The
20 department may withhold the disbursement of funds for
21 failure to achieve milestones established in the
22 contracts.

23 5. Provide leadership and support in the
24 development and implementation of statewide, regional,
25 and local economic and community development planning
26 efforts.

27 6. Provide information and data to Iowa
28 businesses, communities, and individuals through a
29 central registry.

30 7. Provide coordination, assistance, and support
31 for the operation of regional coordinating councils
32 and for the regionally based business outreach
33 program.

34 Sec. 618. Section 15.305, Code 1991, is amended by
35 striking the section and inserting in lieu thereof the
36 following:

37 15.305 REGIONAL COORDINATING COUNCILS -- DUTIES.

38 1. For purposes of establishing regional business
39 and industry services centers, the state is divided
40 into fifteen regions identical to the boundaries for
41 the community colleges under chapter 280A. However,
42 for purposes of the regional business and industry
43 services centers, one or more community colleges may
44 enter into an agreement that all businesses within a
45 county shall be served by the community college that
46 serves the county seat. Each region shall establish a
47 regional coordinating council.

48 2. Membership of the regional coordinating council
49 shall consist of at least twelve members who shall be
50 representative of education, government, business and

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1 industry, labor, professional developers, and service
2 organizations in the merged area. Private sector
3 representation shall comprise at least one-half of the
4 membership and shall include at least one member who
5 is a professional developer in the region. Service
6 providers serving a substantial portion of the merged

7 area may have a representative on the regional
8 coordinating council. The appointment and terms of
9 office of the members shall be governed by bylaws
10 adopted by each regional coordinating council.

11 3. A director, officer, employee, member, trustee,
12 or volunteer, of a regional coordinating council is
13 not liable for the debts or obligations of the
14 regional coordinating council and a director, officer,
15 employee, member, trustee, or volunteer is not
16 personally liable for a claim based upon an act or
17 omission of the person performed in the discharge of
18 the person's duties, except for acts or omissions
19 which involve intentional misconduct or known
20 violation of the law, or for a transaction from which
21 the person derives an improper personal benefit.

22 4. The regional coordinating councils shall do all
23 of the following:

24 a. Adopt a multiyear regional business assistance
25 work plan to guide the operation of the business
26 outreach specialist in the delivery of programs and
27 services to businesses in the region and provide
28 annual updates. The work plan may include other
29 activities specifically designed to meet the needs of
30 businesses in the region. The regional coordinating
31 council shall consult with service providers within
32 the region in the preparation and adoption of the work
33 plan and may contract with one or more service
34 providers in its preparation. The work plan shall be
35 submitted to the department and to the president of
36 the community college or the president's designee for
37 review and comment before the adoption of the work
38 plan by the regional coordinating council. Before the
39 release of any state funds by the department to the
40 community college for operation of a regional business
41 and industry outreach program, the work plan shall be
42 approved by the department.

43 b. Evaluate and monitor the operation of the
44 regional business and industry outreach program to
45 implement the goals and objectives established in the
46 work plan to deliver economic development programs and
47 services to businesses in the region. The regional
48 coordinating council shall report at least quarterly
49 to the president of the community college or the
50 president's designee and to the department of economic

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1 development on the operation of the program. The
2 department shall review and consider the report prior
3 to disbursing funds to the community college

4 c. Cooperate with the department to promote local,
5 regional, and statewide service delivery systems and
6 to coordinate the delivery of economic development
7 programs and services to businesses in the region.
8 The regional coordinating council may recommend to the
9 department of economic development plans to better
10 coordinate the delivery of services in the region and
11 to avoid duplication of services.

12 d. Elect annually a representative to serve on the
13 advisory council established by the department to
14 provide input on the review and update of the state's
15 economic development strategic plan.

16 e. Conduct a biennial inventory of business
17 assistance service providers to businesses within the
18 region and provide information about available
19 technical services to the department.

20 f. Meet at least quarterly with the board of
21 directors or their designees of the community college,
22 any councils of governments serving a substantial
23 portion of the region, and representatives of any
24 small business development center, incubator, area
25 quality council, professional developers in the
26 region, and the center for industrial research and
27 service serving the region to share information,
28 develop plans and programs, and coordinate the
29 delivery of services within the region.

30 Sec. 619. Section 15.307, Code 1991, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 **15.307 REGIONALLY BASED BUSINESS OUTREACH PROGRAM.**

34 1. The director of the department of economic
35 development is authorized to contract with each
36 community college for employment of a business
37 outreach specialist within a business services center
38 to work with existing business within the region to
39 determine company needs and provide access or referral
40 to services, or if services are not readily accessible
41 within the region, to coordinate with other service
42 providers to determine how services should be accessed
43 or provided. The contract shall include but is not
44 limited to the following:

45 a. Procedures for development and adoption of a
46 regional work plan by the regional coordinating
47 council to be implemented by the community college to
48 guide the activities of the business outreach
49 specialist.

50 b. Criteria for employment and evaluation of the

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1 business outreach specialist to implement the
2 provisions of the contract in the region. The
3 contract shall include responsibilities and duties of
4 the specialist and other personnel, wage and benefit
5 provisions, and performance measures related to
6 carrying out the provisions of the contract.

7 c. An annual budget for operation of the program
8 and activities agreed to in the contract including
9 provisions related to the transfer of funds to the
10 community college or its designee, as agreed upon by
11 the president of the community college and the
12 director. The budget shall reflect the work plan of
13 the regional coordinating council to implement the
14 intent and purposes of the contract.

15 d. Performance measures for quarterly and annual
16 evaluation of the program and activities agreed to in
17 the contract.

18 2. The duties of the business outreach specialist
19 shall include the activities listed in this section
20 and may include other programs and activities agreed
21 to in the contract. The business outreach specialist
22 shall do all of the following:

23 a. Provide outreach and visitation to
24 entrepreneurs and businesses, including data
25 collection for the business database, needs
26 identification, and information delivery.

27 b. Function as a clearinghouse and referral center
28 for information on business assistance programs and
29 services. The business outreach specialist shall
30 serve as a liaison between businesses in the region,
31 the department, and other business assistance service
32 providers. The specialist shall provide follow-up on
33 referrals.

34 c. Maintain ongoing communication with other
35 business assistance service providers in the region
36 and coordinate the delivery of programs and services
37 between the service providers and businesses. The
38 specialist shall cooperate with other service
39 providers in the region and statewide to be part of a
40 statewide network established by the department to
41 create and promote entrepreneurship, business
42 retention, business development, and business
43 expansion.

44 d. Assist the regional coordinating council in
45 preparing and implementing the annual regional
46 business assistance work plan and inventory of
47 business assistance service providers.

48 e. Provide the regional link for the database and

49 information systems of the department. In providing
50 the regional link, the specialist shall do all of the

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1 following:

2 (1) Implement and utilize the department's
3 databases to facilitate trade opportunities for
4 businesses in the region, including updating
5 information, and providing trade lead data.
6 (2) Provide information and referral to
7 individuals and businesses about available programs
8 and services.

9 (3) Provide other information and data concerning
10 businesses in the region to the department or other
11 sources.

12 f. Perform other related duties and
13 responsibilities as agreed upon in the contract.

14 Sec. 620. NEW SECTION. 15.311 STRATEGIC
15 INVESTMENT FUND.

16 This part shall be known as the "Iowa Strategic
17 Investment Fund" program.

18 Sec. 621. NEW SECTION. 15.312 PURPOSE.

19 The purpose of this part shall be to provide a
20 mechanism for funding those programs listed in section
21 15.313, subsection 2, in order to more efficiently
22 meet the needs identified within those individual
23 programs.

24 Sec. 622. NEW SECTION. 15.313 STRATEGIC
25 INVESTMENT FUND.

26 1. An Iowa strategic investment fund is created as
27 a revolving fund consisting of any money appropriated
28 by the general assembly for that purpose and any other
29 moneys available to and obtained or accepted by the
30 department from the federal government or private
31 sources for placement in the fund. The fund shall
32 also include all of the following:

33 a. All unencumbered and unobligated funds from the
34 special community economic betterment program fund
35 created under 1990 Iowa Acts, chapter 1262, section 1,
36 subsection 18, remaining on June 30, 1992, all
37 repayments of loans or other awards made under the
38 community economic betterment account or under the
39 community economic betterment program during any
40 fiscal year beginning on or after July 1, 1985, and
41 recaptures of awards.

42 b. All unencumbered and unobligated funds from the
43 self-employment loan program, the targeted small
44 business financial assistance program, the
45 microenterprise development revolving fund, financing

46 rural economic development or successor loan program,
47 and the value-added agricultural products and
48 processes financial assistance fund remaining on June
49 30, 1992, and all repayments of loans or other awards
50 or recaptures of awards made under these programs

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1 during any fiscal year beginning on or after July 1,
2 1992.
3 Notwithstanding section 8.33, moneys in the
4 strategic investment fund at the end of each fiscal
5 year shall not revert to any other fund but shall
6 remain in the strategic investment fund for
7 expenditure for subsequent fiscal years.
8 2. The assets of the fund shall be used by the
9 department for the following programs and purposes:
10 a. The community economic betterment program
11 created in sections 15.315 through 15.320.
12 b. The value-added agricultural products and
13 processes financial assistance program created in
14 sections 28.111 and 28.112.
15 c. The business development finance corporation
16 created in sections 28.131 through 28.149.
17 d. The self-employment loan program created in
18 section 15.241.
19 e. The targeted small business financial
20 assistance program created in section 15.247.
21 f. To provide comprehensive management assistance
22 for applicants or recipients of assistance from
23 programs supported by the fund.
24 g. If funds are available under a federal
25 microloan demonstration program, a portion of the
26 moneys in the strategic investment fund may be
27 utilized to access those federal funds to expand the
28 state's small business financial assistance programs
29 including the self-employment loan program and the
30 targeted small business financial assistance program.
31 3. The director shall submit annually at a regular
32 or special meeting preceding the beginning of the
33 fiscal year, for approval by the economic development
34 board, the proposed allocation of funds from the
35 strategic investment fund to be made for that fiscal
36 year to the community economic betterment program, the
37 value-added agricultural products and processes
38 financial assistance program, the business development
39 finance corporation, the self-employment loan program,
40 and the targeted small business financial assistance
41 program and for comprehensive management assistance.
42 If funds are available under a federal microloan

43 demonstration program, the director may recommend an
44 allocation for that purpose. The plans may provide
45 for increased or decreased allocations if the demand
46 in a program indicates that the need exceeds the
47 allocation for that program. The director shall
48 report on a monthly basis to the board on the status
49 of the funds and may present proposed revisions for
50 approval by the board in January and April of each

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1 year. Unobligated and unencumbered moneys remaining
2 in the strategic investment fund or any of its
3 accounts on June 30 of each year shall be considered
4 part of the fund for purposes of the next year's
5 allocation.

6 Sec. 623. NEW SECTION. 15.315 COMMUNITY ECONOMIC
7 BETTERMENT PROGRAM.

8 This part shall be known as the "Community Economic
9 Betterment Program."

10 Sec. 624. NEW SECTION. 15.316 PURPOSE.

11 The purpose of this program is to assist
12 communities and rural areas of the state with their
13 economic development efforts and to increase
14 employment opportunities for Iowans by increasing the
15 level of economic activity and development within the
16 state.

17 Sec. 625. NEW SECTION. 15.317 PROGRAM.

18 1. The department shall establish a program to
19 effectuate the purposes of this part by providing
20 financial assistance for small business gap financing,
21 new business opportunities, and new product and
22 entrepreneurial development. These purposes may be
23 accomplished by providing the following types of
24 assistance:

25 a. A principal buy-down program to reduce the
26 principal of a business loan.

27 b. An interest buy-down program to reduce the
28 interest of a business loan.

29 c. Loans or forgivable loans to aid in economic
30 development.

31 d. Loan guarantees for business loans made by
32 commercial lenders.

33 e. Equity-like investments.

34 2. Only a political subdivision of this state may
35 apply to receive funds for any of the purposes
36 specified in subsection 1. The political subdivision
37 shall make application to the department specifying
38 the purpose for which the funds will be used.

39 3. The department shall not provide more than one

40 million dollars for any project, unless approved by at
41 least two-thirds of the members of the economic
42 development board.

43 Sec. 626. NEW SECTION. 15.318 RATING FACTORS AND
44 CRITERIA.

45 In ranking applications for funds, the department
46 shall consider a variety of factors including, but not
47 limited to, the following:

- 48 1. The proportion of local match to be provided.
- 49 2. The proportion of private contributions to be
50 provided, including the involvement of financial

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1 institutions.

2 3. The total number of jobs to be created or
3 retained.

4 4. The size of the business receiving assistance.
5 The department shall award more points to small
6 businesses as defined by the United States small
7 business administration than to other businesses.

8 5. The potential for future growth in the industry
9 represented by the business being considered for
10 assistance.

11 6. The need of the business for financial
12 assistance from governmental sources. The department
13 shall award more points to a business for which the
14 department determines that governmental assistance is
15 most necessary to the success of a project, than to
16 other businesses.

17 7. The quality of the jobs to be created. In
18 rating the quality of the jobs the department shall
19 award more points to those jobs that have a higher
20 wage scale, have a lower turnover rate, are full-time
21 or career-type positions, provide comprehensive health
22 benefits, or have other related factors which could be
23 considered to be higher in quality, than to other
24 jobs. Businesses that have wage scales substantially
25 below that of existing Iowa businesses in that area
26 should be rated as providing the lowest quality of
27 jobs and should therefore be given the lowest ranking
28 for providing such assistance.

29 8. The level of need of the political subdivision.

30 9. The impact of the proposed project on the
31 economy of the political subdivision.

32 10. The impact of the proposed project on other
33 businesses in competition with the business being
34 considered for assistance. The department shall make
35 a good faith effort to identify existing Iowa
36 businesses within an industry in competition with the

37 business being considered for assistance. The
 38 department shall make a good faith effort to determine
 39 the probability that the proposed financial assistance
 40 will displace employees of the existing businesses.
 41 In determining the impact on businesses in competition
 42 with the business being considered for assistance,
 43 jobs created as a result of other jobs being displaced
 44 elsewhere in the state shall not be considered direct
 45 jobs created.

46 11. The impact to the state of the proposed
 47 project. In measuring the economic impact the
 48 department shall award more points for projects which
 49 have greater consistency with the state strategic plan
 50 than other projects. Greater consistency may include

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1 any or all of the following:

2 a. A business with a greater percentage of sales
 3 out-of-state or of import substitution.

4 b. A business with a higher proportion of in-state
 5 suppliers.

6 c. A project which would provide greater
 7 diversification of the state economy.

8 d. A business with fewer in-state competitors.

9 e. A potential for future job growth.

10 f. A project which is not a retail operation.

11 12. If a business has a record of violations of
 12 the law over a period of time that tends to show a
 13 consistent pattern, the business shall be given the
 14 lowest ranking for providing assistance. The
 15 department shall make a good faith effort to compile
 16 this information.

17 13. If a business has, within three years of
 18 application for assistance, acquired or merged with an
 19 Iowa corporation or company, whether the business has
 20 made a good faith effort to hire the workers of the
 21 acquired or merged company.

22 14. Whether a business provides for a preference
 23 for hiring residents of the state or of the economic
 24 development area, except for out-of-state employees
 25 offered a transfer to Iowa or to the economic
 26 development area.

27 15. Whether all known required environmental
 28 permits have been issued and regulations met before
 29 moneys are released.

30 Sec. 627. NEW SECTION. 15.319 MONITORING OF JOB
 31 CREATION AND RETENTION.

32 1. The department shall develop definitions for
 33 the terms "job creation" and "job retention" to

34 measure and identify the actual number of permanent,
35 full-time positions which businesses actually create
36 or retain and which can be documented by comparison of
37 the payroll reports during the twenty-four-month
38 period after awards to the businesses are made.

39 2. The department shall document the actual job
40 creation and retention effects of all businesses
41 receiving financial assistance from the program in the
42 context of the employer contribution and payroll
43 reports filed by the businesses.

44 3. The department shall require businesses which
45 receive assistance from the program to submit
46 historical copies of the employer contributions and
47 payroll reports with the application for funds,
48 require businesses to submit the reports after an
49 award is made on a timely basis, and require
50 businesses to estimate the expected job creation and

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1 retention effects for the twelve-month and twenty-
2 four-month periods after an award is made in terms of
3 the number of employees and total wages as documented
4 in the payroll reports.

5 Sec. 628. NEW SECTION. 15.320 COMMUNITY ECONOMIC
6 BETTERMENT PROGRAM ACCOUNT.

7 1. A community economic betterment program account
8 is established within the strategic investment fund to
9 be used by the department for the community economic
10 betterment program. The account shall consist of all
11 appropriations, grants, or gifts received by the
12 department specifically for use under this part and
13 any moneys allocated to the community economic
14 betterment program account from the strategic
15 investment fund.

16 2. Payments of interest, repayments of moneys
17 loaned under the community economic betterment
18 program, or recaptures of awards shall be deposited
19 into the strategic investment fund.

20 Sec. 629. Section 28.111, subsection 3, unnumbered
21 paragraph 1, Code 1991, is amended to read as follows:

22 The department of economic development may grant
23 financial or technical assistance to a person eligible
24 to receive assistance under this section, upon review
25 and evaluation of the person's application by the
26 agricultural products advisory council as established
27 in section 15.203. The council shall make
28 recommendations to approve or disapprove an
29 application to the department. The department shall
30 consider the recommendations council's evaluation in

31 granting or denying assistance. The department shall
 32 not approve an application for assistance under this
 33 section to refinance an existing loan; or to finance
 34 traditional agricultural operations. An application
 35 is eligible for consideration if the application seeks
 36 assistance for any of the following purposes:

37 Sec. 630. Section 28.112, Code Supplement 1991, is
 38 amended to read as follows:

39 28.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND
 40 PROCESSES FINANCIAL ASSISTANCE FUND ACCOUNT.

41 1. The department may establish a A value-added
 42 agricultural products and processes financial
 43 assistance fund account is established within the
 44 strategic investment fund created in section 15.313.
 45 The fund account shall be a revolving fund composed
 46 consist of any money appropriated by the general
 47 assembly for that purpose, moneys allocated to the
 48 account from the strategic investment fund, and any
 49 other moneys available to and obtained or accepted by
 50 the department from the federal government or private

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1 sources for placement in the fund account. Except as
 2 otherwise provided in subsection 2, the assets of the
 3 fund account shall be used by the department only for
 4 carrying out the purposes of section 28.111.

5 2. The department may use moneys in the fund
 6 account to do 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 account for
 13 costs, commissions, attorney fees, and other
 14 reasonable expenses related to and necessary for
 15 insuring or guaranteeing loans under section 28.111,
 16 and for the recovery of loan moneys insured or
 17 guaranteed or the management of property acquired in
 18 connection with such loans.

19 3. ~~Section 8.33 shall not apply to moneys in the~~
 20 fund. Payments of interest, recaptures of awards, or
 21 repayments of moneys loaned under the value-added
 22 agricultural products and processes financial
 23 assistance program shall be deposited into the
 24 strategic investment fund.

25 Sec. 631. Section 28.148, Code 1991, is amended to
 26 read as follows:

27 28.148 STATE ASSISTANCE FUND.

28 There is created in the treasurer of state's office
29 a "business development finance corporation assistance
30 fund". The fund shall consist of all appropriations,
31 grants, or gifts received by the treasurer
32 specifically for assistance under this division and
33 moneys allocated from the strategic investment fund
34 created in section 15.313. Moneys in this fund are
35 appropriated to the corporation for the purposes
36 stated in this division. Moneys allocated to this
37 fund for purposes of the capital access program and
38 repayments of moneys or recaptures of awards from the
39 capital access program which remain unobligated at the
40 end of a fiscal year may be returned to the strategic
41 investment fund upon approval of the board of
42 directors of the business development finance
43 corporation.

44 Sec. 632. Section 28.156, Code 1991, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 6. Carry out the duties
47 authorized in section 28.166 regarding the
48 manufacturing technology network and adopt rules
49 pursuant to chapter 17A to implement the program.

50 Sec. 633. Section 28.158, subsection 1, Code 1991,

Page 23

1 is amended by adding the following new paragraph:

2 NEW PARAGRAPH. g. For the manufacturing
3 technology network.

4 Sec. 634. NEW SECTION. 28.162 IOWA BUSINESS
5 INVESTMENT CORPORATION – PURPOSE.

6 1. The purpose of this section is to provide for
7 the incorporation under chapter 504A of a nonprofit
8 corporation to organize, capitalize, and fund an Iowa-
9 based small business investment company which shall
10 have the purpose of increasing the availability of
11 funds for investment in and loans to Iowa small
12 businesses on a regional basis. The small business
13 investment company shall be incorporated under the
14 Iowa law.

15 2. In addition to the powers granted under chapter
16 504A, the corporation shall have the power to invest
17 in the small business investment company and to serve
18 as guarantor of the preferred stock of the small
19 business investment company.

20 In exchange for the guaranty, the corporation shall
21 receive warrants for a percentage of the preferred
22 stock of the small business investment company. The
23 guaranty shall expire ten years after the guaranty
24 agreement is entered into. The corporation shall only

25 be liable as guarantor in the event that capital
26 replenishment becomes necessary due to federal small
27 business administration requirements or in the event
28 of a capital loss upon liquidation of the small
29 business investment company.

30 Sec. 635. NEW SECTION. 28.163 BOARD OF DIRECTORS
31 OF CORPORATION.

32 1. The powers of the corporation are vested in and
33 shall be exercised by the board of directors. The
34 directors shall serve a term of three years. Each
35 term shall begin and end as provided in section 69.19.
36 No more than a simple majority of the members of the
37 board shall belong to the same political party as
38 provided in section 69.16.

39 2. The board shall consist of three members
40 appointed as follows:

41 a. One member appointed by the governor or the
42 governor's designee.

43 b. One member shall be the treasurer of state or
44 the treasurer's designee.

45 c. One member shall be a private citizen appointed
46 by the legislative council. This member shall be well
47 qualified and shall have at least five years of
48 experience in a responsible position in a business
49 involved in investing in business concerns.

50 3. The board shall annually elect one member as

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1 chairperson and one member as secretary. The board
2 may elect other officers of the corporation as
3 necessary.

4 4. Each director of the corporation shall take an
5 oath of office which shall be filed in the office of
6 the secretary of state.

7 Sec. 636. NEW SECTION. 28.164 SMALL BUSINESS
8 INVESTMENT COMPANY.

9 1. The small business investment company organized
10 pursuant to section 28.162 and this section may make
11 investments in the common and preferred stock of and
12 may make loans to or purchase the debt obligations of
13 Iowa small businesses which are unable to raise equity
14 capital or obtain financing from conventional sources.
15 The criteria for investment in or loans to Iowa small
16 businesses by the small business investment company
17 shall include geographic distribution, economic
18 diversity, potential for job creation and retention,
19 and potential for long-term success.

20 2. The small business investment company shall
21 comply with the small business investment company

22 licensing requirements of the federal small business
23 administration.

24 3. The capital of the small business investment
25 company shall consist of shares sold on a regional
26 basis to banks, insurance companies, finance
27 companies, savings institutions, other corporations,
28 limited liability companies, partnerships, and
29 individuals. For the purposes of section 28.162 the
30 shares acquired by each investor shall be divided
31 equally between common and preferred shares.

32 4. Applications to the small business investment
33 company for investments and loans shall originate
34 within the regions set out in section 28H.1. For the
35 purposes of this section, Boone, Dallas, Jasper,
36 Marion, Polk, Story, and Warren counties shall
37 constitute a region.

38 5. The operations of the small business investment
39 company shall be conducted by a private manager
40 contracted for by the board of directors of the
41 company on the basis of the manager's expertise and
42 record in the making or procuring of investments in
43 and loans to small businesses. The small business
44 investment company shall be operated in accordance
45 with federal small business administration
46 regulations.

47 6. The board of directors of the small business
48 investment company shall consist of not less than
49 seventeen nor more than twenty-one persons who shall
50 be elected by the private shareholders from each of

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1 the seventeen regions set out in subsection 5.

2 7. To qualify for the guaranty under section
3 28.162, the small business investment company shall
4 satisfy the conditions set out in this section and
5 those of the federal small business administration,
6 provided that federal small business administration
7 requirements shall take precedence over the
8 requirements of this section.

9 Sec. 637. NEW SECTION. 28.165 PURPOSE -- INTENT.

10 The purposes of the manufacturing technology
11 network are:

12 1. To create and stimulate economic opportunity by
13 providing technical assistance to individual industry
14 or to industrial sectors in this state.

15 2. To assist in the identification of
16 opportunities for modernization and increased
17 competitiveness of individual industry or industrial
18 sectors.

- 19 3. To assure statewide access to industrial
 20 technology programs and services.
- 21 4. To provide specific programs for individual
 22 industry or industrial sectors by:
- 23 a. Developing partnerships and coordination
 24 between statewide and regional providers of services
 25 for modernization and increased competitiveness for
 26 Iowa industry.
- 27 b. Establishing an industrial contact outreach
 28 program to evaluate the need for technical services
 29 and implementing an industrial needs assessment
 30 database.
- 31 c. Collaborating with a network of specialized
 32 technology resource sites throughout the state.
- 33 5. To facilitate the transfer of university
 34 research that is available for commercial application
 35 to individual industry or industrial sectors.
- 36 Sec. 638. **NEW SECTION. 28.166 REGIONALLY BASED**
 37 **MANUFACTURING TECHNOLOGY NETWORK.**
- 38 1. The executive director of the foundation may
 39 contract with one or more community colleges for
 40 employment of an industrial technology outreach
 41 specialist within a regional business and industry
 42 services center to work with individual industry or
 43 industrial sectors to determine company needs and
 44 provide technical assistance or referral to services,
 45 or to coordinate with other service providers to
 46 determine how services should be accessed or provided.
 47 The contract shall include but is not limited to the
 48 following:
- 49 a. The establishment of an industrial technology
 50 outreach program that will identify needs of

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- 1 individual industry or industrial sectors.
- 2 b. Criteria for assuring access to programs and
 3 services to assist individual industry or industrial
 4 sectors.
- 5 c. An annual budget for operation of the program
 6 and activities agreed to in the contract including
 7 provisions related to the transfer of funds to the
 8 community college, as agreed upon by the president of
 9 the community college and the executive director.
- 10 d. Performance measures for quarterly and annual
 11 evaluation of the program and activities agreed to in
 12 the contract. The foundation may withhold the
 13 disbursement of funds for failure to achieve criteria
 14 established in the contract.
- 15 e. The duties of the industrial technology

16 outreach specialist.

17 2. The foundation may provide or contract for the
18 delivery of technical services to individual industry
19 or industrial sectors.

20 Sec. 639. Section 73.18, Code Supplement 1991, is
21 amended to read as follows:

22 73.18 NOTICE OF SOLICITATION FOR BIDS --
23 IDENTIFICATION OF TARGETED SMALL BUSINESSES.

24 The director of each agency or department, the
25 administrator of each area education agency, the
26 president of each community college, and the
27 superintendent of each school district releasing a
28 solicitation for bids or request for proposal under
29 the targeted small business procurement goal program
30 shall notify the director of the department of
31 economic development consult a directory of certified
32 targeted small businesses produced by the department
33 of economic development that lists all certified
34 targeted small businesses by category of goods or
35 services provided prior to or upon release of the
36 solicitation and shall send a copy of the request for
37 proposal or solicitation to any appropriate targeted
38 small business listed in the directory. The Iowa
39 department of economic development may charge the
40 department, agency, area education agency, community
41 college, or school district a reasonable fee to cover
42 the cost of producing, distributing, and updating the
43 directory. A community college, area education
44 agency, or school district shall notify the department
45 of education which shall notify the department of
46 economic development prior to or upon release of the
47 solicitation. The director of the department of
48 economic development shall notify the soliciting
49 agency or department, or community college, area
50 education agency, or school district, of any targeted

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1 small businesses which have been certified pursuant to
2 section 10A.104, subsection 8, and which may be
3 qualified to bid.

4 Sec. 640. Section 99E.31, subsection 2, Code 1991,
5 is amended by striking the subsection.

6 Sec. 641. Section 99E.32, subsection 2, Code
7 Supplement 1991, is amended by striking the
8 subsection.

9 Sec. 642. Notwithstanding the provision in section
10 15.313 granting the director of the department of
11 economic development discretion in the allocation of
12 the moneys to the various accounts in the strategic

13 investment fund, for the fiscal year beginning July 1,
 14 1992, a minimum of \$500,000 shall be allocated to the
 15 targeted small business financial assistance program
 16 account and a minimum of \$220,000 shall be allocated
 17 to the self-employment loan program account.
 18 Sec. 643. All loan repayments under the rural
 19 community 2000 program shall be transferred to the
 20 Iowa finance authority housing improvement fund under
 21 section 220.100.
 22 Sec. 644. Sections 15.301, 15.302, 15.304, and
 23 15.306, Code 1991, are repealed."

LEONARD L. BOSWELL
 JIM RIORDAN

S-5916

1 Amend Senate File 2376 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:

4 "DIVISION VII
 5 DEPARTMENT OF EDUCATION

6 Sec. 701. There is appropriated from the general
 7 fund of the state to the department of education for
 8 the fiscal year beginning July 1, 1992, and ending
 9 June 30, 1993, the following amounts, or so much
 10 thereof as may be necessary, to be used for the
 11 purposes designated:

12 1. GENERAL ADMINISTRATION

13 For salaries, support, maintenance, miscellaneous
 14 purposes, and for not more than the following full-
 15 time equivalent positions:

16 \$ 7,164,065
 17 FTEs 144.00

18 2. VOCATIONAL EDUCATION ADMINISTRATION

19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:

22 \$ 663,270
 23 FTEs 26.45

24 3. VOCATIONAL REHABILITATION DIVISION

25 a. For salaries, support, maintenance,
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:

28 \$ 3,459,000
 29 FTEs 307.50

30 b. For matching funds for programs to enable
 31 severely physically or mentally disabled persons to
 32 function more independently, including salaries and
 33 support, and for not more than the following full-time

34 equivalent positions:

35	\$	20,611
36	FTEs	1.50

37 4. CORRECTIONS EDUCATION PROGRAM

38 For educational programs at state penal
39 institutions:

40	\$	1,181,324
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41 5. BOARD OF EDUCATIONAL EXAMINERS

42 For salaries, support, maintenance, miscellaneous
43 purposes and for not more than the following full-time
44 equivalent positions:

45	\$	113,179
46	FTEs	2.00

47 6. SCHOOL FOOD SERVICE

48 For use as state matching funds for federal
49 programs which shall be disbursed according to federal
50 regulations, including salaries, support, maintenance,

Page 2

1 miscellaneous purposes, and for not more than the
2 following full-time equivalent positions:

3	\$	2,646,483
4	FTEs	16.00

5 7. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

6 To provide funds for costs of providing textbooks
7 to each resident pupil who attends a nonpublic school
8 as authorized by section 301.1. The funding is
9 limited to \$20 per pupil and shall not exceed the
10 comparable services offered to resident public school
11 pupils:

12	\$	508,758
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13 8. PUBLIC BROADCASTING DIVISION

14 For salaries, support, maintenance, capital
15 expenditures, miscellaneous purposes, and for not more
16 than the following full-time equivalent positions:

17	\$	5,614,238
18	FTEs	96.00

19 9. COMMUNITY COLLEGES

20 Notwithstanding chapter 286A, for general state financial
21 aid, including general financial aid to merged areas in lieu
22 of personal property tax replacement payments under section
23 427A.13, to merged areas as defined in section 280A.2, for
24 vocational education programs in accordance with chapters 258
25 and 280A, to purchase instructional equipment for vocational
26 and technical courses of instruction in community colleges,
27 and for salary increases:

28	\$	84,680,276
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29 The funds appropriated in this subsection shall be
30 allocated as follows:

31	a. Merged Area I	\$ 3,963,118
32	b. Merged Area II	\$ 4,781,260
33	c. Merged Area III	\$ 4,610,712
34	d. Merged Area IV	\$ 2,170,832
35	e. Merged Area V	\$ 4,596,796
36	f. Merged Area VI	\$ 4,309,011
37	g. Merged Area VII	\$ 5,918,906
38	h. Merged Area IX	\$ 7,439,291
39	i. Merged Area X	\$ 11,498,961
40	j. Merged Area XI	\$ 12,499,663
41	k. Merged Area XII	\$ 4,876,867
42	l. Merged Area XIII	\$ 5,018,449
43	m. Merged Area XIV	\$ 2,221,089
44	n. Merged Area XV	\$ 6,883,699
45	o. Merged Area XVI	\$ 3,891,622
46	Sec. 702. There is appropriated from the general	
47	fund of the state to the department of education for	
48	the fiscal year beginning July 1, 1993, and ending	
49	June 30, 1994, the following amounts, or so much	
50	thereof as is necessary, to be used for the purposes	

Page 3

1 designated:

2 1. Notwithstanding chapter 286A for state

3 financial aid, including general financial aid to

4 merged areas in lieu of personal property tax

5 replacement payments under section 427A.13, to merged

6 areas to be accrued as income and used for

7 expenditures incurred by the community colleges during

8 the fiscal year beginning July 1, 1992, and ending

9 June 30, 1993:

10		\$ 15,498,493
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11 The funds appropriated in this section shall be

12 allocated as follows:

13	a. Merged Area I	\$ 732,114
14	b. Merged Area II	\$ 877,130
15	c. Merged Area III	\$ 842,725
16	d. Merged Area IV	\$ 398,624
17	e. Merged Area V	\$ 845,656
18	f. Merged Area VI	\$ 788,067
19	g. Merged Area VII	\$ 1,085,518
20	h. Merged Area IX	\$ 1,362,360
21	i. Merged Area X	\$ 2,103,266
22	j. Merged Area XI	\$ 2,274,629
23	k. Merged Area XII	\$ 893,764
24	l. Merged Area XIII	\$ 917,826
25	m. Merged Area XIV	\$ 406,792
26	n. Merged Area XV	\$ 1,258,399
27	o. Merged Area XVI	\$ 711,623

28 2. Funds appropriated by this section shall be
29 allocated pursuant to this section and paid on or
30 about August 15, 1993.

31 Sec. 703. There is appropriated from the general
32 fund of the state to the department of education for
33 the fiscal year beginning July 1, 1992, and ending
34 June 30, 1993, the following amounts, or so much
35 thereof as is necessary, to be used for the purposes
36 designated:

37 1. For general financial aid to merged areas in
38 lieu of personal property tax replacement payments
39 under section 427A.13 to be accrued as income and used
40 for expenditures incurred by the community colleges
41 during the fiscal year beginning July 1, 1991, and
42 ending June 30, 1992:

43	.....	\$	323,446
44	The funds appropriated in this subsection shall be		
45	allocated as follows:		
46	a. Merged Area I	\$	25,452
47	b. Merged Area II	\$	19,754
48	c. Merged Area III	\$	13,240
49	d. Merged Area IV	\$	9,046
50	e. Merged Area V	\$	23,456

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1	f. Merged Area VI	\$	13,483
2	g. Merged Area VII	\$	22,612
3	h. Merged Area IX	\$	26,995
4	i. Merged Area X	\$	37,963
5	j. Merged Area XI	\$	55,654
6	k. Merged Area XII	\$	18,049
7	l. Merged Area XIII	\$	16,005
8	m. Merged Area XIV	\$	8,135
9	n. Merged Area XV	\$	21,496
10	o. Merged Area XVI	\$	12,106

11 2. Funds appropriated in subsection 1 shall be
12 allocated pursuant to this section and paid on or
13 about August 15, 1992.

14 Sec. 704. There is appropriated from the general
15 fund of the state to the department of education for
16 the fiscal year beginning July 1, 1992, and ending
17 June 30, 1993, the following amount, or so much
18 thereof as may be necessary, to be used for the
19 purpose designated:

20 For expenditures incurred by school districts
21 during the previous fiscal year for vocational
22 education aid to secondary schools:

23	\$	3,483,000
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24 Funds appropriated in this section shall be used

25 for expenditures made by school districts to meet the
 26 standards set in sections 256.11, 258.4, and 280A.23
 27 as a result of the enactment of 1989 Iowa Acts,
 28 chapter 278. Funds shall be used as reimbursement for
 29 vocational education expenditures made by secondary
 30 schools in the manner provided by the department of
 31 education for implementation of the standards set in
 32 1989 Iowa Acts, chapter 278. The department shall
 33 inform school districts by July 1, 1991, of the
 34 criteria for reimbursement with funds appropriated
 35 under this section.

36 Sec. 705. There is appropriated from the general
 37 fund of the state to the department of education for
 38 the fiscal year beginning July 1, 1993, and ending
 39 June 30, 1994, the following amount, or so much
 40 thereof as may be necessary, to be used for the
 41 purpose designated:

42 For expenditures incurred by school districts
 43 during the previous fiscal year for vocational
 44 education aid to secondary schools:
 45 \$ 3,483,000

46 Funds appropriated in this section shall be used
 47 for expenditures made by school districts to meet the
 48 standards set in sections 256.11, 258.4, and 280A.23
 49 as a result of the enactment of 1989 Iowa Acts,
 50 chapter 278. Funds shall be used as reimbursement for

Page 5

1 vocational education expenditures made by secondary
 2 schools in the manner provided by the department of
 3 education for implementation of the standards set in
 4 1989 Iowa Acts, chapter 278.

COLLEGE STUDENT AID COMMISSION

6 Sec. 706. There is appropriated from the general
 7 fund of the state to the college student aid
 8 commission for the fiscal year beginning July 1, 1992,
 9 and ending June 30, 1993, the following amounts, or so
 10 much thereof as may be necessary, to be used for the
 11 purposes designated:

1. GENERAL ADMINISTRATION

13 For salaries, support, maintenance, miscellaneous
 14 purposes, and for not more than the following full-
 15 time equivalent positions:

16 \$ 313,734
 17 FTEs 7.80

18 a. It is the intent of the general assembly that
 19 the college student aid commission reduce the maximum
 20 grant and average grant under the state tuition grant
 21 program while maintaining the same number of qualified

22 students receiving grants in the fiscal year beginning
23 July 1, 1992, and ending June 30, 1993, as were
24 provided in the previous fiscal year.

25 b. The college student aid commission, in
26 conjunction with the university of osteopathic
27 medicine and health sciences, shall conduct a tracking
28 study of the Iowa graduates of the university of
29 osteopathic medicine and health sciences. The study
30 shall track Iowa students who graduated from the
31 university and completed their residencies from 1989
32 through 1992. The study shall ascertain the number of
33 graduates who practice outside of Iowa and the number
34 who practice within Iowa. Of the graduates practicing
35 in Iowa, the study shall determine their reasons for
36 remaining in Iowa; the number of graduates practicing
37 in rural communities, hospitals, or clinics; the
38 number of graduates practicing in urban communities,
39 hospitals, or clinics; the number of graduates
40 practicing in county communities, hospitals, or
41 clinics; the number of graduates who include medical
42 assistance patients and indigent patients in their
43 practice; and the average percentage of medical
44 assistance and indigent patients treated by graduates.
45 The commission shall report the study's findings and
46 recommendations to the general assembly by January 1,
47 1993.

48 c. The higher education strategic planning council
49 shall conduct a study relating to dental hygienists in
50 Iowa. The study shall determine the following:

Page 6

- 1 (1) The need for dental hygienists in Iowa.
- 2 (2) The qualifications needed to perform as a
- 3 dental hygienist in Iowa.
- 4 (3) Cost-effective means to provide the education
- 5 necessary to supply the state with qualified dental
- 6 hygienists.

7 2. IOWA GRANT PROGRAM

8 For payments to students under the Iowa grant
9 program:

10 \$ 1,343,169

11 Sec. 707. There is appropriated from the loan
12 reserve account to the college student aid commission
13 for the fiscal year beginning July 1, 1992, and ending
14 June 30, 1993, the following amount, or so much
15 thereof as may be necessary, to be used for the
16 purposes designated:

17 For operating costs of the Stafford loan program
18 including salaries, support, maintenance,

19 miscellaneous purposes, and for not more than the
 20 following full-time equivalent positions:
 21 \$ 3,894,741
 22 FTEs 36.52

23 STATE BOARD OF REGENTS

24 Sec. 708. There is appropriated from the general
 25 fund of the state to the state board of regents for
 26 the fiscal year beginning July 1, 1992, and ending
 27 June 30, 1993, the following amounts, or so much
 28 thereof as may be necessary, to be used for the
 29 purposes designated:

30 1. OFFICE OF STATE BOARD OF REGENTS

31 a. For salaries, support, maintenance,
 32 miscellaneous purposes, and for not more than the
 33 following full-time equivalent positions:
 34 \$ 931,781
 35 FTEs 15.63

36 The moneys provided in this paragraph shall not be
 37 augmented by reimbursements from the institutions
 38 under the control of the state board of regents for
 39 the funding of the office of the state board of
 40 regents.

41 b. For allocation by the state board of regents to
 42 the state university of Iowa, the Iowa state
 43 university of science and technology, and the
 44 university of northern Iowa to reimburse the
 45 institutions for deficiencies in their operating funds
 46 resulting from the pledging of tuitions, student fees
 47 and charges, and institutional income to finance the
 48 cost of providing academic and administrative
 49 buildings and facilities and utility services at the
 50 institutions:

Page 7

1 \$ 22,927,000

2 2. STATE UNIVERSITY OF IOWA

3 a. General university, including lakeside
 4 laboratory
 5 For salaries, support, maintenance, equipment,
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:
 8 \$ 158,226,537
 9 FTEs 3,962.27

10 b. University hospitals

11 For salaries, support, maintenance, equipment,
 12 miscellaneous purposes, and for not more than the
 13 following full-time equivalent positions for medical
 14 and surgical treatment of indigent patients as
 15 provided in chapter 255:

16 \$ 25,776,125
 17 FTEs 5,364.14

18 Funds appropriated in this paragraph shall not be
 19 used to perform abortions except medically necessary
 20 abortions, and shall not be used to operate the early
 21 termination of pregnancy clinic except for the
 22 performance of medically necessary abortions. For the
 23 purpose of this paragraph, an abortion is the
 24 purposeful interruption of pregnancy with the
 25 intention other than to produce a live-born infant or
 26 to remove a dead fetus, and a medically necessary
 27 abortion is one performed under one of the following
 28 conditions:

29 (1) The attending physician certifies that
 30 continuing the pregnancy would endanger the life of
 31 the pregnant woman.

32 (2) The attending physician certifies that the
 33 fetus is physically deformed, mentally deficient, or
 34 afflicted with a congenital illness.

35 (3) The pregnancy is the result of a rape which is
 36 reported within 45 days of the incident to a law
 37 enforcement agency or public or private health agency
 38 which may include a family physician.

39 (4) The pregnancy is the result of incest which is
 40 reported within 150 days of the incident to a law
 41 enforcement agency or public or private health agency
 42 which may include a family physician.

43 (5) The abortion is a spontaneous abortion,
 44 commonly known as a miscarriage, wherein not all of
 45 the products of conception are expelled.

46 The total quota allocated to the counties for
 47 indigent patients for the fiscal year commencing July
 48 1, 1992, shall not be lower than the total quota
 49 allocated to the counties for the fiscal year
 50 commencing July 1, 1991. The total quota shall be

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1 allocated among the counties on the basis of the 1990
 2 census pursuant to section 255.16.

3 c. Psychiatric hospital

4 For salaries, support, maintenance, equipment,
 5 miscellaneous purposes, and for not more than the
 6 following full-time equivalent positions and for the
 7 care, treatment, and maintenance of committed and
 8 voluntary public patients:

9 \$ 6,139,954
 10 FTEs 284.00

11 d. Hospital-school

12 For salaries, support, maintenance, miscellaneous

13 purposes, and for not more than the following full-
 14 time equivalent support, and for not more than the
 15 following full-time equivalent positions:

16	.....	\$ 4,836,027
17	.....	FTEs 165.49
18	e. Oakdale campus	
19	For salaries, support, maintenance, miscellaneous	
20	purposes, and for not more than the following full- 21 time equivalent positions:	
22	.....	\$ 2,499,509
23	.....	FTEs 64.48
24	f. State hygienic laboratory	
25	For salaries, support, maintenance, miscellaneous	
26	purposes, and for not more than the following full- 27 time equivalent positions:	
28	.....	\$ 2,656,847
29	.....	FTEs 100.93
30	g. Family practice program	
31	For allocation by the dean of the college of	
32	medicine, with approval of the advisory board, to	
33	33 qualified participants, to carry out chapter 148D for	
34	the family practice program, including salaries and	
35	support, and for not more than the following full-time 36 equivalent positions:	
37	.....	\$ 1,595,992
38	.....	FTEs 161.44
39	h. Child health care services	
40	For specialized child health care services,	
41	including childhood cancer diagnostic and treatment	
42	network programs, rural comprehensive care for	
43	hemophilia patients, and Iowa high-risk infant follow- 44 up program, including salaries and support, and for 45 not more than the following full-time equivalent 46 positions:	
47	.....	\$ 378,742
48	.....	FTEs 11.16
49	i. Agricultural health and safety programs	
50	For agricultural health and safety programs:	

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1	\$ 224,230
2	FTEs 3.30
3	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY	
4	a. General university	
5	For salaries, support, maintenance, equipment,	
6	miscellaneous purposes, and for not more than the 7 following full-time equivalent positions:	
8	.....	\$ 128,804,314
9	.....	FTEs 3,612.45

- 10 b. Agricultural experiment station
- 11 For salaries, support, maintenance, miscellaneous
- 12 purposes, and for not more than the following full-
- 13 time equivalent positions:
- 14 \$ 19,642,917
- 15 FTEs 443.54
- 16 c. Cooperative extension service in agriculture
- 17 and home economics
- 18 For salaries, support, maintenance, miscellaneous
- 19 purposes, and for not more than the following full-
- 20 time equivalent positions:
- 21 \$ 15,109,168
- 22 FTEs 446.07
- 23 Of the funds appropriated in this lettered
- 24 paragraph, \$22,787 shall be expended for a child farm
- 25 safety program.
- 26 d. Fire service education
- 27 For salaries and support and for not more than the
- 28 following full-time equivalent positions:
- 29 \$ 374,031
- 30 FTEs 11.66
- 31 e. Leopold center
- 32 For agricultural research grants at Iowa state
- 33 university under section 266.39B:
- 34 \$ 538,907
- 35 4. UNIVERSITY OF NORTHERN IOWA
- 36 For salaries, support, maintenance, equipment,
- 37 miscellaneous purposes, and for not more than the
- 38 following full-time equivalent positions:
- 39 \$ 54,021,450
- 40 FTEs 1,382.93
- 41 5. STATE SCHOOL FOR THE DEAF
- 42 For salaries, support, maintenance, miscellaneous
- 43 purposes, and for not more than the following full-
- 44 time equivalent positions:
- 45 \$ 5,402,255
- 46 FTEs 122.99
- 47 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
- 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 \$ 2,978,118
- 2 FTEs 89.75
- 3 7. TUITION AND TRANSPORTATION COSTS
- 4 For payment to local school boards for the tuition
- 5 and transportation costs of students residing in the
- 6 Iowa braille and sight saving school and the state

7 school for the deaf pursuant to section 262.43 and for
8 payment of certain clothing and transportation costs
9 for students at these schools pursuant to section
10 270.5:

11 \$ 6,595

12 Sec. 709. Reallocations of sums received under
13 section 708, subsections 2, 3, 4, 5, and 6, of this
14 Act, including sums received for salaries, shall be
15 reported on a quarterly basis to the co-chairpersons
16 and ranking members of the legislative fiscal
17 committee and the joint education appropriations
18 subcommittee.

19 Sec. 710. For the fiscal year beginning July 1,
20 1992, the state board of regents may use notes, bonds,
21 or other evidences of indebtedness issued under
22 section 262.48 to finance projects that will result in
23 energy cost savings in an amount that will cause the
24 state board to recover the cost of the projects within
25 an average of six years.

26 Sec. 711. The department of human services shall
27 implement a supplemental disproportionate share
28 adjustment applicable to state-owned acute care
29 hospitals with more than five hundred beds and shall
30 reimburse qualifying hospitals pursuant to that
31 adjustment with a supplemental amount for services
32 provided medical assistance recipients. The
33 adjustment shall generate payments intended to equal
34 the state appropriation made to a qualifying hospital
35 for treatment of indigent patients as provided in
36 chapter 255. To the extent of the supplemental
37 disproportionate share adjustment payments, a
38 qualifying hospital shall, after receipt of the funds,
39 transfer to the department of human services an amount
40 equal to the actual supplemental payments that were
41 made in that month. The aggregate amounts for a
42 fiscal year shall not exceed the state appropriation
43 made to the qualifying hospital for treatment of
44 indigent patients as provided in chapter 255. The
45 department of human services shall deposit the portion
46 of these funds equal to the state share in the
47 department's medical assistance account and transfer
48 the balance to the special account created under
49 section 8.53 for the deposit of funds set aside for
50 the elimination of the GAAP deficit of the general

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1 fund of the state. To the extent that state funds
2 appropriated to a qualifying hospital for the
3 treatment of indigent patients as provided in chapter

4 255 have been transferred to the department of human
5 services as a result of these supplemental
6 disproportionate share payments made to the qualifying
7 hospital, the department shall not, directly or
8 indirectly, recoup the supplemental disproportionate
9 share adjustment payments made to a qualifying
10 hospital for any reason, unless an equivalent amount
11 of the funds transferred to the department of human
12 services by a qualifying hospital pursuant to this
13 provision is transferred to the qualifying hospital by
14 the department.

15 If the state supplemental amount allotted to the
16 state of Iowa for the federal fiscal year beginning
17 October 1, 1992, and ending September 30, 1993,
18 pursuant to section 1923 (f)(3) of the federal Social
19 Security Act, as amended, is greater than the amount
20 necessary to fund the federal share of the
21 supplemental disproportionate share payments specified
22 in the preceding paragraph, the department of human
23 services shall increase the supplemental
24 disproportionate share adjustment by the lesser of the
25 amount necessary to utilize fully the state
26 supplemental amount or the amount of state funds
27 appropriated to the university of Iowa general
28 education fund and allocated by the university for the
29 college of medicine. The university of Iowa shall
30 transfer from the allocation for the college of
31 medicine to the department of human services, on a
32 monthly basis, an amount equal to the additional
33 supplemental disproportionate share payments made
34 during the previous month pursuant to this paragraph.
35 A qualifying hospital receiving supplemental
36 disproportionate share payments pursuant to this
37 paragraph that are greater than the state
38 appropriation made to the qualifying hospital for
39 treatment of indigent patients as provided in chapter
40 255 shall be obligated as a condition of its
41 participation in the medical assistance program to
42 transfer to the university of Iowa general education
43 fund on a monthly basis an amount equal to the funds
44 transferred by the university of Iowa to the
45 department of human services. To the extent that
46 state funds appropriated to the university of Iowa and
47 allocated for the college of medicine have been
48 transferred to the department of human services as a
49 result of these supplemental disproportionate share
50 payments made to the qualifying hospital, the

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1 department shall not, directly or indirectly, recoup
2 these supplemental disproportionate share adjustment
3 payments made to a qualifying hospital for any reason,
4 unless an equivalent amount of the funds transferred
5 to the department of human services by the university
6 of Iowa pursuant to this paragraph is transferred to
7 the qualifying hospital by the department. It is the
8 intent of the general assembly that any implementation
9 of the supplemental disproportionate share adjustment
10 shall preserve the funds available to the university
11 hospital for medical and surgical treatment of
12 indigent patients as provided in chapter 255 and to
13 the university of Iowa for the educational purposes of
14 the college of medicine at the same level as provided
15 by the state funds initially appropriated for that
16 purpose.

17 The department of human services shall, in any
18 compilation of data or other report distributed to the
19 public concerning payments to providers under the
20 medical assistance program, set forth reimbursements
21 to a qualifying hospital through the supplemental
22 disproportionate share adjustment as a separate item
23 and shall not include such payments in the amounts
24 otherwise reported as the reimbursement to a
25 qualifying hospital for services to medical assistance
26 recipients.

27 For purposes of this section, "supplemental
28 disproportionate share payment" means a supplemental
29 payment amount paid for medical assistance to a
30 hospital qualifying for that payment under this
31 section.

32 Sec. 712. Any moneys contained in the artist
33 endowment fund shall revert and be transferred to the
34 general fund of the state on June 30, 1992.

35 Sec. 713. Notwithstanding section 8.33, funds
36 appropriated in 1991 Iowa Acts, chapter 267, section
37 210, subsection 1, paragraph "b", remaining
38 unencumbered or unobligated on June 30, 1992, shall
39 not revert to the general fund of the state but shall
40 be available for expenditure for the purposes listed
41 in section 708, subsection 1, paragraph "b", of this
42 Act during the fiscal year beginning July 1, 1992, and
43 ending June 30, 1993.

44 Sec. 714. Notwithstanding section 261.20, of the
45 unencumbered or unobligated moneys in the scholarship
46 and tuition grant reserve fund, \$273,118 shall be
47 distributed under the Iowa tuition grant program,
48 \$6,922 shall be distributed under the Iowa scholarship

49 program, \$11,209 shall be distributed under the
50 vocational-technical tuition grant program, and

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1 \$26,293 shall be distributed under the work-study
2 program by the college student aid commission.
3 Sec. 715. Notwithstanding sections 302.1 and
4 302.1A, for the fiscal year beginning July 1, 1992,
5 and ending June 30, 1993, the portion of the interest
6 earned on the permanent school fund that is not
7 transferred to the credit of the first in the nation
8 in education foundation and not transferred to the
9 credit of the national center for gifted and talented
10 education shall be credited as a payment by the
11 historical division of the principal and interest due
12 on moneys loaned to the historical division under
13 section 303.18.

14 Sec. 716. Notwithstanding section 321.376, the
15 annual budget request requirement is suspended for the
16 fiscal year ending June 30, 1993, and the moneys
17 collected from fees for the issuance of a school bus
18 driver's permit for the fiscal year beginning July 1,
19 1992, and ending June 30, 1993, shall be deposited in
20 the department of education's operating fund for the
21 purposes designated under section 321.376, subsection
22 3.

23 Sec. 717. 1992 Iowa Acts, Senate File 2116,
24 section 100, subsection 8, is amended to read as
25 follows:

26 8. Appropriations made to school corporations in
27 chapter 257 for state aid to school districts and
28 chapter 286A in 1991 Iowa Acts, chapter 267, section
29 201, subsections 9 and 10, for state aid to area
30 schools merged areas shall not be reduced under
31 subsection 1.

32 Sec. 718. NEW SECTION. 7.18 TERRACE HILL
33 COMMISSION.

34 Notwithstanding sections 303.1, 303.17, and any
35 contrary provisions, the Terrace Hill commission shall
36 be attached to the office of the governor.

37 Sec. 719. Section 8.29, unnumbered paragraph 4,
38 Code 1991, is amended to read as follows:

39 The state board of regents, with the approval of
40 the director of the department of management, shall
41 establish a uniform budgeting and accounting system
42 for the institutions of higher education under its
43 control, and shall require each of the institutions of
44 higher education to begin operating under the uniform
45 system not later than June 30, 1976 1994.

46 Sec. 720. Section 18.136, subsection 3, Code 1991,
47 is amended to read as follows:
48 3. The financing for the procurement costs for the
49 entirety of Part I of the system, and the video, data,
50 and voice capacity for state agencies for Part II and

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1 Part III of the system, shall be provided by the
2 state. The financing for the procurement costs for
3 Part II of the system shall be provided eighty percent
4 from the state and twenty percent from the community
5 colleges for the areas in which Part II of the system
6 is located. The basis for the state match is eighty
7 percent of a single interactive video and interactive
8 audio for Parts I and II of the system, and such data
9 and voice capacity as is necessary. The financing for
10 the procurement and maintenance costs for Part III of
11 the system shall be provided eighty percent from the
12 state and twenty percent from the local school boards
13 of the areas which receive transmissions from the
14 system. The local school boards may meet all or part
15 of the match requirements of Part III of the system
16 through a cooperative arrangement with community
17 colleges. The basis for the state match is eighty
18 percent of a single interactive audio and one-way
19 video for Part III of the system, and such data and
20 voice capacity as is necessary. The local school
21 boards and community colleges may meet the match
22 requirements for Part II and Part III of the system
23 from funds they have already spent for their systems,
24 from funds available in the school budget, or from
25 funds received from other nonstate sources. In the
26 case of existing systems, in order to upgrade
27 facilities to the specifications of the state
28 communications network, the local school boards and
29 community colleges, in lieu of a cash match, may meet
30 the match requirements from funds they have already
31 spent for their systems provided that the state match
32 does not exceed the lesser of eighty percent of the
33 total cost of the upgraded system or eighty percent of
34 the replacement cost of the system. The
35 communications equipment funds used as a match by a
36 community college shall be calculated based on
37 verified expenditures for capital, equipment,
38 hardware, and software for long-distance learning
39 technologies, including both audio and visual
40 transmission. The communications equipment used as a
41 match shall not subsequently be used as a match by
42 another educational entity or for another part of the

43 system. A local school board may request the school
 44 budget review committee to adjust the allowable growth
 45 for the school district so that the resulting increase
 46 in budget could be used for the match. A local school
 47 board may also elect not to become part of the system.
 48 Such election shall be made on an annual basis. State
 49 matching funds shall not be provided for Part III of
 50 the system until Part I and Part II of the system have

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1 been completed.

2 Sec. 721. Section 176A.10, subsection 6,
 3 unnumbered paragraph 1, Code Supplement 1991, is
 4 amended to read as follows:

5 An extension council of an extension district may
 6 choose to be subject to the levy and revenue limits
 7 specified in paragraphs "b" of subsections 1, 2, 3,
 8 and 4 and subsection 5 for the purpose of the annual
 9 levy for the fiscal year commencing July 1, 1991,
 10 which levy is payable in the fiscal year beginning
 11 July 1, 1992. Before an extension district may be
 12 subject to the levy and revenue limits specified in
 13 paragraphs "b" of subsections 1, 2, 3, and 4 and
 14 subsection 5, for fiscal years beginning on or after
 15 July 1, 1992, which levy is payable in fiscal years
 16 beginning on or after July 1, 1993, the question of
 17 whether the district shall be subject to the levy and
 18 revenue limits as specified in such subsections must
 19 be submitted to the registered voters of the district.
 20 The question shall be submitted at the time of a state
 21 general election. If the question is approved by a
 22 majority of those voting on the question the levy and
 23 revenue limits specified in paragraphs "b" of
 24 subsections 1, 2, 3, and 4 and subsection 5, shall
 25 thereafter apply to the extension district. The
 26 question need only be approved at one state general
 27 election. If a majority of those voting on the
 28 question vote against the question, the district may
 29 continue to submit the question at subsequent state
 30 general elections until approved.

31 Sec. 722. NEW SECTION. 256.1A LIBRARY DIVISION,
 32 REGIONAL LIBRARY SYSTEM, LIBRARY COMPACT, AND PUBLIC
 33 BROADCASTING DIVISION.

34 Notwithstanding sections 7E.5, 15.108, 15.272,
 35 18.87, 18.97, 18.100, 218.22, 246.601, 303.1, 303.1A,
 36 303.2, 303.75 through 303.85, 303.91 through 303.94,
 37 303A.8 through 303A.11, chapter 303B, and any
 38 provisions to the contrary, the department of
 39 education, and its director, shall perform the duties

40 and exercise the authority delegated to the department
41 of cultural affairs, and its director, for purposes of
42 administering the library division, the regional
43 library system, the public broadcasting division, and
44 the library compact. Any authority of the department
45 of cultural affairs to adopt rules for the library
46 division, the regional library system, and library
47 compact is transferred to the state board of
48 education.
49 Sec. 723. Section 256.35, Code 1991, is amended by
50 adding the following new unnumbered paragraph:

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1 **NEW UNNUMBERED PARAGRAPH.** For the fiscal year
2 commencing July 1, 1992, and each succeeding fiscal
3 year, the department of management shall deduct one
4 hundred twenty-five thousand dollars from payments
5 made to the respective area education agencies
6 pursuant to section 257.35 and shall pay the moneys to
7 the child health specialty clinic of the university of
8 Iowa hospitals and clinics for the regional autism
9 assistance program. The payments to an area education
10 agency by the department of management under section
11 257.35 for a fiscal year shall be reduced based upon
12 the proportion that the weighted enrollment of an area
13 education agency for that fiscal year bears to the
14 total weighted enrollment in the state for that fiscal
15 year.

16 Sec. 724. Section 261.25, subsections 1, 2, and 3,
17 Code Supplement 1991, are amended to read as follows:

18 1. There is appropriated from the general fund of
19 the state to the commission for each fiscal year the
20 sum of ~~thirty-two million four hundred eighty twenty-~~
21 ~~eight million nine hundred forty-nine thousand two~~
22 ~~hundred sixty-seven~~ dollars for tuition grants.

23 2. There is appropriated from the general fund of
24 the state to the commission for each fiscal year the
25 sum of ~~eight hundred thirteen seven hundred thirty-~~
26 ~~three thousand nine hundred thirty~~ dollars for
27 scholarships.

28 3. There is appropriated from the general fund of
29 the state to the commission for each fiscal year the
30 sum of one million ~~three hundred fifteen one hundred~~
31 ~~eighty-eight~~ thousand ~~forty-four~~ dollars for
32 vocational-technical tuition grants.

33 Sec. 725. Section 261.38, subsection 7, Code
34 Supplement 1991, is amended to read as follows:

35 7. The commission may expend funds in the reserve
36 account ~~to~~ and enter into agreements ~~which with the~~

37 Iowa student loan liquidity corporation in order to
38 increase access for students to a education loan
39 program for guaranteed loans which are not subsidized
40 by the federal government programs that the commission
41 determines meet the education needs of Iowa residents.
42 The agreements shall permit the establishment,
43 funding, and operation of alternative education loan
44 programs, as described in section 144(b)(1)(B) of the
45 Internal Revenue Code of 1986 as amended, as defined
46 in section 422.3, in addition to programs permitted
47 under the federal Higher Education Act of 1965. In
48 accordance with those agreements, the Iowa student
49 loan liquidity corporation may issue bonds, notes, or
50 other obligations to the public and others for the

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1 purpose of funding the alternative education loan
2 programs. This authority to issue such bonds, notes,
3 or other obligations shall be in addition to the
4 authority established in the articles of incorporation
5 and bylaws of the Iowa student loan liquidity
6 corporation.

7 Bonds, notes, or other obligations issued by the
8 Iowa student loan liquidity corporation are not an
9 obligation of this state or any political subdivision
10 of this state within the meaning of any constitutional
11 or statutory debt limitations, but are special
12 obligations of the Iowa student loan liquidity
13 corporation, and the corporation shall not pledge the
14 credit or taxing power of this state or any political
15 subdivision of this state, or make its debts payable
16 out of any of the moneys except those of the
17 corporation.

18 Sec. 726. Section 261.47, Code 1991, is amended by
19 adding the following new unnumbered paragraph after
20 subsection 4:

21 NEW UNNUMBERED PARAGRAPH. Priority for loan
22 reimbursement payments shall be given to eligible
23 nurses who currently practice in an area of the state
24 that is determined by the college student aid
25 commission to demonstrate a nursing shortage, and
26 shall be based upon the nurses' level of educational
27 debt.

28 Sec. 727. Section 261.85, unnumbered paragraph 1,
29 Code Supplement 1991, is amended to read as follows:

30 There is appropriated from the general fund of the
31 state to the commission for each fiscal year the sum
32 of three million eight five two million seven hundred
33 eighty-six thousand eight hundred sixty-three dollars

34 for the work-study program.

35 Sec. 728. Section 262.9, subsection 15, Code
36 Supplement 1991, is amended by striking the
37 subsection.

38 Sec. 729. Section 262.9, subsection 24, Code
39 Supplement 1991, is amended to read as follows:

40 24. By July 1, 1991, develop a policy which
41 requires oral communication competence of persons who
42 provide instruction to students attending institutions
43 under the control of the board. The policy shall
44 include a student evaluation mechanism which requires
45 student evaluation of persons providing instruction at
46 the end of each academic period on at least an annual
47 basis.

48 Sec. 730. NEW SECTION. 262.29A LEGAL COUNSEL.

49 The legal counsel to the board and its member
50 institutions shall be an assistant attorney general

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1 appointed by the attorney general who shall perform
2 and supervise the legal work of the board. The salary
3 of the assistant shall be fixed by the attorney
4 general, subject to the approval of the board. The
5 attorney general shall appoint additional assistant
6 attorneys general as necessary. The board shall
7 reimburse the attorney general for the salary and
8 necessary expenses for each assistant attorney
9 assigned to the board and upon the request of the
10 attorney general the board shall provide and equip a
11 suitable office and the necessary secretarial
12 assistance to perform these duties.

13 Sec. 731. NEW SECTION. 262.34A BID REQUESTS.

14 The state board of regents shall request bids and
15 proposals for materials, products, supplies,
16 provisions, and other needed articles to be purchased
17 at public expense, from Iowa state industries as
18 defined in section 246.802, subsection 2, when the
19 articles are available in the requested quantity and
20 at comparable prices and quality.

21 Sec. 732. NEW SECTION. 262.34B STUDENT FEE
22 COMMITTEE.

23 1. A student fee committee composed of five
24 students and five university employees shall be
25 established at each of the universities governed by
26 the board as identified in section 262.7, subsections
27 1 through 3. The five student members of the student
28 fee committee of each university shall be appointed by
29 the recognized student government organization of each
30 university. The five university employees shall be

31 appointed by the president of the university.
32 2. The student fee committee shall consider any
33 proposed student activity fee changes at the
34 university and shall make recommendations concerning
35 student activity fee changes to the president of the
36 affected university for review no later than April 15
37 of the year which includes the subsequent academic
38 period in which the proposed fee change will take
39 effect. The student fee committee shall provide a
40 copy of its recommendations to the recognized student
41 government organizations at each university and those
42 organizations may review the recommendations and
43 provide comment to the president of the university and
44 the state board of regents. The president of the
45 university shall transmit the recommendations of the
46 student fee committee and the president's endorsement
47 or recommendation to the state board of regents for
48 consideration. The president of the university shall
49 transmit a copy of the president's endorsement or
50 recommendation to the recognized student government

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1 organizations for the university.
2 3. The state board of regents shall make the final
3 decision on student activity fee changes. The state
4 board of regents shall forward a copy of the
5 committee's recommendations, the president's
6 endorsement or recommendation, the recognized student
7 government organization's comments, and its decision
8 regarding student activity fee changes to the
9 chairpersons and ranking members of the joint
10 education appropriations subcommittee.

11 4. This section does not apply to fees charged for
12 purposes of acquisition or construction of self-
13 liquidating and revenue-producing buildings and
14 facilities under sections 262.35 through 262.42,
15 262.44 through 262.53, and 262.55 through 262.66; or
16 acquiring, purchasing, leasing, or constructing
17 buildings and facilities under chapter 262A.

18 Sec. 733. Section 267.5, subsection 3, Code 1991,
19 is amended to read as follows:

20 3. Make recommendations to the Iowa State
21 University college of veterinary medicine concerning
22 the application of funds appropriated by this chapter
23 to the college of veterinary medicine. The Iowa State
24 University college of veterinary medicine shall not
25 expend any of the funds appropriated by this chapter
26 until the recommendation of the council concerning
27 that appropriation is adopted or sixty days following

28 the effective date of the appropriation, whichever is
29 earlier.

30 Sec. 734. Section 275.1, unnumbered paragraph 1,
31 Code 1991, is amended to read as follows:

32 It is the policy of the state to encourage
33 economical and efficient school districts which will
34 ensure an equal educational opportunity to all
35 children of the state. All areas of the state shall
36 be in school districts maintaining kindergarten and
37 twelve grades. If a school district ceases to
38 maintain kindergarten and twelve grades except as
39 otherwise provided in section 28E.9, 256.13, 280.15,
40 282.7, subsection 1 or subsections 1 and 3, or 282.8,
41 it shall reorganize within six months or the state
42 board shall attach the school district not maintaining
43 kindergarten and twelve grades to one or more adjacent
44 districts. Voluntary reorganizations under this
45 chapter shall be commenced only if the affected school
46 districts are contiguous or marginally adjacent to one
47 another. A reorganized district shall meet the
48 requirements of section 275.3.

49 Sec. 735. Section 275.1, Code 1991, is amended by
50 adding the following new subsection:

Page 20

1 NEW SUBSECTION. 4. "Marginally adjacent district"
2 or "marginally adjacent territory" means a district or
3 territory which is separated from a second district or
4 territory by property which is part of a third school
5 district which completely surrounds one of the two
6 districts.

7 Sec. 736. Section 275.4, unnumbered paragraph 2,
8 Code 1991, is amended to read as follows:

9 In addition, the area education agency board shall
10 consult with the ~~commissioner of public instruction~~
11 ~~director of the department of education~~ in the
12 development of surveys and plans. The ~~commissioner of~~
13 ~~public instruction~~ director of the department of
14 education shall provide assistance to the area
15 education agency boards as requested and shall advise
16 the area education agency boards concerning plans of
17 contiguous area education agencies and the
18 reorganization policies adopted by the state board of
19 ~~public instruction~~ education.

20 Sec. 737. Section 275.11, Code 1991, is amended to
21 read as follows:

22 275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.

23 Subject to the approval of the area education
24 agency board, contiguous or marginally adjacent

25 territory located in two or more school districts may
26 be united into a single district in the manner
27 provided in sections 275.12 to 275.22 hereof.

28 Sec. 738. Section 275.23A, subsection 1, Code
29 1991, is amended to read as follows:

30 1. School districts which have directors who
31 represent director districts as provided in section
32 275.12, subsection 2, paragraphs "b" through "e",
33 shall be divided into director districts on the basis
34 of population as determined from the most recent
35 federal decennial census. The director districts
36 shall be as nearly equal as practicable to the ideal
37 population for the districts as determined by dividing
38 the number of director districts to be established
39 into the population of the school district. The
40 director districts shall be composed of contiguous or
41 marginally adjacent territory as compact as
42 practicable.

43 Sec. 739. Section 280.23, as enacted by 1992 Iowa
44 Acts, House File 2415, section 1, is amended by adding
45 the following new unnumbered paragraph:
46 NEW UNNUMBERED PARAGRAPH. This section does not
47 apply to a person specifically employed by a public
48 school district or an accredited nonpublic school for
49 purposes of performing health services.

50 Sec. 740. Section 280A.50, unnumbered paragraph 1,

Page 21

1 Code 1991, is amended to read as follows:

2 The department of education shall provide for the
3 establishment of a staff development account in the
4 office of treasurer of state for purposes of providing
5 moneys to community colleges for staff development.
6 There is appropriated from the general fund of the
7 state to the department of education on July 1 of each
8 fiscal year beginning July 1, 1993 1993, for crediting
9 to the staff development account for each budget year
10 an amount equal to an amount which is five-tenths of
11 one percent of the total state general aid generated
12 under chapter 286A for all community colleges during
13 the base year. In the fiscal years succeeding June
14 30, 1993 1994, an additional five-tenths of one
15 percent shall be added to the percent multiplier, used
16 to determine the appropriation in this section, until
17 that percent multiplier reaches four percent. Once
18 the percent multiplier has reached the four percent
19 level, it shall remain at that level for purposes of
20 calculating the amount to be appropriated in
21 succeeding fiscal years. Moneys appropriated by the

22 general assembly to the department of education for
23 the purpose of the staff development program shall be
24 paid to community colleges upon approval by the
25 department of education of an application submitted by
26 a community college. Funds shall be distributed to a
27 community college based upon the proportion that a
28 college's state general aid paid for the base year
29 bears to the total state general aid paid that year to
30 all community colleges.

31 Sec. 741. Section 286A.14A, unnumbered paragraph
32 1, Code Supplement 1991, is amended to read as
33 follows:

34 The department of education shall provide for the
35 establishment of a community college excellence 2000
36 account in the office of the treasurer of state for
37 deposit of moneys appropriated to the account for
38 purposes of funding quality instructional centers and
39 program and administrative sharing agreements under
40 sections 280A.45 and 280A.46. There is appropriated
41 from the general fund of the state to the department
42 of education for the fiscal year beginning July 1,
43 ~~1992~~ 1993, an amount equal to two and five-tenths
44 percent of the total state general aid generated for
45 all community colleges during the budget year under
46 this chapter for deposit in the community college
47 excellence 2000 account. In the next succeeding two
48 fiscal years, the percent multiplier shall be
49 increased in equal increments until the multiplier
50 reaches seven and one-half percent of the total state

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1 general aid generated for all community colleges
2 during the budget year.

3 Sec. 742. Section 294A.25, Code 1991, is amended
4 by adding the following new subsections:

5 NEW SUBSECTION. 5A. Commencing with the fiscal
6 year beginning July 1, 1992, the amount of three
7 hundred thirty-five thousand dollars from phase III
8 moneys for the support of school transformation pilot
9 projects administered by the department of education.

10 NEW SUBSECTION. 6A. Commencing with the fiscal
11 year beginning July 1, 1993, the amount of one hundred
12 fifty thousand dollars, from additional funds
13 transferred from Phase I to Phase III, for support of
14 family resource centers under the family resource
15 center demonstration program.

16 Sec. 743. The department of education shall
17 conduct a study of statewide coordination of
18 information delivery and report the results of the

19 study, along with any recommendations, to the general
 20 assembly by January 1, 1994.
 21 Sec. 744. Section 267.8, Code Supplement 1991, is
 22 repealed.
 23 Sec. 745. Section 275.59, Code 1991, is repealed.
 24 Sec. 746. 1991 Iowa Acts, chapter 267, sections
 25 203 and 207, are repealed.
 26 Sec. 747. RETROACTIVE APPLICABILITY. Section 717
 27 of this Act is retroactive to March 10, 1992.
 28 Sec. 748. EFFECTIVE DATES.
 29 1. Section 711 of this Act takes effect October 1,
 30 1992.
 31 2. Sections 712, 713, and 721 of this Act, being
 32 deemed of immediate importance, take effect upon
 33 enactment."

LEONARD BOSWELL
 RICHARD J. VARN

S-5917

1 Amend Senate File 2376 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:

4 "DIVISION VIII
 5 HUMAN SERVICES

6 Sec. 801. AID TO FAMILIES WITH DEPENDENT CHILDREN.

7 There is appropriated from the general fund of the
 8 state to the department of human services for the
 9 fiscal year beginning July 1, 1992, and ending June
 10 30, 1993, the following amount, or so much thereof as
 11 is necessary, to be used for the purpose designated:

12 For aid to families with dependent children:

13 \$ 46,470,000

14 1. The department may fund the employee portion of
 15 the cash bonus program from unspent funds under the
 16 appropriation made in this section.

17 2. The department shall continue to contract for
 18 services in developing and monitoring a demonstration
 19 waiver program to facilitate providing assistance in
 20 self-employment investment to aid to dependent
 21 children families. The demonstration waiver program
 22 shall be provided for the fiscal period beginning July
 23 1, 1992, and ending June 30, 1993, or for as long as
 24 federal approval of the program continues. Of the
 25 funds appropriated in this section, up to \$99,400
 26 shall be used to provide technical assistance for aid
 27 to dependent children families seeking self-
 28 employment. The technical assistance may be provided
 29 through the department or through a contract with the

30 division of job training of the Iowa department of
 31 economic development.
 32 3. The department shall apply the self-employment
 33 investment demonstration waiver project statewide
 34 during the fiscal period delineated in the federal
 35 waiver submitted to operate the Iowa Self-employed
 36 Household Incentive Program (ISHIP) waiver project
 37 statewide, provided training is available to a
 38 recipient through a recognized self-employment
 39 training program.
 40 4. The department shall continue the special needs
 41 program under the aid to families with dependent
 42 children program.
 43 5. The department shall contract with the
 44 corporation for enterprise development for Iowa's
 45 second year of participation in the two-year study
 46 phase of a "state human investment policy"
 47 demonstration project. Of the funds appropriated in
 48 this section, up to \$75,000 shall be used for costs
 49 associated with Iowa's participation in the project.
 50 The department shall make efforts to obtain additional

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1 private and federal funding for the project, and shall
 2 submit reports on the status of the project to the
 3 legislative fiscal bureau.
 4 6. Notwithstanding section 239.6, the department
 5 is not required to reconsider eligibility of aid to
 6 dependent children recipients every six months if a
 7 federal waiver is granted.

8 Sec. 802. MEDICAL ASSISTANCE. 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, 1992, and ending June 30, 1993, the
 12 following amount, or so much thereof as is necessary,
 13 to be used for the purpose designated:

14 For medical assistance, including reimbursement for
 15 abortion services, which shall be available under the
 16 medical assistance program only for those abortions
 17 which are medically necessary:

18 \$ 264,792,101

- 19 1. Medically necessary abortions are those
- 20 performed under any of the following conditions:
- 21 a. The attending physician certifies that
- 22 continuing the pregnancy would endanger the life of
- 23 the pregnant woman.
- 24 b. The attending physician certifies that the
- 25 fetus is physically deformed, mentally deficient, or
- 26 afflicted with a congenital illness.

27 c. The pregnancy is the result of a rape which is
28 reported within 45 days of the incident to a law
29 enforcement agency or public or private health agency
30 which may include a family physician.

31 d. The pregnancy is the result of incest which is
32 reported within 150 days of the incident to a law
33 enforcement agency or public or private health agency
34 which may include a family physician.

35 e. Any spontaneous abortion, commonly known as a
36 miscarriage, if not all of the products of conception
37 are expelled.

38 2. Of the funds appropriated in this section,
39 \$100,000 is allocated until January 31, 1993, for
40 contingency assistance for the federal nutrition
41 program for women, infants, and children and shall be
42 transferred to the Iowa department of public health as
43 necessary in order to fully utilize funding available
44 for the program. Any moneys allocated in this
45 subsection which are unexpended or unobligated on
46 January 31, 1993, shall be available during the
47 remainder of the fiscal year to the department of
48 human services for the purposes of this section.

49 3. Notwithstanding section 8.39, the department
50 may transfer funds appropriated in this section to a

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1 separate account established in the department's case
2 management unit for expenditures required to provide
3 case management services pursuant to the appropriation
4 made in this Act for mental health, mental
5 retardation, and developmental disabilities services
6 under medical assistance which are jointly funded by
7 the state and county, pending final settlement of the
8 expenditures. Funds received by the case management
9 unit in settlement of the expenditures shall be used
10 to replace the transferred funds and are available for
11 the purposes for which the funds were appropriated in
12 this section.

13 4. If implementing a procedure of purchase and
14 distribution of vaccines to physicians participating
15 in the medical assistance program is determined by the
16 department of human services to be cost-effective for
17 the department, the department of human services may
18 use moneys appropriated in this section to contract
19 with the Iowa department of public health for this
20 purpose. In implementing the procedure, the
21 department shall adopt rules requiring physicians to
22 obtain vaccines from the Iowa department of public
23 health for immunization of medical assistance

24 recipients. The department may adopt emergency rules
25 to implement the provisions of this subsection.

26 5. The department shall seek federal approval of a
27 medical assistance waiver in order to expand the
28 availability of the MediPASS program to an additional
29 27,000 enrollees. If federal approval is granted, the
30 department may adopt emergency rules to implement the
31 provisions of this subsection.

32 6. Of the funds appropriated in this section,
33 \$60,000 shall be used by the department for the fiscal
34 year 1992-1993 costs to establish and operate an HIV
35 and AIDS insurance continuation assistance pilot
36 program. The pilot program shall be administered by
37 the medical services division to provide insurance
38 continuation assistance to persons with AIDS or HIV-
39 related illnesses who are unable to maintain health
40 insurance premium payments due to illness. The pilot
41 program shall operate for a two-year period beginning
42 October 1, 1992. The funds shall be made available in
43 a manner that provides the assistance, as needed, to
44 recipients at any time until the end of the pilot
45 program or until the appropriated funding is
46 exhausted.

47 a. The department shall publicize the program for
48 enrollment of potential participants through provision
49 of information through the Iowa department of public
50 health, the regional AIDS coalitions funded by the

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1 Iowa department of public health, physicians,
2 hospitals, social workers, and social service
3 providers, and other groups identified by the
4 coalitions.

5 b. The program shall provide all of the following:

6 (1) That an applicant is eligible for
7 participation in the program if all of the following
8 conditions are met:

9 (a) The applicant is a resident of the state.

10 (b) The applicant suffers from AIDS or an HIV-
11 related illness.

12 (c) The applicant has an income of not more than
13 300 percent of the federal poverty level as defined by
14 the most recently revised poverty income guidelines
15 published by the United States department of health
16 and human services and cash assets of not more than
17 \$10,000.

18 (d) The applicant is enrolled in an individual or
19 group private health insurance plan.

20 (e) The applicant is or will be unable, due to

21 AIDS or the HIV-related illness, to continue
22 employment in the applicant's current position or the
23 applicant must significantly reduce hours of
24 employment.

25 (f) Enrollment in the program is the most cost-
26 effective, available means of providing the applicant
27 with health insurance coverage.

28 (2) That an applicant is required to provide the
29 following to verify eligibility for participation in
30 the program:

31 (a) Documentation of income and assets, as
32 required by rule of the department.

33 (b) Documentation through submission of a
34 statement by the applicant's physician that the
35 applicant suffers from AIDS or an HIV-related illness
36 and that the applicant is, or will within a period of
37 six months be, unable to continue employment or be
38 required to significantly reduce hours of employment.

39 (3) An expedited eligibility determination process
40 to ensure that an eligible applicant is not denied
41 coverage under the applicant's existing policy due to
42 nonpayment of premiums during the determination
43 process period. This may include but is not limited
44 to accepting preapplications from any HIV-infected
45 person or the making of payments based on preliminary
46 determinations.

47 (4) A requirement that following enrollment in the
48 program, a person must apply for medical assistance,
49 if the department determines that the person is likely
50 to be eligible for payment of premiums under the

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1 medical assistance program.

2 (5) That all information relating to an applicant
3 is confidential information and the provisions of
4 chapter 141 are applicable to the information.

5 (6) Insurance premiums and medical expenses for
6 which the applicant has no coverage, which are
7 incurred in the month of application, shall be
8 deducted from the applicant's gross income for the
9 purpose of determining eligibility for the program.

10 c. The department shall provide a preliminary
11 report to the general assembly by January 1, 1993, and
12 a final report to the general assembly by January 1,
13 1994, regarding the cost-effectiveness of the pilot
14 program, the impact of the requirements of federal law
15 on the pilot program, and the current and projected
16 costs to the state for payment of medical assistance
17 for the health care costs of persons with AIDS or HIV-

18 related illnesses.

19 d. For the purposes of this subsection, "AIDS" and
20 "HIV" mean "AIDS" and "HIV" as defined in section
21 141.21.

22 e. For the purposes of this subsection, "health
23 insurance plan" includes nonprofit health service
24 corporation contracts regulated under chapter 514 and
25 health maintenance organization evidences of coverage
26 regulated under chapter 514B.

27 f. Of the funds allocated in this subsection, the
28 department may transfer not more than \$10,000 to the
29 appropriation made in this Act for general
30 administration to be used for administrative costs
31 associated with this program. The department is
32 authorized a 0.5 FTE position in addition to the
33 positions authorized in the appropriation made in this
34 Act for general administration in order to administer
35 the program.

36 g. The program shall start by October 1, 1992, and
37 the department is authorized to adopt emergency rules
38 to implement the provisions of this section by that
39 date.

40 7. The department shall take action to provide for
41 the continuing medical assistance eligibility without
42 a spend down requirement for those persons whose
43 eligibility is related to federal supplemental
44 security income eligibility and who are eligible for
45 the medically needy program without a spend down
46 requirement. If providing for the continuing
47 eligibility is permitted under federal requirements,
48 the department may adopt emergency rules to implement
49 the eligibility.

50 8. The department of human services shall work

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1 cooperatively with the department of elder affairs and
2 the area agencies on aging to expedite and improve the
3 assessment and eligibility determination process used
4 for the medical assistance home and community-based
5 waiver program for the elderly.

6 9. It is the intent of the general assembly that
7 copayments shall not be charged to recipients for
8 services which are mandatory under federal
9 requirements for the medical assistance program.

10 10. The department shall actively pursue the
11 potential to fund child welfare services under the
12 early and periodic screening, diagnosis, and treatment
13 (EPSDT) option of the medical assistance program. If
14 the funding is implemented, the department may

15 transfer moneys appropriated in this Act for foster
16 care or home-based services as necessary to pay the
17 nonfederal costs of services reimbursed under EPSDT
18 which are provided to children who would otherwise
19 receive services paid under those appropriations. The
20 department may adopt emergency rules to implement the
21 provisions of this subsection.

22 11. Except as otherwise provided in the
23 appropriation made in this Act for mental health,
24 mental retardation, and developmental disabilities
25 services provided under medical assistance, if a
26 medical assistance recipient is receiving care which
27 is reimbursed under a federally approved home and
28 community-based services waiver but would otherwise be
29 approved for care in an intermediate care facility for
30 the mentally retarded, the recipient's county of legal
31 settlement shall reimburse the department on a monthly
32 basis for the portion of the recipient's cost of care
33 which is not paid from federal funds.

34 12. The department shall develop program
35 standards, admission criteria, and reimbursement rates -
36 which are consistent with the day treatment needs of
37 children and adolescents with severe psychiatric and
38 behavioral disorders. The department may adopt
39 emergency rules to implement the provisions of this
40 subsection.

41 13. Administrative rules adopted by the department
42 establishing intermediate care facility for the
43 mentally retarded (ICFMR) standards relating to family
44 scale and size, location, and community inclusion,
45 including, but not limited to, rules adopted pursuant
46 to 1991 Iowa Acts, chapter 267, section 103,
47 subsection 5, and Senate File 2311, as enacted by the
48 Seventy-fourth General Assembly, 1992 Session, shall
49 not prohibit any ICFMR with eight beds or less.

50 Sec. 803. MEDICAL CONTRACTS. 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, 1992, and ending June 30, 1993, the
4 following amount, or so much thereof as is necessary,
5 to be used for the purpose designated:

6 For medical contracts:
7 \$ 4,683,750

8 The department shall continue to contract for drug
9 utilization review under the medical assistance
10 program.

11 Sec. 804. STATE SUPPLEMENTARY ASSISTANCE. There

12 is appropriated from the general fund of the state to
13 the department of human services for the fiscal year
14 beginning July 1, 1992, and ending June 30, 1993, the
15 following amount, or so much thereof as is necessary,
16 to be used for the purpose designated:

17 For state supplementary assistance:
18 \$ 19,040,000 .

19 1. The department shall increase the personal
20 needs allowance for residents of residential care
21 facilities by the same percentage and at the same time
22 as federal supplemental security income and federal
23 social security benefits are increased due to a
24 recognized increase in the cost of living. The
25 department may adopt emergency rules to implement the
26 provisions of this subsection.

27 2. The department shall report to the members of
28 the joint human services appropriations subcommittee
29 concerning the actions taken by the department to
30 implement uniform reporting of maintenance and service
31 costs for the financial reports used by service
32 providers for reimbursement under the state
33 supplementary assistance program and for reimbursement
34 of purchase of service contracts under the social
35 services block grant. The actions may include but are
36 not limited to the development of uniform rules and
37 consolidated cost reports. This report shall be
38 submitted on or before October 1, 1992.

39 3. In determining an individual's eligibility or
40 the amount of assistance provided under the state
41 supplementary assistance program or the federal social
42 services block grant, the department shall not
43 consider moneys received by that individual under the
44 federal Social Security Persons Achieving Self-
45 Sufficiency (PASS) program or the Income-Related Work
46 Expense (IRWE) program to be income. The department
47 shall adopt emergency rules to implement the
48 provisions of this subsection.

49 4. In determining the amount of state
50 supplementary assistance provided to a resident of a

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1 licensed residential care facility which has a
2 "Section 8" program contract with the United States
3 department of housing and urban development, the
4 moneys which the resident must pay under the "Section
5 8" program shall not be considered as income.
6 Sec. 805. AID TO NATIVE AMERICANS. 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, 1992, and ending June 30, 1993, the
10 following amount, or so much thereof as is necessary,
11 to be used for the purpose designated:

12 For aid to Native Americans under section 252.43:
13 \$ 36,765

14 The tribal council shall not use more than 5
15 percent of the funds for administration purposes. The
16 department shall report quarterly to the chairpersons
17 and ranking members of the joint human services
18 appropriations subcommittee and the legislative fiscal
19 bureau concerning aid to Native Americans and in
20 addition shall submit an annual report.

21 Sec. 806. CHILD DAY CARE ASSISTANCE. 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, 1992, and ending June 30, 1993, the
25 following amount, or so much thereof as is necessary,
26 to be used for the purposes designated:

27 For protective child day care assistance and state
28 child care assistance:
29 \$ 7,460,000

30 1. It is the intent of the general assembly that
31 \$3,107,695 of the funds appropriated in this section
32 be used for protective child day care assistance.

33 2. It is the intent of the general assembly that
34 \$2,293,412 of the funds appropriated in this section
35 be used for state child care assistance.

36 3. a. The funds allocated in this section for
37 protective and state child care assistance shall be
38 allocated to the department of human services regions
39 and each region shall distribute the allocation to the
40 counties within the region. If a region determines
41 that a specified portion of the funds provided to a
42 county in that region is sufficient to meet the
43 county's current demand and projected growth, the
44 region may transfer the excess amount of funds to
45 another county in that region. If the region
46 determines that a specified portion of the funds
47 provided to the region is sufficient to meet the
48 region's current demand and projected growth for the
49 remainder of the fiscal year, the excess amount may be
50 transferred for use in another region.

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1 b. For state child care assistance, eligibility
2 shall be limited to children whose family income is
3 equal to or less than 155 percent of the federal
4 office of management and budget poverty guidelines.
5 However, on or after October 1, 1992, the department

6 may increase the income eligibility limit to be equal
7 to or less than 75 percent of the Iowa median family
8 income. Every effort shall be made to provide
9 assistance for the entire fiscal year to families
10 remaining eligible before providing assistance to
11 eligible families who have not received assistance
12 previously. For the entire fiscal year, the
13 department shall utilize the priority ranking of
14 requirements for families who receive assistance
15 developed pursuant to 1991 Iowa Acts, chapter 267,
16 section 109, subsection 3, paragraph "b", with special
17 priority given to foster care families within the
18 income guidelines.

19 c. The department may adopt emergency rules
20 necessary to qualify to receive funding from the
21 federal child care development block grant and the
22 federal at-risk child care program. If required as a
23 condition of receiving these funds, the rules may
24 provide for eligibility, health and safety
25 requirements, parental access to children,
26 reimbursement rates, types of service provided,
27 licensing standards, complaint registration
28 procedures, or other rules necessary to establish a
29 simplified or consolidated child day care policy.
30 d. Nothing in this section shall be construed or
31 is intended as, or shall imply, a grant of entitlement
32 for services to persons who are eligible for
33 assistance due to an income level consistent with the
34 requirements of this section. Any state obligation to
35 provide services pursuant to this section is limited
36 to the extent of the funds appropriated in this
37 section.

38 4. Of the funds appropriated in this section,
39 \$633,931 is allocated for the fiscal year beginning
40 July 1, 1992, for the statewide program for child day
41 care resource and referral services under section
42 237A.26.

43 5. The department may use any of the funds
44 appropriated in this section as a match to obtain
45 federal grants for use in expanding child day care
46 assistance and related programs.

47 6. Of the funds appropriated in this section,
48 \$866,265 shall be used to increase the reimbursement
49 rate paid for child day care provided by child care
50 centers in order to enhance the quality of child care

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1 centers. However, any reimbursement increase provided
2 under this subsection shall not cause the provider's

3 reimbursement rate to exceed the provider's actual and
4 allowable cost plus the inflationary increase
5 authorized in the section of this Act relating to
6 provider reimbursement. The department may adopt
7 emergency rules to implement the provisions of this
8 subsection.

9 7. Of the funds appropriated in this section, the
10 department shall use \$233,735, or so much thereof as
11 is necessary, to increase the department's staff in
12 order to meet federal requirements.

13 8. a. It is the intent of the general assembly
14 that \$324,962 of the funds appropriated in this
15 section shall be used for transitional child care
16 assistance.

17 b. Notwithstanding section 239.21, the department
18 of human services shall provide the transitional child
19 care assistance in accordance with the federal Family
20 Support Act of 1988, Pub. L. No. 100-485 § 302, and
21 applicable federal regulations. Reimbursement for
22 services shall be limited to registered or licensed
23 child day care providers and programs providing care,
24 supervision, or guidance of a child which is not
25 included under the definition of "child day care"
26 pursuant to section 237A.1, subsection 4.

27 9. The department shall consider the feasibility
28 of establishing a school-age child care pilot program
29 involving regular contact between children and elder
30 Iowans who are nursing home residents. The areas of
31 consideration may include but are not limited to
32 identifying potential nursing home or adult day care
33 sites, school-age child day care providers, and
34 transportation, safety, program, staff, and facility
35 requirements. The department shall report to the
36 governor and the general assembly on or before January
37 15, 1993, concerning the feasibility of establishing a
38 pilot program during the 1993-1994 fiscal year.

39 Sec. 807. JOBS PROGRAM. There is appropriated
40 from the general fund of the state to the department
41 of human services for the fiscal year beginning July
42 1, 1992, and ending June 30, 1993, the following
43 amount, or so much thereof as is necessary, to be used
44 for the purposes designated:

45 For the federal-state job opportunities and basic
46 skills (JOBS) program, food stamp employment and
47 training program, and family development and self-
48 sufficiency grants, in accordance with this section:

49 \$ 4,960,000
50 1. Of the funds appropriated in this section,

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1 \$4,050,701 is allocated for the JOBS program.

2 2. Of the funds appropriated in this section,
3 \$129,985 is allocated for the food stamp employment
4 and training program.

5 3. The department shall work with family
6 development and self-sufficiency grantees and the
7 state's community action agencies to develop an
8 administrative process for initiatives which raise
9 local funds to match federal funds under the JOBS
10 program in order to expand or to develop additional
11 family development program initiatives.

12 4. Of the funds appropriated in this section,
13 \$779,314 is allocated to the family development and
14 self-sufficiency grant program as provided under
15 section 217.12.

16 a. Not more than 5 percent of the funds allocated
17 in this subsection shall be used for the
18 administration of the grant program.

19 b. Federal funding matched by state, county, or
20 other funding which is not appropriated in this
21 section shall be deposited in the department's JOBS
22 account. If the match funding is generated by a
23 family development and self-sufficiency grantee, the
24 federal funding received shall be used to expand the
25 family development and self-sufficiency grant program.
26 If the match funding is generated by another source,
27 the federal funding received shall be used to expand
28 the grant program or the JOBS program. The department
29 may adopt emergency rules to implement the provisions
30 of this paragraph.

31 c. Of the funding allocated in this subsection,
32 the family development and self-sufficiency council
33 may use up to \$200,000 to increase existing grants in
34 an amount which does not exceed 110 percent of the
35 fiscal year 1991-1992 grant amount and to award not
36 more than two new grants. The council shall award new
37 grants in a manner to expand the program into areas
38 which document a strong commitment to family
39 development and self-sufficiency and are not currently
40 receiving a grant. The expansion grants shall be
41 awarded on or before January 1, 1993, for a period
42 ending June 30, 1993.

43 d. Based upon the annual evaluation report
44 concerning each grantee funded by this allocation, the
45 family development and self-sufficiency council may
46 use funds allocated to renew grants.

47 Sec. 808. CHILD SUPPORT RECOVERY. 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, 1992, and ending June 30, 1993, the

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1 following amount, or so much thereof as is necessary,
2 to be used for the purposes designated:

3 For child support recovery, including salaries,
4 support, maintenance, miscellaneous purposes, and for
5 not more than the following full-time equivalent
6 positions:

7	\$ 3,750,000
8	FTEs 255.49

9 1. The director of human services, within the
10 limitations of the funds appropriated in this section,
11 or funds transferred from the aid to families with
12 dependent children program for this purpose, shall
13 establish new positions and add additional employees
14 to the child support recovery unit if the director
15 determines that both the current and additional
16 employees together can reasonably be expected to
17 maintain or increase net state revenue at or beyond
18 the budgeted level. If the director adds additional
19 employees, the department shall demonstrate the cost-
20 effectiveness of the current and additional employees
21 by reporting to the joint human services
22 appropriations subcommittee the ratio of the total
23 amount of administrative costs for child support
24 recoveries to the total amount of the child support
25 recovered.

26 2. Notwithstanding section 252B.4, nonpublic
27 assistance application and user fees received by the
28 child support recovery program are appropriated and
29 shall be used for the purposes of the child support
30 recovery program. The director of human services may
31 exceed the full-time equivalent position limit
32 authorized in this section if fees collected relating
33 to the new positions are sufficient to pay the
34 salaries and support for the positions. The director
35 shall report any new positions added pursuant to this
36 subsection to the chairpersons and ranking members of
37 the joint human services appropriations subcommittee
38 and the legislative fiscal bureau. If a statute
39 enacted by the Seventy-fourth General Assembly, 1992
40 Session, authorizes the department to charge an annual
41 cost recovery fee to nonpublic assistance users of
42 child support recovery services, the fee may be
43 deducted from support paid in fiscal year 1992-1993,
44 unless the user elects to pay the fee directly. The
45 department shall continue to provide child support

46 recovery services to persons who were notified during
47 fiscal year 1991-1992 that services would not be
48 continued if an annual cost recovery fee was not paid.
49 The department may adopt emergency rules as necessary
50 to implement the provisions of this subsection.

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1 3. The director of human services, in consultation
2 with the department of management and the legislative
3 fiscal committee, is authorized to receive and deposit
4 state child support incentive earnings in the manner
5 specified under applicable federal requirements.

6 4. The director of human services may establish
7 new positions and add additional state employees to
8 the child support recovery unit if the director
9 determines the employees are necessary to replace
10 county-funded positions eliminated due to termination,
11 reduction, or nonrenewal of a chapter 28E contract.
12 However, the director must also determine that the
13 resulting increase in the state share of child support
14 recovery incentives exceeds the cost of the positions,
15 the positions are necessary to ensure continued
16 federal funding of the program, or the new positions
17 can reasonably be expected to recover more than twice
18 the amount of money to pay the salaries and support
19 for the new positions.

20 5. Funding is provided within the appropriation
21 made in this section for the department's expenses
22 relating to a child support public awareness campaign.
23 The department shall cooperate with the attorney
24 general as necessary for implementation of the
25 campaign.

26 Sec. 809. JUVENILE INSTITUTIONS. There is
27 appropriated from the general fund of the state to the
28 department of human services for the fiscal year
29 beginning July 1, 1992, and ending June 30, 1993, the
30 following amounts, or so much thereof as is necessary,
31 to be used for the purposes designated:

32 For the operation of the state training school and
33 the Iowa juvenile home, including salaries, support,
34 maintenance, miscellaneous purposes, and for not more
35 than the following full-time equivalent positions:

36 For the state juvenile institutions:

37 \$ 11,810,000
38 FTEs 327.69

39 1. The following amount of the funds appropriated
40 and FTEs authorized in this section are allocated for
41 the Iowa juvenile home at Toledo:

42 \$ 4,340,000

43	.....	FTEs	119.47
44	2. The following amount of the funds appropriated		
45	and full-time equivalent positions authorized in this		
46	section are allocated for the state training school at		
47	Eldora:		
48	\$	7,470,000
49	FTEs	208.22
50	3. It is the intent of the general assembly that		

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1 during the fiscal year beginning July 1, 1992, the
2 population levels at the state juvenile institutions
3 shall not exceed the population guidelines established
4 under 1990 Iowa Acts, chapter 1239, section 21. It is
5 also the intent of the general assembly that each
6 state juvenile institution shall apply for an
7 adolescent pregnancy prevention grant for the fiscal
8 year beginning July 1, 1992.

9 4. Within the funds appropriated in this section,
10 the department may reallocate funds as necessary to
11 best fulfill the needs of the institutions provided
12 for in this appropriation.

13 5. The department shall report to the legislative
14 fiscal bureau, on or before the twentieth day of each
15 month, the department's current expenditures for the
16 institutions receiving allocations under this
17 appropriation. The report shall include a comparison
18 of actual to budgeted expenditures for each
19 institution.

20 Sec. 810. CHILD WELFARE TASK FORCE.

21 1. DUTIES. An interdisciplinary child welfare
22 task force is established to present recommendations
23 to the governor and the general assembly relating to
24 the design of a financing system for child welfare,
25 juvenile justice, and mental health services for
26 children which provides a family-centered, community-
27 based, and prevention-oriented response to families
28 with children currently served in out-of-home
29 placements. The task force shall complete its duties
30 on or before June 30, 1994. The task force shall do
31 all of the following:

32 a. Develop a more flexible state financing system
33 for child welfare that allows funding which is
34 currently available only for out-of-home placements to
35 be used for alternative services that can prevent the
36 need for out-of-home placements.

37 b. Develop a flexible financing system within the
38 range of options available for out-of-home placements
39 which provide sufficient support to maintain children,

40 who currently are generally placed in remote and
41 institutional settings, in more community-based and
42 family-like settings.

43 c. Recommend ways to redirect existing
44 expenditures in order to meet the best interests of
45 children, preserve families, and employ the least
46 restrictive placements.

47 d. Outline the long-term needs of Iowa for the
48 following services: family-centered; family
49 preservation; day treatment; protective day care and
50 crisis nursery; family foster care emphasizing

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1 reunification; family foster care supporting children
2 with special health care needs; family foster care
3 providing therapeutic support to troubled and
4 troubling children; adoption; subsidized adoption;
5 independent living; residential treatment; enhanced
6 residential treatment; psychiatric medical institution
7 for children; state psychiatric hospitalization; state
8 training school; Iowa juvenile home; private
9 psychiatric hospitalization; shelter care; detention;
10 residential juvenile substance abuse treatment; and
11 nonresidential juvenile substance abuse treatment. In
12 developing this outline, attention should be given to
13 reducing the overall needs for institutional care
14 through greater development of alternatives to that
15 care.

16 e. Identify financing options that can make use of
17 greater federal financial participation in the
18 development of alternatives to institutional
19 placement.

20 f. Develop a financial process to reward counties
21 involved in the demonstration program to decategorize
22 child welfare funding for their efforts to reduce the
23 number of children placed in state institutions.

24 g. Monitor the efforts of the regional out-of-
25 state placement committees, as established in House
26 File 2480, if enacted by the Seventy-fourth General
27 Assembly, 1992 Session, to reduce out-of-state
28 placements by 25 percent by June 30, 1994.

29 h. Investigate the efforts used by other states to
30 return children who have been placed out-of-state,
31 including any training programs.

32 i. Investigate the potential of using funding
33 currently expended for children placed out-of-state as
34 matching funding for services in this state in order
35 to retain those children in this state.

36 j. Investigate the potential of using medical

37 assistance funding available under section 1915a of
38 the federal Social Security Act in decategorization
39 counties as a model for developing a flexible
40 financing system.
41 2. MEMBERSHIP. The interdisciplinary task force
42 membership shall include the following persons:
43 a. The administrator of the division of adult,
44 children, and family services of the department of
45 human services.
46 b. The administrator of the division of mental
47 health, mental retardation, and developmental
48 disabilities of the department of human services.
49 c. A juvenile court judge or referee appointed by
50 the chief justice.

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1 d. A juvenile court officer appointed by the chief
2 justice.
3 e. Two members of county boards of supervisors
4 appointed by the Iowa state association of counties.
5 f. A county attorney appointed by the Iowa county
6 attorney's association.
7 g. A protective service investigator, a protective
8 service treatment worker, a family preservation
9 worker, and a foster care worker, appointed by the
10 director of human services.
11 h. A director of a community mental health center
12 appointed by the community mental health centers
13 association of Iowa.
14 i. Two providers offering both residential and
15 nonresidential services to families appointed by the
16 coalition for children and family services.
17 j. A director of a rehabilitation or residential
18 facility appointed by the Iowa association of
19 rehabilitation and residential facilities.
20 k. A member of the general assembly appointed by
21 the legislative council.
22 l. Representatives from other state agencies, and
23 from business, legal services, and child advocacy
24 interests approved by the task force.
25 The appointing organizations shall be responsible
26 for providing any per diem and travel and meal
27 expenses for the members of the task force.
28 3. ORGANIZATION. The task force may establish
29 subcommittees and work groups as deemed necessary to
30 perform its duties. The task force may expand its
31 membership or utilize other interested persons on its
32 subcommittees and work groups, as deemed appropriate.
33 The department of human services shall seek outside

34 support from foundations and other organizations to
35 provide technical assistance and to carry out the
36 management of the task force. The task force shall
37 hold an initial meeting no later than July 30, 1992.

38 4. REPORTS. The task force shall issue an initial
39 report by December 15, 1992, which shall include
40 preliminary recommendations regarding the
41 establishment of a more flexible financing system for
42 child welfare services in the state and the
43 identification of the types of services to serve
44 children and families that will be needed in the long-
45 term. The report shall include additional
46 recommendations and a work plan. The task force shall
47 complete an additional report by September 15, 1993.

48 Sec. 811. FOSTER CARE. There is appropriated from
49 the general fund of the state to the department of
50 human services for the fiscal year beginning July 1,

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1 1992, and ending June 30, 1993, the following amount,
2 or so much thereof as is necessary, to be used for the
3 purpose designated:

4 For foster care:

5 \$ 47,520,000

6 1. a. For fiscal year 1992-1993, the statewide
7 target, as provided for in section 232.143, if enacted
8 in House File 2480 by the Seventy-fourth General
9 Assembly, 1992 Session, for the average number of
10 children placed in group foster care in any day of the
11 fiscal year which are a charge upon or are paid for by
12 the state, shall be 1,405. The department may adopt
13 emergency rules in order to implement the provisions
14 of this subsection on July 1, 1992.

15 b. If section 232.143 is enacted, in each quarter
16 of the fiscal year, the department shall compare the
17 actual number of group foster care placements in a
18 region and the targets allocated to the region for
19 that quarter. The department shall develop a
20 methodology to provide, within the funds allocated in
21 this subsection, fiscal incentives to regions which
22 have reduced the number or length of group foster care
23 placements below the targeted levels. The fiscal
24 incentives shall be used by a region to maintain or
25 further the region's reduction in the number or length
26 of group foster care placements.

27 c. The department shall report quarterly to the
28 legislative fiscal bureau concerning the status of
29 each region's efforts to limit the number of group
30 foster care placements in accordance with the regional

31 plan established pursuant to section 232.143.
32 d. It is the intent of the general assembly that
33 the average reimbursement rates paid for placement of
34 children out-of-state shall not exceed the maximum
35 reimbursement rate paid to providers in this state.
36 2. The department may transfer a portion of the
37 funds appropriated in this section to provide
38 subsidized adoption services, purchase adoption
39 services, or to provide less restrictive treatment
40 programs than foster care, if funds allocated under
41 the appropriation in this Act for home-based services
42 are insufficient.
43 3. On or before April 1, 1993, the department and
44 state court administrator shall enter into a chapter
45 28E agreement which enables the state to receive
46 funding for eligible cases under the federal Social
47 Security Act, Title IV-E. The agreement shall provide
48 for adequate compensation to the court for any
49 additional administrative costs necessary to secure
50 the funding and shall not limit the discretion of the

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1 court in making determinations in the best interests
2 of a child.
3 4. Not more than 25 percent of the children placed
4 in foster care funded under the federal Social
5 Security Act, Title IV-E, shall be placed in foster
6 care for a period of more than 24 months.
7 5. The department may use up to \$828,000 of the
8 funds appropriated in this section to develop
9 additional therapeutic foster care programs in the
10 state. The programs shall provide respite and special
11 support services to foster parents to enable them to
12 serve in an active treatment capacity with the
13 children under their care. Funding allocated in this
14 subsection shall also be used to reimburse foster
15 parents for their services. The funding is intended
16 to serve at least 60 more children than were served in
17 therapeutic foster care in fiscal year 1991-1992. The
18 department may adopt emergency rules relating to
19 program standards for therapeutic foster care.
20 6. Of the funds appropriated in this section, up
21 to \$987,393 may be used to develop and maintain the
22 state's implementation of the national adoption and
23 foster care information system pursuant to the
24 requirements of Pub. L. No. 99-509. In developing
25 the system the department shall involve
26 representatives of the court, service providers,
27 advocates, and other persons interested in the

28 adoption and foster care process.

29 7. Of the funds appropriated in this section,
30 \$104,625 may be used to contract to develop a
31 statewide system for recruiting, retaining, and
32 supporting foster care families consistent with the
33 recommendation of the department's family foster care
34 advisory committee. The department shall involve the
35 family foster care advisory committee in developing a
36 request for proposals for the contract. The committee
37 shall also be involved in reviewing proposals,
38 overseeing the work of the contractor, and further
39 defining needs in the system. The department shall
40 also involve the committee in seeking new financial
41 support for enhancing the family foster care system,
42 including government and foundation grants.

43 8. The department shall continue the demonstration
44 program to decategorize child welfare services in the
45 five counties in which the program has commenced. The
46 department may approve additional applications from a
47 county or cluster of counties to initiate a
48 demonstration program provided the department, the
49 boards of supervisors in the counties, and the
50 affected judicial districts agree to implement the

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1 program. The schedule for implementing the
2 demonstration program in additional counties shall
3 provide that the program be implemented on or after
4 January 1, 1993. The department shall establish for
5 the demonstration program counties a child welfare
6 fund composed of all or part of the amount that would
7 otherwise be expected to be used for residents of the
8 counties for foster care, family-centered services,
9 subsidized adoption, child day care, local purchase of
10 services, state juvenile institution care, mental
11 health institute care, state hospital-school care,
12 juvenile detention, department-direct services, and
13 court-ordered evaluation and treatment of juvenile
14 services. Notwithstanding any other provision of law,
15 the fund shall be considered encumbered.
16 Notwithstanding other service funding provisions in
17 law, the department shall establish the fund by
18 transferring funds from the budgets affected, except
19 for the funds appropriated for the state mental health
20 institutes, the state hospital-schools, the state
21 training school, and the Iowa juvenile home which
22 shall remain on account for the county at these
23 institutions. By June 15, 1992, the department shall
24 inform each demonstration program county of the

25 estimated amount that will be available in the
26 county's child welfare fund and on account at the
27 institutions for that county during the ensuing fiscal
28 year. The department shall confirm each county's
29 budgeted amount by October 1, 1992. A limited amount
30 of the fund may be used to support services and
31 reimbursement rates not allowable within historical
32 program or service categories and administrative
33 rules. In addition, a limited amount of the child
34 welfare fund may be used for emergency family
35 assistance to provide resources for a family to remain
36 together or to be unified. It is the intent of the
37 general assembly that the demonstration program be
38 designed to operate in a county for a three-year
39 period. The three-year time period for a
40 decategorization project in Dubuque, Linn, Polk,
41 Pottawattamie, or Scott county shall be considered to
42 begin on January 1 in the first year following the
43 year in which the county's decategorization project
44 was approved by the department.

45 9. The department shall implement changes in group
46 foster care maintenance and service definitions to be
47 consistent with the definitions under Title IV-E of
48 the federal Social Security Act. State funding saved
49 in excess of the amount budgeted for federal financial
50 participation provided under Title IV-E which is

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1 received as a result of the definition changes, shall
2 be used to implement the system changes recommended by
3 the family foster care advisory committee pursuant to
4 subsection 7. Notwithstanding any provision of law to
5 the contrary, any state funding identified as saved in
6 excess of the amount budgeted for the federal
7 financial participation shall be considered
8 encumbered, for the purposes of this subsection, at
9 the time of identification.

10 10. The department shall draw from the reasonable
11 efforts model court project in continuing training
12 seminars for child welfare practitioners throughout
13 the state on the use of reasonable efforts to prevent
14 or eliminate the need for removal of a child from the
15 child's home. In addition, the department shall draw
16 upon the reasonable efforts model court project in
17 working with the supreme court to provide ongoing
18 instruction and technical assistance in selected
19 counties in the state concerning application of
20 reasonable efforts. Counties shall be selected by
21 targeting those with a high rate of placing children

22 outside the children's homes. The recipients of
23 technical assistance shall include court officials,
24 department of human services referral workers, and
25 child welfare service providers. Trainers shall
26 include respected peers and colleagues of the training
27 recipients. The department shall use up to \$63,160 of
28 the funds appropriated in this section for the
29 contract. The department shall seek assistance from
30 the national conference of state legislatures and
31 private foundations in implementing the provisions of
32 this subsection.

33 11. The department shall incorporate family-
34 centered approaches to serving families into the
35 department's general child welfare training for all
36 child welfare workers. The training shall include an
37 introduction to family preservation and family-
38 centered services and these services' usages as
39 alternatives to out-of-home care. In addition, the
40 department shall develop specific training concerning
41 these services for those workers who are involved with
42 referrals of children to foster care. The department
43 shall work with the judicial department in order to
44 make the training applicable and available to court
45 officers involved with referrals of children to foster
46 care. In developing the training, the department
47 shall seek assistance from the child welfare league of
48 America and the national association of family-based
49 services and shall draw from successful initiatives
50 used in other states. In implementing the provisions

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1 of this subsection, the department may use up to
2 \$110,530 of the funds appropriated in this section.
3 12. The department shall allocate up to \$1,050,000
4 of the funds appropriated in this section among the
5 department's regions to be used for wrap-around
6 services. The moneys shall be used by each region to
7 reduce the number or length of group foster care
8 placements ordered by that region. For the purposes
9 of this subsection, "wrap-around services" means
10 coordinated, highly individualized, and community-
11 based services directed to the basic human needs of a
12 child and child's family which are developed and
13 approved by an interdisciplinary team and focused upon
14 the strengths of the child and the child's family.
15 The department may transfer funds allocated in this
16 subsection in addition to other funds appropriated in
17 this Act that are used to provide wrap-around
18 services. The department may adopt emergency rules to

19 implement the provisions of this subsection.

20 13. Of the funds appropriated in this section, up
21 to \$1,000,000 is allocated for continued foster care
22 services to a child who is 18 years of age or older in
23 accordance with the provisions of section 234.35,
24 subsection 4, paragraph "c", if enacted in House File
25 2480 by the Seventy-fourth General Assembly, 1992
26 Session. The department shall distribute the moneys
27 allocated in this subsection to the departmental
28 regions based on each region's proportion of the total
29 number of children placed in foster care on March 31,
30 1992, who, during the fiscal year beginning July 1,
31 1992, would no longer be eligible for foster care due
32 to age. The department may adopt emergency rules to
33 implement the provisions of this subsection.

34 14. The provisions of this section constitute a
35 significant change in state policy involving child
36 welfare. In order to determine whether the change in
37 policy has the intended effect and to provide
38 information for future decision making, adequate
39 information is required. During the fiscal period of
40 this appropriation, the department shall track those
41 out-of-home placements of children in which the state
42 or a county is financially involved. The department,
43 in coordination with the legislative fiscal bureau and
44 the judicial department, shall develop a system for
45 providing the tracking information. The tracking
46 information shall be provided in a manner by which it
47 can be determined whether the limitations on group
48 foster care enacted by the Seventy-fourth General
49 Assembly, 1992 Session, have resulted in increased use
50 of out-of-home placements of children other than group

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1 foster care. The tracking information shall be
2 submitted quarterly to the governor, the chairpersons
3 and ranking members of the joint human services
4 appropriations subcommittee, and the legislative
5 fiscal bureau and shall include all of the following
6 information for each departmental region:

7 a. The number of placements of children within
8 each of the following age ranges: 0 through 5; 6
9 through 10; 11 through 15; and 16 through 21.

10 b. The number of children placed in each of the
11 following: family foster care, residential foster
12 care, state training school, Iowa juvenile home,
13 psychiatric medical institutions for children (PMICs),
14 residential substance abuse treatment programs,
15 hospitals for acute psychiatric care, state mental

16 health institutes, shelter care, juvenile detention,
17 adult correctional facilities, state hospital-schools,
18 intermediate care facilities for the mentally retarded
19 (ICF/MR), residential care facilities for the mentally
20 retarded (RCF/MR).

21 15. Notwithstanding section 232.142, subsection 3,
22 the financial aid paid by the state shall be limited
23 to 0.5 percent of the total cost of the establishment,
24 improvements, operation, and maintenance of a county
25 or multicounty juvenile detention home.

26 Sec. 812. FOSTER CARE SSI DETERMINATIONS. The

27 amount of the appropriation in this Act for foster
28 care is based upon expansion of the number of children,
29 in foster care who are eligible for federal
30 supplemental security income (SSI). The department
31 may use up to \$500,000 of that appropriation to enter
32 into a performance-based contract to secure SSI
33 benefits for children placed in foster care. In
34 selecting a vendor, the department shall give
35 preference to a vendor who is capable of beginning
36 services on July 1, 1992. The contract shall include
37 provisions for training of department of human
38 services and juvenile court staff, completion of
39 applications, tracking of application results, and
40 representation during the appeals process whenever an
41 appeal is necessary to secure SSI benefits.

42 Notwithstanding section 217.30 and section 232.2,
43 subsection 11, and any other provision of law to the
44 contrary, the custodian of a child in foster care may
45 release medical, mental health, substance abuse, or
46 any other information necessary only to determine the
47 child's eligibility for SSI benefits, and may sign
48 releases for the information. In any release of
49 information made pursuant to this subsection,
50 confidentiality shall be maintained to the maximum

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1 extent possible. The provisions of this section shall
2 take effect upon enactment.

3 Sec. 813. HOME-BASED 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, 1992, and ending June 30, 1993, the
7 following amount, or so much thereof as is necessary,
8 to be used for the purpose designated:

9 For home-based services on the condition that
10 family planning services are funded, provided that if
11 the department changes any allocation to a program
12 funded under this section, the department shall

13 promptly notify the legislative fiscal bureau of the
 14 change:
 15 \$ 22,530,000

16 1. Of the funds appropriated in this section,
 17 \$30,000 shall be used by the department to contract
 18 with universities to provide ongoing research and
 19 evaluation assistance to programs and initiatives of
 20 the department involving family-centered services and
 21 foster care. The contracts shall make maximum use of
 22 any matching resources available from the universities
 23 with which the department contracts.

24 2. a. Of the funds appropriated in this section,
 25 \$5,565,972 shall be used for family preservation and
 26 reunification services and training. A limited amount
 27 of the funds may be used for emergency family
 28 assistance to provide other resources required for a
 29 family participating in a project to stay together or
 30 to be reunified. The payment system for the project
 31 shall not be based upon units of time, but may be
 32 based upon the cost to serve a family, including
 33 adjustments according to the provider's performance
 34 and the outcome of the services provided to each
 35 family. The department shall use the statewide family
 36 preservation and decategorization committee to assist
 37 in selecting additional projects. In addition, a
 38 portion of the funds appropriated in this section
 39 shall be used for the jurisdictions receiving
 40 reasonable efforts training pursuant to the
 41 requirements provided in the appropriation in this Act
 42 for foster care.

43 b. The department shall seek federal financial
 44 participation for family preservation under Title IV-A
 45 of the federal Social Security Act. The nonfederal
 46 share of the costs shall be paid from funds
 47 appropriated in this section. Any federal funds
 48 received pursuant to this paragraph are appropriated
 49 for the purposes for which the funds are appropriated
 50 in this section. The department may adopt emergency

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1 rules to implement the provisions of this paragraph.
 2 3. Of the funds appropriated in this section, up
 3 to \$3,027,717 shall be used for family-centered
 4 services for families with children with mental
 5 retardation or other developmental disability who
 6 would otherwise be placed in group foster care or are
 7 currently placed in group foster care. The department
 8 may adopt emergency rules to implement the provisions
 9 of this subsection.

10 Sec. 814. COMMUNITY-BASED PROGRAMS. There is
11 appropriated from the general fund of the state to the
12 department of human services for the fiscal year
13 beginning July 1, 1992, and ending June 30, 1993, the
14 following amount, or so much thereof as is necessary,
15 to be used for the purpose designated:

16 For community-based programs, on the condition that
17 family planning services are funded, including
18 salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent position:

21	\$ 1,087,211
22	FTEs 1.0

23 1. Of the funds appropriated in this section,
24 \$438,713 shall be used for adolescent pregnancy
25 prevention grants. At least 75 percent of the funds
26 shall be used for programs which incorporate family
27 planning and pregnancy prevention services as the
28 major component of the program. The department shall
29 not expend more than 8 percent of the funds for
30 administrative costs. A grant may be awarded to a
31 public school corporation, a maternal and child health
32 center, an adolescent services provider, a project
33 involving the state juvenile institutions, or a
34 nonprofit organization which is involved in adolescent
35 issues. Grants shall be awarded for a one-year period
36 and shall be based on the demonstrated need for
37 adolescent pregnancy prevention and adolescent parent
38 services. Preference in awarding grants shall be
39 given to each of the projects for children placed at a
40 state juvenile institution and projects which utilize
41 a variety of community resources and agencies.

42 a. As used in this subsection, "adolescent" means
43 a person who is less than 18 years of age or a person
44 who is attending an accredited high school or pursuing
45 a course of study which will lead to a high school
46 diploma or its equivalent. The department shall
47 establish guidelines which permit a grant recipient to
48 continue providing services to a person who receives
49 services under the grant as an adolescent and becomes
50 18 years of age or older.

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1 b. A grant shall only be awarded to a project
2 which provides one or more of the following services:

- 3 (1) Workshops and information programs for
- 4 adolescents and parents of adolescents to improve
- 5 communication between children and parents regarding
- 6 human sexuality issues.

7 (2) Development and distribution of informational
8 material designed to discourage adolescent sexual
9 activity, to provide information regarding acquired
10 immune deficiency syndrome and sexually transmitted
11 diseases, and to encourage male and female adolescents
12 to assume responsibility for their sexual activity and
13 parenting.

14 (3) Early pregnancy detection, prenatal services
15 including chlamydia testing, and counseling regarding
16 decision-making options for pregnant adolescents.

17 (4) Case management and child care services
18 provided to male and female adolescent parents.
19 c. Additional services may be offered by a grantee
20 pursuant to a purchase of service contract with the
21 department including child day care services; child
22 development and parenting instruction; services to
23 support high school completion, job training, and job
24 placement; prevention of additional pregnancies during
25 adolescence; and other personal services.

26 2. Of the funds appropriated in this section, at
27 least \$209,512 shall be used to provide grants
28 administered in accordance with the provisions for
29 adolescent pregnancy prevention grants, except for
30 requirements to target certain specific geographic
31 areas of the state. The grants shall be awarded to
32 fund any of the following purposes:

33 a. Programs targeted to children. A program shall
34 include the following: components for parental
35 involvement; parental education, including techniques
36 for encouraging sexual abstinence; outreach services
37 for recruiting parents and children into the program;
38 and the provision of transportation to program staff
39 and participants necessary for recruiting and
40 encouraging program participation.

41 b. Programs intended to prevent an additional
42 pregnancy by a parent who is less than 19 years of
43 age. Preference in grant awards shall be given to
44 programs which provide financial incentives to clients
45 for their program participation and success in
46 avoiding an additional pregnancy.

47 c. Providing additional pregnancy prevention
48 grants. Preference in grant awards shall be given to
49 programs which, in addition to other services, provide
50 counseling to mixed gender groups of adolescents.

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1 d. Programs intended to educate adolescents
2 concerning the risks associated with alcohol and other
3 drug use during pregnancy, including health,

4 financial, emotional, and other potential long-term
5 effects for mother and child.

6 Sec. 815. COURT-ORDERED SERVICES PROVIDED TO

7 JUVENILES. There is appropriated from the general

8 fund of the state to the department of human services

9 for the fiscal year beginning July 1, 1992, and ending

10 June 30, 1993, the following amount, or so much

11 thereof as is necessary, to be used for the purpose

12 designated:

13 Payment of the expenses of court-ordered services

14 provided to juveniles which are a charge upon the

15 state pursuant to section 232.141, subsection 4:

16 \$ 3,990,000

17 1. Notwithstanding section 232.141 or any other

18 provision of law, the funds appropriated in this

19 section shall be allocated to the judicial districts

20 as determined by the state court administrator. The

21 state court administrator shall make the determination

22 on the allocations on or before June 15, 1992.

23 2. Each judicial district shall continue the

24 planning group for the court-ordered services for

25 juveniles provided in that district which was

26 established pursuant to 1991 Iowa Acts, chapter 267,

27 section 119. A planning group shall continue to

28 perform its duties as specified in that law.

29 Reimbursement rates for providers of court-ordered

30 evaluation and treatment services paid under section

31 232.141, subsection 4, shall be negotiated with

32 providers by each judicial district's planning group.

33 Each district planning group shall submit an annual

34 report in January 1993 to the state court

35 administrator and the department of human services.

36 The report shall cover the preceding fiscal year and

37 shall include a preliminary report on the current

38 fiscal year. The administrator and the department

39 shall compile these reports and submit the reports to

40 the chairpersons and ranking members of the joint

41 human services appropriations subcommittee and the

42 legislative fiscal bureau.

43 3. The department of human services shall develop

44 policies and procedures to ensure that the funds

45 appropriated in this section are spent only after all

46 other reasonable actions have been taken to utilize

47 other funding sources and community-based services.

48 The policies and procedures shall be designed to

49 achieve the following objectives relating to services

50 provided under chapter 232:

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1 a. Maximize the utilization of funds which may be
2 available from the medical assistance program
3 including usage of the early and periodic screening,
4 diagnosis, and treatment (EPSDT) program.
5 b. Recover payments from any third-party insurance
6 carrier which is liable for coverage of the services,
7 including health insurance coverage.
8 c. Pursue development of agreements with regularly
9 utilized out-of-state service providers which are
10 intended to reduce per diem costs paid to those
11 providers.

12 4. The department of human services, in
13 consultation with the state court administrator and
14 the judicial district planning groups, shall compile a
15 monthly report describing spending in the districts
16 for court-ordered services for juveniles, including
17 the utilization of the medical assistance program.
18 The reports shall be submitted on or before the
19 twentieth day of each month to the chairpersons and
20 ranking members of the joint human services
21 appropriations subcommittee and the legislative fiscal
22 bureau.

23 5. Notwithstanding chapter 232 or any other
24 provision of law, a district or juvenile court in a
25 department of human services district shall not order
26 any service which is a charge upon the state pursuant
27 to section 232.141 if there are insufficient court-
28 ordered services funds available in the district
29 allocation to pay for the service. The chief juvenile
30 court officer shall work with the judicial district
31 planning group to encourage use of the funds
32 appropriated in this section such that there are
33 sufficient funds to pay for all court-related services
34 during the entire year. The eight chief juvenile
35 court officers shall attempt to anticipate potential
36 surpluses and shortfalls in the allocations and shall
37 cooperatively request the state court administrator to
38 transfer funds between the districts' allocations as
39 prudent.

40 6. Notwithstanding any provision of law to the
41 contrary, a district or juvenile court shall not order
42 a county to pay for any service provided to a juvenile
43 pursuant to an order entered under chapter 232 which
44 is a charge upon the state under section 232.141,
45 subsection 4.

46 7. Of the funds appropriated in this section, up
47 to \$200,000 may be used by the judicial department for
48 administration of the requirements under this section

49 and for travel associated with court-ordered
50 placements which are a charge upon the state pursuant

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1 to section 232.141, subsection 4.

2 Sec. 816. CHILD PROTECTIVE SYSTEM IMPROVEMENTS.

3 There is appropriated from the general fund of the
4 state to the department of human services for the
5 fiscal year beginning July 1, 1992, and ending June
6 30, 1993, the following amount, or so much thereof as
7 is necessary, to be used for the purpose designated:

8 For improvements in the state system for child
9 protection:

10 \$ 543,251

11 The funding appropriated in this section shall be
12 used as determined by the department for any of the
13 following purposes:

14 1. For general administration of the department to
15 improve staff training efforts.

16 2. For oversight of termination of parental rights
17 and permanency planning efforts on a statewide basis
18 on the condition that regular reports regarding the
19 statewide program efforts shall be provided to the
20 legislative fiscal bureau.

21 3. For use by the department in general
22 administration to promote innovative treatment
23 programs, write grants to obtain federal and private
24 funding, and promote public and private efforts to
25 treat and prevent child abuse.

26 4. For personnel, assigned by the attorney
27 general, to provide additional services relating to
28 termination of parental rights and child in need of
29 assistance cases.

30 5. For funding of the state multidisciplinary team
31 to assist with difficult cases within the child abuse
32 and foster care system and with respect to child
33 protective investigation and initial case planning and
34 to develop and coordinate local multidisciplinary
35 teams.

36 6. For use by the department in conducting
37 outcome-oriented evaluations of child protection,
38 prevention, and treatment programs.

39 7. For specialized foster care permanency planning
40 field operations staff.

41 Sec. 817. IOWA VETERANS HOME. 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, 1992, and ending June 30, 1993, the
45 following amount, or so much thereof as is necessary,

46 to be used for the purposes designated:
 47 For operation of the Iowa veterans home, including
 48 salaries, support, maintenance, miscellaneous
 49 purposes, and for not more than the following full-
 50 time equivalent positions:

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1 \$ 26,510,000
 2 FTEs 700.61

3 1. The department may use the gifts accepted by
 4 the director of human services pursuant to section
 5 218.96 and other resources available to the department
 6 for use at the Iowa veterans home for purposes
 7 identified by the department.

8 2. The department shall consider implementing a
 9 policy limiting the amount of subsidy to a patient to
 10 the subsidy that would be provided to that patient in
 11 a comparable facility receiving medical assistance
 12 reimbursement.

13 3. a. The department may adopt emergency rules to
 14 provide for medical assistance reimbursement for the
 15 care and treatment of medical assistance-eligible
 16 individuals admitted to the Iowa veterans home. If
 17 the rules result in medical assistance reimbursement
 18 to the Iowa veterans home which exceeds the amount
 19 budgeted for that purpose in the fiscal year beginning
 20 July 1, 1992, and ending June 30, 1993, the department
 21 may expend the excess amounts to exceed the number of
 22 full-time equivalent positions authorized in this
 23 section for the purpose of meeting related
 24 certification requirements or to provide additional
 25 beds.

26 b. An amount equal to the nonfederal share of the
 27 cost to determine the medical assistance eligibility
 28 for individuals pursuant to this subsection shall be
 29 transferred from moneys reimbursed to the Iowa
 30 veterans home pursuant to paragraph "a" and used in
 31 addition to moneys appropriated in this Act for field
 32 operations. The department may exceed the number of
 33 full-time equivalent positions authorized in the field
 34 operations appropriation for the purpose of providing
 35 medical assistance eligibility determinations pursuant
 36 to this subsection.

37 c. The first \$2,372,481 of reimbursements received
 38 from a source other than the state, as a result of the
 39 Iowa veterans home reclassifying 147 beds under the
 40 medical assistance program and opening previously
 41 closed beds, shall be retained by the home and used
 42 for costs associated with the reclassification and

43 reopening of the beds. The moneys retained by the
 44 home pursuant to this paragraph are in addition to
 45 state funds appropriated to the home in this section.
 46 Sec. 818. MENTAL HEALTH INSTITUTES. There is
 47 appropriated from the general fund of the state to the
 48 department of human services for the fiscal year
 49 beginning July 1, 1992, and ending June 30, 1993, the
 50 following amounts, or so much thereof as is necessary,

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1 to be used for the purposes designated:

2 For the state mental health institutes for
 3 salaries, support, maintenance, miscellaneous
 4 purposes, and for not more than the following full-
 5 time equivalent positions:

6	.....	\$ 38,305,300
7	.....	FTEs 978.91

8 1. The funds appropriated and full-time equivalent
 9 positions authorized in this section are allocated as

10 follows:

11 a. State mental health institute at Cherokee:

12	.....	\$ 14,690,000
13	.....	FTEs 381.41

14 b. State mental health institute at Clarinda:

15	.....	\$ 5,660,000
16	.....	FTEs 138.11

17 c. State mental health institute at Independence:

18	.....	\$ 16,500,000
19	.....	FTEs 435.61

20 d. State mental health institute at Mount Pleasant:

21	.....	\$ 1,455,000
22	.....	FTEs 23.75

24 Of the funds allocated in this paragraph, not more
 25 than \$1,070,000 shall be transferred to the department
 26 of corrections for costs associated with the operation
 27 of the campus at Mount Pleasant.

28 2. Within the funds appropriated in this section,
 29 the department may reallocate funds as necessary to
 30 best fulfill the needs of the institutions provided
 31 for in this appropriation.

32 3. The department shall report to the legislative
 33 fiscal bureau, on or before the twentieth day of each
 34 month, the department's current expenditures for the
 35 institutions receiving allocations under this
 36 appropriation. The report shall include a comparison
 37 of actual to budgeted expenditures for each
 38 institution.

39 4. As part of the discharge planning process at

40 the state mental health institutes, the department
 41 shall provide assistance in obtaining eligibility for
 42 federal supplemental security income (SSI) to those
 43 individuals whose care at a state mental health
 44 institute is the financial responsibility of the
 45 state.

46 Sec. 819. HOSPITAL-SCHOOLS. 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, 1992, and ending June 30, 1993, the following
 50 amounts, or so much thereof as is necessary, to be

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1 used for the purposes designated:

2 For the state hospital-schools, for salaries,
 3 support, maintenance, miscellaneous purposes, and for
 4 not more than the following full-time equivalent
 5 positions:

6 \$ 64,260,000
 7 FTEs 1,831.25

8 1. The funds appropriated and full-time equivalent

9 positions authorized in this section are allocated as

10 follows:

11 a. State hospital-school at Glenwood:

12 \$ 34,680,000
 13 FTEs 995.00

14 b. State hospital-school at Woodward:

15 \$ 29,580,000
 16 FTEs 836.25

17 2. Within the funds appropriated in this section,
 18 the department may reallocate funds as necessary to
 19 best fulfill the needs of the institutions provided
 20 for in this appropriation.

21 3. The department shall report to the legislative
 22 fiscal bureau, on or before the twentieth day of each
 23 month, the department's current expenditures for the
 24 institutions receiving allocations under this
 25 appropriation. The report shall include a comparison
 26 of actual to budgeted expenditures for each
 27 institution.

28 Sec. 820. MENTAL HEALTH -- MENTAL RETARDATION --
 29 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is

30 appropriated from the general fund of the state to the
 31 department of human services for the fiscal year
 32 beginning July 1, 1992, and ending June 30, 1993, the
 33 following amount, or so much thereof as is necessary,
 34 to be used for the purpose designated:

35 For mental health, mental retardation, and
 36 developmental disabilities special services:

37 \$ 370,069

38 1. The department and the Iowa finance authority
39 shall develop methods to implement the financing for
40 existing community-based facilities and to implement
41 financing for small community-based facilities,
42 including those facilities which may be developed
43 under a federally approved home and community-based
44 waiver for services provided under the medical
45 assistance program. The department shall develop
46 criteria for these facilities which may include
47 provisions to restrict placements to current state
48 hospital-school clients or to avert the placement of
49 persons in a state hospital-school. The department
50 shall assure that clients are referred to these

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1 facilities upon their development.
2 2. Of the funds appropriated in this section,
3 \$248,862 is allocated to provide supplemental per
4 diems to community-based residential care facilities
5 and community living arrangements. The per diem is
6 restricted to clients placed from the state hospital-
7 schools and persons averted from placement in a state
8 hospital-school who meet the appropriate level of
9 functioning for this type of care.

10 3. Of the funds appropriated in this section,
11 \$121,207 is allocated to provide funds for
12 construction and start-up costs to develop community
13 living arrangements to provide for persons who are
14 mentally ill and homeless. These funds may be used to
15 match federal Stewart B. McKinney Homeless Assistance
16 Act grant funds.

17 Sec. 821. FAMILY SUPPORT SUBSIDY PROGRAM. There
18 is appropriated from the general fund of the state to
19 the department of human services for the fiscal year
20 beginning July 1, 1992, and ending June 30, 1993, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purpose designated:

23 For the family support subsidy program:
24 \$ 1,000,000

25 Sec. 822. SPECIAL NEEDS GRANTS. 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, 1992, and ending June 30, 1993, the
29 following amount, or so much thereof as is necessary,
30 to be used for the purpose designated:

31 To provide special needs grants to families with a
32 family member at home who has a developmental
33 disability or to a person with a developmental

34 disability:
 35 \$ 53,212
 36 Grants must be used by a family to defray special
 37 costs of caring for the family member to prevent out-
 38 of-home placement of the family member or to provide
 39 for independent living costs. A grant may provide up
 40 to \$5,000 per person for costs associated with an
 41 assistive animal. The grants may be administered by a
 42 private nonprofit agency which serves people statewide
 43 provided that no administrative costs are received by
 44 the agency. Regular reports regarding the special
 45 needs grants with the family support subsidy program
 46 and an annual report concerning the characteristics of
 47 the grantees shall be provided to the legislative
 48 fiscal bureau.
 49 Sec. 823. MH/MR/DD STATE CASES -- NON-MH/MR/DD
 50 LOCAL PURCHASES. There is appropriated from the .

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1 general fund of the state to the department of human
 2 services for the fiscal year beginning July 1, 1992,
 3 and ending June 30, 1993, the following amount, or so
 4 much thereof as is necessary, to be used for the
 5 purposes designated:
 6 For purchase of local mental health, mental
 7 retardation, and developmental disabilities services
 8 where the client has no established county of legal
 9 settlement and for allocation to the various counties
 10 for the purchase of local services not related to
 11 mental health, mental retardation, or developmental
 12 disabilities:
 13 \$ 4,980,000
 14 Sec. 824. MENTAL HEALTH -- MENTAL RETARDATION --
 15 DEVELOPMENTAL DISABILITIES -- BRAIN INJURY --COMMUNITY
 16 SERVICES. There is appropriated from the general fund
 17 of the state to the department of human services for
 18 the fiscal year beginning July 1, 1992, and ending
 19 June 30, 1993, the following amount, or so much
 20 thereof as is necessary, to be used for the purpose
 21 designated:
 22 For mental health, mental retardation,
 23 developmental disabilities, and brain injury community
 24 services in accordance with the provisions of this
 25 Act:
 26 \$ 27,280,000
 27 1. Of the funds appropriated in this section,
 28 \$12,273,889 shall be allocated to counties for funding
 29 of community-based mental health, mental retardation,
 30 developmental disabilities, and brain injury services.

31 The moneys shall be allocated to a county as follows:

32 a. Fifty percent based upon the county's
33 proportion of the state's population of persons with
34 an annual income which is equal to or less than the
35 poverty guideline established by the federal office of
36 management and budget.

37 b. Fifty percent based upon the county's
38 proportion of the state's general population.

39 A county shall utilize the funding the county
40 receives pursuant to this subsection for services
41 provided to persons with mental illness, mental
42 retardation, developmental disability, or brain
43 injury. However, no more than 50 percent of the
44 funding shall be used for services provided to any one
45 of the service populations.

46 For the fiscal year beginning July 1, 1992, a
47 county shall use at least 50 percent of the funding
48 the county receives under this subsection for the
49 following contemporary services to persons with mental
50 illness, mental retardation, a developmental

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1 disability, or brain injury:

2 (1) Case management.

3 (2) Supported employment.

4 (3) Community-based housing, including but not
5 limited to group homes with five beds or less which
6 promote quality support services, appropriate levels
7 of independence, and community inclusion for
8 residents. However, expenditures relating to a group
9 home with more than five beds or a group home which
10 does not comply with the location requirements of
11 section 358A.25, subsection 3, or section 414.22,

12 subsection 3, are not eligible for reimbursement.
13 Expenditures for housing provided in intermediate care
14 facilities for the mentally retarded with ten beds or
15 less which received a certificate of need under
16 chapter 135 on or before July 1, 1991, are eligible
17 for payment under this allocation until July 1, 1997.

18 (4) Individual support services provided to
19 individuals living in community-based housing or an
20 independent living arrangement or to individuals and
21 individuals' families when an individual is living
22 with the individual's family. The support services
23 are any service deemed necessary by a county to
24 support an individual in a community-based housing or
25 other living arrangement described in this lettered
26 paragraph, and include any employment, training,
27 crisis intervention, or educational program. The

28 support services may also include provision of or
 29 payment for the costs of food, medical services,
 30 clothing, and counseling.

31 (5) Day programming provided to individuals living
 32 in community-based housing, an independent living
 33 arrangement, or with the individual's family.

34 The mental health and mental retardation commission
 35 shall adopt rules pursuant to chapter 17A describing
 36 the services listed in subparagraphs (1) through (5)
 37 of this subsection.

38 2. Of the funds appropriated in this section
 39 \$30,000 shall be used to support the Iowa compass
 40 program providing computerized information and
 41 referral services for Iowans with disabilities and
 42 their families.

43 3. The department shall submit an annual report
 44 concerning each population served and each service
 45 funded in this section to the chairpersons and ranking
 46 members of the joint human services appropriation
 47 subcommittee and the legislative fiscal bureau.

48 4. a. Provision of funding under subsection 1 is
 49 contingent upon counties establishing mental illness,
 50 mental retardation, developmental disabilities, and

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1 brain injury (MI/MR/DD/BI) planning councils. The
 2 counties shall meet in consultation with service
 3 providers, consumers, and advocates, the department,
 4 and other interested parties in establishing the
 5 planning councils. A planning council's planning area
 6 shall, to the extent possible, utilize the borders of
 7 the county clusters as established pursuant to section
 8 217.42, if enacted in Senate File 2342, and shall
 9 include a population of at least 40,000 and include
 10 counties with a historical pattern of cooperation in
 11 providing MI/MR/DD/BI services. The councils shall be
 12 established on or before September 1, 1992.

13 b. The membership of a planning council shall
 14 include a member of the county board of supervisors of
 15 each county comprising the planning council and a
 16 sufficient number of MI/MR/DD/BI service providers and
 17 service consumers or family members of service
 18 consumers to provide for adequate representation of
 19 the providers and consumers or family members. The
 20 board of supervisors of the counties comprising the
 21 planning council shall determine the size and
 22 membership of the planning council.

23 c. If a county does not establish a planning
 24 council arrangement by September 1, 1992, in

25 accordance with the criteria provided in paragraph
26 "b", the department shall assign that county to a
27 planning council.

28 d. A planning council shall develop plans for the
29 provision of services in the fiscal year beginning
30 July 1, 1993, to persons with MI/MR/DD/BI in the
31 county or counties comprising the planning council.
32 The plans shall be submitted to the department on or
33 before December 1, 1992.

34 5. Of the funds appropriated in this section,
35 \$20,000, or so much thereof as is necessary, shall be
36 transferred to the legislative service bureau and used
37 to contract for the consultant and facilitator
38 required for the task force established in this Act to
39 develop a plan for restructuring the MI/MR/DD/BI
40 service delivery system.

41 6. Of the funds appropriated in this section,
42 \$1,912,335, or so much thereof as is necessary, is
43 allocated to reimburse eligible counties for their
44 expenditures for services provided to persons with
45 mental retardation, a developmental disability, or
46 chronic mental illness during the fiscal year
47 beginning July 1, 1991, and ending June 30, 1992, in
48 accordance with the provisions of section 826,
49 subsection 5, of this Act.

50 7. a. Of the funds appropriated in this section,

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1 \$13,038,776 is allocated for distribution to counties
2 for local purchase of services for persons with mental
3 illness or mental retardation or other developmental
4 disability.

5 b. The funds allocated in this subsection shall be
6 expended by counties in accordance with eligibility
7 guidelines established in the department's rules
8 outlining general provisions for service
9 administration. Services eligible for payment with
10 funds allocated in this subsection are limited to any
11 of the following which are provided in accordance with
12 the department's administrative rules for the
13 services: community supervised apartment living
14 arrangements, residential services for adults,
15 sheltered work, supported employment, supported work
16 training, transportation, and work activity.

17 c. In purchasing services with funds allocated in
18 this subsection, a county shall designate a person to
19 provide for eligibility determination and development
20 of a case plan for individuals for whom the services
21 are purchased. The designated person shall be a

22 medical assistance case manager serving the person's
23 county of residence. If an individual does not have a
24 case manager, the individual's eligibility shall be
25 determined by a social services caseworker of the
26 department serving the individual's county of
27 residence. The case plan shall be developed in
28 accordance with the department's rules outlining
29 general provisions for service administration.

30 d. Services purchased with funds allocated in this
31 subsection must be the result of a referral by the
32 person who identified the services in developing the
33 individual's case plan.

34 e. Services purchased with funds allocated in this
35 subsection must be under a purchase of service
36 contract established in accordance with the
37 department's administrative rules for purchase of
38 service.

39 f. The funds provided by this subsection shall be
40 allocated to each county as follows:

41 (1) Fifty percent based upon the county's
42 proportion of the state's population of persons with
43 an annual income which is equal to or less than the
44 poverty guideline established by the federal office of
45 management and budget.

46 (2) Fifty percent based upon the amount provided
47 to the county for local purchase services under the
48 federal social services block grant in the fiscal year
49 beginning July 1, 1991.

50 g. Each county shall submit to the department a

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1 plan for funding of the services eligible for payment
2 under this subsection. The plan may provide for
3 allocation of the funds for one or more of the
4 eligible services. The plan shall identify the
5 funding amount the county allocates for each service
6 and the time period for which the funding will be
7 available. Only those services which have funding
8 allocated in the plan are eligible for payment with
9 funds provided in this subsection.

10 h. A county shall provide advance notice to the
11 individual receiving services, the service provider,
12 and the person responsible for developing the case
13 plan of the date the county determines that funding
14 will no longer be available for a service.

15 i. Moneys allocated to a county pursuant to
16 paragraph "f" shall be provided to the county as
17 claims are submitted to the state.

18 j. The moneys provided under this subsection do

19 not establish an entitlement to the services funded
20 under this subsection.
21 Sec. 825. TASK FORCE ESTABLISHED.
22 1. For the fiscal year beginning July 1, 1992,
23 there is established a task force to develop a plan
24 for restructuring the service delivery system for
25 persons with mental illness, mental retardation and
26 other developmental disabilities, and brain injury.
27 The task force shall consist of individuals appointed
28 by all of the following entities:
29 a. Iowa state association of counties.
30 b. Iowa association of rehabilitation and
31 residential facilities.
32 c. Alliance for the mentally ill of Iowa.
33 d. Association for retarded citizens of Iowa.
34 e. Community mental health centers association of
35 Iowa.
36 f. Iowa governor's planning council for persons
37 with developmental disabilities.
38 g. Iowa farm bureau federation.
39 h. Iowa federation of labor.
40 i. Iowa association of business and industry.
41 j. Iowa citizen action network.
42 k. Iowa psychiatric society.
43 l. Iowa hospital association.
44 m. Department of human services.
45 n. Iowa coalition.
46 o. Iowa protection and advocacy service.
47 p. Coalition for persons with disabilities.
48 q. Prevention of disabilities policy council.
49 r. Iowa head-injury association.
50 s. Department of management.

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1 t. Governor.
2 u. A member of the senate appointed by the
3 legislative council.
4 v. A member of the house of representatives
5 appointed by the legislative council.
6 2. The task force shall present a plan to the
7 legislative council, the department of human services,
8 and the governor, by December 1, 1992, which will
9 implement a restructuring of the mental health, mental
10 retardation, and developmental disabilities service
11 system to be effective July 1, 1993. However, the
12 funding portion of the plan referred to in paragraph
13 "b" of this subsection is to be effective July 1,
14 1994. The plan shall address, but not be limited to,
15 all of the following:

16 a. Multi-county structures for planning.
17 b. The funding responsibilities and the funding
18 relationship between the state and counties, including
19 but not limited to, the per diem reimbursement paid at
20 the state mental health institutes.

21 c. The structure for service delivery.

22 d. Targeting services for state funding which are
23 aimed at implementing the service quality standards in
24 section 225C.28A and rights in section 225C.28B.

25 The task force shall be assisted by a consultant
26 and facilitator in carrying out its responsibilities
27 under this section.

28 3. It is the intent of the general assembly that
29 the plan developed by the task force created in this
30 section shall be considered for enactment during the
31 1994 Legislative Session.

32 Sec. 826. MH/MR/DD SERVICES UNDER MEDICAL
33 ASSISTANCE --JOINT STATE AND COUNTY FUNDING. There is
34 appropriated from the general fund of the state to the
35 department of human services for the fiscal year
36 beginning July 1, 1992, and ending June 30, 1993, the
37 following amount, or so much thereof as is necessary,
38 to be used for the purpose designated:

39 For mental health, mental retardation, and
40 developmental disabilities services provided under the
41 medical assistance program and jointly funded by the
42 state and counties:

43 \$ 1,907,101

44 1. The enhanced mental health, mental retardation,
45 and developmental disabilities services plan oversight
46 committee is continued, as established under section
47 249A.25, for the fiscal year which begins July 1,
48 1992, and ends June 30, 1993. The oversight committee
49 shall issue a final decision regarding any issue of
50 disagreement between a county and the department

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1 relating to expenditures for candidate services or the
2 county's maintenance of effort.

3 2. For purposes of this section, "candidate,
4 services" means day treatment, partial
5 hospitalization, and case management.

6 3. a. The county of legal settlement shall be
7 billed for 50 percent of the nonfederal share of the
8 cost of case management provided to adults and 100
9 percent of the nonfederal share of the cost of care
10 which is reimbursed under a federally approved home
11 and community-based waiver that would otherwise be
12 approved for provision in an intermediate care

13 facility for the mentally retarded, provided under the
14 medical assistance program for persons with mental
15 retardation, a developmental disability, or chronic
16 mental illness. The state shall have responsibility
17 for the remaining 50 percent of the nonfederal share
18 of the cost of case management provided to adults.
19 For persons without a county of legal settlement, the
20 state shall have responsibility for 100 percent of the
21 nonfederal share of the cost of case management
22 provided to adults and the home and community-based
23 waiver services.

24 b. If the department has contracted with a county
25 or a consortium of counties to be the provider of case
26 management services, the department is responsible for
27 any costs included within the unit rate for case
28 management services which are disallowed for
29 reimbursement pursuant to Title XIX of the federal
30 Social Security Act by the federal health care
31 financing administration. The department shall use
32 funds appropriated under this section to credit a
33 county for the county's share of any amounts overpaid
34 due to the disallowed costs. If certain costs are
35 disallowed due to requirements or preferences of a
36 particular county in the provision of case management
37 services the county shall not receive credit for the
38 amount of the costs.

39 c. The state shall pay the entire nonfederal share
40 of the costs for case management services provided to
41 persons 18 years of age or younger who are served in a
42 medical assistance home and community-based waiver
43 program for persons with mental retardation.

44 4. A county is responsible to continue to expend
45 at least the agreed upon amount expended for services
46 in the fiscal year which ended June 30, 1987, for the
47 fiscal year beginning July 1, 1992, for services to
48 persons with mental retardation, a developmental
49 disability, or chronic mental illness.
50 Notwithstanding section 8.33, if a county does not

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1 expend the agreed upon amount in the fiscal year, the
2 balance not expended shall not revert to the general
3 fund of the county, but shall be carried over to the
4 next fiscal year to be expended for the provision of
5 services to persons with mental retardation, a
6 developmental disability, or mental illness including,
7 but not limited to, the chronically mentally ill, and
8 shall be used as additional funds. The additional
9 funds shall be used, to the greatest extent possible,

10 to meet unmet needs of persons with mental
11 retardation, a developmental disability, or mental
12 illness. This subsection does not relieve the county
13 from any other funding obligations required by law,
14 including but not limited to the obligations in
15 section 222.60.

16 5. The department, in conjunction with the
17 oversight committee, and with the agreement of each
18 county, shall establish the actual amount expended for
19 each candidate service for persons with mental
20 retardation, a developmental disability, or chronic
21 mental illness in the fiscal year which ended June 30,
22 1987, and this amount shall be deemed each county's
23 base year expenditure for the candidate service. A
24 disagreement between the department and a county as to
25 the actual amount expended shall be decided by the
26 oversight committee.

27 The department, in conjunction with the oversight
28 committee, and with the agreement of each county,
29 shall determine the expenditures in the fiscal year
30 beginning July 1, 1991, by each county for the
31 candidate services, including the amount the county
32 contributes under subsection 3. If the expenditures
33 in the fiscal year beginning July 1, 1991, exceed the
34 base year expenditures for candidate services, then
35 the county shall receive from the funds appropriated
36 under this section the least amount of the following:
37 a. The difference between the total expenditures
38 for the candidate services in the fiscal year
39 beginning July 1, 1991, and the base year
40 expenditures.

41 b. The amount expended by the county under
42 subsection 3 for candidate services in the fiscal year
43 beginning July 1, 1991.

44 c. The amount by which total expenditures for
45 persons with mental retardation, a developmental
46 disability, or chronic mental illness for the fiscal
47 year beginning July 1, 1991, less any carryover amount
48 from the fiscal year which began July 1, 1990, exceed
49 the maintenance of effort expenditures under
50 subsection 4.

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1 The department may utilize a debit-credit approach
2 in order to implement the financial transactions with
3 counties required by this subsection. It is the
4 intent of the general assembly that reimbursement to
5 counties in accordance with the provisions of this
6 subsection shall be discontinued for succeeding fiscal

7 years.

8 6. Notwithstanding section 225C.20, case
9 management services shall be provided by the
10 department except when a county or a consortium of
11 counties contracts with the department to provide the
12 services. A county or consortium of counties may
13 contract to be the provider at any time and the
14 department shall agree to the contract so long as the
15 contract meets the standards for case management
16 adopted by the department. The county or consortium
17 of counties may subcontract for the provision of case
18 management services if the subcontract meets the same
19 standards. A mental health, mental retardation, and
20 developmental disabilities coordinating board may
21 change the provider of individual case management
22 services at any time. If the current or proposed
23 contract is with the department, the coordinating
24 board shall provide written notification of a proposed
25 change to the department on or before August 15 and
26 written notification of an approved change on or
27 before October 15 in the fiscal year which precedes
28 the fiscal year in which the change will take effect.

29 7. This section does not relieve the county from
30 any other funding obligations required by law,
31 including but not limited to the obligations in
32 section 222.60.

33 8. Nothing in this Act is intended by the general
34 assembly to be the provision of a fair and equitable
35 funding formula specified in 1985 Iowa Acts, chapter
36 249, section 9. Nothing in this division shall be
37 construed as, is intended as, or shall imply a claim
38 of entitlement to any programs or services specified
39 in section 225C.28.

40 9. For the purposes of this section only, persons
41 with mental disorders resulting from Alzheimer's
42 disease or substance abuse shall not be considered
43 chronically mentally ill.

44 10. Where the department contracts with a county
45 or consortium of counties to provide case management
46 services, the state shall appear and defend the
47 department's employees and agents acting in an
48 official capacity on the department's behalf and the
49 state shall indemnify the employees and agents for
50 acts within the scope of their employment. The

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1 state's duties to defend and indemnify shall not apply
2 if the conduct upon which any claim is based
3 constitutes a willful and wanton act or omission or

4 malfeasance in office.

5 11. Medical assistance funding for case management
6 services for eligible persons 18 years of age and
7 under shall also be provided to persons residing in
8 counties with decategorization projects, provided
9 these projects have included these persons in their
10 service plan and the decategorization project county
11 is willing to provide the nonfederal share of costs.

12 12. The department shall explore the feasibility of
13 of obtaining federal approval of additional medical
14 assistance home and community-based waivers for
15 services to persons with a developmental disability.
16 The department shall also explore the feasibility of
17 implementing an option under the medical assistance
18 program for rehabilitative services to persons with
19 chronic mental illness. If either item is determined
20 to be feasible, implementation of any new provision
21 shall be deferred until fiscal year 1993-1994.

22 Sec. 827. FIELD OPERATIONS. There is appropriated
23 from the general fund of the state to the department
24 of human services for the fiscal year beginning July
25 1, 1992, and ending June 30, 1993, the following
26 amount, or so much thereof as is necessary, to be used
27 for the purpose designated:

28 For field operations, including salaries, support,
29 maintenance, miscellaneous purposes, and for not more
30 than the following full-time equivalent positions:

31	\$ 37,084,000
32	FTEs 2,130.00

33 1. Staff who are designated as "Title XIX case
34 management staff" are considered to be in addition to
35 the limit for full-time equivalent positions and the
36 funds appropriated for field operations. The
37 department shall report quarterly to the chairpersons
38 and ranking members of the legislative fiscal
39 committee of the legislative council, the members of
40 the joint human services appropriations subcommittee,
41 and the legislative fiscal bureau regarding the total
42 number of Title XIX case management staff positions
43 filled, including the number of positions which were
44 filled by persons who were already employed by the
45 department in another capacity.

46 2. Upon the request of a county, the department
47 shall work with the county to develop a funding plan
48 for persons with mental retardation, a developmental
49 disability, or chronic mental illness who are not
50 eligible to receive case management provided under the

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1 medical assistance program and are receiving service
2 management. With an agreed upon funding plan, the
3 department is authorized to combine state funds that
4 would otherwise be expended on service management with
5 county funds to upgrade services provided to the
6 persons from service management to case management.
7 Staff required to implement this subsection are not
8 subject to the limitations on full-time equivalent
9 positions and funds appropriated for field operations.
10 3. If the field operations staffing level meets
11 the funded full-time equivalent position limit
12 authorized in this section and a region identifies a
13 critical position vacancy or a position with a
14 caseweight factor greater than 120 percent of the
15 budgeted caseweight factor for the position, the
16 director of human services may exceed the full-time
17 equivalent position limit imposed under this section
18 in the amount necessary to fill the critical position
19 vacancy or to reduce the caseweight factor to the
20 budgeted level. For purposes of this subsection,
21 "critical position vacancy" includes a clerical
22 position in an office limited to a single clerical
23 staff position. The maximum caseweight factor for the
24 fiscal year beginning July 1, 1992, and ending June
25 30, 1993, is 213 for income maintenance workers and
26 208 for service workers. If the department is able to
27 increase federal financial participation relating to
28 field operations, the moneys shall be used to reduce
29 the budgeted caseweight factor funded by the
30 appropriation in this section for income maintenance
31 and service workers. In addition, if the field
32 operations staffing level meets the funded full-time
33 equivalent position limit imposed in this section and
34 there is a critical position vacancy in the state or
35 the statewide average caseweight factor for a
36 particular type of position exceeds 105 percent of the
37 maximum caseweight factor for that type of position,
38 the director of human services may exceed the full-
39 time equivalent position limit imposed in this section
40 in an amount necessary to fill the critical position
41 vacancy or to reduce the caseweight factor to the
42 maximum level. If expenditures remain within the
43 amount appropriated in this section, the department
44 may exceed the full-time equivalent position limit
45 imposed in this section. The department shall report
46 monthly to the chairpersons and ranking members of the
47 joint human services appropriations subcommittee and
48 to the legislative fiscal bureau regarding caseweight
49 factor computations in each region, the statewide
50 average caseweight factor, the existence of a critical

1 position vacancy in any region, and action taken by
 2 the department to address any critical position
 3 vacancy problem or excess caseweight factor.
 4 4. Notwithstanding the full-time equivalent
 5 position limit imposed in this section, a county
 6 implementing a decategorization project, consistent
 7 with the county's decategorization plan, may modify
 8 the staffing level in the county's human services
 9 office and the modification shall not affect other
 10 county or regional human services staffing levels and
 11 shall not be considered to be subject to the full-time
 12 equivalent position limit imposed in this section.

13 5. If the amount of the nonfederal portion of a
 14 field operations income maintenance worker's salary,
 15 benefits, and support costs are paid to the department
 16 by a hospital or health center, the costs associated
 17 with that worker and that worker shall be considered
 18 to be in addition to the amount appropriated and full-
 19 time equivalent positions authorized in this
 20 appropriation for field operations.

21 6. If a county supplements a full or partial full-
 22 time equivalent position, the supplemented position is
 23 considered to be in addition to the amount
 24 appropriated and full-time equivalent positions
 25 authorized in this appropriation for field operations.

26 Sec. 828. GENERAL ADMINISTRATION. There is
 27 appropriated from the general fund of the state to the
 28 department of human services for the fiscal year
 29 beginning July 1, 1992, and ending June 30, 1993, the
 30 following amount, or so much thereof as is necessary,
 31 to be used for the purpose designated:

32 For general administration, including salaries,
 33 support, maintenance, miscellaneous purposes, and for
 34 not more than the following full-time equivalent
 35 positions:

36	\$ 8,698,000
37	FTEs 358.26

38 1. Full-time equivalent positions which are funded
 39 entirely with federal, public, or private grants are
 40 exempt from the limits on the number of full-time
 41 equivalent positions provided in this section, but are
 42 approved only for the period of time for which the
 43 federal funds or grants are available for the
 44 position.

45 2. The department shall continue its activities in
 46 applying to the Robert Wood Johnson foundation for a
 47 grant to investigate the feasibility of establishing a
 48 system with a single state authority and regional

49 subauthorities for the planning, funding, and
50 administration of services for persons with mental

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1 illness. The application process shall be coordinated
2 with the requirements of the federal Mental Health
3 Planning Act, Pub. L. No. 99-660, and federal mental
4 health law amendments enacted in 1990. The department
5 shall work with legislators, advocacy groups, county
6 representatives, and service providers as necessary in
7 developing the grant application. The department
8 shall report to the joint human services
9 appropriations subcommittee on or before January 11,
10 1993.

11 3. The department, in consultation with the child
12 development coordinating council and the family
13 development and self-sufficiency council, shall
14 consider the feasibility of developing a proposal for
15 submission to the federal family support
16 administration for a state family resource and support
17 program grant under the federal Claude Pepper Young
18 Americans Act of 1990, Pub. L. No. 101-501 § 933, as
19 codified in 42 U.S.C. § 12339. The department may
20 also apply for a planning grant under that Act. In
21 making application for a grant, the department shall
22 build upon existing effective programs in Iowa
23 provided through the child development coordinating
24 council, the family development and self-sufficiency
25 council, adolescent pregnancy prevention grants, and
26 child abuse prevention grants.

27 Sec. 829. PREVENTION OF DISABILITIES POLICY

28 COUNCIL. There is appropriated from the general fund
29 of the state to the prevention of disabilities policy
30 council established in section 225B.3 for the fiscal
31 year beginning July 1, 1992, and ending June 30, 1993,
32 the following amount, or so much thereof as is
33 necessary, to be used for the purpose designated:

34 For performance of the council's duties in
35 accordance with chapter 225B:
36 \$ 27,090

37 Sec. 830. VOLUNTEERS. There is appropriated from
38 the general fund of the state to the department of
39 human services for the fiscal year beginning July 1,
40 1992, and ending June 30, 1993, the following amount,
41 or so much thereof as is necessary, to be used for the
42 purpose designated:

43 For development and coordination of volunteer
44 services:
45 \$ 85,793

46 Sec. 831. "X-PERT" PUBLIC ASSISTANCE BENEFIT
47 ELIGIBILITY DETERMINATION SYSTEM. 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, 1992, and ending June 30, 1993, 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 the first year development costs of the "X-
4 PERT" knowledge-based computer software package for
5 public assistance benefit eligibility determination,
6 including salaries, support, maintenance,
7 miscellaneous purposes, and for not more than the
8 following full-time equivalent positions:

9	\$	453,204
10	FTEs	17.0

11 The department shall complete all of the following
12 requirements relating to implementation of the X-PERT
13 system:

- 14 1. Complete an assessment of the relative
15 appropriateness and cost-effectiveness of the various
16 options for developing the X-PERT system. The
17 assessment shall include an evaluation of the relative
18 merits of using various computer hardware platforms
19 including, but not limited to, mainframe computers,
20 distributed processing, and personal microcomputers.
21 The department shall utilize experts and resources
22 from the private sector and shall ensure that the
23 assessment is independent of influence from potential
24 system vendors. The department shall report to the
25 chairpersons and ranking members of the joint human
26 services appropriations subcommittee and the
27 legislative fiscal bureau no later than October 1,
28 1992.
- 29 2. Complete a detailed work plan for the
30 development, testing, pilot implementation, and full
31 implementation of the X-PERT system by August 1, 1994.
32 The work plan shall contain an assessment of the
33 fiscal and staff resources required to meet this time
34 frame and the availability of these resources. The
35 work plan shall be completed on or before September 1,
36 1992.
- 37 3. Develop, in cooperation with the legislative
38 fiscal bureau, a methodology for measuring costs and
39 savings resulting from the development and
40 implementation of the X-PERT system. The methodology
41 shall provide for separate measurement of both actual
42 reductions in expenditures and avoidance of increased

43 expenditures. The department shall implement the
44 methodology during the development of the system and
45 shall report quarterly regarding implementation of the
46 methodology to the chairpersons and ranking members of
47 the joint human services appropriations subcommittee
48 and the legislative fiscal bureau.

49 Sec. 832. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
50 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED

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1 UNDER THE DEPARTMENT OF HUMAN SERVICES.

2 1. a. For the fiscal year beginning July 1, 1992,
3 the department of human services may allocate any
4 increases for durable medical products and supplies so
5 that equipment and supplies which have greater
6 wholesale cost increases may be reimbursed at a higher
7 rate and those which have a lower or no wholesale cost
8 increase may be reimbursed at a lower rate or have no
9 increase.

10 b. For the fiscal year beginning July 1, 1992, the
11 following shall have their medical assistance
12 reimbursement rates increased by 10 percent over the
13 rates in effect on June 30, 1992: early and periodic
14 screening, diagnosis, and treatment program providers,
15 providers of obstetric services when provided by
16 physicians or certified nurse-midwives, and pediatric
17 services.

18 c. The department shall revise the reimbursement
19 methodology used for clinics, including family
20 planning clinics, from a rate paid per visit based
21 upon cost to a fixed fee schedule.

22 d. The dispensing fee for pharmacists shall remain
23 at the rate in effect on June 30, 1992. The
24 reimbursement policy for drug product costs shall be
25 in accordance with federal requirements. Total
26 adjustments to reimbursements for prescription drugs
27 shall remain within funds appropriated.

28 e. Reimbursement rates for in-patient hospital
29 services shall be increased by 1 percent over the
30 rates in effect on June 30, 1992.

31 f. Reimbursement rates for rural health clinics
32 shall be increased in accordance with increases under
33 the federal medicare program.

34 g. Home health agencies certified for the federal
35 medicare program, hospice services, and acute care
36 mental hospitals shall be reimbursed for their current
37 federal medicare audited costs.

38 h. The basis for establishing the maximum medical
39 assistance reimbursement rate for nursing facilities

40 shall be the 70th percentile of facility costs as
41 calculated from the June 30, 1992, unaudited
42 compilation of cost and statistical data.
43 i. The department may revise the fee schedule used
44 for physician reimbursement.
45 j. Federally qualified health centers shall be
46 reimbursed at 100 percent of reasonable costs as
47 determined by the department in accordance with
48 federal requirements.
49 k. The department shall review and utilize small
50 area analysis to identify differences in utilization

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1 of physician and hospital services. Within funds
2 appropriated, the department shall seek to revise
3 reimbursement methodologies for providers and shall
4 seek to equalize reimbursement rates between
5 providers. In addition, the department shall identify
6 incentives to reward efficient, effective, and quality
7 care.
8 2. For the fiscal year beginning July 1, 1992, the
9 maximum cost reimbursement rate for residential care
10 facilities reimbursed by the department shall be
11 \$19.62 per day. The flat reimbursement rate for
12 facilities electing not to file semiannual cost
13 reports shall be \$14.03 per day. For the fiscal year
14 beginning July 1, 1992, the maximum reimbursement rate
15 for providers reimbursed under the in-home health-
16 related care program shall be \$390.15 per month.
17 3. If the department's reimbursement methodology
18 for any provider reimbursed in accordance with this
19 section includes an inflation factor, this factor
20 shall not exceed the amount by which the consumer
21 price index for all urban consumers increased during
22 the calendar year ending December 31, 1991.
23 4. a. The department of human services shall make
24 reimbursement payments directly to foster parents for
25 services provided to children pursuant to section
26 234.6, subsection 6, paragraph "b", or section 234.35.
27 For each of the following fiscal years, the
28 reimbursement rate shall be based upon the indicated
29 percentage of the current United States department of
30 agriculture estimate of the cost to raise a child:
31 1992-1993, 65 percent; 1993-1994, 75 percent; and
32 1994-1995, 80 percent. The department may pay an
33 additional stipend for a child with special needs.
34 b. In the 1992-1993 fiscal year, the basic
35 maintenance rate for children ages 0 through 5 years
36 shall be \$258, the rate for children ages 6 through 11

37 years shall be \$289, the rate for children ages 12
38 through 15 years shall be \$328, and the rate for
39 children ages 16 and older shall be \$356. The
40 department shall increase the monthly allowance for
41 children in independent living from \$300 to \$400. The
42 department may adopt emergency rules to implement the
43 provisions of this subsection.

44 5. For the fiscal year beginning July 1, 1992, the
45 maximum reimbursement rates for social service
46 providers other than child day care providers shall be
47 the same as the rates in effect on June 30, 1991,
48 except under any of the following circumstances:

49 a. If a new service was added after June 30, 1991,
50 the initial reimbursement rate for the service shall

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1 be based upon actual and allowable costs.

2 b. If a social service provider loses a source of
3 income used to determine the reimbursement rate for
4 the provider, the provider's reimbursement rate may be
5 adjusted to reflect the loss of income, provided that
6 the lost income was used to support actual and
7 allowable costs of a service purchased under a
8 purchase of service contract.

9 6. The department may adopt emergency rules to
10 implement the provisions of this section.

11 Sec. 833. ASSISTANCE TO GAMBLERS. 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, 1992, and ending June 30, 1993, the
15 following amount, or so much thereof as is necessary,
16 to be used for the purpose designated:

17 For the gamblers assistance program:

18 \$ 250,000

19 The Iowa lottery board and the state racing and
20 gaming commission shall cooperate with the gamblers
21 assistance program to incorporate information
22 regarding the gamblers assistance program and its
23 toll-free telephone number in printed materials
24 distributed by the board and commission. The
25 commission may require licensees to have the
26 information available in a conspicuous place as a
27 condition of licensure.

28 Sec. 834. FULL-TIME EQUIVALENT LIMIT NOTIFICATION.

29 The Iowa veterans home, the state mental health
30 institutes, and the state hospital-schools may exceed
31 the number of full-time equivalent positions
32 authorized in this Act if the additional positions are
33 specifically related to licensing, certification, or

34 accreditation standards or citations. The department
35 shall notify the co-chairpersons and ranking members
36 of the joint human services appropriations
37 subcommittee and the legislative fiscal bureau if the
38 specified number is exceeded. The notification shall
39 include an estimate of the number of full-time
40 equivalent positions added and the fiscal effect of
41 the addition.

42 Sec. 835. MEDICAL ASSISTANCE STUDY. The
43 department of management shall utilize a task force to
44 perform a study of the medical assistance program.
45 The study parameters shall include but are not limited
46 to reimbursement rates, accuracy and improvement of
47 fiscal projections, scope of covered services, cost
48 containment provisions, relative growth of the
49 program, and the relationship with other health
50 coverages. The task force membership shall include

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1 consumers, service providers, affected governmental
2 agencies, and four legislators appointed by the
3 majority and minority leader of the senate and the
4 speaker and minority leader of the house of
5 representatives. The study findings and
6 recommendations shall be submitted to the governor and
7 the general assembly on or before January 1, 1993.

8 Sec. 836. HEALTH DATA COMMISSION STUDY. The
9 health data commission shall study the feasibility of
10 creating an electronic network to transmit all claims
11 payable to third-party payors and the feasibility of
12 using this data transmission network to establish a
13 statewide health data repository. The commission
14 shall submit a report of the findings of the study to
15 the general assembly by January 1, 1993.

16 Sec. 837. 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. 838. STATE INSTITUTIONS -- CLOSINGS AND
40 REDUCTIONS. If a state institution administered by
41 the department of human services is to be closed or
42 reduced in size, prior to the closing or reduction the
43 department shall initiate and coordinate efforts in
44 cooperation with the Iowa department of economic
45 development to develop new jobs in the area in which
46 the state institution is located.

47 Sec. 839. MEDICAL ASSISTANCE -- ENHANCED SERVICES
48 FOR HIGH-RISK PREGNANCIES. There is appropriated from
49 the general fund of the state to the department of
50 human services for the fiscal year beginning July 1,

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1 1992, and ending June 30, 1993, the following amount,
2 or so much thereof as is necessary, to be used for the
3 purpose designated:

4	1. For provider costs to perform risk assessments		
5	for pregnant women eligible for medical assistance:		
6	.....	\$	71,000
7	2. For medical assistance costs to provide		
8	enhanced services for high-risk pregnancies in		
9	accordance with this section:		
10	.....	\$	72,000

11 The department of human services and the Iowa
12 department of public health shall jointly develop risk
13 assessment criteria which shall be applied to all
14 pregnant women eligible for medical assistance. If a
15 pregnant woman is determined to have a high-risk
16 pregnancy by use of the risk assessment, enhanced
17 services shall be made available to the woman.
18 Enhanced services shall include care coordination,
19 health education, social services, nutrition
20 education, and a postpartum home visit. The
21 department of human services may adopt emergency rules
22 to implement the provisions of this section.

23 Sec. 840. APPROPRIATION -- INFANT MORTALITY AND
24 MORBIDITY -- HEALTHY FAMILY PROGRAM. There is
25 appropriated from the general fund of the state to the
26 Iowa department of public health, for the fiscal year
27 beginning July 1, 1992, and ending June 30, 1993, the

28 following amount, or so much thereof as is necessary,
29 for the purposes designated:

30 \$ 165,000

31 1. Of the moneys appropriated in this section, not
32 more than \$25,000 shall be used for departmental staff
33 support of a multidisciplinary team conducting
34 research concerning the causes of individual infant
35 deaths in the state. Funding of the multidisciplinary
36 team concerning an individual case shall be used
37 solely for research purposes.

38 2. Of the moneys appropriated under this section,
39 not more than \$140,000 shall be used to increase the
40 use of mid-level practitioners to improve access to
41 prenatal health care. The funds shall be used to
42 issue three grants in equal amounts to hospitals,
43 public health programs, or maternal health clinics to
44 develop programs to provide services to pregnant
45 women, utilizing nurse midwives with hospital
46 privileges and physician support, in areas of the
47 state with insufficient availability of obstetrical
48 services.

49 Sec. 841. IOWA CENTER FOR HEALTH ISSUES -
50 ESTABLISHED. There is appropriated from moneys

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1 collected by the division of insurance pursuant to
2 section 505.7, subsection 3, from the amount collected
3 in excess of \$310,815, to the division of insurance
4 for the fiscal year beginning July 1, 1992, and ending
5 June 30, 1993, the following amount, or so much
6 thereof as is necessary to be used for the purposes
7 designated:

8 For the awarding of a grant, by the division, to a
9 private institution to establish a center for use as a
10 forum for the purposes of community discussion and
11 consensus building, public education, and research in
12 the area of health care and health-related issues,
13 particularly in the area of ethical decision making:

14 \$ 75,000

15 Criteria for the awarding of a grant includes but
16 is not limited to:

17 1. That the recipient be a private institution
18 which is centrally located in the state, which does
19 not directly provide medical or health services, and
20 which has developed credibility among the health care
21 and business community.

22 2. That the institution is able to draw from a
23 variety of disciplines including but not limited to
24 the health services, law, sociology, insurance,

25 economics, education, and public administration in
26 carrying out the purpose of the center.
27 3. That the institution provide physical space for
28 the holding of meetings, forums, and other activities
29 of the center, and that the institution be capable of
30 holding meetings, forums, and other activities
31 throughout the state.

32 4. That the institution provide or develop
33 independent funding, in an amount which is one dollar
34 for every state dollar provided, from sources
35 including but not limited to private contributions or
36 federal funding.

37 The grant recipient shall cooperate with the
38 division in establishing the center. The division
39 shall perform ongoing evaluation of the activities of
40 the center and shall make recommendations to the grant
41 recipient regarding improved effectiveness of the
42 activities of the center.

43 Sec. 842. VERIFICATION OF SPENDING REDUCTIONS.

44 The department of human services, the Iowa department
45 of public health, and the commissioner of insurance,
46 shall submit reports to the governor and the general
47 assembly by January 15, 1993, regarding the
48 effectiveness or proposed effectiveness of the
49 initiatives established in sections 839 through 841 of
50 this Act in reducing health care costs.

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1 Sec. 843. NEW SECTION. 135.106 IOWA HEALTHY
2 FAMILY PROGRAM -- ESTABLISHED.

3 1. The Iowa department of public health shall
4 establish an Iowa healthy family program to provide
5 services to families and children during the prenatal
6 through preschool years. The program shall be
7 designed to promote optimal child development, improve
8 family coping skills and functioning, and promote
9 positive parenting skills and intrafamilial
10 interaction, with the goal of prevention of child
11 abuse and neglect.

12 2. The program shall include the following
13 components which shall be developed and implemented to
14 provide for coordination of services to the greatest
15 extent possible:

16 a. An infant mortality and morbidity prevention
17 program.

18 b. A prenatal to preschool family and child
19 protection services program.

20 3. The infant mortality and morbidity prevention
21 program shall include, but is not limited to, the

22 following components:

23 a. The establishment of pilot projects, through
24 the awarding of grants, in three counties of the state
25 which have areas with the state's highest infant
26 mortality rates, to identify barriers to positive
27 birth outcomes, to encourage collaboration and
28 cooperation among providers of health care, social
29 services, and other services to pregnant women and
30 infants, and to encourage pregnant women and women of
31 childbearing years to seek health care and other
32 services which result in positive birth outcomes.

33 b. The establishment of a resource mothers program
34 to provide pregnant and postpartum women with
35 individual guidance, information, and access to health
36 care. As used in this section, "resource mothers
37 program" means a community outreach program which
38 provides for home visits by women who have experience
39 as mothers and who have knowledge of health care
40 services, social services, or related fields of
41 services and who provide pregnant and postpartum women
42 with information and access to health care and other
43 services necessary for positive birth outcomes.

44 4. The prenatal to preschool family and child
45 protection services program shall be developed and
46 implemented by the recipient of a grant awarded by the
47 department and shall include but is not limited to all
48 of the following components:

49 a. Systematic hospital-based screening for the
50 highest percent of high-risk families of newborns in

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1 specific geographic areas. The systematic hospital-
2 based screening component shall provide that a
3 resource mother identifies hospital admissions data
4 for childbirths to determine high-risk families, based
5 upon risk indicators developed by rule of the
6 department. The woman who is a member of a family
7 which is identified to be at high-risk shall be
8 interviewed by the resource mother to encourage the
9 woman to accept services including but not limited to
10 home visits, support services, and instruction in
11 child care and development.

12 b. Community-based home visiting family support
13 services. Following identification of a family as
14 high-risk and acceptance of a family of services under
15 the program, the resource mother shall initiate home
16 visits to assess the needs of the family and to refer
17 the family to appropriate services.

18 c. Individualization of the intensity of services

19 based upon the family's need and level of risk. The
20 resource mother shall assess the specific needs of the
21 participating family to ensure appropriate access to
22 services and necessary frequency of services.
23 d. Linkage to a "medical home". The resource
24 mother shall assist participating families in the
25 selection of a primary care provider in order to
26 promote preventive health care and positive child
27 development. The resource mother assigned to a family
28 shall track the scheduling and completion of and the
29 provision of transportation to health care visits.
30 The resource mother shall also review the results of
31 health care visits and coordinate future visits or
32 referrals to necessary services.
33 e. Coordination of a range of health and social
34 services for at-risk families, including the provision
35 of the appropriate levels or types of immunizations to
36 children participating in the program.
37 f. Continuous follow-up with the family until the
38 identified child reaches age three, except in the case
39 of high-risk families in which case the follow-up
40 shall continue to age four.
41 g. A structured training program in the dynamics
42 of abuse and neglect. The grant recipient shall
43 provide a training program to establish uniform
44 standards for service delivery.
45 h. Provision of crisis child care through
46 utilization of existing child care services to
47 participants in the program.
48 i. Evaluation of the program, including an
49 evaluation of the effects on the reduction in risk
50 factors for the participants, an evaluation of the

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1 services provided, and recommendations for changes in
2 or expansion of the program.
3 j. To the extent possible, private party, third
4 party, and medical assistance including the early and
5 periodic screening, diagnosis, and treatment (EPSDT)
6 program, shall be utilized as a reimbursement to
7 defray the costs of services provided.
8 5. The department shall adopt rules to establish
9 and implement the healthy family program which address
10 all of the following:
11 a. The entering of an interagency agreement with
12 the department of human services by which the
13 department may refer a family at high-risk, based upon
14 reports to the department of human services, of the
15 need for services.

16 b. The criteria for the awarding of a grant for
 17 the development and implementation of the infant
 18 mortality and morbidity prevention pilot program and
 19 for the development and implementation of the prenatal
 20 to preschool family and child protection services
 21 program.

22 c. The components required of a grant applicant
 23 for inclusion in an infant mortality and morbidity
 24 prevention pilot program proposal and in a prenatal to
 25 preschool family and child protection services program
 26 proposal.

27 d. Establishment of risk indicators to be used in
 28 the systematic hospital-based screening component of
 29 the prenatal to preschool family and child protection
 30 services program.

31 e. Designation of the areas of the counties
 32 selected for implementation of the infant mortality
 33 and morbidity prevention pilot program which have the
 34 highest infant mortality rate based on census tracts.

35 f. Designation, in cooperation with the grant
 36 recipient, of the counties of the state for
 37 implementation of the prenatal to preschool family and
 38 child protection services program.

39 Sec. 844. Section 135C.2, subsection 5, paragraph
 40 b, Code Supplement 1991, is amended to read as
 41 follows:

42 b. A facility must be located in an area zoned for
 43 single or multiple-family housing or in an
 44 unincorporated area and must be constructed in
 45 compliance with applicable local housing codes
 46 requirements and the rules adopted for the special
 47 classification by the state fire marshal in accordance
 48 with the concept of the least restrictive environment
 49 for the facility residents. The rules adopted by the
 50 state fire marshal for the special classification

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1 shall be no more restrictive than the rules adopted by
 2 the state fire marshal for demonstration waiver
 3 project facilities pursuant to 1986 Iowa Acts, chapter
 4 1246, section 206, subsection 2. Local housing codes
 5 requirements shall not be more restrictive than the
 6 rules adopted for the special classification by the
 7 state fire marshal and the state building code
 8 requirements for single or multiple-family housing.

9 Sec. 845. NEW SECTION. 148E.1 DEFINITIONS.

10 As used in this chapter, unless the context
 11 otherwise requires:

12 1. "Acupuncture" means promoting, maintaining, or

13 restoring health based on traditional oriental medical
14 concepts of treating specific areas of the human body,
15 known as acupuncture points or meridians, by
16 performing any of the following practices:

17 a. Inserting acupuncture needles.
18 b. Moxibustion.
19 c. Applying manual, conductive thermal, or
20 electrical stimulation through use of acupuncture
21 needles or any other secondary therapeutic technique
22 except for use of other electromagnetic or ultrasound
23 energy sources.

24 2. "Acupuncturist" means a person who is engaged
25 in the practice of acupuncture.

26 3. "Board" means the board of medical examiners
27 established in chapter 147.

28 4. "Department" means the Iowa department of
29 public health.

30 Sec. 846. NEW SECTION. 148E.2 REGISTRATION AND
31 RENEWAL REQUIRED.

32 A person shall not engage in the practice of
33 acupuncture unless the person has registered with the
34 board and received a certificate of registration
35 pursuant to this chapter. Registration shall be
36 renewed annually. The board shall charge a fee for
37 renewal.

38 Sec. 847. NEW SECTION. 148E.3 REGISTRATION
39 REQUIREMENTS AND RECIPROCAL AGREEMENTS.

40 1. A person shall be registered as an
41 acupuncturist and issued a certificate of registration
42 by the board, if the person does all of the following:

43 a. Submits a completed application form as
44 provided by the board and the application fee as
45 required by the board.

46 b. Successfully completes and passes the
47 certification and examination process of the national
48 commission for the certification of acupuncture.

49 c. Successfully completes a training program which
50 conforms to standards established by the national

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1 commission for the certification of acupuncture.

2 2. The board may register a person as an
3 acupuncturist and issue a certificate of registration
4 based upon a reciprocal agreement pursuant to chapter
5 147.

6 Sec. 848. NEW SECTION. 148E.4 DISPLAY OF
7 CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

8 An acupuncturist shall display the certificate of
9 registration issued pursuant to section 148E.3 in a

10 conspicuous place in the acupuncturist's place of
 11 business. An acupuncturist shall provide to each
 12 patient upon initial contact with the patient the
 13 following information in written form:

14 1. The name, business address, and business phone
 15 number of the acupuncturist.

16 2. A fee schedule.

17 3. A listing of the acupuncturist's education,
 18 experience, degrees, certificates, or credentials
 19 related to acupuncture awarded by professional
 20 acupuncture organizations, the length of time required
 21 to obtain the degrees or credentials, and experience.

22 4. A statement indicating any license,
 23 certificate, or registration in a health care
 24 occupation which was revoked by any local, state, or
 25 national health care agency.

26 5. A statement that the acupuncturist is complying
 27 with rules adopted by the department or the board,
 28 including a statement that only presterilized,
 29 disposable needles are used by the acupuncturist.

30 6. A statement indicating that the practice of
 31 acupuncture is regulated by the department.

32 Sec. 849. NEW SECTION. 148E.5 USE AND DISPOSAL
 33 OF NEEDLES.

34 An acupuncturist shall use only presterilized,
 35 disposable needles, and shall provide for adequate
 36 disposal of used needles.

37 Sec. 850. NEW SECTION. 148E.6 REVOCATION OR
 38 SUSPENSION OF CERTIFICATE AND REGISTRATION.

39 In addition to the grounds for revocation or
 40 suspension referred to in section 147.55, the
 41 registration and certificate of registration to
 42 practice acupuncture shall be revoked or suspended
 43 when the acupuncturist is guilty of any of the
 44 following acts or offenses:

45 1. Failure to provide information as required in
 46 section 148E.4 or provision of false information to
 47 patients.

48 2. Acceptance of remuneration for referral of a
 49 patient to other health professionals.

50 3. Offering of or giving of remuneration for the

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1 referral of patients, not including paid
 2 advertisements or marketing services.

3 4. Failure to comply with this chapter, rules
 4 adopted pursuant to this chapter, or applicable
 5 provisions of chapter 147.

6 5. Engaging in sexual activity or genital contact

7 with a patient while acting or purporting to act
 8 within the scope of practice, whether or not the
 9 patient consented to the sexual activity or genital
 10 contact.

11 6. Disclosure of confidential information
 12 regarding the patient.

13 Sec. 851. NEW SECTION. 148E.7 ACCIDENT AND
 14 HEALTH INSURANCE COVERAGE.

15 This chapter shall not be construed to require
 16 accident and health insurance coverage for acupuncture
 17 services under an existing or future contract or
 18 policy for insurance issued or issued for delivery in
 19 this state, unless otherwise provided by the contract
 20 or policy.

21 Sec. 852. NEW SECTION. 148E.8 SCOPE OF CHAPTER.

22 This chapter does not apply to a person who is
 23 licensed as a physician, as defined in section 135.1,
 24 or as a dentist.

25 Sec. 853. NEW SECTION. 148E.9 STANDARD OF CARE.

26 A person registered under this chapter shall be
 27 held to the same standard of care as a person licensed
 28 to practice medicine and surgery, osteopathy, or
 29 osteopathic medicine and surgery.

30 Sec. 854. NEW SECTION. 148E.10 EVALUATION OF
 31 CONDITION REQUIRED.

32 A person registered under this chapter shall not
 33 engage in the performance of acupuncture upon another
 34 person until the person's condition has been evaluated
 35 by a physician, as defined in section 135.1, or by a
 36 dentist.

37 Sec. 855. Section 147.1, subsections 2 and 3, Code
 38 Supplement 1991, are amended to read as follows:

39 2. "Licensed" or "certified" when applied to a
 40 physician and surgeon, podiatrist, osteopath,
 41 osteopathic physician and surgeon, physician
 42 assistant, psychologist or associate psychologist,
 43 chiropractor, nurse, dentist, dental hygienist,
 44 optometrist, speech pathologist, audiologist,
 45 pharmacist, physical therapist, occupational
 46 therapist, practitioner of cosmetology, practitioner
 47 of barbering, funeral director, dietitian, marital and
 48 family therapist, mental health counselor, or social
 49 worker, or acupuncurist means a person licensed or
 50 certified under this title.

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1 3. "Profession" means medicine and surgery,
 2 podiatry, osteopathy, osteopathic medicine and
 3 surgery, practice as a physician assistant,

4 psychology, chiropractic, nursing, dentistry, dental
5 hygiene, optometry, speech pathology, audiology,
6 pharmacy, physical therapy, occupational therapy,
7 cosmetology, barbering, mortuary science, marital and
8 family therapy, mental health counseling, social work,
9 or dietetics, or acupuncture.

10 Sec. 856. Section 147.13, subsection 1, Code

11 Supplement 1991, is amended to read as follows:

12 1. For medicine and surgery, and osteopathy, and
13 osteopathic medicine and surgery, and acupuncture,
14 medical examiners.

15 Sec. 857. Section 147.74, Code Supplement 1991, is
16 amended by adding the following new subsection after
17 subsection 16 and renumbering the remaining
18 subsection:

19 NEW SUBSECTION. 17. An acupuncturist registered
20 under chapter 148E may use the words "registered
21 acupuncturist" after the person's name.

22 Sec. 858. Section 147.80, Code Supplement 1991, is
23 amended by adding the following new subsection after
24 subsection 23 and renumbering the remaining
25 subsections:

26 NEW SUBSECTION. 24. Registration to practice
27 acupuncture, registration to practice acupuncture
28 under a reciprocal agreement, or renewal of
29 registration to practice acupuncture.

30 Sec. 859. Section 218.1, subsection 7, Code 1991,
31 is amended by striking the subsection.

32 Sec. 860. Section 218.3, subsection 2, Code
33 Supplement 1991, is amended to read as follows:

34 2. The administrator of the division of mental
35 health, mental retardation, and developmental
36 disabilities of the department of human services has
37 primary authority and responsibility relative to the
38 following institutions: Glenwood state hospital-
39 school, Woodward state hospital-school, mental health
40 institute, Cherokee, Iowa, mental health institute,
41 Clarinda, Iowa, and mental health institute,
42 Independence, Iowa and mental health institute, Mount
43 Pleasant, Iowa.

44 Sec. 861. Section 225C.25, Code 1991, is amended
45 to read as follows:

46 225C.25 SHORT TITLE.

47 Sections 225C.25 through ~~225C.28~~ 225C.28B shall be
48 known as "the bill of rights and service quality
49 standards of persons with mental retardation,
50 developmental disabilities, brain injury, or chronic

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1 mental illness”.

2 Sec. 862. Section 225C.26, Code 1991, is amended
3 to read as follows:

4 225C.26 SCOPE.

5 These rights and service quality standards apply to
6 any person with mental retardation, a developmental
7 disability, brain injury, or chronic mental illness
8 who receives services which are funded in whole or in
9 part by public funds or services which are permitted
10 under Iowa law.

11 Sec. 863. Section 225C.27, unnumbered paragraph 1,
12 Code 1991, is amended to read as follows:

13 Sections 225C.25 through ~~225C.28~~ 225C.28B shall be
14 liberally construed and applied to promote their
15 purposes and the stated rights and service quality
16 standards. The division, in coordination with
17 appropriate agencies, shall adopt rules to implement
18 the purposes of sections ~~225C.25 through 225C.28~~
19 section 225C.28A and section 225C.28B, subsections 3
20 and 4, which include, but are not limited to the
21 following:

22 Sec. 864. NEW SECTION. 225C.28A SERVICE QUALITY
23 STANDARDS.

24 As the state participates more fully in funding
25 services to persons with mental retardation,
26 developmental disabilities, brain injury, or chronic
27 mental illness, it is the intent of the general
28 assembly that the state shall seek to attain the
29 following quality standards in the provision of the
30 services:

31 1. Provide comprehensive evaluation and diagnosis
32 adapted to the cultural background, primary language,
33 and ethnic origin of the person.

34 2. Provide an individual treatment, habilitation,
35 and program plan.

36 3. Provide individualized treatment, habilitation,
37 and program services as appropriate.

38 4. Provide periodic review of the individual plan.

39 5. Provide for the least restrictive environment
40 and age-appropriate services.

41 6. Provide appropriate training and employment
42 opportunities so that the person's ability to
43 contribute to and participate in the community is
44 maximized.

45 Sec. 865. NEW SECTION. 225C.28B RIGHTS OF
46 PERSONS WITH MENTAL RETARDATION, DEVELOPMENTAL
47 DISABILITIES, BRAIN INJURY, OR CHRONIC MENTAL ILLNESS.

48 All of the following rights shall apply to a person
49 with mental retardation, a developmental disability,
50 brain injury, or chronic mental illness:

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1 1. Wage protection. A person with mental
2 retardation, a developmental disability, brain injury,
3 or chronic mental illness engaged in work programs
4 shall be paid wages commensurate with the going rate
5 for comparable work and productivity.

6 2. Insurance protection. Pursuant to section
7 507B.4, subsection 7, a person or designated group of
8 persons shall not be denied insurance coverage by
9 reason of mental retardation, a developmental
10 disability, brain injury, or chronic mental illness.

11 3. Due process. A person with mental retardation,
12 a developmental disability, brain injury, or chronic
13 mental illness retains the right to citizenship in
14 accordance with the laws of the state.

15 4. Participation in planning activities. If an
16 individual treatment, habilitation, and program plan
17 is developed for a person with mental retardation, a
18 developmental disability, brain injury, or chronic
19 mental illness, the person has the right to
20 participate in the formulation of the plan.

21 Sec. 866. Section 225C.29, Code 1991, is amended
22 to read as follows:

23 225C.29 COMPLIANCE.

24 Except for a violation of section ~~225C.28,~~
25 subsection 9 225C.28B, subsection 2, the sole remedy
26 for violation of a rule adopted by the division to
27 enforce or implement this Act sections 225C.25 through
28 225C.28B shall be by a proceeding for compliance
29 initiated by request to the division pursuant to
30 chapter 17A. Any decision of the division shall be in
31 accordance with due process of law and is subject to
32 appeal to the Iowa district court pursuant to sections
33 17A.19 and 17A.20 by any aggrieved party. Either the
34 division or a party in interest may apply to the Iowa
35 district court for an order to enforce the decision of
36 the division. ~~Neither this Act nor any~~ Any rules
37 adopted by the division to implement sections 225C.25
38 through 225C.28B do not create any right, entitlement,
39 property or liberty right or interest, or private
40 cause of action for damages against a municipality as
41 defined in chapter 613A the state or a political
42 subdivision of the state or for which such
43 municipality the state or a political subdivision of
44 the state would be responsible. Any violation of
45 section ~~225C.28, subsection 9, 225C.28B, subsection 2,~~
46 shall solely be subject to the enforcement by the
47 commissioner of insurance and penalties granted by
48 chapter 507B for a violation of section 507B.4,

49 subsection 7.

50 Sec. 867. Section 226.1, subsection 1, Code 1991,

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1 is amended by striking the subsection.

2 Sec. 868. Section 226.7, Code 1991, is amended by

3 adding the following new unnumbered paragraph:

4 **NEW UNNUMBERED PARAGRAPH.** If the district court

5 commits a patient to a state mental health institute

6 and a bed for the patient is not available, the

7 institute shall assist the court in locating an

8 alternative placement for the patient.

9 Sec. 869. Section 230A.14, Code 1991, is amended

10 to read as follows:

11 **230A.14 SUPPORT OF CENTER – FEDERAL FUNDS.**

12 The board of supervisors of any county served by a

13 community mental health center established or

14 continued in operation as authorized by section 230A.1

15 may expend money from county funds, federal revenue-

16 sharing funds, or other federal matching funds

17 designated by the board of supervisors for that

18 purpose, without a vote of the electorate of the

19 county, to pay the cost of any services described in

20 section 230A.2 which are provided by the center or by

21 an affiliate under contract with the center, or to pay

22 the cost of or grant funds for establishing,

23 reconstructing, remodeling, or improving any facility

24 required for the center. However, the county board

25 shall not expend money from that fund, except for

26 designated revenue sharing or other federal matching

27 funds, for mental health treatment obtained outside a

28 state institution in an amount exceeding eight dollars

29 per capita in any county having less than forty

30 thousand population.

31 Sec. 870. Section 234.40, Code 1991, is amended to

32 read as follows:

33 **234.40 CORPORAL PUNISHMENT.**

34 The department of human services shall not adopt or

35 enforce any rule or policy rules prohibiting limited

36 corporal punishment of foster children by foster

37 parents licensed by the department. This paragraph

38 shall not prevent promulgation of rules prohibiting

39 malicious, willful and wanton conduct by a foster

40 parent which causes injury or damage to a foster

41 child, or exposes the foster child to danger of such

42 injury or damage. The rules shall allow foster

43 parents to use reasonable physical force to restrain a

44 foster child in order to prevent injury to the foster

45 child, injury to others, the destruction of property.

46 or extremely disruptive behavior. For the purposes of
47 this section, "corporal punishment" means the
48 intentional physical punishment of a foster child. A
49 foster parent's physical contact with the body of a
50 foster child shall not be considered corporal

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1 punishment if the contact is reasonable and necessary
2 under the circumstances and is not designed or
3 intended to cause pain or if the foster parent uses
4 reasonable force, as defined under section 704.1.

5 Sec. 871. Section 249A.25, subsection 4, paragraph
6 i, Code Supplement 1991, is amended by striking the
7 paragraph.

8 Sec. 872. Section 249A.25, subsection 4, paragraph
9 j, Code Supplement 1991, is amended to read as
10 follows:

11 j. Issue a final advisory decision regarding any
12 issue of disagreement between a county and the
13 department relating to expenditures for candidate
14 services ~~or the county's maintenance of effort.~~

15 Sec. 873. Section 249A.26, subsection 3, Code
16 Supplement 1991, is amended by striking the
17 subsection.

18 Sec. 874. Section 331.438, Code 1991, is amended
19 to read as follows:

20 **331.438 COUNTY MENTAL HEALTH SERVICES EXPENDITURES**
21 **FROZEN.**

22 In the event the ~~Seventy-fourth~~ General Assembly
23 does not enact legislation to implement a funding
24 formula for state participation in funding of mental
25 health, mental retardation, and developmental
26 disabilities services which takes effect in the fiscal
27 year beginning July 1, ~~1992~~ 1996, the mental health,
28 mental retardation, and developmental disabilities
29 services expenditures of counties shall be frozen in
30 the amount the counties expended for those services in
31 the fiscal year beginning July 1, ~~1991~~ 1995. The
32 expenses in excess of the frozen amount shall be paid
33 for by the state in a timely manner that is not
34 disruptive to persons providing or receiving services.

35 Sec. 875. 1992 Iowa Acts, Senate File 2366,
36 section 9, subsection 3, paragraphs c and e, if
37 enacted by the Seventy-fourth General Assembly, 1992
38 Session, are amended to read as follows:

39 c. Foster care:

40 \$ 4,257,392

41 14,262,340

42 e. Local administrative costs and other local

43 services:

44 \$ 11,142,810

45 1,137,862

46 Sec. 876. 1992 Iowa Acts, Senate File 2366,
47 section 50, subsection 60, if enacted by the Seventy-
48 fourth General Assembly, 1992 Session, is amended to
49 read as follows:

50 60. For ~~block grant supplementation~~ foster care.

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1 grant number 13667:
2 \$ 10,004,948

3 Sec. 877. ELIMINATION OF MEDICAL ASSISTANCE
4 OPTIONAL SERVICES COVERAGE. For the period beginning
5 June 1, 1992, and ending June 30, 1993, the department
6 shall not provide medical assistance covering any of
7 the following services, products, or items for persons
8 who are 22 years of age or older: ambulance, dental,
9 optical, optometrist, clinics, psychologists,
10 audiologists, orthopedic shoes, physical therapy,
11 hearing aids, podiatry, dentures, chiropractors, day
12 treatment, partial hospitalization, and durable
13 medical equipment. The department shall take every
14 action necessary to eliminate the medical assistance
15 coverage for the designated time period. The
16 department may adopt emergency rules to implement the
17 provisions of this section. This section takes effect
18 upon enactment.

19 Sec. 878. ELIMINATION OF MEDICAL ASSISTANCE
20 MEDICALLY NEEDY PROGRAM. For the period beginning
21 March 1, 1993, and ending June 30, 1993, the
22 department shall eliminate medical assistance coverage
23 under the medically needy program. The department
24 shall make coordinating changes under the medical
25 assistance program necessary to eliminate the
26 medically needy program. The department shall adopt
27 administrative rules to implement the provisions of
28 the section.

29 Sec. 879. CLOSURE OF MOUNT PLEASANT MENTAL HEALTH
30 INSTITUTE. The department of human services shall
31 take every action necessary to permanently close the
32 state mental health institute at Mount Pleasant by
33 June 18, 1992. Notwithstanding any other provision in
34 law, the court shall not order a patient committed or
35 admitted to the state mental health institute at Mount
36 Pleasant on or after the effective date of this
37 section. This section takes effect upon enactment.

38 Sec. 880. EMERGENCY RULES. If specifically
39 authorized by a provision of this Act, the department

40 of human services may adopt administrative rules under
 41 section 17A.4, subsection 2, and section 17A.5,
 42 subsection 2, paragraph "b", to implement the
 43 provisions and the rules shall become effective
 44 immediately upon filing, unless a later effective date
 45 is specified in the rules. In addition, the
 46 department may adopt administrative rules in
 47 accordance with the provisions of this section as
 48 necessary to comply with federal requirements or to
 49 adjust to a change in the level of federal funding
 50 which affect refugee programs during the fiscal period

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1 beginning July 1, 1992, and ending June 30, 1993. Any
 2 rules adopted in accordance with the provisions of
 3 this section shall also be published as notice of
 4 intended action as provided in section 17A.4.
 5 Sec. 881. REPEAL. Section 225C.28, Code 1991, is
 6 repealed.
 7 Sec. 882. EFFECTIVE DATE. Section 811, subsection
 8 8, relating to the demonstration program to
 9 decategorize child welfare services, section 812,
 10 relating to foster care SSI eligibility
 11 determinations, section 815, subsection 1, relating to
 12 a determination of allocations by the state court
 13 administrator, section 877, relating to elimination of
 14 medical assistance optional services, and section 879,
 15 relating to closure of the state mental health
 16 institute at Mount Pleasant, of this Act, being deemed
 17 of immediate importance, take effect upon enactment."

LEONARD L. BOSWELL
 ELAINE SZYMONIAK

S-5918

1 Amend Senate File 2376 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "DIVISION IX
 5 Sec. 901. DEPARTMENT OF JUSTICE. There is
 6 appropriated from the general fund of the state to the
 7 department of justice for the fiscal year beginning
 8 July 1, 1992, and ending June 30, 1993, the following
 9 amounts, or so much thereof as is necessary, to be
 10 used for the purposes designated:
 11 1. For the general office of attorney general for
 12 salaries, support, maintenance, miscellaneous purposes
 13 including odometer fraud enforcement, the prosecuting

14 attorney training program, the prosecuting intern
15 program, and legal assistance for farmers, and for not
16 more than the following full-time equivalent
17 positions:

18	\$ 4,406,175
19	FTEs 177.75

20 a. In addition to the funds appropriated in this
21 subsection for the fiscal year beginning July 1, 1992,
22 and ending June 30, 1993, the attorney general shall
23 provide up to \$41,000 in state matching funds from
24 moneys retained by the attorney general from property
25 forfeited pursuant to section 809.13, for the
26 prosecuting attorney training program, the prosecuting
27 intern program, or both. Counties participating in
28 the prosecuting intern program shall match the state
29 funds.

30 b. In addition to the funds appropriated in this
31 subsection for the fiscal year beginning July 1, 1992,
32 and ending June 30, 1993, and the moneys retained by
33 the attorney general pursuant to paragraph "a", the
34 attorney general shall provide up to \$10,000 in state
35 matching funds from moneys retained by the attorney
36 general from property forfeited pursuant to section
37 809.13, for the office of the prosecuting attorneys
38 training coordinator to use for continuation of the
39 domestic violence response enhancement program.

40 The domestic violence response enhancement program
41 shall include research, training, and other services
42 pertaining to the investigation and prosecution of
43 domestic abuse assault, as defined in section 708.2A.
44 The prosecuting attorneys training coordinator shall
45 cooperate and consult with the Iowa coalition against
46 domestic violence, the office of the attorney general,
47 the department of public safety, the Iowa law
48 enforcement academy, the division of criminal and
49 juvenile justice planning of the department of human
50 rights, and other public and private agencies in the

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1 continuation of this program. Components of the
2 program shall include, but are not limited to, the
3 following:

4 (1) Updating and revising, as necessary, the
5 domestic abuse prosecution manual previously published
6 by the office of the prosecuting attorneys training
7 coordinator.

8 (2) Training events concerning pertinent laws,
9 policies, and procedures relating to domestic abuse
10 for prosecuting attorneys on either a regional or

11 statewide basis, which shall be open to peace officers
12 and other interested professionals.

13 (3) Preparing and distributing brochures to assist
14 victims of domestic violence in becoming fully advised
15 of their rights and services that are available to
16 victims.

17 (4) Studying the development and promulgation of
18 comprehensive enforcement and prosecution policies to
19 improve the criminal justice system response to, as
20 well as the just disposition of, domestic violence
21 matters.

22 (5) Coordinating the efforts of prosecuting
23 attorneys and domestic abuse victims' advocates or
24 other victims' advocates, where available, and
25 facilitating the early provision of victim advocacy
26 services.

27 2. In addition to the funds appropriated under
28 subsection 1, there is appropriated from the general
29 fund of the state to the department of justice for the
30 fiscal year beginning July 1, 1992, and ending June
31 30, 1993, an amount not exceeding \$200,000 to be used
32 for the enforcement of the Iowa competition law. The
33 expenditure of the funds appropriated in this
34 subsection is contingent upon receipt by the general
35 fund of the state of an amount at least equal to
36 either the expenditures from damages awarded to the
37 state or a political subdivision of the state by a
38 civil judgment under chapter 553, if the judgment
39 authorizes the use of the award for enforcement
40 purposes or costs or attorneys fees awarded the state
41 in state or federal antitrust actions. However, if
42 the funds received as a result of these judgments are
43 in excess of \$200,000, the excess funds shall not be
44 appropriated to the department of justice pursuant to
45 this subsection.

46 3. In addition to the funds appropriated in
47 subsection 1, there is appropriated from the general
48 fund of the state to the department of justice for the
49 fiscal year beginning July 1, 1992, and ending June
50 30, 1993, an amount not exceeding \$125,000 to be used

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1 for public education relating to consumer fraud and
2 for enforcement of section 714.16, and an amount not
3 exceeding \$75,000 for investigation, prosecution, and
4 consumer education relating to consumer and criminal
5 fraud against older Iowans. The expenditure of the
6 funds appropriated in this subsection is contingent
7 upon receipt by the general fund of the state of an

8 amount at least equal to the expenditures from damages
 9 awarded to the state or a political subdivision of the
 10 state by a civil consumer fraud judgment or
 11 settlement, if the judgment or settlement authorizes
 12 the use of the award for public education on consumer
 13 fraud. However, if the funds received as a result of
 14 these judgments and settlements are in excess of
 15 \$200,000, the excess funds shall not be appropriated
 16 to the department of justice pursuant to this
 17 subsection.

18 4. For victim assistance grants:

19 \$ 1,294,500

20 a. The funds appropriated in this subsection shall
 21 be used to provide grants to care providers providing
 22 services to crime victims of domestic abuse or to
 23 crime victims of rape and sexual assault.

24 b. Notwithstanding section 8.33 or 8.39, any
 25 balance remaining from the appropriation made pursuant
 26 to this subsection shall not revert to the general
 27 fund of the state but shall be available for
 28 expenditure during the subsequent fiscal year for the
 29 same purpose, and shall not be transferred to any
 30 other program.

31 5. The balance of the victim compensation fund
 32 established under section 912.14 may be used to
 33 provide salary and support of not more than 7.00 FTEs
 34 and to provide maintenance for the victim compensation
 35 functions of the department of justice.

36 6. The department of justice shall submit monthly
 37 financial statements to the legislative fiscal bureau
 38 and the department of management containing all
 39 appropriated accounts in the same manner as provided
 40 in the monthly financial status reports and personal
 41 services usage reports of the department of revenue
 42 and finance. The monthly financial statements shall
 43 include comparisons of the moneys and percentage spent
 44 of budgeted to actual revenues and expenditures on a
 45 cumulative basis for full-time equivalent positions
 46 and available moneys.

47 Sec. 902. OFFICE OF CONSUMER ADVOCATE. There is
 48 appropriated from the general fund of the state to the
 49 office of consumer advocate of the department of
 50 justice for the fiscal year beginning July 1, 1992,

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1 and ending June 30, 1993, the following amount, or so
 2 much thereof as is necessary, to be used for the
 3 purposes designated:

4 For salaries, support, maintenance, miscellaneous

5 purposes, and for not more than the following full-
6 time equivalent positions:

7	.....	\$ 1,943,708
8	.....	FTEs 32.00

9 Sec. 903. BOARD OF PAROLE. There is appropriated
10 from the general fund of the state to the board of
11 parole for the fiscal year beginning July 1, 1992, and
12 ending June 30, 1993, the following amount, or so much
13 thereof as is necessary, to be used for the purposes
14 designated:

15 For salaries, support, maintenance, including
16 maintenance of an automated docket and the board's
17 automated risk assessment model, employment of two
18 statistical research analysts to assist with the
19 application of the risk assessment model in the parole
20 decision-making process, miscellaneous purposes, and
21 for not more than the following full-time equivalent
22 positions:

23	.....	\$ 718,320
24	.....	FTEs 18.00

25 a. The board of parole shall require the board's
26 administrative staff to be cross-trained to assure
27 that each individual on that staff is familiar with
28 all tasks performed by the staff.

29 b. The department of corrections and the board of
30 parole shall review, and implement as necessary, the
31 findings and recommendations contained in the final
32 report prepared by the consultant and presented to the
33 corrections system review task force which was
34 established by 1988 Iowa Acts, chapter 1271, as they
35 relate to the department of corrections and the board
36 of parole. The board shall report to the joint
37 justice system appropriations subcommittee during the
38 1993 session of the general assembly, at the request
39 of the subcommittee, steps taken to implement any of
40 the recommendations, or the reasons for failing to
41 implement the recommendations.

42 Sec. 904. DEPARTMENT OF CORRECTIONS -- FACILITIES.

43 There is appropriated from the general fund of the
44 state to the department of corrections for the fiscal
45 year beginning July 1, 1992, and ending June 30, 1993,
46 the following amounts, or so much thereof as is
47 necessary, to be used for the purposes designated:

48 1. For the operation of adult correctional
49 institutions, to be allocated as follows:

50 a. For the operation of the Fort Madison

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1 correctional facility, including salaries, support,
 2 maintenance, employment of 310 correctional officers,
 3 miscellaneous purposes, and for not more than the
 4 following full-time equivalent positions:
 5 \$ 21,036,470
 6 FTEs 494.50
 7 b. For the operation of the Anamosa correctional
 8 facility, including salaries, support, maintenance,
 9 employment of 211 correctional officers and a part-
 10 time chaplain to provide religious counseling to
 11 inmates of a minority race, miscellaneous purposes,
 12 and for not more than the following full-time
 13 equivalent positions:
 14 \$ 15,644,078
 15 FTEs 352.00
 16 Moneys are provided within this appropriation for 2
 17 full-time substance abuse counselors for the Luster
 18 Heights facility, for the purpose of certification of
 19 a substance abuse program at that facility.
 20 c. For the operation of the Oakdale correctional
 21 facility, including salaries, support, maintenance,
 22 miscellaneous purposes, and for not more than the
 23 following full-time equivalent positions:
 24 \$ 13,009,169
 25 FTEs 305.32
 26 d. For the operation of the Newton correctional
 27 facility, including salaries, support, maintenance,
 28 miscellaneous purposes, and for not more than the
 29 following full-time equivalent positions:
 30 \$ 3,331,950
 31 FTEs 92.72
 32 e. For the operation of the Mt. Pleasant
 33 correctional facility, including salaries, support,
 34 maintenance, employment of 141 correctional officers
 35 and a full-time chaplain to provide religious
 36 counseling at the Oakdale and Mt. Pleasant
 37 correctional facilities, miscellaneous purposes, and
 38 for not more than the following full-time equivalent
 39 positions:
 40 \$ 11,143,365
 41 FTEs 261.34
 42 f. For the operation of the Rockwell City
 43 correctional facility, including salaries, support,
 44 maintenance, miscellaneous purposes, and for not more
 45 than the following full-time equivalent positions:
 46 \$ 3,940,922
 47 FTEs 95.40
 48 g. For the operation of the Clarinda 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	\$ 5,274,054
3	FTEs 134.20

4 h. For the operation of the Mitchellville
5 correctional facility, including salaries, support,
6 maintenance, miscellaneous purposes, and for not more
7 than the following full-time equivalent positions:

8	.....	\$ 4,067,048
9	.....	FTEs 111.14

10 2. The department of corrections shall provide a
11 report to the co-chairpersons and ranking members of
12 the joint justice system appropriations subcommittee
13 and the legislative fiscal bureau on or before January
14 15, 1993, outlining the implementation of the
15 centralized education program for the correctional
16 system. The report shall include a listing of the
17 educational institutions that are involved, the amount
18 of any federal funds received for use with these
19 programs, and any other pertinent information.

20 3. If the inmate tort claim fund for inmate claims
21 of less than \$50 is exhausted during the fiscal year,
22 sufficient funds shall be transferred from the
23 institutional budgets to pay approved tort claims for
24 the balance of the fiscal year. The warden or
25 superintendent of each institution or correctional
26 facility shall designate an employee to receive,
27 investigate, and recommend whether to pay any properly
28 filed inmate tort claim for less than the above
29 amount. The designee's recommendation shall be
30 approved or denied by the warden or superintendent and
31 forwarded to the department of corrections for final
32 approval and payment. The amounts appropriated to
33 this fund pursuant to 1987 Iowa Acts, chapter 234,
34 section 304, subsection 2, are not subject to
35 reversion under section 8.33.

36 Tort claims denied at the institution shall be
37 forwarded to the state appeal board for their
38 consideration as if originally filed with that body.
39 This procedure shall be used in lieu of chapter 25A
40 for inmate tort claims of less than \$50.

41 Sec. 905. DEPARTMENT OF CORRECTIONS --
42 ADMINISTRATION. There is appropriated from the
43 general fund of the state to the department of
44 corrections for the fiscal year beginning July 1,
45 1992, and ending June 30, 1993, the following amounts,

46 or so much thereof as is necessary, to be used for the
47 purposes designated:

48 1. For general administration, including salaries,
49 support, maintenance, employment of an education
50 director and clerk to administer a centralized

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1 education program for the correctional system,
2 miscellaneous purposes, and for not more than the
3 following full-time equivalent positions:

4 \$ 2,014,344
5 FTEs 41.52

6 The department shall monitor the use of the
7 classification model by the judicial district
8 departments of correctional services and has the
9 authority to override a district department's decision
10 regarding classification of community-based clients.
11 The department shall notify a district department of
12 the reasons for the override.

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 \$ 241,875

18 3. For federal prison reimbursement,
19 reimbursements for out-of-state placements, and
20 miscellaneous contracts:

21 \$ 348,300

22 The department of corrections shall use funds
23 appropriated by this subsection to continue to
24 contract for the services of a Muslim imam.

25 4. For salaries, support, maintenance,
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions at the
28 correctional training center at Mt. Pleasant:

29 \$ 361,988
30 FTEs 8.19

31 5. For annual payment relating to the financial
32 arrangement for the construction of expansion in
33 prison capacity as provided in 1989 Iowa Acts, chapter
34 316, section 7, subsection 6:

35 \$ 625,860

36 6. For annual payment relating to the financial
37 arrangement for the construction of expansion in
38 prison capacity as provided in 1990 Iowa Acts, chapter
39 1257, section 24:

40 \$ 3,169,163

41 Sec. 906. JUDICIAL DISTRICT DEPARTMENTS OF
42 CORRECTIONAL SERVICES.

43 1. There is appropriated from the general fund of
44 the state to the department of corrections for the
45 fiscal year beginning July 1, 1992, and ending June
46 30, 1993, the following amounts, or so much thereof as
47 is necessary, to be allocated as follows:

48 a. For the first judicial district department of
49 correctional services, the following amount, or so
50 much thereof as is necessary:

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1 \$ 5,227,085

2 (1) The district department shall continue the
3 intensive supervision program established within the
4 district in 1988 Iowa Acts, chapter 1271, section 6,
5 subsection 1, paragraph "a", and the sex offender
6 treatment program established within the district in
7 1989 Iowa Acts, chapter 316, section 8, subsection 1,
8 paragraph "a".

9 (2) The district department, in cooperation with
10 the chief judge of the judicial district, shall
11 continue the implementation of a plan to divert low-
12 risk offenders to the least restrictive sanction
13 available.

14 b. For the second judicial district department of
15 correctional services, the following amount, or so
16 much thereof as is necessary:

17 \$ 3,651,097

18 (1) The district department shall continue the sex
19 offender treatment program established within the
20 district in 1988 Iowa Acts, chapter 1271, section 6,
21 subsection 1, paragraph "b".

22 (2) The district department, in cooperation with
23 the chief judge of the judicial district, shall
24 continue the implementation of a plan to divert low-
25 risk offenders to the least restrictive sanction
26 available.

27 c. For the third judicial district department of
28 correctional services, the following amount, or so
29 much thereof as is necessary:

30 \$ 2,333,444

31 (1) The district department shall continue the sex
32 offender treatment program established within the
33 district in 1988 Iowa Acts, chapter 1271, section 6,
34 subsection 1, paragraph "c", and the intensive
35 supervision program established within the district in
36 1990 Iowa Acts, chapter 1268, section 6, subsection 3,
37 paragraph "d".

38 (2) The district department, in cooperation with
39 the chief judge of the judicial district, shall

40 continue the implementation of a plan to divert low-
41 risk offenders to the least restrictive sanction
42 available.

43 d. For the fourth judicial district department of
44 correctional services, the following amount, or so
45 much thereof as is necessary:

46 \$ 1,899,653

47 (1) The district department shall continue the sex
48 offender treatment program established within the
49 district in 1988 Iowa Acts, chapter 1271, section 6,
50 subsection 1, paragraph "d".

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1 (2) The district department, in cooperation with
2 the chief judge of the judicial district, shall
3 continue the implementation of a plan to divert low-
4 risk offenders to the least restrictive sanction
5 available.

6 e. For the fifth judicial district department of
7 correctional services, the following amount, or so
8 much thereof as is necessary:

9 \$ 6,422,277

10 (1) The district department shall continue the
11 intensive supervision program established within the
12 district in 1988 Iowa Acts, chapter 1271, section 6,
13 subsection 1, paragraph "e", and shall continue to
14 provide for the rental of electronic monitoring
15 equipment.

16 (2) The district department, in cooperation with
17 the chief judge of the judicial district, shall
18 continue the implementation of a plan to divert low-
19 risk offenders to the least restrictive sanction
20 available.

21 f. For the sixth judicial district department of
22 correctional services, the following amount, or so
23 much thereof as is necessary:

24 \$ 5,054,731

25 (1) The district department shall continue the
26 intensive supervision program established within the
27 district in 1988 Iowa Acts, chapter 1271, section 6,
28 subsection 1, paragraph "f", and the sex offender
29 treatment program established within the district in
30 1989 Iowa Acts, chapter 316, section 8, subsection 1,
31 paragraph "f".

32 (2) The district department, in cooperation with
33 the chief judge of the judicial district, shall
34 continue the implementation of a plan to divert low-
35 risk offenders to the least restrictive sanction
36 available.

37 g. For the seventh judicial district department of
 38 correctional services, the following amount, or so
 39 much thereof as is necessary:
 40 \$ 3,597,715

41 (1) The district department shall continue the
 42 intensive supervision program established within the
 43 district in 1988 Iowa Acts, chapter 1271, section 6,
 44 subsection 1, paragraph "g", and shall continue the
 45 sex offender treatment program established within the
 46 district in 1989 Iowa Acts, chapter 316, section 8,
 47 subsection 1, paragraph "g".

48 (2) The district department shall continue the job
 49 development program established within the district in
 50 1990 Iowa Acts, chapter 1268, section 6, subsection 7,

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1 paragraph "e".

2 (3) The district department, in cooperation with
 3 the chief judge of the judicial district, shall
 4 continue the implementation of a plan to divert low-
 5 risk offenders to the least restrictive sanction
 6 available.

7 h. For the eighth judicial district department of
 8 correctional services, the following amount, or so
 9 much thereof as is necessary:
 10 \$ 3,248,835

11 (1) 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 "h", 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 "h".

18 (2) The district department, in cooperation with
 19 the chief judge of the judicial district, shall
 20 continue the implementation of a plan to divert low-
 21 risk offenders to the least restrictive sanction
 22 available.

23 i. For the department of corrections for the
 24 assistance and support of each judicial district
 25 department of correctional services, the following
 26 amount, or so much thereof as is necessary:
 27 \$ 88,098

28 2. The department of corrections shall continue
 29 the OWI facilities established in 1986 Iowa Acts,
 30 chapter 1246, section 402, in compliance with the
 31 conditions specified in that section.

32 3. The department of corrections shall continue to
 33 contract with a judicial district department of

34 correctional services to provide for the rental of
35 electronic monitoring equipment which shall be
36 available statewide.

37 4. Each judicial district department of
38 correctional services and the department of
39 corrections shall continue the treatment alternatives
40 to street crime programs established in 1989 Iowa
41 Acts, chapter 225, section 9.

42 5. The first, sixth, and eighth judicial district
43 departments of correctional services and the
44 department of corrections shall continue the job
45 training and development grant programs established in
46 1989 Iowa Acts, chapter 316, section 7, subsection 2.

47 6. The department of corrections shall not make an
48 intradepartmental transfer of moneys appropriated to
49 the department, unless notice of the intradepartmental
50 transfer is given prior to its effective date to the

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1 legislative fiscal bureau. The notice shall include
2 information on the department's rationale for making
3 the transfer and details concerning the work load and
4 performance measures upon which the transfers are
5 based.

6 7. The governor's alliance on substance abuse
7 shall consider federal grants made to the department
8 of corrections for the benefit of each of the eight
9 judicial district departments of correctional services
10 as local government grants, as defined pursuant to
11 federal regulations.

12 Sec. 907. JUDICIAL DEPARTMENT. There is
13 appropriated from the general fund of the state to the
14 judicial department for the fiscal year beginning July
15 1, 1992, and ending June 30, 1993, the following
16 amounts, or so much thereof as is necessary, to be
17 used for the purposes designated:

18 For salaries of supreme court justices, appellate
19 court judges, district court judges, district
20 associate judges, judicial magistrates and staff,
21 state court administrator, clerk of the supreme court,
22 district court administrators, clerks of the district
23 court, juvenile court officers, funding of the
24 juvenile victim restitution program, board of law
25 examiners and board of examiners of shorthand
26 reporters and judicial qualifications commission,
27 receipt and disbursement of child support payments,
28 funding of the Iowa court information system,
29 reimbursement of the auditor of state for expenses
30 incurred in completing audits of the offices of the

31 clerks of the district court during the fiscal year
32 beginning July 1, 1992, and maintenance, equipment,
33 and miscellaneous purposes:

34 \$ 69,450,628

35 - 1. The judicial department, except for purposes of
36 internal processing, shall use the current state
37 budget system, the state payroll system, and the Iowa
38 finance and accounting system in administration of
39 programs and payments for services, and shall not
40 duplicate the state payroll, accounting, and budgeting
41 systems.

42 2. The judicial department shall submit monthly
43 financial statements to the legislative fiscal bureau
44 and the department of management containing all
45 appropriated accounts in the same manner as provided
46 in the monthly financial status reports and personal
47 services usage reports of the department of revenue
48 and finance. The monthly financial statements shall
49 include a comparison of the dollars and percentage
50 spent of budgeted versus actual revenues and

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1 expenditures on a cumulative basis for full-time
2 equivalent positions and dollars.

3 3. It is the intent of the general assembly that
4 counties installing new telephone systems shall
5 provide those systems to all judicial department
6 offices within the county at no cost.

7 4. Of the funds appropriated in this subsection,
8 not more than \$1,800,000 may be transferred into the
9 revolving fund established pursuant to section
10 602.1302, subsection 3, to be used for the payment of
11 jury and witness fees and mileage.

12 5. The judicial department shall provide a report
13 semiannually to the co-chairpersons and ranking
14 members of the joint justice system appropriations
15 subcommittee and the legislative fiscal bureau
16 specifying the amounts of fines, surcharges, and court
17 costs collected using the Iowa court information
18 system. The report shall demonstrate and specify how
19 the Iowa court information system is used to improve
20 the collection process. The report shall also compare
21 fines, surcharges, and court costs collected in
22 selected counties which are using an automated system
23 versus at least three counties which are not using an
24 automated system.

25 6. Notwithstanding the salaries established in the
26 1990 Iowa Acts, chapter 1256, section 2, any
27 subsequent salary legislation if enacted during the

28 1992 Session of the general assembly, or any other
29 provision of law to the contrary, the judicial
30 department may impose furloughs which would result in
31 salaries which are less than those otherwise
32 established by the general assembly.
33 Sec. 908. AUTOMATED DATA SYSTEM. The department
34 of corrections, judicial district departments of
35 correctional services, board of parole, and the
36 judicial department shall continue to develop an
37 automated data system for use in the sharing of
38 information between the department of corrections,
39 judicial district departments of correctional
40 services, board of parole, and the judicial
41 department. The information to be shared shall
42 concern any individual who may, as the result of an
43 arrest or infraction of any law, be subject to the
44 jurisdiction of the department of corrections,
45 judicial district departments of correctional
46 services, or board of parole.
47 Sec. 909. PLACEMENTS FOR ELDERLY OR INFIRM
48 INMATES. The department of corrections, department of
49 public health, department of human services,
50 department of elder affairs, and department of

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1 inspections and appeals shall cooperate in developing
2 community-based placements for elderly or infirm
3 inmates who, by nature of their medical and criminal
4 histories, are deemed to be low-risk for committing
5 future public offenses. Community-based placements
6 may include, but are not limited to, county care
7 facilities, retirement homes, or veterans homes. The
8 departments shall consider the potential for these
9 community-based placement facilities to obtain federal
10 funds for providing services to these inmates. The
11 department of corrections shall develop a parole plan
12 for these inmates once a community-based placement has
13 been developed.

14 Sec. 910. NEW SECTION. 2.12A LEGAL EXPENSES
15 REVIEWED BY THE COURT.

16 If a member or members of the general assembly are
17 involved in court proceedings on behalf of the general
18 assembly, and are represented by an attorney who is
19 not an employee of the state, and the legislative
20 council determines that the reasonable expense of the
21 court proceedings, including reasonable attorneys'
22 fees, shall be paid from funds in the state treasury
23 appropriated pursuant to section 2.12, at the
24 conclusion of the court proceedings, the court shall

25 review the fees charged to the state to determine if
 26 the fees are fair and reasonable. The legislative
 27 council shall not reimburse attorneys' fees in excess
 28 of those determined by the court to be fair and
 29 reasonable.

30 Sec. 911. Section 13.3, Code 1991, is amended to
 31 read as follows:

32 **13.3 DISQUALIFICATION -- SUBSTITUTE.**

33 1. If, for any reason, the attorney general be
 34 disqualified from appearing in any action or
 35 proceeding, the executive council shall appoint some
 36 suitable person for that purpose and defray the
 37 reasonable expense thereof from any unappropriated
 38 funds in the state treasury. The department involved
 39 in the action or proceeding shall be requested to
 40 recommend a suitable person to represent ~~the~~
 41 department and when the executive council concurs in
 42 the recommendation, the person recommended shall be
 43 appointed.

44 2. If the governor or a department is represented
 45 by an attorney other than the attorney general in a
 46 court proceeding as provided in this section, at the
 47 conclusion of the court proceedings, the court shall
 48 review the fees charged to the state to determine if
 49 the fees are fair and reasonable. The executive
 50 council shall not reimburse attorneys' fees in excess

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1 of those determined by the court to be fair and
 2 reasonable.

3 Sec. 912. Section 13.13, subsection 2, Code 1991,
 4 is amended by striking the subsection.

5 Sec. 913. Section 13.25, Code 1991, is amended to
 6 read as follows:

7 **13.25 REPEAL OF FARM MEDIATION AND LEGAL**
 8 **ASSISTANCE PROVISIONS.**

9 This subchapter is repealed on July 1, ~~1998~~ 1995.

10 Sec. 914. Section 108.12, Code 1991, is amended to
 11 read as follows:

12 **108.12 INVENTORY OF PROTECTED WETLANDS.**

13 The department shall inventory the wetlands and
 14 marshes of each county and make a preliminary
 15 designation as to which constitute protected wetlands.
 16 The department shall consult with the county
 17 conservation board in making the preliminary
 18 designations. Upon completion of the inventory with
 19 preliminary designations, the department shall use an
 20 existing map or prepare a map and a list of the
 21 marshes and wetlands which are designated as protected

22 wetlands in each county. The department shall file at
23 least one copy of the list and map with the county
24 conservation board and the county recorder. The
25 department shall notify the landowners affected by the
26 preliminary wetlands designation by certified mail.
27 The notice shall state that any person may challenge
28 the designation of the protected wetlands or may
29 request the designation of additional marshes or
30 wetlands as protected wetlands, by ~~doing one of the~~
31 following:

32 1. ~~Filing~~ filing a petition for a hearing with the
33 director within sixty days following the date of
34 notice. The petition shall state specifically the
35 reasons for disputing the preliminary designations of
36 the department. The hearing shall be held in the
37 county within sixty days following the expiration of
38 the sixty-day period for filing petitions.

39 2. ~~Filing a request for mediation with the farm~~
40 ~~mediation service as provided in section 654A.16~~
41 ~~within sixty days following the date of the notice.~~
42 ~~The department shall participate in mediation as~~
43 ~~provided in section 654A.16.~~

44 . Within sixty days following the completion of the
45 hearing, ~~or the issuance of a mediation release in~~
46 ~~which both parties agree to the designation or no~~
47 ~~agreement is reached,~~ the director shall issue an
48 order designating the protected wetlands in the
49 county. The order shall be considered a final
50 decision of the department in a contested case for the

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1 purposes of judicial review pursuant to chapter 17A.
2 Sec. 915. Section 125.90, Code 1991, is amended to
3 read as follows:

4 125.90 JUDICIAL HOSPITALIZATION REFEREE.

5 Judicial hospitalization referees shall may be
6 utilized as provided in section 229.21 for performing
7 the duties of the court prescribed by this division.

8 Sec. 916. Section 218.94, Code 1991, is amended to
9 read as follows:

10 218.94 DIRECTOR MAY BUY AND SELL REAL ESTATE --
11 OPTIONS.

12 1. The director of the department of human
13 services shall have full power to secure options to
14 purchase real estate, to acquire and sell real estate,
15 and to grant utility easements, for the proper uses of
16 said the institutions, except as otherwise provided in
17 subsection 3. Real estate shall be acquired and sold
18 and utility easements granted, upon such terms and

19 conditions as the director may determine, except that
20 the sale of farmland shall be subject to approval by
21 the general assembly as provided in subsection 3.
22 Upon sale of the real estate, the proceeds shall be
23 deposited with the treasurer of state and credited to
24 the general fund of the state. There is hereby
25 appropriated from the general fund of the state a sum
26 equal to the proceeds so deposited and credited to the
27 general fund of the state to the department of human
28 services, which may be used to purchase other real
29 estate or for capital improvements upon property under
30 the director's control.

31 2. The costs incident to securing of options,
32 acquisition and sale of real estate and granting of
33 utility easements, including, but not limited to,
34 appraisals, invitations for offers, abstracts, and
35 other necessary costs, may be paid from moneys
36 appropriated for support and maintenance to the
37 institution at which such real estate is located.
38 Such fund shall be reimbursed from the proceeds of the
39 sale.

40 3. a. As used in this section, unless the context
41 otherwise requires, "farmland" means land suitable for
42 agricultural purposes.

43 b. Notwithstanding any other provisions of law to
44 the contrary, and in addition to any other
45 restrictions that may be imposed, the director shall
46 not sell an interest in farmland unless the general
47 assembly has approved the sale. Approval by the
48 general assembly shall be obtained by passage of a
49 joint resolution.

50 Sec. 917. Section 246.317, Code 1991, is amended

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1 to read as follows:

2 246.317 DIRECTOR MAY BUY AND SELL REAL ESTATE --
3 OPTIONS.

4 1. The director, subject to the approval of the
5 board and the requirements of subsection 3, may secure
6 options to purchase real estate and acquire and sell
7 real estate for the proper uses of the institutions.
8 Real estate shall be acquired and sold upon terms and
9 conditions the director recommends subject to the
10 approval of the board, except that the sale of
11 farmland shall be subject to approval by the general
12 assembly as provided in subsection 3. Upon sale of
13 the real estate, the proceeds shall be deposited with
14 the treasurer of state and credited to the general
15 fund of the state. There is appropriated from the

16 general fund of the state to the department a sum
17 equal to the proceeds so deposited and credited to the
18 general fund of the state which may be used to
19 purchase other real estate or for capital improvements
20 upon property under the director's supervision.
21 2. The costs incident to the securing of options
22 and acquisition and sale of real estate including, but
23 not limited to, appraisals, invitations for offers,
24 abstracts, and other necessary costs, may be paid from
25 moneys appropriated for support and maintenance to the
26 institution at which the real estate is located. The
27 fund shall be reimbursed from the proceeds of the
28 sale.

29 3. a. As used in this section, unless the context
30 otherwise requires, "farmland" means land suitable for
31 agricultural purposes.

32 b. Notwithstanding any other provisions of law to
33 the contrary, and in addition to any other
34 restrictions that may be imposed, the director shall
35 not sell an interest in farmland unless the general
36 assembly has approved the sale. Approval by the
37 general assembly shall be obtained by passage of a
38 joint resolution.

39 Sec. 918. Section 246.706, unnumbered paragraph 1,
40 Code Supplement 1991, is amended to read as follows:

41 A revolving farm fund is created in the state
42 treasury in which the department shall deposit
43 receipts from agricultural products, nursery stock,
44 agricultural land rentals, and the sale of livestock.
45 However, before any agricultural operation is phased
46 out, the department which proposes to discontinue this
47 operation shall notify the governor, chairpersons and
48 ranking members of the house and senate appropriations
49 committees, and co-chairpersons and ranking members of
50 the subcommittee in the senate and house of

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1 representatives which has handled the appropriation
2 for this department in the past session of the general
3 assembly. Before the department sells farmland under
4 the control of the department, the director shall
5 notify the governor, chairpersons and ranking members
6 of the house and senate appropriations committees, and
7 co-chairpersons and ranking members of the joint
8 appropriations subcommittee that handled the
9 appropriation for the department during the past
10 session of the general assembly, and obtain approval
11 of the general assembly as required in section 218.94,
12 subsection 3, or section 246.317, subsection 3. The

13 department may pay from the fund for the operation,
14 maintenance, and improvement of farms and agricultural
15 or nursery property under the control of the
16 department. A purchase order for five thousand
17 dollars or less payable from the fund is exempt from
18 the general purchasing requirements of chapter 18.
19 Notwithstanding section 8.33, unencumbered or
20 unobligated receipts in the revolving farm fund at the
21 end of a fiscal year shall not revert to the general
22 fund of the state.

23 Sec. 919. Section 261.2, Code 1991, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 15. Develop and implement, in
26 cooperation with the judicial district departments of
27 correctional services and the department of
28 corrections, a program to assist criminal offenders in
29 applying for federal and state aid available for
30 higher education.

31 Sec. 920. Section 554.9501, subsection 6, Code
32 1991, is amended by striking the subsection.

33 Sec. 921. Section 602.1211, Code 1991, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 5. The chief judge of each
36 judicial district, in cooperation with the judicial
37 district department of correctional services, shall
38 implement a plan to divert low-risk offenders to the
39 least restrictive sanction available.

40 Sec. 922. Section 602.8105, subsection 1,
41 paragraph a, Code Supplement 1991, is amended to read
42 as follows:

43 a. For filing and docketing a petition other than
44 for modification of a dissolution decree to which a
45 written stipulation is attached at the time of filing
46 containing the agreement of the parties to the terms
47 of the modification, or an appeal or writ of error,
48 fifty dollars. The fee shall be deposited in the
49 court revenue distribution account established under
50 section 602.8108, and shall be paid into the state

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1 treasury. Of the amount paid to the state treasury,
2 one dollar shall be deposited in the judicial
3 retirement fund established in section 602.9104 to be
4 used to pay retirement benefits of the judicial
5 retirement system, and the remainder shall be
6 deposited in the general fund of the state. In
7 counties having a population of one hundred ninety-
8 eight thousand or over, an additional five three
9 dollars shall be charged and collected, to be known as

10 the journal publication fee and used for the purposes
11 provided for in section 618.13.

12 Sec. 923. Section 618.13, Code 1991, is amended to
13 read as follows:

14 618.13 PUBLICATION OF DOCKET IN CERTAIN COUNTIES.

15 When the petition provided for in rule of civil
16 procedure 70 is filed with the clerk of the district
17 court in a county of ~~one hundred~~ ninety-eight thousand
18 population or over, the names of the parties plaintiff
19 and defendant in such action, the description of the
20 real estate involved, if any, except for quieting
21 title, partition, and suits involving tax assessments,
22 and the names of the attorneys for the plaintiff, and
23 the docket number assigned to such case, may, in the
24 event the majority of the judges of the judiciary
25 district in which such county lies, so direct, be
26 published once in a daily newspaper having a general
27 circulation in said county; such paper to be
28 designated by a majority of the judges of the district
29 court. Provided, that whenever thereafter such case
30 is assigned for trial or any other pleadings are filed
31 therein, or court action taken with reference thereto,
32 except general orders of court for continuations, the
33 title of such case and kind of pleading shall be
34 published, and if it is in an assignment for trial it
35 shall be carried in printed assignment from day to day
36 until final disposition.

37 Sec. 924. Section 654A.17, Code 1991, is amended
38 to read as follows:

39 654A.17 REPEAL OF CHAPTER.

40 This chapter is repealed on ~~July 1, 1998~~ June 30,
41 1992.

42 Sec. 925. Section 654B.12, Code 1991, is amended
43 to read as follows:

44 654B.12 REPEAL OF CHAPTER.

45 This chapter is repealed on ~~July 1, 1998~~ June 30,
46 1992.

47 Sec. 926. Section 702.12, Code 1991, is amended to
48 read as follows:

49 702.12 OCCUPIED STRUCTURE.

50 An "occupied structure" is any building, structure,

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1 appurtenances to buildings and structures, land, water
2 or air vehicle, or similar place adapted for overnight
3 accommodation of persons, or occupied by persons for
4 the purpose of carrying on business or other activity
5 therein, or for the storage or safekeeping of anything
6 of value. Such a structure is an "occupied structure"

7 whether or not a person is actually present. However,
8 for purposes of chapter 713, a land, water, or air
9 vehicle not adapted for overnight accommodations, a
10 box, chest, safe, changer, or other object or device
11 which is adapted or used for the deposit or storage of
12 anything of value but which is too small or not
13 designed to allow a person to physically enter or
14 occupy it is not an "occupied structure".

15 Sec. 927. Section 713.3, Code 1991, is amended to
16 read as follows:

17 **713.3 BURGLARY IN THE FIRST DEGREE.**

18 A person commits burglary in the first degree if,
19 while perpetrating a burglary upon a dwelling, the
20 person has in the person's possession an explosive or
21 incendiary device or material, or a dangerous weapon,
22 or intentionally or recklessly inflicts bodily injury
23 on any person. Burglary in the first degree is a
24 class "B" felony.

25 Sec. 928. Section 713.4, Code 1991, is amended by
26 striking the section and inserting in lieu thereof the
27 following:

28 **713.4 BURGLARY IN THE SECOND DEGREE.**

29 A person commits burglary in the second degree if
30 either of the following occur:

31 1. While perpetrating a burglary upon an occupied
32 structure, other than a dwelling, the person has in
33 the person's possession an explosive or incendiary
34 device or material, or a dangerous weapon, or
35 intentionally or recklessly inflicts bodily injury on
36 any person.

37 2. The burglary is committed upon a dwelling and
38 the person committing the burglary does not have in
39 the person's possession an explosive or incendiary
40 device or material or a dangerous weapon and no bodily
41 injury is intentionally or recklessly inflicted on any
42 person by the person committing the burglary.

43 Burglary in the second degree is a class "C"
44 felony.

45 Sec. 929. Section 713.5, Code 1991, is amended by
46 striking the section and inserting in lieu thereof the
47 following:

48 **713.5 BURGLARY IN THE THIRD DEGREE.**

49 All burglary which is not first or second degree
50 burglary and burglary committed upon an occupied

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1 structure, other than a dwelling, where the person
2 committing the burglary does not have in the person's
3 possession an explosive or incendiary device or

4 material or a dangerous weapon and no bodily injury is
5 intentionally or recklessly inflicted on any person by
6 the person committing the burglary is burglary in the
7 third degree.

8 Burglary in the third degree is a class "D" felony.

9 Sec. 930. Section 713.6, Code 1991, is amended by
10 striking the section and inserting in lieu thereof the
11 following:

12 **713.6 ATTEMPTED BURGLARY IN THE FIRST DEGREE.**

13 A person commits attempted burglary in the first
14 degree if, while perpetrating an attempted burglary
15 upon a dwelling, the person has possession of an
16 explosive or incendiary device or material, or a
17 dangerous weapon, or intentionally or recklessly
18 inflicts physical injury on any person.

19 Attempted burglary in the first degree is a class
20 "C" felony.

21 Sec. 931. Section 713.7, Code 1991, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 **713.7 ATTEMPTED BURGLARY IN THE SECOND DEGREE.**

25 A person commits attempted burglary in the second
26 degree if either of the following occur:

27 1. While perpetrating an attempted burglary upon
28 an occupied structure, other than a dwelling, the
29 person has possession of an explosive or incendiary
30 device or material, or a dangerous weapon, or
31 intentionally or recklessly inflicts physical injury
32 on any person.

33 2. The person attempts to commit a burglary upon a
34 dwelling and the person committing the burglary does
35 not have in the person's possession an explosive or
36 incendiary device or material or a dangerous weapon
37 and no bodily injury is intentionally or recklessly
38 inflicted on any person by the person committing the
39 attempted burglary.

40 Attempted burglary in the second degree is a class
41 "D" felony.

42 Sec. 932. NEW SECTION. **713.8 ATTEMPTED BURGLARY**
43 **IN THE THIRD DEGREE.**

44 All attempted burglary which is not attempted
45 burglary in the first or second degree and burglary of
46 an occupied structure, other than a dwelling, where
47 the person committing the burglary does not have in
48 the person's possession an explosive or incendiary
49 device or material or a dangerous weapon and no bodily
50 injury is intentionally or recklessly inflicted on any

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1 person by the person committing the attempted burglary
2 is attempted burglary in the third degree.
3 Attempted burglary in the third degree is an
4 aggravated misdemeanor.

5 Sec. 933. NEW SECTION. 713.9 POSSESSION OF
6 BURGLAR'S TOOLS.

7 Any person who possesses any key, tool, instrument,
8 device or any explosive, with the intent to use it in
9 the perpetration of a burglary, shall be guilty of
10 possessing burglar's tools.

11 Possessing burglar's tools is a class "C" felony.

12 Sec. 934. Section 906.5, subsection 2, Code 1991,
13 is amended to read as follows:

14 2. a. Within six months after the commitment of a
15 person convicted of an offense under chapter 714,
16 715A, 716, or 716A, a member of the board shall
17 interview the person as provided in subsection 1. The
18 board shall develop a plan for the purpose of early
19 release of such persons when it is determined that a
20 person convicted of such an offense can be released
21 without detriment to the community or to the person.

22 b. The board, in cooperation with the department
23 of corrections and the judicial district departments
24 of correctional services, shall develop a plan of
25 early release under the intensive supervision program
26 for additional persons.

27 c. It is the intent of the general assembly that
28 the board shall implement this plan these plans of
29 early release in an effort to assist in controlling
30 the prison population and assuring prison space for
31 the confinement of offenders whose release would be
32 detrimental to the citizens of this state. The board
33 shall report to the legislative fiscal bureau on a
34 monthly basis concerning the implementation of this
35 plan these plans and the number of inmates paroled
36 pursuant to this plan these plans and the average
37 length of stay of those paroled.

38 Sec. 935. Section 912.4, subsection 2, Code
39 Supplement 1991, is amended to read as follows:

40 2. A person is not eligible for compensation
41 unless the crime was reported to the local police
42 department or county sheriff department within
43 seventy-two hours of its occurrence. If the crime
44 cannot reasonably be reported within that time period,
45 the crime shall have been reported within seventy-two
46 hours of the time a report can reasonably be made.
47 The department may waive this requirement if good
48 cause is shown.

49 Sec. 936. IOWA COURT INFORMATION SYSTEM STUDY.
50 The legislative council is requested to establish an

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1 interim study committee to hire a consultant to
2 provide a performance and systems analysis of the Iowa
3 court information system. The interim study committee
4 shall select the consultant in consultation with the
5 judicial department. The consultant shall submit a
6 report to the legislative council through the interim
7 study committee, the judicial department, the co-
8 chairpersons and ranking members of the joint justice
9 system appropriations subcommittee, and the
10 legislative fiscal bureau on or before December 10,
11 1992.

12 Sec. 937. REPEALS.

13 1. Section 13.14, 13.16, 654.2C, 656.8, and
14 657.10, Code 1991, are repealed.

15 2. Section 13.15, Code Supplement 1991, is
16 repealed.

17 Sec. 938. EFFECTIVE DATES.

18 1. Section 901, subsections 2 and 3, of this Act,
19 relating to Iowa competition law or antitrust actions
20 and to civil consumer fraud actions, and this section
21 of this Act, being deemed of immediate importance,
22 take effect upon enactment.

23 2. Sections 912, 914, 920, 924, 925, and 937 of
24 this Act take effect June 30, 1992."

25 2. By renumbering as necessary.

LEONARD L. BOSWELL
RALPH ROSENBERG

S-5919

1 Amend Senate File 2376 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION X

5 STANDING APPROPRIATIONS

6 Sec. 1001. Notwithstanding the standing
7 appropriation in sections 425A.1 to the family farm
8 tax credit fund and 426.1 to the agricultural land tax
9 credit fund, there is appropriated from the general
10 fund of the state to the agricultural land tax credit
11 fund under section 426.1 for the fiscal year beginning
12 July 1, 1992, the sum of \$38,487,859 of which the
13 first \$10,000,000 shall be deposited into the family
14 farm tax credit fund in lieu of the standing

15 appropriation made in section 425A.1.

16 Sec. 1002.

17 1. Notwithstanding the standing appropriation in
18 section 405A.8 to the department of revenue and
19 finance for personal property tax replacement under
20 chapter 405A, there is appropriated from the general
21 fund of the state under section 405A.8 for the fiscal
22 year beginning July 1, 1992, the sum of \$55,351,406.

23 2. Notwithstanding the standing appropriation in
24 section 425.39, the amount appropriated from the
25 general fund of the state under section 425.39, for
26 the fiscal year beginning July 1, 1992, for purposes
27 of implementing the extraordinary property tax and
28 reimbursement division of chapter 425, shall not
29 exceed \$10,614,324. The director shall pay, in full,
30 all claims to be paid during the fiscal year beginning
31 July 1, 1992, for reimbursement of rent constituting
32 property taxes paid. If the amount of claims for
33 credit for property taxes due to be paid during the
34 fiscal year beginning July 1, 1992, exceed the amount
35 remaining after payment to renters the director of
36 revenue and finance shall prorate the payments to the
37 counties for the property tax credit. In order for
38 the director to carry out the requirements of this
39 subsection, notwithstanding any provision to the
40 contrary in sections 425.16 through 425.39, claims for
41 reimbursement for rent constituting property taxes
42 paid filed before May 1, 1993, shall be eligible to be
43 paid in full during the fiscal year ending June 30,
44 1993, and those claims filed on or after May 1, 1993,
45 shall be eligible to be paid during the fiscal year
46 beginning July 1, 1993, and the director is not
47 required to make payments to counties for the property
48 tax credit before June 15, 1993.

49 Sec. 1003. Notwithstanding the standing
50 appropriations in the following designated sections

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1 for the fiscal year beginning July 1, 1992, the amount
2 appropriated from the general fund of the state
3 pursuant to those sections for the following
4 designated purposes shall not exceed the following
5 amounts:

- 6 1. To reimburse counties for the loss of property
- 7 tax revenues as follows:
 - 8 a. Homestead tax credit under section 425.1:
 - 9 \$ 92,016,949
 - 10 b. Military service tax credit under section
 - 11 426A.1:

12	.....	\$ 2,969,258
13	c. Machinery and computer equipment tax	
14	replacement under section 427B.13:	
15	.....	\$ 0
16	If the amounts of calculated county reimbursement	
17	exceed the amount specified in this subsection the	
18	director of revenue and finance shall prorate the	
19	amount available.	
20	2. For payment of franchise tax allocations to	
21	cities and counties under section 422.65:	
22	.....	\$ 8,668,146
23	If the amounts to be allocated as computed under	
24	section 422.65 to cities and counties exceed the	
25	amount available under this subsection, the director	
26	of revenue and finance shall prorate the amount to be	
27	paid to each city and county.	
28	3. For deposit into the state communications	
29	network fund under section 18.137:	
30	.....	\$ 4,617,256
31	4. For the payment of claims of public school	
32	districts for transportation services to nonpublic	
33	school pupils under section 285.2:	
34	.....	\$ 5,500,662
35	5. For programs for at-risk children under section	
36	279.51, subsection 1:	
37	.....	\$ 9,906,453
38	6. To pay the state's portion of the cost of	
39	benefits calculated in section 411.20, subsections 2	
40	and 3, under section 411.20, subsection 1:	
41	.....	\$ 3,097,606
42	Sec. 1004. Notwithstanding the standing	
43	appropriation in section 294A.25, subsection 1, to the	
44	department of education for the educational excellence	
45	program, there is appropriated from the general fund	
46	of the state under section 294A.25, subsection 1, for	
47	the fiscal year beginning July 1, 1992, the sum of	
48	\$85,258,973.	
49	Sec. 1005. Notwithstanding the standing	
50	appropriations in sections 257.5, 257.13, 257.15, and	

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1 257.16 in amounts necessary to pay the supplemental
 2 aid, advances for increasing enrollment, property tax
 3 adjustment aid, and foundation aid, the total amount
 4 appropriated from the general fund of the state under
 5 those sections, for the fiscal year beginning July 1,
 6 1992, and ending June 30, 1993, shall not exceed
 7 \$1,106,466,480. If the payments to be made pursuant
 8 to this section and chapter 257 during the fiscal year

9 beginning July 1, 1992, exceed the amount appropriated
 10 in this section, the department of management shall
 11 prorate the payments to school districts. However, a
 12 school district shall not reduce the amount that it is
 13 required to pay the area education agency for costs of
 14 special education support services in order to
 15 compensate for the reduced state aid.
 16 Sec. 1006. Notwithstanding the standing
 17 appropriation in section 257.20 in an amount necessary
 18 to pay instructional support state aid, the amount
 19 appropriated from the general fund of the state under
 20 section 257.20, for the fiscal year beginning July 1,
 21 1992, and ending June 30, 1993, shall not exceed
 22 \$14,539,267. If the payments for instructional
 23 support state aid to be made during the fiscal year
 24 beginning July 1, 1992, exceed the amount appropriated
 25 in this section, the department of management shall
 26 prorate the instructional support state aid payments
 27 to school districts."

LEONARD L. BOSWELL

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2205

S-5920

1 Amend the Senate amendment, H-5889, to House File
 2 2205, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 2 the fol-
 5 lowing:
 6 "____. Page 1, by inserting before line 1 the
 7 following:
 8 "Section 1. Section 28G.1, Code 1991, is amended
 9 to read as follows:
 10 28G.1 PURPOSE.
 11 The purpose of this chapter is to allow two or more
 12 local governments to form a public service monopoly
 13 when they find that a public service monopoly is an
 14 effective means to protect the public health and
 15 welfare, and the environment through adequate any of
 16 the following:
 17 1. Adequate solid waste collection,
 18 transportation, storage and disposal practices and is
 19 which are the only effective means of allowing the
 20 construction and utilization of a resource recovery
 21 facility for the recycling of solid waste for use as
 22 an energy source.

23 2. The implementation of other solid waste
24 management projects, such as source reduction and
25 recycling, which are part of an approved comprehensive
26 plan required under section 455B.306, and if the
27 formation of a public service monopoly is the only
28 effective means of accomplishing solid waste reduction
29 and recycling. The public service monopoly shall
30 utilize private recycling industries in the service
31 area when possible.

32 Sec. 2. Section 28G.2, Code 1991, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 3. "Solid waste management
35 project" means a project which is part of the
36 comprehensive plan, approved by the director of the
37 department of natural resources pursuant to section
38 455B.306, to establish and implement the comprehensive
39 solid waste reduction program of a city or county.

40 Sec. 3. Section 28G.3, Code 1991, is amended to
41 read as follows:

42 28G.3 CREATION OF PUBLIC SERVICE MONOPOLY.

43 If two or more local governments find that the only
44 effective means of allowing the construction and
45 utilization of a resource recovery facility for the
46 recycling of solid waste for use as an energy source
47 or to implement solid waste management projects as
48 defined in section 28G.2 is to create a public service
49 monopoly, a legal entity shall be created pursuant to
50 chapter 28E by agreement of two or more local

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1 governments to displace competition with regulation
2 and monopoly of a public service for the collection,
3 transportation, storage, and disposal, or diversion of
4 solid waste to the extent reasonably necessary to
5 carry out these functions. The agreement is subject
6 to approval of the environmental protection commission
7 before it becomes effective.

8 Sec. 4. Section 28G.4, subsections 3 and 4, Code
9 1991, are amended to read as follows:

10 3. Enter into contracts for construction and may
11 contract, license, or permit the construction of
12 resource recovery facilities for recycling of solid
13 waste for an energy source or of facilities necessary
14 to implement solid waste management projects as
15 defined in section 28G.2.

16 4. Require the use of the resource recovery
17 facilities or of facilities necessary to implement
18 solid waste management projects as defined in section
19 28G.2, by any person who can be effectively served by

20 the facilities. However, this subsection does not
 21 prohibit a private agency from dumping or depositing
 22 solid waste resulting from its own residential,
 23 farming, manufacturing, mining, or commercial
 24 activities on land owned or leased by it if the action
 25 does not violate any statute of this state or rules
 26 promulgated ~~adopted~~ by the environmental protection
 27 commission or local boards of health or local
 28 ordinances.””

29 2. Page 2, by striking line 36 and inserting the
 30 following:

31 “ . . . Page 3, line 15, by inserting after the
 32 figure “8.” the following: “Beginning September 1,
 33 1992, the final disposal of beverage containers used
 34 to contain alcoholic liquor as defined in section
 35 123.3, subsection 8, by a dealer, distributor, or
 36 manufacturer, or person operating a redemption center
 37 in a sanitary landfill, is prohibited”.”

38 3. Page 2, by inserting after line 38 the
 39 following:

40 “Sec. ____ . **NEW SECTION. 455D.10A HOUSEHOLD**
 41 **BATTERIES – HEAVY METAL CONTENT AND RECYCLING**
 42 **REQUIREMENTS.**

43 1. **DEFINITIONS.** As used in this section and in
 44 section 455D.10B unless the context otherwise
 45 requires:

46 a. “Button cell battery” means a household battery
 47 which resembles a button or coin in size and shape.

48 b. “Consumer” means a person who purchases
 49 household batteries for personal or business use.

50 c. “Easily removed” means a battery or battery

• **Page 3**

1 pack which can be removed from a battery-powered
 2 product by the consumer, using common household tools.

3 d. “Household battery” means any type of dry cell
 4 battery used by consumers, including but not limited
 5 to mercuric oxide, carbon-zinc, zinc air, silver
 6 oxide, nickel-cadmium, nickel-hydride, alkaline,
 7 lithium, or sealed lead acid batteries.

8 e. “Institutional generator” means a governmental,
 9 commercial, industrial, communications, or medical
 10 facility which generates waste mercuric oxide, nickel-
 11 cadmium, or sealed lead acid rechargeable batteries.

12 f. “Rechargeable consumer product” means a product
 13 that is primarily powered by a rechargeable battery
 14 and is primarily used or purchased to be used for
 15 household purposes.

16 g. “Rechargeable household battery” means a small

17 sealed nickel-cadmium or sealed lead acid battery used
18 for nonvehicular purposes and weighing less than
19 twenty-five pounds, which can be recharged by the
20 consumer and reused.

21 2. MERCURY CONTENT LIMITED. Beginning July 1,
22 1993, a person shall not sell, distribute, or offer
23 for retail sale in this state an alkaline manganese
24 battery that contains more than twenty-five one-
25 thousandths of a percent mercury by weight, or a
26 button cell battery which contains more than twenty-
27 five milligrams of mercury. Effective January 1,
28 1996, a person shall not sell, distribute, or offer
29 for sale at retail in this state an alkaline manganese
30 household battery to which mercury has been added.

31 3. RECYCLING/DISPOSAL REQUIREMENTS FOR HOUSEHOLD
32 BATTERIES.

33 a. Beginning July 1, 1996, a system or systems
34 shall be in place to protect the health and safety of
35 lowans, and the state's environment, from the toxic
36 components of used household batteries. The system or
37 systems shall include at least one of the following
38 elements:

39 (1) Elimination or reduction to the extent
40 established by rule of the department, of heavy metals
41 and other toxic components in nickel-cadmium, mercuric
42 oxide, or sealed lead acid household batteries, to
43 ensure protection of public health, safety, and the
44 environment when placed in or disposed of as part of
45 mixed municipal solid waste.

46 (2) Establishment of a comprehensive recycling
47 program for each type of battery listed in
48 subparagraph (1) that is sold, distributed, or offered
49 for sale in this state. An institutional generator
50 shall provide for the on-site source separation and

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1 collection of used mercuric oxide batteries, nickel-
2 cadmium rechargeable batteries, and sealed lead acid
3 rechargeable batteries. All participants in the
4 stream of commerce relating to the batteries, which
5 are listed in subparagraph (1) and which are not
6 designated as exempt pursuant to section 455D.10B,
7 subsection 2, paragraph "c" or "d", shall,
8 individually or collectively, be responsible for
9 developing and operating a system for collecting and
10 transporting used batteries to the appropriate dry
11 cell battery manufacturer or to a site or facility
12 designated by a manufacturer. Additionally, dry cell
13 battery manufacturers shall be responsible for the

14 recycling of used batteries in an environmentally
15 sound manner.

16 (3) Provision for collection, transporting, and
17 proper disposal of used household batteries of the
18 types listed in subparagraph (1) which are distri-
19 buted, sold, or offered for retail sale in the state.
20 For the purposes of this paragraph, "proper disposal"
21 means disposal which complies with all applicable
22 state and federal laws. All participants in the
23 stream of commerce relating to the batteries, which
24 are listed in subparagraph (1) and which are not
25 designated as exempt pursuant to section 455D.10B,
26 subsection 2, paragraph "c" or "d", shall,
27 individually or collectively, be responsible for
28 developing and operating a system for collecting and
29 transporting used batteries to the appropriate dry
30 cell battery manufacturer or to a site or facility
31 designated by a manufacturer. Additionally, dry cell
32 battery manufacturers shall be responsible for proper
33 disposal of the used batteries.

34 b. To meet the recycling and disposal requirements
35 of this subsection, participants in the systems
36 established under this subsection, either individually
37 or collectively, shall do all of the following:

38 (1) Identify a collection entity, other than a
39 local government collection system, unless the local
40 government agrees otherwise, through which the
41 discarded batteries listed in paragraph "a",
42 subparagraph (1) shall be returned for collection and
43 recycling or disposal.

44 (2) Inform each customer of the prohibition of
45 disposal of batteries listed in paragraph "a",
46 subparagraph (1), and a safe and convenient return
47 process available to the customer for recycling or
48 proper disposal.

49 c. After July 1, 1996, nickel-cadmium, sealed lead
50 acid, or mercuric oxide household batteries shall not

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1 be sold, distributed, or offered for sale in the
2 state, unless a system required by this section is in
3 operation.

4 d. The department may make recommendations to the
5 commission to include other types of household or
6 rechargeable batteries, not enumerated in paragraph
7 "a", subparagraph (1), in the requirements of this
8 subsection.

9 e. This subsection does not apply to batteries
10 subject to regulation under the federal Resource

11 Conservation and Recovery Act, 42 U.S.C. § 6901, et
12 seq.

13 4. RULES ADOPTED. The commission shall adopt,
14 upon recommendation of the director, the rules
15 necessary to carry out the provisions of this section
16 pursuant to chapter 17A.

17 5. PENALTIES. A person violating a provision of
18 this section is subject to a civil penalty of not more
19 than ten thousand dollars per day of violation.

20 Sec. ____ . NEW SECTION. 455D.10B BATTERIES USED
21 IN RECHARGEABLE CONSUMER PRODUCTS.

22 1. A person shall not distribute, sell, or offer
23 for retail sale in the state a rechargeable consumer
24 product manufactured on or after January 1, 1994,
25 unless all of the following conditions are met:

26 a. The battery can be easily removed by the
27 consumer, or is contained in a battery pack that is
28 separate from the product and can be easily removed;

29 b. The product, the battery, and the product
30 package are clearly labeled to indicate that the
31 battery must be recycled or disposed of properly, and
32 meets the requirements of the international standards
33 organization (ISO 7000-1135) recycling symbol which
34 includes the designation "Cd" for nickel-cadmium
35 batteries and "Pb" for small lead batteries.

36 2. A rechargeable consumer product manufacturer
37 may apply to the department for exemption from the
38 requirements of subsection 1 if any of the following
39 apply:

40 a. The product cannot be redesigned or
41 manufactured to comply with the requirements prior to
42 January 1, 1994.

43 b. The redesign of the product to comply with the
44 requirements would result in significant danger to
45 public health and safety.

46 c. The battery poses no unreasonable hazard to
47 public health, safety, or the environment when placed
48 in and processed or disposed of as part of mixed
49 municipal solid waste, pursuant to section 455D.10A.

50 d. The consumer product manufacturer has in

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1 operation a program to recycle used batteries in an
2 environmentally sound manner.

3 3. An exemption granted by the department under
4 subsection 2, paragraph "a" is limited to a maximum of
5 two years, but may be renewed."

6 4. Title page, line 1, by inserting after the
7 word "waste" the following: "and providing a

- 8 penalty".
 9 5. By renumbering as necessary.

S-5921

- 1 Amend House File 2480, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 21, by striking lines 16 through 22.
 4 2. Page 23, by striking lines 15 and 16.
 5 3. Title page, by striking line 4 and inserting
 6 the following: "provisions."
 7 4. By renumbering as necessary.

MARK HAGERLA

S-5922

- 1 Amend Senate File 2376 as follows:
 2 1. Page 1, by inserting after line 9, the
 3 following:
 4 "DIVISION —
 5 A political subdivision of this state authorized to
 6 impose an ad valorem tax on real property shall not
 7 increase the levy rate of the ad valorem tax, from the
 8 levy rate for the previous year, on real property
 9 collected in the political subdivision for the fiscal
 10 year beginning July 1, 1992, and ending June 30, 1993,
 11 if either of the following applies: the increase in
 12 the levy is to supplement the difference between an
 13 amount appropriated for fiscal year 1992 and an
 14 appropriation made under this Act or the increase in
 15 the levy is to supplement an appropriation in a
 16 proportion higher than was supplemented by ad valorem
 17 property taxes in fiscal year 1992."
 18 2. By renumbering as necessary.

JOHN W. JENSEN
BERL E. PRIEBE

S-5923

- 1 Amend the amendment, S-5901, to House File 2480, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking line 3 and inserting the
 5 following:
 6 "— Page 4, by striking line 8, and inserting
 7 the following:
 8 "NEW SUBSECTION. 8. This subsection applies only
 9 to placements in a juvenile shelter care home which is

- 10 publicly owned, operated as a county or multicounty
- 11 shelter care home, or organized under a chapter 28E
- 12 agreement. If”.
- 13 2. Page 4, line 15, by striking the word “claims”
- 14 and inserting the following: “claim”.

MAGGIE TINSMAN

S-5924

- 1 Amend the amendment, S-5917, to Senate File 2376 as
- 2 follows:
- 3 1. Page 30, by striking lines 6 and 7 and insert-
- 4 ing the following:
- 5 “ \$ 41,860,000
- 6 FTEs 1,158.13”.
- 7 2. Page 30, by striking lines 22 through 27 and
- 8 inserting the following:
- 9 “ \$ 5,010,000
- 10 FTEs 103.00”.
- 11 3. Page 59, by striking lines 30 through 43.
- 12 4. By striking page 61, line 50, through page 62,
- 13 line 1.
- 14 5. Page 64, by striking lines 29 through 37.
- 15 6. Page 65, line 13, by inserting after the word
- 16 “administrator,” the following: “and”.
- 17 7. Page 65, by striking lines 14 through 16 and
- 18 inserting the following: “medical assistance optional
- 19 services, of this Act, being deemed”.

EUGENE FRAISE

S-5925

- 1 Amend the amendment, S-5917, to Senate File 2376,
- 2 as follows:
- 3 1. Page 64, line 11, by striking the word
- 4 “chiropractors,”.

EUGENE FRAISE

S-5926

- 1 Amend the amendment, S-5917, to Senate File 2376 as
- 2 follows:
- 3 1. Page 2, by inserting after line 7 the follow-
- 4 ing:
- 5 “Sec. ____ . EMERGENCY ASSISTANCE. 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, 1992, and ending June 30, 1993, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:

11 For emergency assistance to families with dependent
12 children under Title IV-A of the federal Social
13 Security Act to match federal funding for homeless
14 prevention programs:

15 \$ 883,750

16 The emergency assistance provided for in this
17 section shall be available beginning October 1, 1992,
18 and shall be provided only if all other publicly
19 funded resources have been exhausted. The emergency
20 assistance includes, but is not limited to, assisting
21 people who face eviction, potential eviction, or
22 foreclosure, utility shutoff or fuel shortage, loss of
23 heating energy supply or equipment, homelessness,
24 utility or rental deposits, or other specified crisis
25 which threatens family or living arrangements. The
26 emergency assistance shall be available to migrant
27 families who would otherwise meet eligibility
28 criteria. The department shall report quarterly,
29 beginning October 1, 1992, and continuing through the
30 period that emergency assistance funding is provided,
31 to the legislative fiscal committee concerning the
32 emergency assistance."

33 2. Page 2, by striking line 18 and inserting the
34 following:

35 " \$ 264,345,000".

36 3. Page 6, by striking lines 6 through 9 and
37 inserting the following:

38 " ____ . The department shall implement for the
39 period beginning July 1, 1992, and ending June 30,
40 1993, the maximum copayments allowed by federal
41 regulations for the following medical assistance
42 services: for each laboratory or X-ray procedure
43 provided by an X-ray and laboratory service provider;
44 for each day of service for services provided by
45 clinics, ambulatory surgical centers, community mental
46 health centers, certified registered nurse
47 anesthetists, rural health clinics, federally
48 qualified health centers, and outpatient hospital
49 services; for each day of service for services
50 provided by home health agencies and physicians; and

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- 1 for each day of service in an inpatient hospital.
- 2 Copayment shall not apply to the following: children
- 3 under 21 years of age; pregnant women; persons
- 4 residing in nursing facilities, residential care

5 facilities, or psychiatric institutions; family
6 planning services; federal medicare crossover claims;
7 services provided by a contracting health maintenance
8 organization; and emergency services as defined by
9 federal regulations.”

10 4. Page 8, by striking lines 6 through 20.

11 5. Page 8, by striking line 29 and inserting the
12 following:

13 “ \$ 7,085,000”.

14 6. Page 9, line 39, by striking the figure
15 “633,931” and inserting the following: “258,931”.

16 7. Page 10, by striking line 49 and inserting the
17 following:

18 “ \$ 4,560,000”.

19 8. Page 11, line 1, by striking the figure
20 “4,050,701” and inserting the following: “3,650,701”.

21 9. Page 26, by striking line 16 and inserting the
22 following:

23 “ \$ 3,615,000”.

24 10. Page 30, by striking lines 6 and 7 and
25 inserting the following:

26 “ \$ 41,860,000

27 FTEs 1,158.13”.

28 11. Page 30, by striking lines 22 through 27 and
29 inserting the following:

30 “ \$ 5,010,000

31 FTEs 103.00”.

32 12. Page 44, by striking line 36 and inserting
33 the following:

34 “ \$ 8,627,765”.

35 13. Page 49, by striking line 18 and inserting
36 the following:

37 “ \$ 50,000”.

38 14. By striking page 50, line 47, through 51,
39 line 22.

40 15. Page 59, by striking lines 30 through 43.

41 16. By striking page 61, line 50, through page
42 62, line 1.

43 17. Page 64, by striking lines 29 through 37.

44 18. Page 65, line 13, by inserting after the word
45 “administrator,” the following: “and”.

46 19. Page 65, by striking lines 14 through 16 and
47 inserting the following: “medical assistance optional
48 services, of this Act, being deemed”.

49 20. By renumbering as necessary.

S-5927

1 Amend the amendment, S-5912, to Senate File 2376,
2 as follows:

3 1. Page 5, by inserting after line 29 the
4 following:

5 " — . FOSTER CARE REVIEW BOARD
6 For salaries, support, maintenance, and
7 miscellaneous purposes for conducting foster care
8 review services in the sixth and eighth judicial
9 districts with priority given to completing local
10 board reviews and implementation of programming in the
11 eighth district and limited state board programming,
12 and for not more than the following full-time
13 equivalent positions:

14	.....	\$	150,000
15	.....	FTEs	4.25

16 The department of human services and the state
17 foster care review board shall enter into a contract
18 for the purpose of submitting an application to the
19 appropriate federal agency to obtain any available
20 federal funding. Funding received as a result of
21 submitting the application shall be forwarded to the
22 state foster care review board to be used in place of
23 appropriated state funds for the board. Any
24 unexpended funds shall revert to the general fund of
25 the state.

26 — . The department of human services shall submit
27 an application for funding available pursuant to Title
28 IV-E of the federal Social Security Act for the
29 following claims:

30 a. For the fiscal year beginning July 1, 1991, and
31 ending June 30, 1992, for state foster care review
32 board administrative review costs. The department
33 shall begin making application for the costs upon the
34 effective date of this Act.

35 b. For the fiscal period beginning July 1, 1989,
36 and ending June 30, 1991, for state foster care review
37 board administrative review costs. The department
38 shall make application for the costs no later than
39 July 1, 1992."

40 2. Page 14, by inserting after line 18 the
41 following:

42 "Sec. — . Section 237.16, unnumbered paragraph 2,
43 Code 1991, is amended to read as follows:

44 The members of the state board shall annually
45 select a chairperson, vice chairperson, and other
46 officers the members deem necessary. The members are
47 may be entitled to receive reimbursement for actual
48 and necessary expenses incurred in the performance of

49 their duties, subject to available funding. Each
50 member of the board may also be eligible to receive

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1 compensation as provided in section 7E.6. The state
2 board shall meet at least twice a year.
3 Sec. 26. Section 237.18, subsection 5, unnumbered
4 paragraph 1, Code 1991, is amended to read as follows:
5 Employ an administrator and appropriate staff in
6 accordance with available funding. The board shall
7 coordinate with the department of inspections and
8 appeals regarding administrative functions of the
9 board.
10 3. By renumbering as necessary.

RICHARD VANDE HOEF

HOUSE AMENDMENT TO
SENATE FILE 2034

S-5928

1 Amend Senate File 2034, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 29, the
4 following:
5 "Sec. 30. Section 99E.10, subsection 1, paragraph
6 b, Code Supplement 1991, is amended to read as
7 follows:
8 b. An amount equal to ~~four percent of the product~~
9 ~~of the state sales tax rate under section 422.43~~
10 multiplied by the gross sales price of each ticket or
11 share sold shall be deducted as the sales tax on the
12 sale of that ticket or share, remitted to the
13 treasurer of state and deposited into the state
14 general fund."
15 2. Page 2, by inserting after line 9, the
16 following:
17 "Sec. 60. Section 135D.22, subsection 2, paragraph
18 a, Code Supplement 1991, is amended to read as
19 follows:
20 a. If the owner of the mobile home is an Iowa
21 resident, ~~was totally disabled, as defined in section~~
22 ~~425.17, subsection 11 on or before December 31 of the~~
23 ~~base year, is a surviving spouse having attained the~~
24 ~~age of fifty-five years on or before December 31, 1988~~
25 ~~or has attained the age of sixty-five~~ eighteen years
26 on or before December 31 of the base year, and has an
27 income when included with that of a spouse which is

28 less than six thousand dollars per year, the annual
 29 tax shall not be imposed on the mobile home. If the
 30 income is six thousand dollars or more but less than
 31 fourteen thousand dollars, the annual tax shall be
 32 computed as follows:

33	If the Household	Annual Tax Per
34	Income is:	Square Foot:
35	\$ 6,000 - 6,999.99	3.0 cents
36	7,000 - 7,999.99	6.0
37	8,000 - 9,999.99	10.0
38	10,000 - 11,999.99	13.0
39	12,000 - 13,999.99	15.0

40 Sec. 61. Section 135D.22, subsection 2, paragraph
 41 b, Code Supplement 1991, is amended by striking the
 42 paragraph."

43 3. Page 2, by inserting after line 9 the
 44 following:

45 "Sec. 31. Section 307B.26, Code 1991, is amended
 46 to read as follows:

47 307B.26 APPROPRIATION TO AUTHORITY.

48 Notwithstanding section 423.24 and prior to the
 49 application of section 423.24, subsection 1, paragraph
 50 "b c", there is appropriated to the authority from

Page 2

1 eighty percent of the revenues derived from the
 2 operation of section 423.7 the amounts certified by
 3 the authority under section 307B.25. However, the
 4 total amount credited to the Iowa railway finance
 5 authority under this section shall not exceed two
 6 million dollars annually. Moneys credited to the Iowa
 7 railway finance authority under this section are
 8 appropriated only for the payment of principal and
 9 interest on obligations or the payment of leases
 10 guaranteed by the authority as provided under section
 11 307B.25.

12 Sec. 32. Section 312.1, subsection 3, Code 1991,
 13 is amended to read as follows:

14 3. Except as To the extent provided in section
 15 423.24, subsection 1, paragraph "c", from revenue
 16 derived from the use tax, under chapter 423 on motor
 17 vehicles, trailers, and motor vehicle accessories and
 18 equipment; as same may be collected as provided by
 19 section 423.7.

20 Sec. 33. Section 321.34, subsection 10, paragraph
 21 c, Code Supplement 1991, is amended to read as
 22 follows:

23 c. The fees for a collegiate registration plate
 24 are as follows:

25 (1) A registration fee of twenty-five dollars.

26 (2) A special collegiate registration fee of
27 twenty-five dollars.

28 These fees are in addition to the regular annual
29 registration fee. The fees collected by the director
30 under this subsection shall be paid monthly to the
31 treasurer of state and credited by the treasurer of
32 state to the road use tax fund. Notwithstanding
33 section 423.24 and prior to the application of
34 revenues being credited to the road use tax fund under
35 section 423.24, subsection 1, paragraph "b c", the
36 treasurer of state shall credit monthly from those
37 revenues derived from the operation of section 423.7,
38 respectively, to Iowa State University of science and
39 technology, the University of Northern Iowa, and the
40 state University of Iowa, the amount of the special
41 collegiate registration fees collected in the previous
42 month for collegiate registration plates designed for
43 the university. The moneys credited are appropriated
44 to the respective universities to be used for
45 scholarships for students attending the universities.

46 Sec. 34. Section 321.34, subsection 14, paragraph
47 c, Code Supplement 1991, is amended to read as
48 follows:

49 c. The special sesquicentennial fee for letter
50 number designated sesquicentennial plates is fifteen

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1 dollars. The fee for personalized sesquicentennial
2 plates is twenty-five dollars which shall be paid in
3 addition to the special sesquicentennial fee of
4 fifteen dollars. The fees collected by the director
5 under this subsection shall be paid monthly to the
6 treasurer of state and credited to the road use tax
7 fund. Notwithstanding section 423.24, and prior to
8 the application of crediting of revenues to the road
9 use tax fund under section 423.24, subsection 1,
10 paragraph "b c", the treasurer of state shall credit
11 monthly from the those revenues derived from the
12 operation of section 423.7 to the sesquicentennial
13 fund established in section 7G.1, the amount of the
14 special sesquicentennial fees collected in the
15 previous month for the sesquicentennial plates."

16 4. Page 2, by inserting after line 35 the
17 following:

18 "Sec. 50. Section 422.5, subsections 2 and 8, Code
19 Supplement 1991, are amended to read as follows:

20 2. However, the tax shall not be imposed on a
21 resident or nonresident whose net income, as defined

22 in section 422.7, is ~~seven~~ thirteen thousand five
23 hundred dollars or less in the case of married persons
24 filing jointly or filing separately on a combined
25 return, unmarried heads of household, and surviving
26 spouses or ~~five~~ nine thousand dollars or less in the
27 case of all other persons; but in the event that the
28 payment of tax under this division would reduce the
29 net income to less than ~~seven~~ thirteen thousand five
30 hundred dollars or ~~five~~ nine thousand dollars as
31 applicable, then the tax shall be reduced to that
32 amount which would result in allowing the taxpayer to
33 retain a net income of ~~seven~~ thirteen thousand five
34 hundred dollars or ~~five~~ nine thousand dollars as
35 applicable. The preceding sentence does not apply to
36 estates or trusts. For the purpose of this
37 subsection, the entire net income, including any part
38 of the net income not allocated to Iowa, shall be
39 taken into account. For purposes of this subsection,
40 net income includes all amounts of pensions or other
41 retirement income received from any source which is
42 not taxable under this division as a result of the
43 government pension exclusions in section 422.7, or any
44 other state law. If the combined net income of a
45 husband and wife exceeds ~~seven~~ thirteen thousand five
46 hundred dollars, neither of them shall receive the
47 benefit of this subsection, and it is immaterial
48 whether they file a joint return or separate returns.
49 However, if a husband and wife file separate returns
50 and have a combined net income of ~~seven~~ thirteen

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1 thousand five hundred dollars or less, neither spouse
2 shall receive the benefit of this paragraph, if one
3 spouse has a net operating loss and elects to carry
4 back or carry forward the loss as provided in section
5 422.9, subsection 3. A person who is claimed as a
6 dependent by another person as defined in section
7 422.12 shall not receive the benefit of this
8 subsection if the person claiming the dependent has
9 net income exceeding ~~seven~~ thirteen thousand five
10 hundred dollars or ~~five~~ nine thousand dollars as
11 applicable or the person claiming the dependent and
12 the person's spouse have combined net income exceeding
13 ~~seven~~ thirteen thousand five hundred dollars or ~~five~~
14 nine thousand dollars as applicable.
15 In addition, if the married persons' filing
16 jointly or filing separately on a combined return,
17 unmarried head of household's, or surviving spouse's
18 net income exceeds ~~seven~~ thirteen thousand five

19 hundred dollars, the regular tax imposed under this
20 division shall be the lesser of the maximum state
21 individual income tax rate times the portion of the
22 net income in excess of ~~seven~~ thirteen thousand five
23 hundred dollars or the regular tax liability computed
24 without regard to this sentence. Taxpayers electing
25 to file separately shall compute the alternate tax
26 described in this paragraph using the total net income
27 of the husband and wife. The alternate tax described
28 in this paragraph does not apply if one spouse elects
29 to carry back or carry forward the loss as provided in
30 section 422.9, subsection 3.

31 8. In addition to the other taxes imposed by this
32 section, a tax is imposed on the amount of a lump sum
33 distribution for which the taxpayer has elected under
34 section 402(e) of the Internal Revenue Code to be
35 separately taxed for federal income tax purposes for
36 the tax year. The rate of tax is equal to twenty-five
37 percent of the separate federal tax imposed on the
38 amount of the lump sum distribution. A nonresident is
39 liable for this tax only on that portion of the lump
40 sum distribution allocable to Iowa. The total amount
41 of the lump sum distribution subject to separate
42 federal tax shall be included in net income for
43 purposes of determining eligibility under the ~~seven~~
44 thirteen thousand five hundred dollar or less or ~~five~~
45 nine thousand dollar or less exclusion, as
46 applicable."

47 5. Page 4, by inserting after line 26 the
48 following:

49 "Sec. 35. Section 422.43, subsections 1, 2, 4, 5,
50 6, 7, and 10, Code Supplement 1991, are amended to

Page 5

1 read as follows:

2 1. There is imposed a tax of ~~four~~ five percent
3 upon the gross receipts from all sales of tangible
4 personal property, consisting of goods, wares, or
5 merchandise, except as otherwise provided in this
6 division, sold at retail in the state to consumers or
7 users; a like rate of tax upon the gross receipts from
8 the sales, furnishing, or service of gas, electricity,
9 water, heat, pay television service, and communication
10 service, including the gross receipts from such sales
11 by any municipal corporation or joint water utility
12 furnishing gas, electricity, water, heat, pay
13 television service, and communication service to the
14 public in its proprietary capacity, except as
15 otherwise provided in this division, when sold at

16 retail in the state to consumers or users; a like rate
17 of tax upon the gross receipts from all sales of
18 tickets or admissions to places of amusement, fairs,
19 and athletic events except those of elementary and
20 secondary educational institutions; and a like rate of
21 tax upon that part of private club membership fees or
22 charges paid for the privilege of participating in any
23 athletic sports provided club members.

24 2. There is imposed a tax of ~~four~~ five percent
25 upon the gross receipts derived from the operation of
26 all forms of amusement devices and games of skill,
27 games of chance, raffles, and bingo games as defined
28 in chapter 99B, operated or conducted within the state
29 of Iowa, the tax to be collected from the operator in
30 the same manner as is provided for the collection of
31 taxes upon the gross receipts of tickets or admission
32 as provided in this section. The tax shall also be
33 imposed upon the gross receipts derived from the sale
34 of lottery tickets or shares pursuant to chapter 99E.
35 The tax on the lottery tickets or shares shall be
36 included in the sales price and distributed to the
37 general fund as provided in section 99E.10.

38 4. There is imposed a like rate of tax of five
39 ~~percent~~ upon the gross receipts from the sales of
40 engraving, photography, retouching, printing, and
41 binding services. For the purpose of this division,
42 the sales of engraving, photography, retouching,
43 printing, and binding services are sales of tangible
44 property.

45 5. There is imposed a like rate of tax of five
46 ~~percent~~ upon the gross receipts from the sales of
47 vulcanizing, recapping, and retreading services. For
48 the purpose of this division, the sales of
49 vulcanizing, recapping, and retreading services are
50 sales of tangible property.

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1 6. There is imposed a tax of ~~four~~ five percent
2 upon the gross receipts from the sales of optional
3 service or warranty contracts which provide for the
4 furnishing of labor and materials and require the
5 furnishing of any taxable service enumerated under
6 this section. The gross receipts are subject to tax
7 even if some of the services furnished are not
8 enumerated under this section. For the purpose of
9 this division, the sale of an optional service or
10 warranty contract is a sale of tangible personal
11 property. Additional sales, services, or use ~~tax~~
12 taxes shall not be levied on services, parts, or labor

13 provided under optional service or warranty contracts
14 which are subject to tax under this section.

15 7. A like rate of tax There is imposed a tax of
16 five percent upon the gross receipts from the renting
17 of rooms, apartments, or sleeping quarters in a hotel,
18 motel, inn, public lodging house, rooming house,
19 mobile home which is tangible personal property, or
20 tourist court, or in any place where sleeping
21 accommodations are furnished to transient guests for
22 rent, whether with or without meals. "Renting" and
23 "rent" include any kind of direct or indirect charge
24 for such rooms, apartments, or sleeping quarters, or
25 their use. For the purposes of this division, such
26 renting is regarded as a sale of tangible personal
27 property at retail. However, this tax does not apply
28 to the gross receipts from the renting of a room,
29 apartment, or sleeping quarters while rented by the
30 same person for a period of more than thirty-one
31 consecutive days.

32 10. There is imposed a tax of ~~four~~ five percent
33 upon the gross receipts from the rendering,
34 furnishing, or performing of services as defined in
35 section 422.42."

36 6. Page 5, by inserting after line 31 the
37 following:

38 "Sec. 36. Section 422.43, subsection 12,
39 unnumbered paragraph 1, Code Supplement 1991, is
40 amended to read as follows:

41 A tax of ~~four~~ five percent is imposed upon the
42 gross receipts from all sales of tangible personal
43 property, consisting of goods, wares, or merchandise,
44 except as otherwise provided in this division, sold at
45 retail in the state to consumers or users within the
46 state by retailers that meet any of the following
47 criteria:

48 Sec. 37. Section 422.47, subsection 2, Code 1991,
49 is amended to read as follows:

50 2. Construction contractors may make application

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1 to the department for a refund of the additional one
2 percent tax paid under this division or the additional
3 one percent tax paid under chapter 423 by reason of
4 the increase in the tax from ~~three to four~~ to five
5 percent for taxes paid on goods, wares, or merchandise
6 under the following conditions:

7 a. The goods, wares, or merchandise are
8 incorporated into an improvement to real estate in
9 fulfillment of a written contract fully executed prior

10 to ~~March 1, 1983~~ June 1, 1992. The refund shall not
11 apply to equipment transferred in fulfillment of a
12 mixed construction contract.

13 b. The contractor has paid to the department or to
14 a retailer the full ~~four~~ five percent tax.

15 c. The claim is filed on forms provided by the
16 department and is filed within one year of the date
17 the tax is paid.

18 A contractor who makes an erroneous application for
19 refund shall be liable for payment of the excess
20 refund paid plus interest at the rate in effect under
21 section 421.7. In addition, a contractor who
22 willfully makes a false application for refund is
23 guilty of a simple misdemeanor and is liable for a
24 penalty equal to fifty percent of the excess refund
25 claimed. Excess refunds, penalties, and interest due
26 under this subsection may be enforced and collected in
27 the same manner as the tax imposed by this division."

28 7. Page 6, by inserting after line 6 the
29 following:

30 "Sec. 38. Section 423.2, Code 1991, is amended to
31 read as follows:

32 **423.2 IMPOSITION OF TAX.**

33 An excise tax is imposed on the use in this state
34 of tangible personal property purchased for use in
35 this state, at the rate of ~~four~~ five percent of the
36 purchase price of the property. The excise tax is
37 imposed upon every person using the property within
38 this state until the tax has been paid directly to the
39 county treasurer or the state department of
40 transportation, to a retailer, or to the department.

41 An excise tax is imposed on the use in this state of
42 services enumerated in section 422.43 at the rate of
43 ~~four~~ five percent. This tax is applicable where
44 services are rendered, furnished, or performed in this
45 state or where the product or result of the service is
46 used in this state. This tax is imposed on every
47 person using the services or the product of the
48 services in this state until the user has paid the tax
49 either to an Iowa use tax permit holder or to the
50 department."

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1 8. Page 6, by inserting after line 26 the
2 following:

3 "Sec. 39. Section 423.24, subsection 1, Code
4 Supplement 1991, is amended to read as follows:

5 1. Eighty percent of all revenues derived from the
6 use tax on motor vehicles, trailers, and motor vehicle

7 accessories and equipment as collected pursuant to
8 section 423.7 shall be deposited and credited as
9 follows:

10 a. Twenty-five percent of all such revenue derived
11 from the use tax on motor vehicles, trailers, and
12 motor vehicle accessories and equipment as collected
13 pursuant to section 423.7, up to a maximum of three
14 million eight hundred twenty-five thousand dollars per
15 quarter, shall be deposited into and credited to the
16 Iowa comprehensive petroleum underground storage tank
17 fund created in section 455G.3, and the moneys so
18 deposited are a continuing appropriation for
19 expenditure under chapter 455G, and moneys so
20 appropriated shall not be used for other purposes.

21 b. Any such revenues remaining revenue derived
22 from the use tax on motor vehicles, trailers, and
23 motor vehicle accessories and equipment as collected
24 pursuant to section 423.7 shall be credited to the
25 primary road fund to the extent necessary to reimburse
26 that fund for the expenditures, not otherwise eligible
27 to be made from the primary road fund, made for
28 repairing, improving and maintaining bridges over the
29 rivers bordering the state. Expenditures for those
30 portions of bridges within adjacent states may be
31 included when they are made pursuant to an agreement
32 entered into under sections 313.63, 313A.34, and
33 314.10.

34 c. Any such revenues remaining revenues derived
35 from the operation of section 423.7 shall be credited
36 to the road use tax fund."

37 9. Page 6, by inserting after line 26 the
38 following:

39 "Sec. 62. Section 425.17, subsection 2, Code
40 Supplement 1991, is amended to read as follows:

41 2. "Claimant" means either one of the following:

42 a. A a person filing a claim for credit or
43 reimbursement under this division who has attained the
44 age of ~~sixty-five~~ eighteen years on or before December
45 31 of the base year or who is a surviving spouse
46 having attained the age of ~~fifty-five~~ years on or
47 before December 31, 1988, or who is totally disabled
48 and was totally disabled on or before December 31 of
49 the base year, and was domiciled in this state during
50 the entire base year, and is domiciled in this state

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1 at the time the claim is filed or at the time of the
2 person's death in the case of a claim filed by the
3 executor or administrator of the claimant's estate.

4 b. A person filing a claim for credit or
 5 reimbursement under this division who has attained the
 6 age of eighteen years on or before December 31 of the
 7 base year but has not attained the age or disability
 8 status described in paragraph "a", and was domiciled
 9 in this state during the entire base year and is
 10 domiciled in this state at the time the claim is filed
 11 or at the time of the person's death in the case of a
 12 claim filed by the executor or administrator of the
 13 claimant's estate and was not claimed as a dependent
 14 on any other person's tax return for the base year.
 15 "Claimant" under paragraph "a" or "b" includes a
 16 vendee in possession under a contract for deed and may
 17 include one or more joint tenants or tenants in
 18 common. In the case of a claim for rent constituting
 19 property taxes paid, the claimant shall have rented
 20 the property during any part of the base year. If a
 21 homestead is occupied by two or more persons, and more
 22 than one person is able to qualify as a claimant, the
 23 persons may determine among them who will be the
 24 claimant. If they are unable to agree, the matter
 25 shall be referred to the director of revenue and
 26 finance not later than October 31 of each year and the
 27 director's decision is final.

28 Sec. 63. Section 425.23, subsection 1, paragraph
 29 a, Code Supplement 1991, is amended to read as
 30 follows:

31 a. The tentative credit or reimbursement for a
 32 claimant described in section 425.17, subsection 2,
 33 paragraph "a" shall be determined in accordance with
 34 the following schedule:

35 36 37 38 If the household 39 income is:	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:	
40 \$ 0 -- 5,999.99	100%
41 6,000 -- 6,999.99	85
42 7,000 -- 7,999.99	70
43 8,000 -- 9,999.99	50
44 10,000 -- 11,999.99	35
45 12,000 -- 13,999.99	25

46 Sec. 64. Section 425.23, subsection 1, paragraph
 47 b, Code Supplement 1991, is amended by striking the
 48 paragraph.

49 Sec. 65. Section 425.23, subsection 3, paragraph
 50 a, Code Supplement 1991, is amended to read as

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1 follows:

2 a. A person who is eligible to file a claim for
3 credit for property taxes due and who has a household
4 income of six thousand dollars or less and who has a
5 special assessment levied against the homestead may
6 file a claim with the county treasurer that the
7 claimant had a household income of six thousand
8 dollars or less and that a special assessment is
9 presently levied against the homestead. The
10 department shall provide to the respective county
11 treasurers the forms necessary for the administration
12 of this subsection. The claim shall be filed not
13 later than September 30 of each year. Upon the filing
14 of the claim, a penalty or interest for late payment
15 shall not accrue against the amount of the special
16 assessment due and payable. The claim filed by the
17 claimant constitutes a claim for credit of an amount
18 equal to the actual amount due and payable upon the
19 special assessment payable during the fiscal year
20 against the homestead of the claimant or an amount
21 equal to the annual payment of the special assessment
22 levied against the homestead of the claimant and
23 payable in annual installments through the period of
24 years provided by the governing body of the city,
25 whichever is less. However, where the claimant is an
26 individual described in section 425-17, subsection 2,
27 paragraph "b", the claim filed constitutes a claim for
28 credit of an amount equal to one-half of the actual
29 amount due and payable during the fiscal year or equal
30 to one-half of the annual payment, whichever is less.
31 The department of revenue and finance shall, upon the
32 filing of the claim with the department by the county
33 treasurer, pay that amount of the special assessment
34 during the current fiscal year to the county
35 treasurer. The county treasurer shall submit the
36 claims to the director of revenue and finance not
37 later than October 15 of each year. The director of
38 revenue and finance shall certify the amount of
39 reimbursement due each county for special assessment
40 credits allowed under this subsection. The amount of
41 reimbursement due each county shall be paid by the
42 director of revenue and finance on October 20 of each
43 year, drawn upon warrants payable to the respective
44 county treasurer. There is appropriated annually from
45 the general fund of the state to the department of
46 revenue and finance an amount sufficient to carry out
47 the provisions of this subsection. The county
48 treasurer shall credit any moneys received from the

49 department against the amount of the special
50 assessment due and payable on the homestead of the

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1 claimant.”
2 10. Page 7, by inserting after line 34 the
3 following:
4 “Sec. 40. APPLICABILITY. This section applies in
5 regard to the increase in the state sales, services,
6 and use taxes from four to five percent. The use tax
7 rate of five percent applies to motor vehicles subject
8 to registration which are registered on or after June
9 1, 1992. The five percent use tax rate applies to the
10 use of property when the first taxable use in this
11 state occurs on or after June 1, 1992. The five
12 percent rate applies to the gross receipts from the
13 sale, furnishing, or service of gas, electricity,
14 water, heat, pay television service, and communication
15 service if the date of billing the customer is on or
16 after June 1, 1992. In the case of a service contract
17 entered into prior to June 1, 1992, which contract
18 calls for periodic payments, the five percent rate
19 applies to those payments made or due on or after June
20 1, 1992. This periodic payment applies, but is not
21 limited to, tickets or admissions, private club
22 membership fees, sources of amusement, equipment
23 rental, dry cleaning, reducing salons, dance schools,
24 and all other services subject to tax, except the
25 aforementioned utility services which are subject to a
26 special transitional rule. Unlike periodic payments
27 under service contracts, installment sales of goods,
28 wares, and merchandise are subject to the full amount
29 of sales or use tax when the sales contract is entered
30 into or the property is first used in Iowa.”
31 11. Page 8, by inserting after line 11 the
32 following:
33 “Sec. ____ . Sections 30, 31, 32, 33, 34, 35, 36,
34 37, 38, 39, and 40 of this Act take effect June 1,
35 1992, for purposes of the increase in the rate of
36 sales, services, and use taxes on that date.
37 Sec. ____ . Section 50 of this Act applies
38 retroactively to January 1, 1992, for tax years
39 beginning on or after that date.”
40 12. Page 8, by inserting after line 11, the
41 following:
42 “Sec. ____ . Sections 60, 61, 62, 63, 64, and 65 of
43 this Act take effect January 1, 1993, for mobile home
44 tax claims and property tax claims filed on or after
45 that date. Sections 62, 63, and 64 of this Act are

46 applicable to rent reimbursement claims filed on or
47 after January 1, 1994.”

48 13. Page 8, by inserting after line 11 the
49 following:

50 “Expenditure Limitation Technical Corrections

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1 Sec. ____ . Section 8.54, subsection 1, paragraph b,
2 as enacted by 1992 Iowa Acts, Senate File 2351,
3 section 4, is amended to read as follows:
4 b. “New revenues” means moneys which are received
5 by the state due to increased tax rates and fees or
6 newly created taxes and fees over and above those
7 moneys which are received due to state taxes and fees
8 which are in effect as of January 1 following the
9 December state revenue estimating conference. “New
10 revenues” also includes moneys received by the general
11 fund of the state due to new transfers over and above
12 those moneys received by the general fund of the state
13 due to transfers which are in effect as of January 1
14 following the December state revenue estimating
15 conference. The department of management shall obtain
16 concurrence from the revenue estimating conference on
17 the eligibility of transfers to the general fund of
18 the state which are to be considered as new revenue in
19 determining the state general fund expenditure
20 limitation.

21 Sec. ____ . Section 8.57, subsection 1, paragraph b,
22 as enacted by 1992 Iowa Acts, Senate File 2351,
23 section 7, is amended to read as follows:
24 b. Commencing June 30, 1993, the surplus existing
25 in the general fund of the state at the conclusion of
26 the fiscal year is appropriated for distribution as
27 provided in this section. As used in this paragraph,
28 “surplus” means the positive ending balance in the
29 general fund, if any excess of revenues and other
30 financing sources over expenditures and other
31 financing uses for the general fund of the state in a
32 fiscal year.

33 Sec. ____ . Section 8.57, subsection 2, as enacted
34 by the 1992 Iowa Acts, Senate File 2351, section 7, is
35 amended to read as follows:
36 2. Moneys appropriated under subsection 1 shall be
37 first credited to the cash reserve fund. To the
38 extent that moneys appropriated under subsection 1
39 would make the moneys in the cash reserve fund exceed
40 the cash reserve goal percentage of the adjusted
41 revenue estimate for the fiscal year, the moneys are
42 appropriated to the department of management to be

43 spent for the purpose of eliminating Iowa's GAAP
44 deficit. These moneys shall be deposited into a GAAP
45 deficit reduction account established within the
46 department of management. Unspent moneys in this
47 account shall be available for expenditure for
48 subsequent fiscal years. The department of management
49 shall annually file with both houses of the general
50 assembly at the time of the submission of the

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1 governor's budget a schedule of the items for which
2 moneys appropriated under this subsection for the
3 purpose of eliminating Iowa's GAAP deficit shall be
4 spent in the fiscal year commencing July 1 following
5 the date of the filing of the report. The schedule
6 shall list each item of expenditure and the maximum
7 dollar amount of moneys to be spent on that item for
8 the fiscal year. If moneys appropriated under this
9 subsection are not enough to pay for all listed
10 expenditures, the department of management shall
11 allocate the payments among the listed expenditure
12 items. Moneys appropriated to the department of
13 management under this subsection shall not be spent on
14 items other than those included in the filed schedule.
15 After elimination of the GAAP deficit, any moneys in
16 the GAAP deficit reduction account shall be
17 appropriated to the Iowa economic emergency fund."
18 14. Title page, line 5, by inserting after the
19 word "corporations," the following: "the minimum
20 amount below which no individual income tax is
21 imposed, the increase in the rate of the sales and use
22 taxes rate,".
23 15. Title page, line 8, by inserting before the
24 word "and" the following: "mobile home tax reduction,
25 homestead tax credit, and rent reimbursement claims,".
26 16. Title page, line 9, by inserting after the
27 word "returns" the following: "and making technical
28 corrections to the state general fund expenditure
29 limitation law,".

HOUSE AMENDMENT TO
SENATE FILE 2097

S-5929

1 Amend Senate File 2097, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 11 the
4 following:

5 "Sec. ____ . Section 20.17, subsection 11, Code
6 Supplement 1991, as amended by 1992 Iowa Acts, Senate
7 File 2216, section 1, is amended to read as follows:

8 11. a. In the absence of an impasse agreement
9 negotiated pursuant to section 20.19 which provides
10 for a different completion date, public employees
11 represented by a certified employee organization who
12 are teachers licensed under chapter 260 and who are
13 employed by a public employer which is a school
14 district or area education agency shall complete the
15 negotiation of a proposed collective bargaining
16 agreement not later than April 15 of the year when the
17 agreement is to become effective. The board shall
18 provide, by rule, a date on which impasse items in
19 such cases must be submitted to binding arbitration
20 and for such other procedures as deemed necessary to
21 provide for the completion of negotiations of proposed
22 collective bargaining agreements not later than April
23 15. The date selected for the mandatory submission of
24 impasse items to binding arbitration in such cases
25 shall be sufficiently in advance of April 15 to ensure
26 that the arbitrators' decision can be reasonably made
27 before April 15.

28 b. If the public employer is a community college,
29 the following apply:

30 (1) The negotiation of a proposed collective
31 bargaining agreement shall be complete not later than
32 June 1 of the year when the agreement is to become
33 effective, absent the existence of an impasse
34 agreement negotiated pursuant to section 20.19 which
35 provides for a different completion date. The board
36 shall adopt rules providing for a date on which
37 impasse items in such cases must be submitted to
38 binding arbitration and for procedures for the
39 completion of negotiations of proposed collective
40 bargaining agreements not later than June 1. The date
41 selected for the mandatory submission of impasse items
42 to binding arbitration in such cases shall be
43 sufficiently in advance of June 1 to ensure that the
44 arbitrators' decision can be reasonably made by June
45 1.

46 (2) Notwithstanding the provisions of paragraph
47 "a" subparagraph (1), the June 1 deadline may be
48 waived by mutual agreement of the parties to the
49 collective bargaining agreement negotiations."

50 2. Page 1, by inserting after line 11, the

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1 following:

2 "Sec. ____ . Section 22.7, subsection 27, Code 1991,

3 is amended to read as follows:

4 27. Applications, investigation reports, and case
5 records of persons applying for county general relief
6 assistance pursuant to section 252.25."

7 3. Page 1, by inserting before line 12 the
8 following:

9 "Sec. 1000. Section 110.1, subsection 3, Code
10 Supplement 1991, is amended to read as follows:

11 3. Hunting and fishing combined licenses:

12 Legal residents except as otherwise provided \$ 23.50
13 21.50".

14 4. Page 2, by inserting after line 24 the
15 following:

16 "Sec. ____ . Section 162.2, subsection 7, Code 1991,
17 is amended to read as follows:

18 7. "Commercial breeder" means a person, engaged in
19 the business of breeding dogs or cats, who sells,
20 exchanges, or leases dogs or cats in return for
21 consideration, or who offers to do so, whether or not
22 the animals are raised, trained, groomed, or boarded
23 by the person. A person who owns or harbors three or
24 less breeding males or females is not a commercial
25 breeder. However, a person who breeds or harbors
26 greyhounds for the purposes of using them for pari-
27 mutuel racing shall be considered a commercial breeder
28 irrespective of the number of greyhounds bred or
29 harbored and irrespective of whether the person sells,
30 leases, or exchanges the greyhounds for consideration
31 or offers to do so."

32 5. Page 2, by inserting after line 24, the
33 following:

34 "Sec. 2000. Section 176A.10, subsection 6,
35 unnumbered paragraph 1, Code Supplement 1991, is
36 amended to read as follows:

37 An extension council of an extension district may
38 choose to be subject to the levy and revenue limits
39 specified in paragraphs "b" of subsections 1, 2, 3,
40 and 4 and subsection 5 for the purpose of the annual
41 levy for the fiscal year commencing July 1, 1991,
42 which levy is payable in the fiscal year beginning
43 July 1, 1992. Before an extension district may be
44 subject to the levy and revenue limits specified in
45 paragraphs "b" of subsections 1, 2, 3, and 4 and
46 subsection 5, for fiscal years beginning on or after
47 July 1, 1992, which levy is payable in fiscal years
48 beginning on or after July 1, 1993, the question of

49 whether the district shall be subject to the levy and
50 revenue limits as specified in such subsections must

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1 be submitted to the registered voters of the district.
2 The question shall be submitted at the time of a state
3 general election. If the question is approved by a
4 majority of those voting on the question the levy and
5 revenue limits specified in paragraphs "b" of
6 subsections 1, 2, 3, and 4 and subsection 5, shall
7 thereafter apply to the extension district. The
8 question need only be approved at one state general
9 election. If a majority of those voting on the
10 question vote against the question, the district may
11 continue to submit the question at subsequent state
12 general elections until approved."

13 6. Page 2, by inserting before line 25 the
14 following:

15 "Sec. ____ . Section 232.162, Code 1991, is amended
16 to read as follows:

17 232.162 AUTHORITY TO ENTER AGREEMENTS.

18 The officers and agencies of this state and its
19 subdivisions having authority to place children are
20 hereby empowered to may enter into agreements with
21 appropriate officers or agencies of or in other party
22 states pursuant to paragraph "b" of article V of the
23 interstate compact on the placement of children. Any
24 such agreement which contains a financial commitment
25 or imposes a financial obligation on this state or a
26 subdivision or agency thereof of this state shall not
27 be binding unless it has the approval in writing of
28 the administrator of ~~family and children's~~ child and
29 family services in the case of the state and the
30 county general relief assistance director in the case
31 of a subdivision of the state.

32 Sec. ____ . Section 252.6, Code 1991, is amended to
33 read as follows:

34 252.6 ENFORCEMENT OF LIABILITY.

35 Upon the failure of such relatives ~~so~~ to relieve
36 assist or maintain a poor person who has made
37 application for relief assistance, the county board of
38 supervisors, county social welfare board, or state
39 division of child and family services of the
40 department of human services may apply to the district
41 court of the county where ~~such~~ the poor person resides
42 or may be found, for an order to compel the same
43 assistance or maintenance.

44 Sec. ____ . Section 252.8, Code 1991, is amended to
45 read as follows:

46 252.8 SCOPE OF ORDER.

47 The order may be for the entire or partial support
48 of the applicant, may be for the payment of money or
49 the taking of the applicant to a relative's house, or
50 may assign the applicant for a certain time to one and

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1 for another period to another, as ~~may be is~~ just and
2 right, taking into view the means of the several
3 relatives liable, but no such assignment shall be made
4 to one who is willing to pay the amount necessary for
5 support. If the order ~~be is~~ for ~~relief assistance in~~
6 any other form than money, it shall state the extent
7 and value ~~thereof of the assistance~~ per week, and the
8 time ~~such relief assistance~~ shall continue; or the
9 order may make the time of continuance indefinite, and
10 it may be varied from time to time by a new order, as
11 circumstances ~~may~~ require, upon application to the
12 court by the trustees, the poor person, or the
13 relative affected, ten days' notice ~~thereof~~ being
14 given to the party or parties concerned.

15 Sec. ____ . Section 252.13, Code 1991, is amended to
16 read as follows:

17 252.13 RECOVERY BY COUNTY.

18 Any county having expended ~~any~~ money for the relief
19 assistance or support of a poor person; under the
20 provisions of this chapter, may recover the same money
21 from any of ~~that person's kindred~~ mentioned herein;
22 the following: from such the poor person should if
23 the person become becomes able, or from the person's
24 estate; from relatives by action brought within two
25 years from the payment of such expenses the assistance
26 or support, from such the poor person by action
27 brought within two years after becoming the person
28 becomes able, and from such the person's estate by
29 filing the claim as provided by law. There shall be
30 allowed against the person's estate a claim of the
31 sixth class for that portion of the liability to the
32 county which exceeds the total amount of all claims of
33 the first through the fifth classes, inclusive, as
34 defined in section 633.425, which are allowed against
35 that estate.

36 Sec. ____ . Section 252.22, unnumbered paragraph 1,
37 Code 1991, is amended to read as follows:

38 When relief assistance is granted to a poor person
39 having a settlement in another county, the auditor
40 shall at once by mail notify the auditor of the county
41 of settlement of that fact, and, within fifteen days
42 after receipt of the notice, the auditor shall inform

43 the auditor of the county granting relief assistance
44 if the claim of settlement is disputed. If it is not,
45 the poor person, at the request of the auditor or
46 board of supervisors of the county of settlement, may
47 be maintained where the person then is at the expense
48 of the county of legal settlement, and without
49 affecting legal settlement as provided in section
50 252.16.

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1 Sec. ____ . Section 252.23, Code 1991, is amended to
2 read as follows:

3 252.23 TRIAL.

4 If the alleged settlement is disputed, then, within
5 thirty days after notice thereof as above provided in
6 section 252.22, a copy of the notices sent and
7 received shall be filed in the office of the clerk of
8 the district court of the county against which claim
9 is made, and a cause docketed without other pleadings,
10 and tried as an ordinary action, in which the county
11 affording granting the relief assistance shall be
12 plaintiff, and the other defendant, and the burden of
13 proof shall be upon the county granting the relief
14 assistance.

15 Sec. ____ . Section 252.24, Code 1991, is amended to
16 read as follows:

17 252.24 COUNTY OF SETTLEMENT LIABLE.

18 The county where the settlement is shall be liable
19 to the county rendering relief granting assistance for
20 all reasonable charges and expenses incurred in the
21 relief assistance and care of a poor person.

22 When relief as herein provided assistance is
23 furnished by any governmental agency of the county,
24 township, or city, such relief the assistance shall be
25 deemed to have been furnished by the county in which
26 such the agency is located and the agency furnishing
27 such relief the assistance shall certify the
28 correctness of the costs of such relief the assistance
29 to the board of supervisors of said that county and
30 said that county shall collect from the county of such
31 the person's settlement. The amounts herein collected
32 by said the county where the agency is located shall
33 be paid to the agency furnishing such relief the
34 assistance. This statute as herein amended shall
35 apply applies to services and supplies furnished as
36 provided in section 139.30.

37 Sec. ____ . Section 252.25, Code 1991, is amended to
38 read as follows:

39 252.25 COUNTY GENERAL RELIEF ASSISTANCE.

40 The board of supervisors of each county shall
41 provide for the relief assistance of poor persons in
42 its county who are ineligible for, or are in immediate
43 need and are awaiting approval and receipt of,
44 assistance under programs provided by state or federal
45 law, or whose actual needs cannot be fully met by the
46 assistance furnished under ~~such~~ those programs. The
47 county board shall establish general rules as its
48 members deem necessary to properly discharge their
49 responsibility under this section.
50 All applications, investigation reports, and case

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1 records of persons applying for county general relief
2 assistance under this chapter are privileged
3 communications and confidential, subject to use and
4 inspection only by persons authorized by law in
5 connection with their official duties relating to
6 financial audits and administration of this chapter or
7 as authorized by order of a district court.
8 Examination of an individual's applications, reports,
9 and records may also be authorized by a signed release
10 from the individual.

11 Sec. ____ . Section 252.26, Code 1991, is amended to
12 read as follows:

13 **252.26 GENERAL RELIEF ASSISTANCE DIRECTOR.**

14 The board of supervisors in each county shall
15 appoint or designate a general relief assistance
16 director for the county, who shall have the powers and
17 duties conferred by this chapter. In counties of one
18 hundred thousand or less population, the county board
19 may designate as general relief assistance director an
20 employee of the state department of human services who
21 is assigned to work in that county and is directed by
22 the director of human services, pursuant to an
23 agreement with the county board, to exercise the
24 functions and duties of general relief assistance
25 director in that county. The director shall receive
26 as compensation an amount to be determined by the
27 county board.

28 Sec. ____ . Section 252.27, Code 1991, is amended to
29 read as follows:

30 **252.27 FORM OF RELIEF ASSISTANCE -- CONDITION.**

31 The board of supervisors shall determine the form
32 of the relief assistance. However, legal aid shall be
33 only in civil matters and provided only through a
34 legal aid program approved by the board of
35 supervisors. The amount of assistance issued shall be
36 determined by standards of assistance established by

37 the board of supervisors. They may require any able-
38 bodied person to work on public programs or projects
39 at the prevailing local rate per hour in payment for
40 and as a condition of granting relief assistance. The
41 labor shall be performed under the direction of the
42 officers having charge of such the public programs or
43 projects. Subject to the provisions of section 142.1,
44 relief assistance may consist of the burial of
45 nonresident indigent transients and the payment of the
46 reasonable cost of burial, not to exceed two hundred
47 fifty dollars.

48 The board shall record its proceedings relating to
49 the provision of relief assistance to specific persons
50 under this chapter. A person who is aggrieved by a

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1 decision of the board may appeal the decision as if it
2 were a contested case before an agency and as if the
3 person had exhausted administrative remedies in
4 accordance with the procedures and standards in
5 section 17A.19, subsections 2 to 8 except paragraphs
6 "b" and "c" of subsection 8, and section 17A.20.
7 Sec. ____ . Section 252.33, Code 1991, is amended to
8 read as follows:

9 252.33 APPLICATION FOR RELIEF ASSISTANCE.

10 The poor A person may make application for relief
11 assistance to a member of the board of supervisors, or
12 to the general relief assistance director of the
13 county where they may be the person is. If
14 application be is made to the general relief
15 assistance director and that officer is satisfied that
16 the applicant is in such a state of want as which
17 requires relief assistance at the public expense, the
18 director may afford such temporary relief assistance,
19 subject to the approval of the board of supervisors,
20 as the necessities of the person require and shall
21 immediately report the case forthwith to the board of
22 supervisors, who may continue or deny relief
23 assistance, as they find cause.

24 Sec. ____ . Section 252.35, Code 1991, is amended to
25 read as follows:

26 252.35 PAYMENT OF CLAIMS.

27 All claims and bills for the care and support of
28 the poor shall be certified to be correct by the
29 general relief assistance director and presented to
30 the board of supervisors, and, if the board is
31 satisfied that the claims and bills are reasonable and
32 proper, they shall be paid.

33 Sec. ____ . Section 252.37, Code 1991, is amended to

34 read as follows:

35 252.37 APPEAL TO SUPERVISORS.

36 If ~~any a~~ poor person, on application to the general
37 relief assistance director, be ~~is~~ refused the required
38 relief assistance, the applicant may appeal to the
39 board of supervisors, who, upon examination into the
40 matter, may order the director to afford relief
41 provide assistance, or it may direct specific relief
42 assistance.

43 Sec. ____ . Section 252.42, Code 1991, is amended to
44 read as follows:

45 252.42 CO-OPERATION ON ~~WORK RELIEF~~ WORK-ASSISTANCE
46 PROJECTS.

47 The county board of supervisors may join and co-
48 operate with the United States government, or ~~cities a~~
49 city within ~~their~~ the city's boundaries, or both the
50 United States government and ~~cities a~~ city within

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1 ~~their~~ the city's boundaries, in sponsoring work
2 projects, provided that the money used does not exceed
3 the cost per month of supplying relief assistance to
4 the certified persons working on projects who would be
5 receiving direct relief assistance if they were not
6 employed on the projects.

7 Sec. ____ . Section 255.2, Code 1991, is amended to
8 read as follows:

9 255.2 DUTY OF PUBLIC OFFICERS AND OTHERS.

10 It shall be the duty of physicians Physicians,
11 public health nurses, members of boards of
12 supervisors, general relief assistance directors,
13 sheriffs, police officers, and public school teachers,
14 having knowledge of persons suffering from any such
15 malady or deformity, to shall file or cause such a
16 complaint to be filed.

17 Sec. ____ . Section 255.6, Code 1991, is amended to
18 read as follows:

19 255.6 INVESTIGATION AND REPORT.

20 When such a complaint is filed, the clerk of
21 juvenile court shall furnish the county attorney and
22 board of supervisors with a copy thereof and ~~said~~ the
23 board shall, by the general relief assistance director
24 or such other agent as it may select selects, make a
25 thorough investigation of facts as to the legal
26 residence of the patient, and the ability of the
27 patient or others chargeable with the patient's
28 support to pay the expense of such treatment and care;
29 and shall file a report of such the investigation in
30 the office of the clerk, at or before the time of

31 hearing.

32 Sec. ____ . Section 255.8, unnumbered paragraph 1,
33 Code 1991, is amended to read as follows:

34 The county attorney and the general relief
35 ~~assistance~~ director, or other agent of the board of
36 supervisors of the county ~~where the hearing is held,~~
37 shall appear ~~thereat~~ at the hearing. The complainant,
38 the county attorney, the general relief assistance
39 director or other agent of the board of supervisors,
40 and the patient, or any person representing the
41 patient, may introduce evidence and be heard. If the
42 court finds that ~~said~~ the patient is a legal resident
43 of Iowa and is pregnant or is suffering from a malady
44 or deformity which can probably be improved or cured
45 or advantageously treated by medical or surgical
46 treatment or hospital care, and that neither the
47 patient nor any person legally chargeable with the
48 patient's support is able to pay the expenses thereof,
49 then the clerk of court, except in obstetrical cases
50 and orthopedic cases of ~~crippled~~ children, shall

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1 immediately ascertain from the admitting physician at
2 the university hospital whether ~~such~~ the person can be
3 received as a patient within a period of thirty days,
4 and if the patient can be ~~so~~ received, the court, or
5 in the event of no actual contest, the clerk of the
6 court, shall ~~then~~ enter an order directing that ~~said~~
7 the patient be sent to the university hospital for
8 proper medical and surgical treatment and hospital
9 care. If the court ascertain, ~~excepting~~ except in
10 obstetrical cases and orthopedic cases, that a person
11 of the age or sex of the patient, or afflicted by the
12 complaint, disease, or deformity with which ~~such~~ the
13 person is ~~affected~~ afflicted, cannot be received as a
14 patient at the university hospital within the period
15 of thirty days, then the court or the clerk shall
16 enter an order directing the board of supervisors of
17 the county to provide adequate treatment at county
18 expense for the patient at home or in a hospital.
19 Obstetrical cases and orthopedic cases may be
20 committed to the university hospital without regard to
21 the limiting period of thirty days."

22 7. Page 4, by inserting after line 5 the
23 following:

24 "Sec. ____ . Section 312.2, subsection 15, Code
25 Supplement 1991, is amended to read as follows:

26 15. The treasurer of state, before making the
27 allotments provided for in this section, shall credit

28 monthly from the road use tax fund to the public
 29 transit assistance fund, created under section 601J.6,
 30 from revenue credited to the road use tax fund under
 31 section 423.24, subsection 1, paragraph "c", an amount
 32 equal to one-twentieth of the revenue credited to the
 33 ~~road use tax fund under section 423.24, subsection 1,~~
 34 paragraph "c" derived from the use tax on motor
 35 vehicles, trailers, and motor vehicle accessories and
 36 equipment as collected pursuant to section 423.7.
 37 Notwithstanding the provisions of this subsection
 38 directing that one-twentieth of the revenue credited
 39 ~~to the road use tax fund under section 423.24,~~
 40 subsection 1, paragraph "c" derived from the use tax
 41 on motor vehicles, trailers, and motor vehicle
 42 accessories and equipment as collected pursuant to
 43 section 423.7, be deposited into the public transit
 44 assistance fund, for the fiscal period beginning on
 45 July 1, 1991, and ending June 30, 1993, such amount
 46 shall be deposited into the general fund of the state.
 47 There is appropriated from the general fund of the
 48 state for each fiscal year to the state department of
 49 transportation the amount of revenues credited to the
 50 general fund of the state during the fiscal year under

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1 this subsection to be used for purposes of public
 2 transit assistance under chapter 601J."
 3 8. Page 4, by inserting after line 5 the
 4 following:
 5 "Sec. ____ . Section 321J.4, subsection 2, Code
 6 1991, is amended by striking the subsection.
 7 Sec. ____ . Section 321J.20, subsection 1, paragraph
 8 a, Code 1991, is amended to read as follows:
 9 a. The person's motor vehicle license is revoked
 10 under section 321J.4, subsection 1, ~~2, 4, or 6."~~
 11 9. Page 4, by inserting after line 5, the
 12 following:
 13 "Sec. ____ . Section 331.321, subsection 1,
 14 paragraph i, Code 1991, is amended to read as follows:
 15 i. A general ~~relief assistance~~ director in
 16 accordance with section 252.26.
 17 Sec. ____ . Section 331.323, subsection 1, paragraph
 18 f, Code 1991, is amended to read as follows:
 19 f. General ~~relief assistance~~ director
 20 Sec. ____ . Section 331.381, subsection 8, Code
 21 1991, is amended to read as follows:
 22 8. Administer general ~~relief assistance~~ for the
 23 poor in accordance with chapter 252."
 24 10. Page 4, by inserting after line 5, the

25 following:

26 "Sec. ____ . Section 331.604, Code Supplement 1991,

27 as amended by 1992 Iowa Acts, House File 39, is

28 amended to read as follows:

29 "331.604 GENERAL RECORDING AND FILING FEE.

30 1. Except as otherwise provided by state law,

31 subsection 2, or section 331.605, subsection 2; the

32 recorder shall collect a fee of five dollars for each

33 page or fraction of a page of an instrument which is

34 filed or recorded in the recorder's office. If a page

35 or fraction of a page contains more than one

36 transaction, the recorder shall collect the fee for

37 each transaction.

38 2. A county shall not be required to pay a fee to

39 the recorder for filing or recording instruments."

40 11. Page 4, by inserting before line 6 the

41 following:

42 "Sec. ____ . Section 347.16, subsection 2, Code

43 1991, is amended to read as follows:

44 2. Free care and treatment shall be furnished in a

45 county public hospital to any sick or injured person

46 who fulfills the residency requirements under section

47 47.4, subsection 4, in the county maintaining the

48 hospital, and who is indigent. The board of hospital

49 trustees shall determine whether a person is indigent

50 and entitled to free care under this subsection, or

Page 11

1 may delegate that determination to the general relief

2 assistance director or the office of the department of

3 human services in that county, subject to such

4 guidelines as the board may adopt in conformity with

5 applicable statutes."

6 12. Page 6, by striking lines 1 through 24.

7 13. Page 6, by inserting before line 25 the

8 following:

9 "Sec. ____ . Section 663A.9, Code 1991, is amended

10 to read as follows:

11 663A.9 APPEAL.

12 An appeal from a final judgment entered under this

13 chapter may be taken, perfected, and prosecuted either

14 by the applicant or by the state in the manner and

15 within the time after judgment as provided in the

16 rules of appellate procedure for appeals from final

17 judgments in criminal cases. However, if the

18 applicant a party is seeking an appeal under section

19 663A.2, subsection 6, the appeal shall be by writ of

20 certiorari."

21 14. Page 8, by inserting after line 1, the

22 following:

23 "Sec. ____ . EFFECTIVE DATE AND APPLICABILITY

24 PROVISION. Section 1000 and this section of this Act

25 take effect December 15, 1992. The fee specified in

26 section 1000 of this Act is effective for the 1993

27 license year and each subsequent license year until

28 otherwise provided by the general assembly."

29 15. Page 8, by inserting before line 2, the

30 following:

31 "Sec. ____ . EFFECTIVE DATE PROVISION. Section 2000

32 and this section of this Act, being deemed of

33 immediate importance, take effect upon enactment."

34 16. Page 8, by striking lines 2 through 8.

35 17. By renumbering, relettering, or redesignating

36 and correcting internal references as necessary.

S-5930

1 Amend Senate File 2374 as follows:

2 1. Page 3, line 28, by striking the word

3 "paragraphs" and inserting the following:

4 "paragraph".

5 2. Page 3, by striking lines 29 through 32.

6 3. Page 4, by striking lines 1 through 22.

7 4. Page 5, line 7, by striking the figure " , 7,".

JIM RIORDAN
 ELAINE SZYMONIAK
 MARY KRAMER
 JIM LIND
 PAUL D. PATE
 JIM KERSTEN
 WILLIAM W. DIELEMAN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2481

S-5931

1 Amend the Senate amendment, H-6083, to House File
 2 2481, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by inserting after line 2 the

5 following:

6 " ____ . Page 1, by inserting after line 21 the

7 following:

8 "e. For purposes of this section, an island

9 located in a river which borders the state is declared

10 to be adjacent to the borders of the state."

S-5932

1 Amend the House amendment, S-5720, to Senate File
2 414, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 5, by inserting after the figure
5 "3" the following: "or 4".

6 2. Page 1, by inserting after line 46 the
7 following:

8 "4. If the landlord and tenant enter into a
9 written lease, this section shall not apply to a
10 tenant unless the landlord has provided to the tenant
11 with the tenant's lease an explanation, in writing,
12 concerning the effect of this section and the steps
13 the tenant must take to be exempt from this section.
14 If the landlord and tenant do not enter into a written
15 lease, the landlord must provide the explanation
16 required in this subsection, in writing, before this
17 section shall apply. This section shall not apply to
18 activities constituting a clear and present danger
19 which occur before the tenant receives the explanation
20 required by this section."

21 3. Page 1, by inserting before line 47 the
22 following:

23 "— . By striking page 1, line 30 through page 2,
24 line 3 and inserting the following:

25 "Sec. — . NEW SECTION. 562A.29A METHOD OF
26 NOTICE.

27 A notice of termination and notice to quit under
28 section 562A.27A may be served upon the tenant in
29 either of the following ways:"

30 4. Page 2, by inserting after line 2 the
31 following:

32 "— . Page 2, by inserting before line 12 the
33 following:

34 "While the notice of termination and notice to quit
35 under section 562A.27A may be served as provided in
36 this section, an original notice and petition for
37 forcible entry and detainer for an action in
38 accordance with section 562A.27A shall be served as
39 provided in sections 631.4 and 648.5."

40 5. Page 2, line 5, by inserting after the figure
41 "3" the following: "or 4".

42 6. Page 2, by inserting after line 46 the
43 following:

44 "4. If the landlord and tenant enter into a
45 written lease, this section shall not apply to a
46 tenant unless the landlord has provided to the tenant
47 with the tenant's lease an explanation, in writing,

48 concerning the effect of this section and the steps
 49 the tenant must take to be exempt from this section.
 50 If the landlord and tenant do not enter into a written

Page 2

1 lease, the landlord must provide the explanation
 2 required in this subsection, in writing, before this
 3 section shall apply. This section shall not apply to
 4 activities constituting a clear and present danger
 5 which occur before the tenant receives the explanation
 6 required by this section.”

7 7. Page 2, by inserting before line 47 the
 8 following:

9 “___ . Page 3, by striking lines 6 through 14 and
 10 inserting the following:

11 “Sec. ___ . NEW SECTION. 562B.27A METHOD OF
 12 NOTICE.

13 A notice of termination and notice to quit under
 14 section 562B.25A may be served upon the tenant in
 15 either of the following ways:”

16 8. Page 3, line 2, by striking the figure “22.”
 17 and inserting the following: “22, and inserting the
 18 following:

19 “While the notice of termination and notice to quit
 20 under section 562B.25A may be served as provided in
 21 this section, an original notice and petition for
 22 forcible entry and detainer for an action in
 23 accordance with section 562B.25A shall be served as
 24 provided in sections 631.4 and 648.5.”

25 9. By renumbering and correcting internal
 26 references as necessary.

RALPH ROSENBERG

S-5933

1 Amend the House amendment, S-5928, to Senate File
 2 2034, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by striking lines 15 through 42.

5 2. By striking page 8, line 37 through page 11,
 6 line 1.

7 3. Page 11, by striking lines 40 through 47.

8 4. By striking page 11, line 48 through page 13,
 9 line 17.

10 5. Page 13, by striking lines 23 through 25.

11 6. Page 13, by striking lines 26 through 29.

BILL HUTCHINS

S-5934

1 Amend the House amendment, S-5928, to Senate File
2 2034, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 6, by inserting after line 35, the
5 following:

6 "____. By striking page 4, line 27 through page 5,
7 line 31, and inserting the following:

8 "Sec. 200. Section 422.43, subsection 11,
9 unnumbered paragraph 1, Code Supplement 1991, as
10 amended by 1992 Iowa Acts, Senate File 2116, section
11 405, is amended to read as follows:

12 The following enumerated services are subject to
13 the tax imposed on gross taxable services: alteration
14 and garment repair; armored car; automobile vehicle
15 repair; battery, tire and allied; investment
16 counseling; service charges of all financial
17 institutions; barber and beauty; boat repair; car
18 vehicle wash and wax; carpentry; roof, shingle, and
19 glass repair; consultant services; dance schools and
20 dance studios; dating services; dry cleaning,
21 pressing, dyeing, and laundering; electrical and
22 electronic repair and installation; rental of tangible
23 personal property, except mobile homes which are
24 tangible personal property; excavating and grading;
25 farm implement repair of all kinds; flying service;
26 furniture, rug, upholstery repair and cleaning; fur
27 storage and repair; golf and country clubs and all
28 commercial recreation; house and building moving;
29 household appliance, television, and radio repair;
30 jewelry and watch repair; limousine service, including
31 driver; machine operator; machine repair of all kinds;
32 motor repair; motorcycle, scooter, and bicycle repair;
33 oilers and lubricators; office and business machine
34 repair; painting, papering, and interior decorating;
35 parking facilities; pipe fitting and plumbing; wood
36 preparation; licensed executive search agencies;
37 private employment agencies, excluding services for
38 placing a person in employment where the principal
39 place of employment of that person is to be located
40 outside of the state; sewage services for
41 nonresidential commercial operations; sewing and
42 stitching; shoe repair and shoeshine; sign
43 construction and installation; storage of household
44 goods, mini-storage, and warehousing of raw
45 agricultural products; swimming pool cleaning and
46 maintenance; taxidermy services; telephone answering
47 service; test laboratories, except tests on humans or
48 animals; termite, bug, roach, and pest eradicators;

49 tin and sheet metal repair; turkish baths; massage,
50 and reducing salons; weighing; welding; well drilling;

Page 2

1 wrapping, packing, and packaging of merchandise other
2 than processed meat, fish, fowl and vegetables;
3 wrecking service; wrecker and towing; pay television;
4 campgrounds; carpet and upholstery cleaning; gun and
5 camera repair; janitorial and building maintenance or
6 cleaning; lawn care, landscaping and tree trimming and
7 removal; pet grooming; reflexology; security and
8 detective services; tanning beds or salons; and water
9 conditioning and softening.
10 Sec. 201. Section 422.43, subsection 11,
11 unnumbered paragraph 3, as enacted by 1992 Iowa Acts,
12 Senate File 2116, section 406, is amended by striking
13 the unnumbered paragraph.”
14 2. Page 11, by inserting after line 39 the
15 following:
16 “Sec. ____ . Sections 200 and 201 of this Act take
17 effect retroactively to April 1, 1992.”

ELAINE SZYMONIAK
BEVERLY A. HANNON
PATRICK J. DELUHERY
LARRY MURPHY
JOE WELSH
JIM RIORDAN
EMIL HUSAK
RICHARD V. RUNNING

S-5935

1 Amend the House amendment, S-5928, to Senate File
2 2034, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 11, line 35, by inserting after the
5 figure “1992,” the following: “are repealed March 31,
6 1994.”
7 2. Page 11, line 36, by inserting after the word
8 “date.” the following: “Following repeal of these
9 sections the Code editor shall editorially restore the
10 language to that which was in the law prior to
11 enactment of those sections.”

RAY TAYLOR

S-5936

1 Amend Senate File 2376 as follows:

2 1. Page 1, by inserting before line 10 the fol-
3 lowing:

4 "Expenditure Limitation Technical Corrections
5 Sec. ____ . Section 8.54, subsection 1, paragraph b,
6 as enacted by 1992 Iowa Acts, Senate File 2351;
7 section 4, is amended to read as follows:

8 b. "New revenues" means moneys which are received
9 by the state due to increased tax rates and fees or
10 newly created taxes and fees over and above those
11 moneys which are received due to state taxes and fees
12 which are in effect as of January 1 following the
13 December state revenue estimating conference. "New
14 revenues" also includes moneys received by the general
15 fund of the state due to new transfers over and above
16 those moneys received by the general fund of the state
17 due to transfers which are in effect as of January 1
18 following the December state revenue estimating
19 conference. The department of management shall obtain
20 concurrence from the revenue estimating conference on
21 the eligibility of transfers to the general fund of
22 the state which are to be considered as new revenue in
23 determining the state general fund expenditure
24 limitation.

25 Sec. ____ . Section 8.57, subsection 1, paragraph b,
26 as enacted by 1992 Iowa Acts, Senate File 2351,
27 section 7, is amended to read as follows:

28 b. Commencing June 30, 1993, the surplus existing
29 in the general fund of the state at the conclusion of
30 the fiscal year is appropriated for distribution as
31 provided in this section. As used in this paragraph,
32 "surplus" means the positive ending balance in the
33 general fund, if any excess of revenues and other
34 financing sources over expenditures and other
35 financing uses for the general fund of the state in a
36 fiscal year.

37 Sec. ____ . Section 8.57, subsection 2, as enacted
38 by the 1992 Iowa Acts, Senate File 2351, section 7, is
39 amended to read as follows:

40 2. Moneys appropriated under subsection 1 shall be
41 first credited to the cash reserve fund. To the
42 extent that moneys appropriated under subsection 1
43 would make the moneys in the cash reserve fund exceed
44 the cash reserve goal percentage of the adjusted
45 revenue estimate for the fiscal year, the moneys are
46 appropriated to the department of management to be
47 spent for the purpose of eliminating Iowa's GAAP
48 deficit. These moneys shall be deposited into a GAAP

49 deficit reduction account established within the
 50 department of management. Unspent moneys in this

Page 2

1 account shall be available for expenditure for
 2 subsequent fiscal years. The department of management
 3 shall annually file with both houses of the general
 4 assembly at the time of the submission of the
 5 governor's budget a schedule of the items for which
 6 moneys appropriated under this subsection for the
 7 purpose of eliminating Iowa's GAAP deficit shall be
 8 spent in the fiscal year commencing July 1 following
 9 the date of the filing of the report. The schedule
 10 shall list each item of expenditure and the maximum
 11 dollar amount of moneys to be spent on that item for
 12 the fiscal year. If moneys appropriated under this
 13 subsection are not enough to pay for all listed
 14 expenditures, the department of management shall
 15 allocate the payments among the listed expenditure
 16 items. Moneys appropriated to the department of
 17 management under this subsection shall not be spent on
 18 items other than those included in the filed schedule.
 19 After elimination of the GAAP deficit, any moneys in
 20 the GAAP deficit reduction account shall be
 21 appropriated to the Iowa economic emergency fund."
 22 2. Title page, line 1, by inserting after the
 23 word "budget" the following: "and making technical
 24 corrections to the state general fund expenditure
 25 limitation budget law".

LEONARD L. BOSWELL

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2417

S-5937

1 Amend the Senate amendment, H-6077, to House File
 2 2417, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, by striking lines 7 and 8 and insert-
 5 ing the following: "a voting member of the board.""

S-5938

1 Amend Senate File 2376 as follows:
 2 1. Page 1, by inserting after line 9 the
 3 following:

4 "Sec. ____ . Section 35A.8, Code 1991, as amended by
 5 1992 Iowa Acts, Senate File 2011, section 10, is
 6 amended by adding the following new subsection:
 7 **NEW SUBSECTION. 3.** Except for the employment
 8 duties and responsibilities assigned to the commandant
 9 for the Iowa veterans home, the executive director
 10 shall employ such personnel as are necessary for the
 11 performance of the duties and responsibilities
 12 assigned to the commission. All employees shall be
 13 selected on a basis of fitness for the work to be
 14 performed with due regard to training and experience
 15 and shall be subject to the provisions of chapter 19A.
 16 Sec. ____ . Section 219.14, as enacted by 1992 Iowa
 17 Acts, Senate File 2011, section 31, is amended by
 18 adding the following new unnumbered paragraph before
 19 unnumbered paragraph 1:
 20 **NEW UNNUMBERED PARAGRAPH.** The commandant or the
 21 commandant's designee, shall employ such personnel as
 22 are necessary for the performance of the duties and
 23 responsibilities assigned to the commandant. All
 24 employees shall be selected on a basis of fitness for
 25 the work to be performed with due regard to training
 26 and experience and shall be subject to the provisions
 27 of chapter 19A."
 28 2. By renumbering and redesignating internal
 29 references as necessary.

EMIL HUSAK

HOUSE AMENDMENT TO
 SENATE FILE 2373

S-5939

1 Amend Senate File 2373, 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:
 5 "1. The governor shall develop a five-year
 6 strategic plan for the executive branch of government.
 7 The governor shall also develop a five-year strategic
 8 plan providing long-term goals and objectives for the
 9 state. The strategic plans shall".
 10 2. Page 2, by striking lines 10 through 18.
 11 3. Page 2, line 21, by striking the words "and
 12 judicial branches" and inserting the following:
 13 "branch".
 14 4. By striking page 2, line 23 through page 3,
 15 line 5.
 16 5. Page 3, by striking lines 6 through 18.

- 17 6. By striking page 4, line 30 through page 5,
 18 line 9 and inserting the following: "implement
 19 sections 8.56 through 8.62."
 20 7. Page 9, by striking lines 13 through 16.
 21 8. Page 10, line 12, by inserting before the word
 22 "exemption" the following: "the personal income tax".
 23 9. Page 10, line 13, by striking the words "the
 24 personal income tax,".
 25 10. Page 10, line 14, by striking the figure
 26 "422.35," and inserting the following: "422.35,".
 27 11. Page 11, line 15, by striking the word
 28 "BIENNIAL".
 29 12. By striking page 11, line 16 through page 13,
 30 line 16.
 31 13. By striking page 14, line 3 through page 18,
 32 line 23.
 33 14. Page 18, by striking line 26 and inserting
 34 the following:
 35 "8.23 ANNUAL DEPARTMENTAL ESTIMATES."
 36 15. Page 18, by striking line 32, and inserting
 37 the following: "expenditure, for the ensuing fiscal
 38 year, classified".
 39 16. Page 19, by striking lines 3 and 4 and
 40 inserting the following: "by the director."
 41 Requirements of the initial budget".
 42 17. Page 20, by striking lines 5 through 17.
 43 18. By striking page 20, line 32 through page 21,
 44 line 20.
 45 19. Page 21, by striking lines 29 and 30 and
 46 inserting the following: "Final budget records".
 47 20. Page 22, by striking lines 6 through 28.
 48 21. Page 22, line 30, by striking the word
 49 "period" and inserting the following: "year".
 50 22. Page 22, by striking line 31 and inserting

Page 2

- 1 the following: "1994, and succeeding fiscal years.
 2 However, the program-".
 3 23. Page 22, line 33, by striking the word
 4 "period" and inserting the following: "year".
 5 24. Page 23, line 1, by striking the word
 6 "period" and inserting the following: "year".
 7 25. By renumbering as necessary.

S-5940

- 1 Amend Senate File 2376 as follows:
 2 1. Page 1, by inserting after line 9 the
 3 following:

4 "Sec. 150. Section 422.9, subsection 1, Code
5 Supplement 1991, is amended to read as follows:
6 1. An optional standard deduction, after deduction
7 of federal income tax, equal to one thousand two
8 hundred thirty dollars for a married person who files
9 separately or a single person or equal to three
10 thousand thirty dollars for a husband and wife who
11 file a joint return, a surviving spouse, or an
12 unmarried head of household. The optional standard
13 deduction shall not exceed the amount remaining after
14 deduction of the federal income tax. The amount of
15 the federal income tax deducted shall not exceed the
16 amount as computed under subsection 2, paragraph "b".
17 Sec. 151. Section 422.9, subsection 2, paragraph
18 b, Code Supplement 1991, is amended by striking the
19 paragraph and inserting in lieu thereof the following:
20 b. Add the amount of federal income taxes paid or
21 accrued, as the case may be, for the tax year. Also
22 add the amount of federal income taxes paid with the
23 federal return or as a result of an adjustment to a
24 federal return during the tax year for a prior year.
25 However, the amount of federal income taxes deducted
26 for the tax year shall not exceed five thousand
27 dollars for a single person or eight thousand dollars
28 for a husband and wife who file a joint return, a
29 surviving spouse, or an unmarried head of household,
30 except that any additional taxes paid with the federal
31 return or as a result of an adjustment to a federal
32 return during tax years ending prior to January 1,
33 1992, are not subject to the five thousand dollar or
34 eight thousand dollar limitation, as applicable.
35 Subtract the amount of federal income tax refunds
36 received for the tax year to the extent that the
37 federal income tax was deducted in a previous year.
38 Married persons who file separate returns or
39 separately on combined return forms shall be limited
40 to a federal income tax deduction for federal income
41 taxes paid during the tax year not to exceed eight
42 thousand dollars in total for both spouses. The
43 amount of the federal income tax deduction shall be
44 divided between each spouse by the ratio of federal
45 adjusted gross income of each spouse to total federal
46 adjusted gross income of both spouses unless they can
47 show that another method more accurately reflects the
48 amount of federal income tax to be paid by each.
49 Sec. 152. Section 422.12, Code Supplement 1991, is
50 amended by adding the following new subsection:

Page 2

1 NEW SUBSECTION. 1A. A sales and use tax credit in
2 the following amounts:

3 a. For a single individual with an adjusted gross
4 income of thirty thousand dollars or less, thirty-four
5 dollars.

6 b. For a head of household or a husband and wife
7 filing a joint return with an adjusted gross income of
8 forty thousand dollars or less, fifty-four dollars.

9 If a husband and wife file separately or jointly on
10 a combined return, neither will receive a credit if
11 their combined adjusted gross incomes exceed forty
12 thousand dollars. However, if their combined adjusted
13 gross incomes are forty thousand dollars or less the
14 credit shall be divided between each spouse by the
15 ratio of the adjusted gross income of each spouse to
16 the combined adjusted gross income of both spouses."

17 2. Page 1, by inserting before line 10 the
18 following:

19 "Sec. ____ . Sections 150 through 152 apply
20 retroactively to January 1, 1992, for tax years
21 beginning on or after that date."

22 3. Title page, line 1, by inserting after the
23 word "budget" the following: "by making
24 appropriations and tax changes and providing
25 applicability date provisions."

WILLIAM D. PALMER
JOHN A. PETERSON
DON GETTINGS
MICHAEL E. GRONSTAL
WALLY E. HORN
BEVERLY A. HANNON
JIM RIORDAN
LARRY MURPHY
ELAINE SZYMONIAK
FLORENCE BUHR
JOE WELSH

S-5941

1 Amend Senate File 2376 as follows:

2 1. Page 1, by inserting after line 9 the
3 following:

4 "Sec. ____ . 1992 Iowa Acts, Senate File 2355,
5 section 24, if enacted by the Seventy-fourth General
6 Assembly, 1992 Session, is amended by adding the
7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The department may adopt

9 emergency rules relating to eligibility, services, and
10 reimbursement rates in implementing the provisions of
11 this section.

12 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
13 section 25, subsection 1, unnumbered paragraph 4, if
14 enacted by the Seventy-fourth General Assembly, 1992
15 Session, is amended to read as follows:

16 ~~The mental health; and mental retardation; and~~
17 ~~developmental disabilities~~ commission shall adopt
18 emergency rules pursuant to chapter 17A describing the
19 services listed in subparagraphs (1) through (5) and
20 other necessary rules relating to services for brain
21 injury for the purposes of this subsection. For the
22 purposes of this subsection, "brain injury" means
23 clinically evident brain damage or spinal cord injury
24 resulting from trauma which permanently impairs an
25 individual's physical or cognitive functions and
26 causes the individual to meet the federal criteria for
27 a person with a developmental disability except for
28 age of onset of the disability.

29 The poverty guideline required to be used under
30 this subsection and subsection 7 shall be based upon
31 the poverty guideline utilized for the social services
32 block grant in fiscal year 1991-1992.

33 The funding provided to a county under this
34 subsection shall be utilized in accordance with the
35 plan for provision of mental health, mental
36 retardation, and developmental disabilities services
37 developed by the county's mental health and mental
38 retardation coordinating board. However, the board of
39 supervisors shall revise the plan for fiscal year
40 1992-1993, if necessary, to provide contemporary
41 services in accordance with the requirements of this
42 subsection and the revisions shall be submitted to the
43 mental health and mental retardation commission by
44 October 15, 1992.

45 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
46 section 25, subsection 4, paragraph a, if enacted by
47 the Seventy-fourth General Assembly, 1992 Session, is
48 amended to read as follows:

49 a. Provision of funding Funding provided to a
50 county under subsection 1 shall be distributed in

Page 2

1 quarterly payments and distribution of the second and
2 succeeding quarterly payments is contingent upon
3 counties establishing the county participating as a
4 member of a mental illness, mental retardation,
5 developmental disabilities, and brain injury

6 (MI/MR/DD/BI) planning ~~councils~~ council. The counties
7 shall meet in consultation with service providers,
8 consumers, and advocates, the department, and other
9 interested parties in establishing the planning
10 councils. A planning council's planning area shall,
11 to the extent possible, utilize the borders of the
12 county clusters as established pursuant to section
13 217.42, if enacted in Senate File 2342, and shall
14 include a population of at least 40,000 and include
15 counties with a historical pattern of cooperation in
16 providing MI/MR/DD/BI services. The councils shall be
17 established on or before September 1, 1992.

18 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
19 section 25, subsection 7, paragraph b, if enacted by
20 the Seventy-fourth General Assembly, 1992 Session, is
21 amended to read as follows:

22 b. The funds allocated in this subsection shall be
23 expended by counties in accordance with eligibility
24 guidelines established in the department's rules
25 outlining general provisions for service
26 administration. Services eligible for payment with
27 funds allocated in this subsection are limited to any
28 of the following which are provided in accordance with
29 the department's administrative rules for the
30 services: community supervised apartment living
31 arrangements, residential services for adults,
32 sheltered work, supported employment, supported work
33 training, transportation, and work activity,
34 administrative support for volunteers, adult day care,
35 adult support, and family-centered services.

36 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
37 section 25, subsection 7, if enacted by the Seventy-
38 fourth General Assembly, 1992 Session, is amended by
39 adding the following new paragraph:

40 NEW PARAGRAPH. k. The county of residence shall
41 pay for services provided under this subsection. That
42 county may seek reimbursement from the county of legal
43 settlement in accordance with applicable law. If a
44 person receiving services under this subsection has no
45 county of legal settlement, the state shall pay for
46 the services. The rate of payment for services
47 provided under this subsection shall be in accordance
48 with the department's rules for purchase of services
49 and law relating to reimbursement of social services
50 providers.

Page 3

1 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
2 section 27, subsection 6, if enacted by the Seventy-

3 fourth General Assembly, 1992 Session, is amended to
4 read as follows:

5 6. Notwithstanding section 225C.20, case
6 management services shall be provided by the
7 department except when a county or a consortium of
8 counties contracts with the department to provide the
9 services. A county or consortium of counties may
10 contract to be the provider at any time and the
11 department shall agree to the contract so long as the
12 contract meets the standards for case management
13 adopted by the department. The county or consortium
14 of counties may subcontract for the provision of case
15 management services if the subcontract meets the same
16 standards. A mental health, mental retardation, and
17 developmental disabilities coordinating board or a
18 planning council established pursuant to section 25,
19 subsection 4, of this Act may change the provider of
20 individual case management services at any time.
21 However, once a planning council is established, the
22 authority to change the provider and responsibility
23 for providing notification shall be assumed by the
24 planning council in place of the coordinating board.
25 If the current or proposed contract is with the
26 department, the coordinating board or planning council
27 shall provide written notification of a proposed
28 change to the department on or before August 15 and
29 written notification of an approved change on or
30 before ~~October~~ November 15 in the fiscal year which
31 precedes the fiscal year in which the change will take
32 effect.

33 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
34 section 33, if enacted by the Seventy-fourth General
35 Assembly, 1992 Session, is amended by adding the
36 following new subsection:
37 **NEW SUBSECTION. 7.** The provisions of subsection 5
38 do not revise in any manner the maximum reimbursement
39 rates paid to social services providers in the fiscal
40 year beginning July 1, 1991.

41 Sec. ____ . **NEW SECTION. 217.41 PRIVATE AGENCY**
42 **CONTRACTS.**

43 Notwithstanding the provisions of section 11.36,
44 the auditor of state shall not require a private
45 agency awarded a grant, contract, or purchase of
46 service contract through the department of human
47 services to obtain a certification from the auditor of
48 state pursuant to section 11.36.

49 Sec. ____ . Section 225C.27, unnumbered paragraph 1,
50 Code 1991, as amended by 1992 Iowa Acts, Senate File

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1 2355, section 65, if enacted by the Seventy-fourth
2 General Assembly, 1992 Session, is amended to read as
3 follows:

4 Sections 225C.25 through 225C.28B shall be
5 liberally construed and applied to promote their
6 purposes and the stated rights and service quality
7 standards. The ~~division~~ commission, in coordination
8 with appropriate agencies, shall adopt rules to
9 implement the purposes of section 225C.28B,
10 subsections 3 and 4, which include, but are not
11 limited to, the following:

12 Sec. ____ . Section 225C.27, subsection 3, Code
13 1991, is amended by striking the subsection and
14 inserting in lieu thereof the following:

15 3. Encouraging activities to ensure that
16 recipients of services shall not be deprived of any
17 rights, benefits, or privileges guaranteed by law, the
18 Constitution of the State of Iowa, or the Constitution
19 of the United States solely on account of the receipt
20 of the services.

21 Sec. ____ . Section 225C.29, Code 1991, as amended
22 by 1992 Iowa Acts, Senate File 2355, section 68, is
23 amended to read as follows:

24 225C.29 COMPLIANCE.

25 Except for a violation of section 225C.28B,
26 subsection 2, the sole remedy for violation of a rule
27 adopted by the ~~division~~ commission to implement
28 sections 225C.25 through 225C.28B shall be by a
29 proceeding for compliance initiated by request to the
30 division pursuant to chapter 17A. Any decision of the
31 division shall be in accordance with due process of
32 law and is subject to appeal to the Iowa district
33 court pursuant to sections 17A.19 and 17A.20 by any
34 aggrieved party. Either the division or a party in
35 interest may apply to the Iowa district court for an
36 order to enforce the decision of the division. Any
37 rules adopted by the ~~division~~ commission to implement
38 sections 225C.25 through 225C.28B do not create any
39 right, entitlement, property or liberty right or
40 interest, or private cause of action for damages
41 against the state or a political subdivision of the
42 state or for which the state or a political
43 subdivision of the state would be responsible. Any
44 violation of section 225C.28B, subsection 2, shall
45 solely be subject to the enforcement by the
46 commissioner of insurance and penalties granted by
47 chapter 507B for a violation of section 507B.4,
48 subsection 7.

49 Sec. ____ . RIGHTS AND SERVICE QUALITY STANDARDS --
50 RULES REQUIRED. The mental health and mental

Page 5

1 retardation commission shall act to ensure that rules
2 relating to sections 225C.27 and 225C.28A shall be
3 filed as a notice of intended action by July 1, 1994.
4 Sec. ____ . REPEAL. Sections 225C.18 and 225C.19,
5 Code 1991, are repealed effective July 1, 1993.
6 Sec. ____ . NONASSISTANCE CHILD SUPPORT RECOVERY
7 CASES -- LIMITATION OF AMOUNT OF ADDITIONAL FEES. The
8 additional fee established by the department of human
9 services pursuant to section 252B.4, subsection 2, if
10 enacted and amended by 1992 Iowa Acts, Senate File
11 2316, section 101, for the fiscal year beginning July
12 1, 1992, and ending June 30, 1993, shall not exceed
13 \$10.65."
14 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5942

1 Amend the Palmer amendment, S-5940, to Senate File
2 2376 as follows:
3 1. Page 2, by inserting after line 16 the
4 following:
5 " ____ . Page 1, by inserting after line 9, the
6 following:
7 "Sec. 200. Section 422.43, subsection 11,
8 unnumbered paragraph 1, Code Supplement 1991, as
9 amended by 1992 Iowa Acts, Senate File 2116, section
10 405, is amended to read as follows:
11 The following enumerated services are subject to
12 the tax imposed on gross taxable services: alteration
13 and garment repair; armored car; automobile repair;
14 battery, tire and allied; investment counseling;
15 service charges of all financial institutions; barber
16 and beauty; boat repair; car wash and wax; carpentry;
17 roof, shingle, and glass repair; ~~consultant services~~;
18 dance schools and dance studios; dating services; dry
19 cleaning, pressing, dyeing, and laundering; electrical
20 and electronic repair and installation; rental of
21 tangible personal property, except mobile homes which
22 are tangible personal property; excavating and
23 grading; farm implement repair of all kinds; flying
24 service; furniture, rug, upholstery repair and
25 cleaning; fur storage and repair; golf and country
26 clubs and all commercial recreation; house and

27 building moving; household appliance, television, and
28 radio repair; jewelry and watch repair; limousine
29 service, including driver; machine operator; machine
30 repair of all kinds; motor repair; motorcycle,
31 scooter, and bicycle repair; oilers and lubricators;
32 office and business machine repair; painting,
33 papering, and interior decorating; parking facilities;
34 pipe fitting and plumbing; wood preparation; licensed
35 executive search agencies; private employment
36 agencies, excluding services for placing a person in
37 employment where the principal place of employment of
38 that person is to be located outside of the state;
39 sewage services for nonresidential commercial
40 operations; sewing and stitching; shoe repair and
41 shoeshine; sign construction and installation; storage
42 of household goods, mini-storage, and warehousing of
43 raw agricultural products; swimming pool cleaning and
44 maintenance; taxidermy services; telephone answering
45 service; test laboratories, except tests on humans or
46 animals; termite, bug, roach, and pest eradicators;
47 tin and sheet metal repair; turkish baths, massage,
48 and reducing salons; weighing; welding; well drilling;
49 wrapping, packing, and packaging of merchandise other
50 than processed meat, fish, fowl and vegetables;

Page 2

1 wrecking service; wrecker and towing; pay television;
2 campgrounds; carpet and upholstery cleaning; gun and
3 camera repair; janitorial and building maintenance or
4 cleaning; lawn care, landscaping and tree trimming and
5 removal; pet grooming; reflexology; security and
6 detective services; tanning beds or salons; and water
7 conditioning and softening.
8 Sec. 201. Section 422.43, subsection 11,
9 unnumbered paragraph 3, as enacted by 1992 Iowa Acts,
10 Senate File 2116, section 406, is amended by striking
11 the unnumbered paragraph."
12 ____ . Page 1, by inserting before line 10 the
13 following:
14 "Sec. ____ . Sections 200 and 201 of this Act apply
15 retroactively to April 1, 1992. This section, being
16 deemed of immediate importance, takes effect upon
17 enactment.""

ELAINE SZYMONIAK
WILLIAM D. PALMER
BEVERLY A. HANNON
EUGENE FRAISE
JOE WELSH

EMIL J. HUSAK
RICHARD V. RUNNING
WALLY E. HORN
LARRY MURPHY
JAMES R. RIORDAN
LEONARD L. BOSWELL
PATRICK J. DELUHERY
WILLIAM W. DIELEMAN

S-5943

- 1 Amend the House amendment, S-5929, to Senate File
- 2 2097, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, line 25, by inserting after the word
- 5 "harbors" the following: "more than three breeding
- 6 male or female".
- 7 2. Page 2, by striking line 28.
- 8 3. Page 2, line 29, by striking the words
- 9 "harbored and".

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5944

- 1 Amend the House amendment, S-5929, to Senate File
- 2 2097, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, by striking lines 7 through 13.
- 5 2. Page 11, by striking lines 21 through 28.
- 6 3. By renumbering and correcting internal
- 7 references as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5945

- 1 Amend the House amendment, S-5929, to Senate File
- 2 2097, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 11, by inserting after line 20, the
- 5 following:
- 6 " . Page 7, by inserting after line 18 the
- 7 following:
- 8 "Sec. . Section 910A.14, Code 1991, is amended
- 9 to read as follows:
- 10 910A.14 RECORDED EVIDENCE -- COURT TESTIMONY.
- 11 1. A court may, upon its own motion or upon motion

12 of any party, order that the testimony of a child; as
13 defined in section 702.5; be taken in a room other
14 than the courtroom and be televised by closed circuit
15 equipment in the courtroom to be viewed by the court.
16 Only the judge, parties, counsel, persons necessary to
17 operate the equipment, and any person whose presence,
18 in the opinion of the court, would contribute to the
19 welfare and well-being of the child may be present in
20 the room with the child during the child's testimony.

21 2. The court may, upon its own motion or upon
22 motion of a party, order that the testimony of a
23 child; as defined in section 702.5; be taken by
24 recorded deposition for use at trial, pursuant to rule
25 of criminal procedure 12(2)(b). In addition to
26 requiring that such testimony be recorded by
27 stenographic means, the court may on motion and
28 hearing, and upon a finding that the child is
29 unavailable as provided in Iowa rules of evidence
30 804(a), order the videotaping of the child's testimony
31 for viewing in the courtroom by the court. The
32 videotaping shall comply with the provisions of rule
33 of criminal procedure 12(2)(b), and shall be
34 admissible as evidence in the trial of the cause.

35 3. The court may upon motion of a party admit into
36 evidence the recorded statements of a child; as
37 defined in section 702.5; describing sexual contact
38 performed with or on the child, not otherwise
39 admissible in evidence by statute or court rule if the
40 court determines that the recorded statements
41 substantially comport with the requirements for admis-
42 sion under Iowa rules of evidence 803(24) or 804(5).

43 4. A court may, upon its own motion or upon the
44 motion of a party, order the court testimony of a
45 child to be limited in duration in accordance with the
46 developmental maturity of the child. The court may
47 consider or hear expert testimony in order to
48 determine the appropriate limitation on the duration
49 of a child's testimony. However, the court shall,
50 upon motion, limit the duration of a child's

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1 uninterrupted testimony to one hour, at which time the
2 court shall allow the child to rest before continuing
3 to testify.

4 5. As used in this section, unless the context
5 otherwise requires, "child" means a person who was a
6 child, as defined in section 702.5, at the time of the
7 events as to which the person is testifying, and who
8 is under the age of eighteen at the time of testimony

9 or of the motion before the court.

10 Sec. ____ . Rule 12, subsection 2, paragraph b,
11 unnumbered paragraph 1, Iowa rules of criminal
12 procedure, third edition, is amended to read as
13 follows:

14 The court may upon motion of a party and notice to
15 the other parties order that the testimony of a victim
16 or witness who is a child, as defined in Iowa Code
17 section ~~702-5 910A.14~~, be taken by deposition for use
18 at trial. Only the judge, parties, counsel, persons
19 necessary to record the deposition, and any person
20 whose presence, in the opinion of the court, would
21 contribute to the welfare and well-being of the child
22 may be present in the room with the child during the
23 child's deposition.””

24 2. By renumbering and correcting internal
25 references as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5946

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 2 the follow-
5 ing:

6 “ ____ . Page 1, by inserting before line 1 the
7 following:

8 “Sec. ____ . Section 18.75, subsection 8, Code
9 Supplement 1991, as amended by Senate File 2351,
10 section 10, is amended to read as follows:

11 8. By November 1 of each year supply a report
12 which contains the name, gender, county or city of
13 residence when possible, official title, salary
14 received during the previous fiscal year, base salary
15 as computed on July 1 of the current fiscal year, and
16 traveling and subsistence expense of the personnel of
17 each of the departments, boards, and commissions of
18 the state government except personnel who receive an
19 annual salary of less than one thousand dollars. The
20 number of the personnel and the total amount received
21 by them shall be shown for each department in the
22 report. All employees who have drawn salaries, fees,
23 or expense allowances from more than one department or
24 subdivision shall be listed separately under the
25 proper departmental heading. On the request of the
26 superintendent, the head of each department, board, or
27 commission shall furnish the data covering that

28 agency. The report shall be distributed upon request
 29 without charge to each caucus of the general assembly,
 30 the legislative service bureau, the legislative fiscal
 31 bureau, the chief clerk of the house of
 32 representatives, and the secretary of the senate. Six
 33 copies shall be distributed without charge to the
 34 state library. Copies of the report shall be made
 35 available to other persons in both print or electronic
 36 medium upon payment of a fee, which shall not exceed
 37 the cost of providing the copy of the report.
 38 Sections 22.2 through 22.6 apply to the report. All
 39 funds from the sale of the report shall be deposited
 40 in the general fund.”

41 2. Page 2, by inserting after line 6 the
 42 following:

43 “ ____ . Page 1, by inserting after line 11 the
 44 following:

45 “Sec. ____ . Section 97B.25, Code 1991, as amended
 46 by 1992 Iowa Acts, House File 2450, section 21, if
 47 enacted by the 1992 Session of the Seventy-fourth
 48 General Assembly, is amended to read as follows:
 49 97B.25 APPLICATIONS FOR BENEFITS.

50 A representative designated by the administrator

Page 2

1 chief benefits officer and referred to in this chapter
 2 as a retirement benefits specialist, shall promptly
 3 examine applications for retirement benefits and on
 4 the basis of facts found shall determine whether or
 5 not the claim is valid and if valid, the month with
 6 respect to which benefits shall commence, the monthly
 7 benefit amount payable, and the maximum duration. The
 8 retirement benefits specialist shall promptly notify
 9 the applicant and any other interested party of the
 10 decision and the reasons. Unless the applicant or
 11 other interested party, within thirty calendar days
 12 after the notification was mailed to the applicant's
 13 or party's last known address, files an appeal as
 14 provided in section 97B.20A, the decision is final and
 15 benefits shall be paid or denied in accord with the
 16 decision.”

17 3. Page 2, by inserting after line 13, the
 18 following:

19 “ ____ . Page 2, by inserting after line 15 the
 20 following:

21 “Sec. ____ . Section 125.75A, as amended by 1992
 22 Iowa Acts, Senate File 2040, section 1, is amended to
 23 read as follows:

24 125.75A INVOLUNTARY COMMITMENT OR TREATMENT OF

25 MINORS -- JURISDICTION.

26 The juvenile court has exclusive original
27 jurisdiction in proceedings concerning a minor for
28 whom an application for involuntary commitment or
29 treatment is filed under section 125.75. In
30 proceedings under this division concerning a minor's
31 involuntary commitment or treatment, the ~~term~~ terms
32 "court", "judge", or "clerk" mean the juvenile court,
33 judge, or clerk."

34 4. Page 2, by inserting after line 13 the
35 following:

36 "____. Page 2, by inserting after line 15 the
37 following:

38 "Sec. ____ . Section 135.109, if enacted in 1992
39 Iowa Acts, House file 2439, section 4, is amended to
40 read as follows:

41 135.109 LEAD ABATEMENT - INSPECTOR AND LEAD
42 ABATEMENT CONTRACTOR TRAINING AND CERTIFICATION
43 ESTABLISHED.

44 By June 1, 1994, the department shall establish a
45 program in conjunction ~~with~~ with community colleges
46 and the extension service for the training and
47 certification of lead abatement inspectors and lead
48 abatement contractors. The department shall maintain
49 a listing, available to the public and to local health
50 departments, of lead inspectors and lead abatement

Page 3

1 contractors who have successfully completed the
2 training program and who have been certified by the
3 department. The department shall adopt rules
4 regarding training and certification requirements and
5 to establish fees in amounts sufficient to defray the
6 costs of the training and certification program. The
7 rules shall also prohibit a certified lead inspector
8 from certification as a lead abatement contractor."

9 5. Page 3, by inserting after line 12 the
10 following:

11 "____. Page 2, by inserting before line 25 the
12 following:

13 "Sec. ____ . Section 232.141, subsection 8, if
14 enacted in 1992 Iowa Acts, House File 2480, section 8,
15 is amended to read as follows:

16 8. If the department's reimbursement for the
17 allowable costs of a child's shelter care placement
18 exceeds the amount the department is authorized to pay
19 in accordance with law and administrative rule, the
20 unpaid costs may be recovered from the child's county
21 of legal settlement. The unpaid costs are payable

22 pursuant to filing of verified claims against the
23 county of legal settlement. A detailed statement of
24 the facts upon which a claims claim is based shall
25 accompany the claim. Any dispute between counties
26 arising from filings of claims pursuant to this
27 subsection shall be settled in the manner provided to
28 determine legal settlement in section 230.12.”

29 6. Page 11, by inserting after line 5, the
30 following:

31 “___ . Page 4, by inserting before line 6, the
32 following:

33 “Sec. ___ . Section 411.6, subsection 6, paragraph
34 b, Code Supplement 1991, as amended by 1992 Iowa Acts,
35 House File 2450, section 68, if enacted by the 1992
36 Session of the Seventy-fourth General Assembly, is
37 amended to read as follows:

38 b. Upon retirement for accidental disability on or
39 after July 1, 1990, a member shall receive an
40 accidental disability retirement allowance which shall
41 consist of a pension equal to sixty percent of the
42 member’s average final compensation. However, if the
43 member has had twenty-two or more years of membership
44 service, the member shall receive a disability
45 retirement allowance that is equal to the greater of
46 the retirement allowance that the member would receive
47 under subsection 2 if the members member were fifty-
48 five years of age or the disability retirement
49 allowance calculated under this paragraph.”

50 7. Page 11, by inserting after line 20, the

Page 4

1 following:

2 “___ . Page 7, by inserting after line 18, the
3 following:

4 “Sec. ___ . 1992 Iowa Acts, Senate File 2345,
5 section 1, unnumbered paragraph 3, is amended by
6 striking the unnumbered paragraph and inserting in
7 lieu thereof the following:

8 For basic and in-service training relating to
9 public offenses perpetrated due to a victim’s
10 protected class status, as provided in section 80B.11,
11 subsection 3, if and as amended by the Seventy-fourth
12 General Assembly, 1992 Session:

13 \$ 10,000

14 Sec. ___ . 1992 Iowa Acts, Senate File 2345,
15 section 11, is amended to read as follows:

16 SEC. 11. There is appropriated from moneys, other
17 than federal moneys, deposited in the victim
18 compensation fund established under section 912.14 to

19 the department of justice for the fiscal year be-
20 ginning July 1, 1992, and ending June 30, 1993, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purpose designated:

23 For use by the prosecuting attorneys training
24 coordinator in implementing a course of instruction
25 relating to public offenses perpetrated due to a
26 victim's protected class status, as provided in
27 section ~~80B.11, subsection 3~~ 729A.4, if and as amended
28 by the Seventy-fourth General Assembly, 1992 Session:

29 \$ 10,000

30 Sec. ____ . 1992 Iowa Acts, Senate File 2345,
31 section 12, is amended to read as follows:

32 SEC. 12. The state department of transportation
33 shall place a moratorium on the placement of tourist-
34 oriented directional signs within the territorial
35 limits of the Amana colonies and the Amana colonies
36 land use district shall not initiate any action
37 regarding the removal of any existing tourist-oriented
38 directional sign until such time as a comprehensive
39 signing program has been established within the area.
40 The moratorium shall go into effect as of the
41 effective date of this Act section."

42 8. By renumbering and correcting internal
43 references as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5947

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 9, line 24, through page 10,
5 line 2, and inserting the following:

6 "Sec. 3333. Section 312.2, subsection 15, Code
7 Supplement 1991, is amended to read as follows:

8 15. The treasurer of state, before making the
9 allotments provided for in this section, shall credit
10 monthly from the road use tax fund to the public
11 transit assistance fund, created under section 601J.6,
12 from revenue credited to the road use tax fund under
13 section 423.24, subsection 1, paragraph "c", an amount
14 equal to one-twentieth of eighty percent of the
15 revenue credited to from the road use tax fund under
16 operation of section 423.24, subsection 1, paragraph
17 "c" 423.7.

18 Notwithstanding the provisions of this subsection
19 directing that one-twentieth of eighty percent of the

20 revenue credited to derived from the road use tax fund
 21 under operation of section 423.24, subsection 1,
 22 paragraph "c" 423.7, be deposited into the public
 23 transit assistance fund, for the fiscal period
 24 beginning on July 1, 1991, and ending June 30, 1993,
 25 such amount shall be deposited into the general fund
 26 of the state. There is appropriated from the general
 27 fund of the state for each fiscal year to the state
 28 department of transportation the amount of revenues
 29 credited to the general fund of the state during the
 30 fiscal year under this subsection to be used for
 31 purposes of public transit assistance under chapter
 32 601J."

33 2. Page 11, by inserting after line 33 the fol-
 34 lowing:

35 " ____ . Page 8, by inserting before line 2 the
 36 following:

37 "Sec. ____ . CREDITS FROM ROAD USE TAX FUND TO
 38 PUBLIC TRANSIT ASSISTANCE FUND -- EFFECTIVE DATES.

39 1. Section 3333 of this Act, which amends section
 40 312.2, subsection 15, is effective only if the state
 41 sales, services, and use taxes are increased from four
 42 to five percent.

43 2. 1992 Iowa Acts, Senate File 2345, section 25,
 44 which amends section 312.2, subsection 15, is
 45 effective only if the state sales, services, and use
 46 taxes remain at four percent."

47 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5948

1 Amend the House amendment, S-5929, to Senate File
 2 2097, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 10, by striking lines 5 through 10 and
 5 inserting the following:

6 "Sec. ____ . Section 321J.4, subsection 2, Code
 7 1991, is amended to read as follows:

8 2. If the court defers judgment pursuant to
 9 section 907.3 for a violation of section 321J.2, the
 10 court shall order the department to revoke the
 11 defendant's motor vehicle license or nonresident
 12 operating privilege for a period of not less than
 13 thirty days nor more than ninety days if the
 14 defendant's motor vehicle license or nonresident
 15 operating privilege has not been revoked under section
 16 321J.9 or 321J.12 or has not otherwise been revoked

17 for the occurrence from which the arrest arose. The
18 court shall immediately require the defendant to
19 surrender to it all Iowa licenses or permits held by
20 the defendant, which the court shall forward to the
21 department with a copy of the order deferring
22 judgment.””

23 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5949

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 11, by inserting after line 20 the
5 following:

6 “___ . Page 7, by inserting after line 18 the
7 following:

8 “Sec. ___ . Section 910A.15, unnumbered paragraph
9 1, Code 1991, is amended to read as follows:

10 A prosecuting witness who is a child minor, as
11 defined in section ~~702.5~~ 599.1, in a any case
12 involving a violation of chapter 709 or section ~~726.2,~~
13 ~~726.3, 726.6, or 728.12;~~ is entitled to have the
14 witness's interests represented by a guardian ad litem
15 at all stages of the proceedings arising from such
16 violation. The guardian ad litem shall be a
17 practicing attorney and shall be designated by the
18 court after due consideration is given to the desires
19 and needs of the child minor and the compatibility of
20 the child minor and the child's minor's interests with
21 the prospective guardian ad litem. If a guardian ad
22 litem has previously been appointed for the child
23 minor in a proceeding under chapter 232 or a
24 proceeding in which the juvenile court has waived
25 jurisdiction under section 232.45, the court shall
26 appoint the same guardian ad litem under this section.
27 The guardian ad litem shall receive notice of and may
28 attend all depositions, hearings and trial proceedings
29 to support the child minor and advocate for the
30 protection of the child minor but shall not be allowed
31 to separately introduce evidence or to directly
32 examine or cross-examine witnesses. However, the
33 guardian ad litem shall file reports to the court as

34 required by the court.””

35 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5950

1 Amend Senate File 2376 as follows:

2 1. Page 1, by inserting before line 10 the
3 following:

4 “Sec. ____ . 1992 Iowa Acts, Senate File 2348,
5 section 6, subsection 1, paragraph g, subparagraph
6 (2), if enacted by the Seventy-fourth General
7 Assembly, 1992 Session, is amended by striking the
8 subparagraph and inserting in lieu thereof the
9 following:

10 (2) The seventh judicial district department shall
11 maintain funding levels for the purpose of continuing
12 the job development program established within the
13 district in 1990 Iowa Acts, chapter 1268, section 6,
14 subsection 7, paragraph “e”.

15 Sec. ____ . 1992 Iowa Acts, Senate File 2348,
16 section 6, subsection 5, if enacted by the Seventy-
17 fourth General Assembly, 1992 Session, is amended by
18 striking the subsection and inserting in lieu thereof
19 the following:

20 5. The first, sixth, and eighth judicial district
21 departments of correctional services and the
22 department of corrections shall maintain the funding
23 in each of the first, sixth, and eighth judicial
24 district departments of correctional services to
25 continue the job training and development grant
26 programs established in 1989 Iowa Acts, chapter 316,
27 section 7, subsection 2.”

LARRY MURPHY
JOE WELSH

S-5951

1 Amend the House amendment, S-5939, to Senate File
2 2373, as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. Page 1, by striking lines 3 through 15.
- 5 2. Page 1, by striking lines 17 through 19.
- 6 3. By striking page 1, line 27, through page 2,

7 line 6.

8 4. By renumbering as necessary.

RICHARD VARN

S-5952

1 Amend Senate File 2376 as follows:

2 1. Page 1, by inserting after line 9 the
3 following:

4 "Sec. ____ . OFFICE OF GOVERNOR -- APPROPRIATION
5 REDUCED. The appropriation from the general fund of
6 the state to the offices of the governor and the
7 lieutenant governor in 1992 Iowa Acts, House File
8 2459, section 7, subsection 1, if enacted by the 1992
9 Session of the Seventy-fourth General Assembly, for
10 salaries, support, maintenance, and miscellaneous
11 purposes for the general office of the governor and
12 the general office of the lieutenant governor, is
13 reduced by \$25,000.

14 Sec. ____ . DEPARTMENT OF MANAGEMENT --
15 APPROPRIATION REDUCED. The appropriation from the
16 general fund of the state to the department of
17 management in 1992 Iowa Acts, House File 2459, section
18 9, if enacted by the 1992 Session of the Seventy-
19 fourth General Assembly, for salaries, support,
20 maintenance, and miscellaneous purposes, is reduced by
21 \$50,000.

22 Sec. ____ . DEPARTMENT OF REVENUE AND FINANCE --
23 APPROPRIATION REDUCED. The appropriation from the
24 general fund of the state to the department of revenue
25 and finance in 1992 Iowa Acts, House File 2459,
26 section 16, subsection 2, if enacted by the 1992
27 Session of the Seventy-fourth General Assembly, for
28 salaries, support, maintenance, and miscellaneous
29 purposes for audit and compliance, is reduced by
30 \$150,211.

31 Sec. ____ . OFFICE OF SECRETARY OF STATE --
32 APPROPRIATION REDUCED. The appropriation from the
33 general fund of the state to the office of secretary
34 of state in 1992 Iowa Acts, House File 2459, section
35 20, subsection 2, if enacted by the 1992 Session of
36 the Seventy-fourth General Assembly, for salaries,
37 support, maintenance, relocation of office facilities
38 outside of the state capitol building, and
39 miscellaneous purposes for administration and
40 elections, is reduced by \$20,000.

41 Sec. ____ . STANDING APPROPRIATION AMENDED.
42 Notwithstanding the standing appropriation in section
43 18.75, subsection 8, for the fiscal year beginning

44 July 1, 1992, and ending June 30, 1993, moneys shall
 45 not be expended by the department of general services
 46 under that section for the compilation and printing of
 47 a report of the salaries and travel and subsistence of
 48 state employees.
 49 Sec. ____ DEPARTMENT OF TRANSPORTATION --
 50 APPROPRIATION REDUCED. The appropriations from the

Page 2

1 general fund of the state to the department of
 2 transportation in 1992 Iowa Acts, Senate File 2345,
 3 section 9, subsection 1, paragraphs "a" and "b", if
 4 enacted by the 1992 Session of the Seventy-fourth
 5 General Assembly, for providing assistance for the
 6 restoration, conservation, improvement, and
 7 construction of railroad main lines, branch lines,
 8 switching yards, and sidings as required in section
 9 327H.18; for use by the railway finance authority as
 10 provided in chapter 307B; and for airport engineering
 11 studies and improvement projects as provided in
 12 chapter 328, are reduced by \$550,000.

13 Sec. ____ IOWA DEPARTMENT OF PUBLIC HEALTH --
 14 APPROPRIATION REDUCED. The appropriation from the
 15 general fund of the state to the Iowa department of
 16 public health in 1992 Iowa Acts, House File 2457,
 17 section 4, if enacted by the 1992 Session of the
 18 Seventy-fourth General Assembly, is reduced by .31
 19 percent.

20 Sec. ____ JOBS PROGRAM -- APPROPRIATION REDUCED.

21 The appropriation from the general fund of the state
 22 to the department of human services in 1992 Iowa Acts,
 23 Senate File 2355, section 8, if enacted by the 1992
 24 Session of the Seventy-fourth General Assembly, is
 25 reduced by the following amount for the purpose
 26 designated:

27 For the federal-state job opportunities and basic
 28 skills (JOBS) program, food stamp employment and
 29 training program, and family development and self-
 30 sufficiency grants:
 31 \$ 400,000

32 The appropriation reduction in this section shall
 33 reduce the allocation in subsection 1 of section 8 for
 34 the JOBS program by \$400,000.

35 Sec. ____ There is appropriated from the general
 36 fund of the state to the state department of
 37 transportation for the fiscal year beginning July 1,
 38 1992, and ending June 30, 1993, the following amount,
 39 or so much thereof as is necessary, to be used for
 40 only the following designated purpose:

41 For the city of Burlington to begin the process for
 42 construction of a road from highway 61 to the
 43 Burlington airport:
 44 \$ 150,000
 45 Sec. ____ 1992 Iowa Acts, Senate File 2345,
 46 section 10, if enacted by the 1992 Session of the
 47 Seventy-fourth General Assembly, is amended by
 48 striking the section and inserting in lieu thereof the
 49 following:
 50 Sec. ____.

Page 3

1 1. Except for subsection 2 of this section, the
 2 moneys deposited in the general fund and the interest
 3 earned from the deposit of those moneys, that would
 4 have been deposited into the following funds but for
 5 the provisions of 1991 Iowa Acts, chapter 260,
 6 division XII, sections 1222, 1224, 1228, 1229, and
 7 1249, shall only be used for the purposes for which
 8 the moneys were to be collected prior to the enactment
 9 of 1991 Iowa Acts, chapter 260, division XII, sections
 10 1222, 1224, 1228, 1229, and 1249:

11 a. Railroad assistance fund established under
 12 section 327H.18.

13 b. Special railroad facility fund established
 14 under section 307B.23.

15 c. State aviation fund established under section
 16 328.36.

17 d. Public transit assistance fund established
 18 under section 601J.6.

19 2. Of the moneys deposited in the general fund of
 20 the state pursuant to subsection 1, \$550,000 which
 21 otherwise would have been deposited in the railroad
 22 assistance fund, the special railroad facility fund,
 23 or the state aviation fund shall be used for any
 24 general fund purpose.

25 Sec. ____ AUDITOR OF STATE - APPROPRIATION
 26 REDUCED. The appropriation from the general fund of
 27 the state to the auditor of state in 1992 Iowa Acts,
 28 House File 2455, section 1, unnumbered paragraph 2, if
 29 enacted by the 1992 Session of the Seventy-fourth
 30 General Assembly, for salaries, support, maintenance,
 31 and miscellaneous purposes, is reduced by \$100,000.

32 Sec. ____ REDUCTIONS IN APPROPRIATIONS.

33 1. Moneys appropriated in 1992 Iowa Acts, House
 34 File 2455, from the general fund of the state for the
 35 fiscal year beginning July 1, 1992, are reduced by
 36 \$100,000. Except as provided in subsection 2, the
 37 \$100,000 reduction in appropriations shall be carried

38 out uniformly and proportionately in the manner
39 specified in section 8.31, based upon the appropriated
40 amounts.

41 2. The reduction in appropriations made pursuant
42 to subsection 1 shall not reduce the amount
43 appropriated to the auditor of state pursuant to 1992
44 Iowa Acts, House File 2455, section 1.

45 Sec. ____ . DEPARTMENT OF JUSTICE -- APPROPRIATION
46 REDUCED. The appropriation from the general fund of
47 the state to the department of justice in 1992 Iowa
48 Acts, Senate File 2348, section 1, subsection 1, if
49 enacted by the 1992 Session of the Seventy-fourth
50 General Assembly, for salaries, support, maintenance,

Page 4

1 and miscellaneous purposes for the general office of
2 attorney general, is reduced by \$65,000.

3 Sec. ____ . FIFTH JUDICIAL DISTRICT DEPARTMENT OF
4 CORRECTIONAL SERVICES -- APPROPRIATION REDUCED. The
5 appropriation from the general fund of the state to
6 the department of corrections in 1992 Iowa Acts,
7 Senate File 2348, section 6, subsection 1, paragraph
8 "e", if enacted by the 1992 Session of the Seventy-
9 fourth General Assembly, for the fifth judicial
10 district department of correctional services, is
11 reduced by \$85,741.

12 Sec. ____ . SIXTH JUDICIAL DISTRICT DEPARTMENT OF
13 CORRECTIONAL SERVICES -- APPROPRIATION REDUCED. The
14 appropriation from the general fund of the state to
15 the department of corrections in 1992 Iowa Acts,
16 Senate File 2348, section 6, subsection 1, paragraph
17 "f", if enacted by the 1992 Session of the Seventy-
18 fourth General Assembly, for the sixth judicial
19 district department of correctional services, is
20 reduced by \$27,230.

21 Sec. ____ . JUDICIAL DEPARTMENT -- APPROPRIATION
22 REDUCED. The appropriation from the general fund of
23 the state to the judicial department in 1992 Iowa
24 Acts, Senate File 2348, section 7, subsection 1, if
25 enacted by the 1992 Session of the Seventy-fourth
26 General Assembly, for salaries of judicial officers
27 and employees, reimbursement to the auditor of state
28 for expenses incurred, and maintenance equipment, and
29 miscellaneous purposes, is reduced by \$28,747."

LEONARD L. BOSWELL

S-5953

1 Amend Senate File 2376 as follows:
 2 1. Page 1, by inserting after line 9 the
 3 following:
 4 "Sec. ____ . 1992 Iowa Acts, Senate File 2034,
 5 section 40, if enacted by the Seventy-fourth General
 6 Assembly, 1992 Session, is amended to read as follows:
 7 SEC. 40. Section 18 of this Act is retroactively
 8 applicable to January effective July 1, 1992, for tax
 9 years beginning on or after that date."

LEONARD L. BOSWELL
 HARRY SLIFE
 WILLIAM W. DIELEMAN
 WALLY HORN

S-5954

1 Amend Senate File 2376 as follows:
 2 1. Page 1, line 2, by inserting after the word
 3 "to" the following: "the GAAP deficit reduction
 4 account within".
 5 2. Page 1, line 9, by striking the figure
 6 "60,000,000" and inserting the following:
 7 "28,800,000".
 8 3. Page 1, by inserting after line 9 the follow-
 9 ing:
 10 "Sec. ____ . Contingent upon the enactment of Senate
 11 File 2034 by the Seventy-fourth General Assembly, 1992
 12 Session, there is appropriated from the increase in
 13 use tax revenues collected pursuant to section 423.7,
 14 as a result of the increase in the sales and use tax
 15 rate, prior to deposit in accordance with section
 16 423.24 in the fiscal year beginning July 1, 1992, to
 17 the GAAP deficit reduction account within the
 18 department of management for the fiscal year beginning
 19 July 1, 1992, and ending June 30, 1993, the following
 20 amount, or so much thereof as is necessary, for the
 21 purpose designated:
 22 For reducing the state deficit as determined under
 23 generally accepted accounting principles, as defined
 24 by the governmental accounting standards board:
 25 \$ 31,200,000
 26 Sec. ____ . It is the intent of the general assembly
 27 that the number of authorized full-time equivalent
 28 positions funded from appropriations from the general
 29 fund of the state for the period beginning July 1,
 30 1992, and ending June 30, 1993, not exceed the number
 31 of authorized full-time equivalent positions funded

32 from appropriations from the general fund of the state
33 in fiscal year beginning July 1, 1991, and ending June
34 30, 1992.

35 Sec. ____ MH/MR/DD/BI COMMUNITY SERVICES --
36 ADDITIONAL APPROPRIATION. There is appropriated from
37 the use tax revenues collected pursuant to section
38 423.7, prior to deposit in accordance with section
39 423.24 in the fiscal year beginning July 1, 1992, to
40 the department of human services for the fiscal year
41 beginning July 1, 1992, and ending June 30, 1993, the
42 following amount, or so much thereof as is necessary,
43 to be used for the purpose designated:

44 For allocation to counties in accordance with the
45 provisions of 1992 Iowa Acts, Senate File 2355,
46 section 25, subsection 1, if enacted by the Seventy-
47 fourth General Assembly, 1992 Session, relating to
48 funding of community-based services for persons with
49 mental illness, mental retardation, developmental
50 disabilities, and brain injury, in addition to the

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1 funding appropriated in that section:
2 \$ 4,000,000

3 Sec. ____ MEDICAL ASSISTANCE SUPPLEMENTAL
4 APPROPRIATION. There is appropriated from the general
5 fund of the state to the department of human services
6 for the fiscal year beginning July 1, 1992, and ending
7 June 30, 1993, the following amount, or so much
8 thereof as is necessary, to be used for the purposes
9 designated:

10 For medical assistance, in addition to the funds
11 appropriated for this purpose in Senate File 2355,
12 section 3, if enacted by the Seventy-fourth General
13 Assembly, 1992 Session:

14 \$ 20,000,000

15 Sec. ____ ETHICS BOARD. There is appropriated
16 from the general fund of the state to the Iowa ethics
17 and campaign finance board for the fiscal year
18 beginning July 1, 1992, and ending June 30, 1993, the
19 following amount, or so much thereof as is necessary,
20 for the purpose designated:

21 For duties and responsibilities, including
22 salaries, support, and maintenance of the Iowa ethics
23 and campaign finance board:

24 \$ 150,000

25 Sec. 47. Section 422.43, subsection 13, paragraph
26 a, unnumbered paragraph 1, as enacted by 1992 Iowa
27 Acts, Senate File 2116, section 404, as amended by
28 1992 Iowa Acts, Senate File 2346, section 4, is

29 amended to read as follows:

30 A tax of ~~four~~ five percent is imposed upon the
31 gross receipts from the sales, furnishing, or service
32 of solid waste collection and disposal service.

33 Sec. 48. Section 422.52, subsection 1, Code
34 Supplement 1991, is amended to read as follows:

35 1. a. The tax levied under this division is due
36 and payable in quarterly installments on or before the
37 last day of the month following each quarterly period
38 except as otherwise provided in this subsection.

39 b. Every retailer who collects more than four
40 thousand dollars in retail sales tax in a semimonthly
41 period shall deposit with the department or in a
42 depository authorized by law and designated by the
43 director, the amount collected or an amount equal to
44 not less than one-sixth of the tax collected and paid
45 to the department during the preceding quarter, with a
46 deposit form for the semimonthly period as prescribed
47 by the director. The first semimonthly deposit form
48 is for the period from the first of the month through
49 the fifteenth of the month and is due on or before the
50 twenty-fifth day of the month. The second semimonthly

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1 deposit form is for the period from the sixteenth
2 through the end of the month and is due on or before
3 the tenth day of the month following the month of
4 collection. A deposit is not required for the last
5 semimonthly period of the calendar quarter. The total
6 quarterly amount, less the amount deposited for the
7 five previous semimonthly periods, is due with the
8 quarterly report on the last day of the month
9 following the month of collection.

10 c. A retailer who collects more than five hundred
11 dollars in retail sales taxes in one month and not
12 more than four thousand dollars in retail sales taxes
13 in a semimonthly period shall deposit with the
14 department or in a depository authorized by law and
15 designated by the director, the amount collected or an
16 amount equal to not less than one-third of the tax
17 collected and paid to the department during the
18 preceding quarter, with a deposit form for the month
19 as prescribed by the director. The deposit form is
20 due on or before the twentieth day of the month
21 following the month of collection, except a deposit is
22 not required for the third month of the calendar
23 quarter and the total quarterly amount, less three
24 percent of the total quarterly amount to be retained
25 by the retailer and less the amounts deposited for the

26 first two months of the quarter, is due with the
27 quarterly report on the last day of the month
28 following the month of collection.

29 d. Every retailer who collects more than fifty
30 dollars and not more than five hundred dollars in
31 retail sales tax in one month shall deposit with the
32 department or in a depository authorized by law and
33 designated by the director, the amount collected, or
34 an amount equal to not less than one-third of the tax
35 collected and paid to the department during the last
36 preceding quarter, with a deposit form for the month
37 as prescribed by the director. The deposit form is
38 due on or before the twentieth day of the month
39 following the month of collection, except a deposit is
40 not required for the third month of the calendar
41 quarter and the total quarterly amount, less two
42 percent of the total quarterly amount to be retained
43 by the retailer and less the amounts deposited for the
44 first two months of the quarter, is due with the
45 quarterly report on the last day of the month
46 following the month of collection.

47 e. However, if in any fiscal year the three
48 percent and two percent amounts to be retained by
49 retailers under paragraphs "c" and "d" would in the
50 aggregate exceed two million dollars, as estimated by

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1 the department, the department shall by rule adopt an
2 appropriate percentage amount to be retained in the
3 fiscal year by retailers under paragraphs "c" and "d"
4 so that the estimated retained revenues for that
5 fiscal year would equal two million dollars.

6 f. The monthly remittance procedure is optional
7 for any sales tax permit holder whose average monthly
8 collection of tax amounts to more than twenty-five
9 dollars and less than fifty dollars.

10 g. If the exact amounts of the taxes due or an
11 amount equal to not less than one-third or one-sixth,
12 as applicable, of the tax collected and paid to the
13 department during the last preceding quarter on the
14 deposit form are not ascertainable by the retailer, or
15 would work undue hardship in the computation of the
16 taxes due by the retailer, the director may provide by
17 rules alternative procedures for estimating the
18 amounts (but not the dates) due by the retailers. The
19 forms prescribed by the director shall be referred to
20 as "retailers semimonthly tax deposit" or "retailers
21 monthly tax deposit". Deposit forms shall be signed
22 by the retailer or the retailer's duly authorized

23 agent, and shall be duly certified by the retailer or
24 agent to be correct.

25 h. The director may authorize incorporated banks
26 and trust companies or other depositories authorized
27 by law which are depositories or financial agents of
28 the United States, or of this state, to receive any
29 tax imposed under this chapter, in the manner, at the
30 times and under the conditions the director
31 prescribes. The director shall prescribe the manner,
32 times, and conditions under which the receipt of the
33 tax by those depositories is to be treated as payment
34 of the tax to the department.

35 Sec. ____ . RECOMMENDATIONS OF THE GOVERNOR'S
36 COMMITTEE ON GOVERNMENT SPENDING REFORM. The general
37 assembly encourages and authorizes the governor to
38 implement the following recommendations of the
39 governor's committee on government spending reform:

40 1. Consolidate and provide for common management
41 of state data processing centers.

42 2. Provide through the state department of
43 transportation for renewal of drivers' licenses by
44 mail.

45 3. Establish a state lien filing system.

46 4. Expand electronic funds transfer systems.

47 5. Establish state collection standards and
48 policy.

49 6. Identify unrecognized receivables owed the
50 state.

Page 5

1 7. Review personal computer acquisitions by the
2 state.

3 8. Initiate local government coordination of
4 information systems, subject to approval of the
5 legislative council.

6 9. Consolidate state printing facilities.

7 10. Eliminate the state aircraft pool or
8 consolidate the Iowa state university aircraft pool.

9 11. Develop a uniform financial reporting and
10 accounting system.

11 12. Develop a statewide system for delivery of
12 state-offered services.

13 13. Implement a system for management of federal
14 funds.

15 14. Expand the use of voice mail telephone
16 answering systems.

17 15. Establish an enterprise plan for technology.

18 In addition the governor shall submit to the
19 general assembly by February 1, 1993, a status report

20 delineating the implementation status of all of the
 21 recommendations of the governor's committee on
 22 government spending and reform.
 23 Sec. ____ . Section 48 of this Act is contingent
 24 upon the enactment of Senate File 2034 by the Seventy-
 25 fourth General Assembly, 1992 Session and, if Senate
 26 File 2034 is enacted, takes effect July 1, 1992.
 27 However, the department of revenue and finance may
 28 adopt rules setting the percentage of moneys to be re-
 29 tained pursuant to section 422.52, subsection 1,
 30 paragraph "e", created under section 48 of this Act,
 31 prior to July 1, 1992. This section, being deemed of
 32 immediate importance, takes effect upon enactment.
 33 Sec. ____ . Section 47 of this Act takes effect June
 34 1, 1992. This section, being deemed of immediate
 35 importance, takes effect upon enactment."
 36 4. By renumbering as necessary.

LEONARD L. BOSWELL

S-5955

1 Amend the amendment, S-5954, to Senate File 2376 as
 2 follows:
 3 1. Page 3, line 23, by striking the word "three"
 4 and inserting the following: "two".
 5 2. Page 3, line 41, by striking the word "two"
 6 and inserting the following: "three".
 7 3. Page 3, line 47, by striking the word "three"
 8 and inserting the following: "two".
 9 4. Page 3, line 48, by striking the word "two"
 10 and inserting the following: "three".

LEONARD L. BOSWELL

S-5956

1 Amend the House amendment, S-5939, to Senate File
 2 2373, as amended, passed, and reprinted by the Senate
 3 as follows:
 4 1. Page 1, by striking line 16.

LINN FUHRMAN

S-5957

1 Amend Senate File 2374 as follows:
 2 1. Page 3, line 28, by striking the word
 3 "paragraphs" and inserting the following:
 4 "paragraph".

- 5 2. Page 3, line 32, by striking the word "two-
6 tenths" and inserting the following: "six-tenths".
7 3. Page 3, by striking lines 33 through 35.
8 4. By striking page 4, line 23, through page 5,
9 line 6.
10 5. Page 5, line 7, by striking the word and
11 figures ", 7, and 8" and inserting the following:
12 "and 7".

MIKE CONNOLLY

S-5958

- 1 Amend Senate File 2376 as follows:
2 1. Page 1, by inserting after line 9 the
3 following:
4 "Sec. 500. Section 422.13, subsection 1,
5 paragraphs a and b, Code 1991, are amended to read as
6 follows:
7 a. The individual is required to file a federal
8 income tax return under the Internal Revenue Code.
9 b. The individual has net income of five nine
10 thousand dollars or more for the tax year from sources
11 taxable under this division.
12 Sec. 501. Section 422C.3, subsection 1, as enacted
13 by 1992 Iowa Acts, House File 695, section 4, is
14 amended to read as follows:
15 1. A tax of four five percent is imposed upon the
16 rental price of an automobile if the rental
17 transaction is subject to the sales and services tax
18 under chapter 422, division IV, or the use tax under
19 chapter 423. The tax shall not be imposed on any
20 rental transaction not taxable under the state sales
21 and services tax, as provided in section 422.45, or
22 the state use tax, as provided in section 423.4, on
23 automobile rental receipts.
24 Sec. 502. Section 423.24, subsection 1, Code
25 Supplement 1991, as amended by 1992 Iowa Acts, Senate
26 File 2034, section 27, applies to the revenues derived
27 from the five percent use tax on motor vehicles,
28 trailers, and motor vehicle accessories and equipment
29 as collected after June 1, 1992, pursuant to section
30 423.7.
31 Sec. 503. Section 425.17, subsection 2, Code
32 Supplement 1991, as amended by 1992 Iowa Acts, Senate
33 File 2034, section 28, is amended to read as follows:
34 2. "Claimant" means a person filing a claim for
35 credit or reimbursement under this division who has
36 attained the age of eighteen years on or before
37 December 31 of the base year, and was domiciled in

38 this state during the entire base year, and is
39 domiciled in this state at the time the claim is filed
40 or at the time of the person's death in the case of a
41 claim filed by the executor or administrator of the
42 claimant's estate and, in the case of a person who is
43 not disabled and has not reached the age of sixty-
44 five, was not claimed as a dependent on any other
45 person's tax return for the base year.
46 "Claimant" includes a vendee in possession under a
47 contract for deed and may include one or more joint
48 tenants or tenants in common. In the case of a claim
49 for rent constituting property taxes paid, the
50 claimant shall have rented the property during any

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1 part of the base year. If a homestead is occupied by
2 two or more persons, and more than one person is able
3 to qualify as a claimant, the persons may determine
4 among them who will be the claimant. If they are
5 unable to agree, the matter shall be referred to the
6 director of revenue and finance not later than October
7 31 of each year and the director's decision is final.

8 Sec. 504. 1992 Iowa Acts, Senate File 2034,
9 section 36, is amended to read as follows:

10 SEC. 36. APPLICABILITY. This section applies in
11 regard to the increase in the state sales, services,
12 and use taxes from four to five percent. The five
13 percent rate applies to all sales of taxable personal
14 property, consisting of goods, wares, or merchandise
15 if delivery occurs on or after June 1, 1992. The use
16 tax rate of five percent applies to motor vehicles
17 subject to registration which are registered on or
18 after June 1, 1992. The five percent use tax rate
19 applies to the use of property when the first taxable
20 use in this state occurs on or after June 1, 1992.
21 The five percent rate applies to the gross receipts
22 from the sale, furnishing, or service of gas,
23 electricity, water; heat, pay television service, and
24 communication service if the date of billing the
25 customer is on or after June 1, 1992. In the case of
26 a service contract entered into prior to June 1, 1992,
27 which contract calls for periodic payments, the five
28 percent rate applies to those payments made or due on
29 or after June 1, 1992. This periodic payment applies,
30 but is not limited to, tickets or admissions, private
31 club membership fees, sources of amusement, equipment
32 rental, dry cleaning, reducing salons, dance schools,
33 and all other services subject to tax, except the
34 aforementioned utility services which are subject to a

35 special transitional rule. Unlike periodic payments
 36 under service contracts, installment sales of goods,
 37 wares, and merchandise are subject to the full amount
 38 of sales or use tax when the sales contract is entered
 39 into or the property is first used in Iowa."

40 2. Page 1, by inserting before line 10 the
 41 following:

42 "Sec. ____ . Sections 500 through 504 of this Act
 43 are contingent upon the enactment of Senate File 2034
 44 by the Seventy-fourth General Assembly, 1992 Session.

45 If Senate File 2034 is enacted, section 500 of this
 46 Act is retroactive to January 1, 1992, for tax years
 47 beginning on or after that date, section 501 of this
 48 Act is effective July 1, 1992, sections 502 and 504 of
 49 this Act are effective June 1, 1992, and section 503
 50 of this Act is effective January 1, 1993, for property

Page 3

1 tax claims filed on or after that date and is
 2 applicable to rent reimbursement claims filed on or
 3 after January 1, 1994. This section, being deemed of
 4 immediate importance, takes effect upon enactment."

BILL HUTCHINS

S-5959

1 Amend Senate File 2376 as follows:

2 1. Page 1, by inserting after line 9 the
 3 following:

4 "Sec. ____ . NEW SECTION. 232.144 CHILD WELFARE
 5 SERVICES.

6 The court shall not order a service which is a
 7 charge upon the state pursuant to section 234.6,
 8 subsection 6, or section 234.35 if there are
 9 insufficient funds to pay for the service within the
 10 appropriation for that service.

11 Sec. ____ . Section 234.38, subsection 1, Code 1991,
 12 as amended by 1992 Iowa Acts, House File 2480, section
 13 26, is amended to read as follows:

14 1. The department of human services shall make
 15 reimbursement payments directly to foster parents for
 16 services provided to children pursuant to section
 17 234.6, subsection 6, paragraph "b", or section 234.35.
 18 For each of the following In any fiscal years year,
 19 the reimbursement rate shall be based upon the
 20 indicated percentage sixty-five percent of the United
 21 States department of agriculture estimate of the cost
 22 to raise a child in the calendar year immediately

23 preceding the indicated fiscal year: 1992-1993,
 24 sixty-five percent; 1993-1994, seventy-five percent;
 25 and 1994-1995 and subsequent fiscal years, eighty
 26 percent. The department may pay an additional stipend
 27 for a child with special needs.

28 Sec. ____ . Section 234.38, subsection 2, Code 1991,
 29 as amended by 1992 Iowa Acts, House File 2480, section
 30 26, is amended by striking the subsection.

31 Sec. ____ . 1992 Iowa Acts, House File 2480,
 32 sections 29 and 30, are repealed."

33 2. By renumbering as necessary.

JACK RIFE
 BILL HUTCHINS

S-5960

1 Amend Senate File 2376 as follows:

2 1. Page 1, by inserting after line 9, the
 3 following:

4 "Sec. ____ . The department of economic development
 5 may transfer \$25,000 during the fiscal year beginning
 6 July 1, 1992, and ending June 30, 1993, from the loan
 7 repayments under the rural community 2000 program
 8 prior to the transfer of the funds to the Iowa finance
 9 authority housing improvement fund for purchase of
 10 land for a welcome center project based on the
 11 department's prioritization report, dated December
 12 1991. Moneys used for the welcome center project
 13 require a dollar-for-dollar match."

14 2. By renumbering as necessary.

JIM RIORDAN

S-5961

1 Amend Senate File 2376 as follows:

2 1. Page 1, by inserting after line 9 the fol-
 3 lowing:

4 "Sec. ____ . Section 13B.4, subsection 3, Code
 5 Supplement 1991, is amended to read as follows:

6 3. The state public defender may contract with
 7 persons admitted to practice law in this state for the
 8 provision of legal services to indigent persons where
 9 there is no local public defender available to provide
 10 such services. The state public defender shall file,
 11 with the court in each county served under one or more
 12 contracts for the provision of legal services to
 13 indigent persons, a designation of which contract
 14 attorneys shall receive notice of appointment of

15 cases.

16 Sec. ____ . Section 13B.9, subsection 5, Code
17 Supplement 1991, is amended by striking the subsection
18 and inserting in lieu thereof the following:

19 5. If the local public defender is unable to
20 handle a case, because of a conflict of interest or
21 overload of cases, or if a county is not served by a
22 local public defender, the court shall appoint other
23 counsel for the indigent person as follows:

24 a. If the state public defender has contracted for
25 the provision of legal services to indigent persons in
26 the county where the case is pending, the court shall,
27 subject to paragraph "b", appoint an attorney
28 designated by the state public defender as a contract
29 attorney in the county to handle the case.
30 Appointment of contract attorneys shall be on a
31 rotational or equalizational basis, while taking into
32 consideration the experience of the contract attorneys
33 and the difficulty of the case.

34 b. If the court determines that the nature of the
35 charge or the complexity of the issues in a case
36 requires that an attorney, other than the attorney or
37 attorneys who have contracted with the state public
38 defender, be appointed, the court may appoint a
39 noncontract attorney that the court deems appropriate
40 to provide legal services to the indigent person. If
41 the court appoints a noncontract attorney under this
42 paragraph, the court shall state in the order of
43 appointment the reasons for not appointing the
44 attorney specified in the state public defender
45 contract for legal services to indigent persons and
46 submit a copy of the order to the state public
47 defender within five working days of the date of the
48 appointment of other counsel.

49 c. If the state public defender has not contracted
50 for the provision of legal services to indigent

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1 persons in the county where the case is pending, the
2 court shall appoint a noncontract attorney that the
3 court deems appropriate to provide legal services to
4 the indigent person.

5 Sec. ____ . The sections in 1992 Iowa Acts, House
6 File 2455, which direct the state public defender to
7 establish a two-year pilot project to contract with
8 private attorneys for the provision of legal services
9 to indigent persons in two counties, and to make a
10 written report to the legislative fiscal bureau

- 11 concerning the pilot project, are repealed.”
12 2. By renumbering as necessary.

JACK RIFE
BILL HUTCHINS

S-5962

- 1 Amend Senate File 2376 as follows:
2 1. Page 1, by inserting after line 9 the
3 following:
4 “Sec. ____ . NEW SECTION. 444.25 PROPERTY TAX
5 LIMITATIONS FOR 1994 and 1995 FISCAL YEARS.
6 1. COUNTY LIMITATION. The maximum amount of
7 property tax dollars which may be certified by a
8 county for taxes payable in each of the fiscal years
9 beginning July 1, 1993, and July 1, 1994, shall not
10 exceed the amount of property tax dollars certified by
11 the county for taxes payable in the fiscal year
12 beginning July 1, 1992, for each of the levies for the
13 following, except as otherwise provided in this
14 section:
15 a. General county services under section 331.422,
16 subsection 1.
17 b. Rural county services under section 331.422,
18 subsection 2.
19 c. Other taxes under section 331.422, subsection
20 4.
21 2. CITY LIMITATION. The maximum amount in
22 property tax dollars which may be certified by a city
23 for taxes payable in each of the fiscal years
24 beginning July 1, 1993, and July 1, 1994, shall not
25 exceed the amount in property tax dollars certified by
26 the city for taxes payable in the fiscal year
27 beginning July 1, 1992, for the following levies,
28 except as otherwise provided in this section:
29 a. City government purposes under section 384.1.
30 b. Trust and agency fund purposes under section
31 384.6.
32 c. Capital improvements reserve fund under section
33 384.7.
34 d. Emergency fund purposes under section 384.8.
35 e. Other city government purposes under section
36 384.12.
37 3. EXCEPTIONS. The limitations provided in
38 subsections 1 and 2 do not apply to the levies made
39 for the following:
40 a. Debt service to be deposited into the debt
41 service fund pursuant to section 331.430 or section
42 384.4, provided the same proportion of principal and

43 interest paid from sources other than the debt service
44 fund in the fiscal year beginning July 1, 1992,
45 continues to be paid from sources other than the debt
46 service fund.

47 b. Taxes approved by a vote of the people which
48 are first payable during the fiscal year beginning
49 July 1, 1993, or July 1, 1994.

50 c. Unusual need for additional moneys to permit

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1 continuance of a program which provides substantial
2 benefit to city or county residents. The increase in
3 taxes levied under this exception is limited to no
4 more than the product of the total tax dollars levied
5 in fiscal year beginning July 1, 1992, and the annual
6 percent change in the implicit price deflator for the
7 gross domestic product computed for the calendar year
8 preceding the fiscal year beginning July 1, 1993, as
9 defined by the bureau of economic analysis of the
10 United States department of commerce. For purposes of
11 this paragraph, tax dollars levied in fiscal year
12 beginning July 1, 1992, shall not include funds levied
13 for paragraphs "a" and "b" of this subsection.

14 Application of this exception shall require an
15 original publication of the budget and a public
16 hearing and a second publication and a second hearing
17 both in the manner and form prescribed by the director
18 of the department of management, notwithstanding the
19 provisions of sections 331.434, 384.16, and 362.3.
20 The publications and hearings prescribed in this
21 paragraph shall be held no later than March 15. The
22 taxes levied for cities and counties whose
23 publications and hearings occur after March 15th shall
24 be frozen at the fiscal year beginning July 1, 1992,
25 level.

26 4. APPEAL PROCEDURES. In lieu of the procedures
27 in sections 24.48 and 331.426, which procedures do not
28 apply for taxes payable in the fiscal years beginning
29 July 1, 1993, and July 1, 1994, if a city or county
30 needs to raise property tax dollars from a tax levy in
31 excess of the limitations imposed by subsection 1 or
32 2, the following procedures apply:

33 a. Not later than March 1, and after the
34 publication and public hearing on the budget in the
35 manner/form prescribed by the director of the
36 department of management notwithstanding the
37 provisions of sections 331.434, 384.16, and 362.3, the
38 city or county shall petition the state appeal board
39 for approval of property tax increase in excess of the

40 increase provided for in subsection 3, paragraph "c"
 41 on forms furnished by the director of the department
 42 of management. Applications received after March 1st,
 43 shall be automatically ineligible for consideration by
 44 the board.

45 b. Additional costs incurred by the city or county
 46 due to either of the following circumstances shall be
 47 the only basis for justifying the excess in property
 48 tax dollars:

49 (1) Natural disaster or other life-threatening
 50 emergencies.

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1 (2) Unusual need for additional moneys to permit
 2 continuance of a program which provides substantial
 3 benefit to county residents.

4 c. The state appeal board shall approve,
 5 disapprove, or reduce the amount of excess property
 6 tax dollars requested. The board shall take into
 7 account the intent of this section to provide property
 8 tax relief. The decision of the board shall be
 9 rendered at a regular or special meeting of the board
 10 within twenty days of the board's receipt of an
 11 appeal.

12 d. Upon receipt of the decision of the state
 13 appeal board, the city or county shall publish, adopt,
 14 and certify its budget under section 331.434 or
 15 384.16, which budgets may be protested as provided in
 16 section 331.436 or 384.19. The budget shall not
 17 contain an amount of property tax dollars in excess of
 18 the amount approved by the state appeal board.

19 5. In addition to the requirement of the county
 20 auditor in section 444.3 to establish a rate of tax
 21 which does not exceed the rate authorized by law, the
 22 county auditor shall also adjust the rate if the
 23 amount of property tax dollars to be raised is in
 24 excess of the amount specified in subsection 1 or 2,
 25 as may be adjusted pursuant to subsection 4.

26 Sec. —. NEW SECTION. 444.26 PROPERTY TAX LEVY
 27 LIMITATIONS NOT AFFECTED.

28 Section 444.25 shall not be construed as removing
 29 or otherwise affecting the property tax limitations
 30 otherwise provided by law for any tax levy of the
 31 political subdivision, except that, upon an appeal
 32 from the political subdivision, the state appeal board
 33 may approve a tax levy consistent with the provisions
 34 of section 24.48 or 331.426.

35 Sec. —. NEW SECTION. 444.27 SECTIONS VOID.

36 Sections 24.48 and 331.426 are void for the fiscal
37 years beginning July 1, 1993, and July 1, 1994."

JACK RIFE
BILL HUTCHINS

S-5963

1 Amend Senate File 2376 as follows:

2 1. Page 1, by inserting after line 9 the
3 following:

4 "Sec. ____ . Section 422.42, subsection 3, Code
5 1991, is amended to read as follows:

6 3. "Retail sale" or "sale at retail" means the
7 sale to a consumer or to any person for any purpose,
8 other than for processing, for resale of tangible
9 personal property or taxable services, or for resale
10 of tangible personal property in connection with
11 taxable services; and includes the sale of gas,
12 electricity, water, and communication service to
13 retail consumers or users; but does not include
14 agricultural breeding livestock and domesticated fowl;
15 and does not include commercial fertilizer,
16 agricultural limestone, herbicide, pesticide,
17 insecticide, food, medication, or agricultural drain
18 tile, including installation of agricultural drain
19 tile, any of which are to be used in disease control,
20 weed control, insect control, or health promotion of
21 plants or livestock produced as part of agricultural
22 production for market; and does not include
23 electricity, steam, or any taxable service when
24 purchased and used in the processing of tangible
25 personal property intended to be sold ultimately at
26 retail. When used by a manufacturer of food products,
27 carbon dioxide in a liquid, solid, or gaseous form,
28 electricity, steam, and other taxable services are
29 sold for processing when used to produce marketable
30 food products for human consumption, including but not
31 limited to, treatment of material to change its form,
32 context, or condition, in order to produce the food
33 product, maintenance of quality or integrity of the
34 food product, changing or maintenance of temperature
35 levels necessary to avoid spoilage or to hold the food
36 product in marketable condition, maintenance of
37 environmental conditions necessary for the safe or
38 efficient use of machinery and material used to
39 produce the food product, sanitation and quality
40 control activities, formation of packaging, placement
41 into shipping containers, and movement of the material
42 or food product until shipment from the building of

43 manufacture. Tangible personal property is sold for
 44 processing within the meaning of this subsection only
 45 when it is intended that the property will, by means
 46 of fabrication, compounding, manufacturing, or
 47 germination become an integral part of other tangible
 48 personal property intended to be sold ultimately at
 49 retail; or will be consumed as fuel in creating heat,
 50 power, or steam for processing including grain drying,

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1 or for providing heat or cooling for livestock
 2 buildings or for greenhouses or buildings or parts of
 3 buildings dedicated to growing plants or flowers
 4 intended for sale in the ordinary course of business,
 5 or for generating electric current, or in implements
 6 of husbandry engaged in agricultural production; or
 7 the property is a chemical, solvent, sorbent, or
 8 reagent, which is directly used and is consumed,
 9 dissipated, or depleted, in processing personal
 10 property which is intended to be sold ultimately at
 11 retail or consumed in the maintenance or repair of
 12 fabric or clothing, and which may not become a
 13 component or integral part of the finished product.
 14 The distribution to the public of free newspapers or
 15 shoppers guides is a retail sale for purposes of the
 16 processing exemption."

DERRYL MCLAREN

S-5964

1 Amend the amendment, S-5962, to Senate File 2376,
 2 as follows:
 3 1. Page 1, by striking lines 30 and 31.
 4 2. Page 1, by striking lines 42 through 46 and
 5 inserting the following: "384.4."
 6 3. Page 2, by inserting after line 25 the
 7 following:
 8 "d. Trust and agency fund purposes under section
 9 384.6."
 10 4. By renumbering, relettering, and redesignating
 11 as necessary.

ELAINE SZYMONIAK
 MARY E. KRAMER

S-5965

- 1 Amend the amendment, S-5922, to Senate File 2376 as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the figure
- 4 "1992." the following: "However, this prohibition
- 5 shall not apply to funds necessary to maintain current
- 6 debt service."

JOHN W. JENSEN

S-5966

- 1 Amend Senate File 2376 as follows:
- 2 1. Page 1, by inserting after line 9, the
- 3 following:
- 4 "Sec. ____ . MORATORIUM. Notwithstanding 1989 Iowa
- 5 Acts, chapter 311, the department of natural resources
- 6 shall immediately cease the construction of any
- 7 structure to create an artificial lake in the Brushy
- 8 Creek state recreation area, until the general
- 9 assembly again authorizes construction."
- 10 2. By renumbering as necessary.

JIM RIORDAN
JOE J. WELSH
WALLY E. HORN
RICHARD V. RUNNING

S-5967

- 1 Amend Senate File 2374 as follows:
- 2 1. Page 3, line 28, by striking the word
- 3 "paragraphs" and inserting the following:
- 4 "paragraph".
- 5 2. Page 3, line 32, by striking the word "two-
- 6 tenths" and inserting the following: "six-tenths".
- 7 3. Page 3, by striking lines 33 through 35.
- 8 4. By striking page 4, line 23, through page 5,
- 9 line 6 and inserting the following:
- 10 "Sec. 8. 1992 Iowa Acts, Senate File 2320, section
- 11 11, if enacted by the Seventy-fourth General Assembly,
- 12 1992 Session, is repealed."

MIKE CONNOLLY

S-5968

- 1 Amend the amendment, S-5954, to Senate File 2376 as
- 2 follows:

- 3 1. Page 1, by striking line 35 through page 2,
- 4 line 2.

JOE WELSH

S-5969

- 1 Amend Senate File 2374 as follows:
- 2 1. Page 3, line 32, by striking the word "two-
- 3 tenths" and inserting the following: "six-tenths".
- 4 2. Page 5, by inserting after line 6 the
- 5 following:
- 6 "Sec. 8A. 1992 Iowa Acts, Senate File 2320,
- 7 section 11, if enacted by the Seventy-fourth General
- 8 Assembly, 1992 Session, is repealed."
- 9 3. Page 5, line 7, by striking the word and
- 10 figure "and 8" and inserting the following: "8, and
- 11 8A".
- 12 4. By renumbering as necessary.

MIKE CONNOLLY

S-5970

- 1 Amend Senate File 2374 as follows:
- 2 1. Page 2, by striking lines 29 through 31.
- 3 2. Page 3, by striking lines 1 through 3.
- 4 3. Page 3, by striking lines 8 through 13.
- 5 4. By striking page 3, line 27 through page 5,
- 6 line 11.
- 7 5. By renumbering as necessary.

LEONARD L. BOSWELL

S-5971

- 1 Amend House File 2486, as passed by the House, as
- 2 follows:
- 3 1. Page 3, by inserting after line 14, the
- 4 following:
- 5 "Sec. 6. Section 257.6, subsection 1, Code 1991,
- 6 is amended by adding the following new paragraphs:
- 7 NEW PARAGRAPH. e. Resident pupils receiving
- 8 competent private instruction from a licensed
- 9 practitioner provided through a public school district
- 10 pursuant to chapter 299A shall be counted as six-
- 11 tenths of one pupil.
- 12 NEW PARAGRAPH. f. Resident pupils receiving
- 13 competent private instruction under dual enrollment
- 14 pursuant to chapter 299A shall be counted as one-tenth

15 of one pupil.

16 Sec. 7. Section 299A.2, Code Supplement 1991, is
17 amended to read as follows:

18 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
19 PRACTITIONER.

20 If a licensed practitioner provides competent
21 instruction to a child of compulsory attendance age,
22 the practitioner shall possess a valid license or
23 certificate which has been issued by the state board
24 of educational examiners under chapter 260 and which
25 is appropriate to the ages and grade levels of the
26 children to be taught. Competent private instruction
27 may include, but is not limited to, instruction or
28 instructional supervision offered through an
29 accredited nonpublic school or public school district
30 by a teacher, who is employed by the accredited
31 nonpublic school or public school district, who
32 assists and supervises a parent, guardian, or legal
33 custodian in providing instruction to a child. If
34 competent private instruction is provided through a
35 public school district, the child shall be enrolled
36 and included in the basic enrollment of the school
37 district as provided in section 257.6. Sections
38 299A.3 through 299A.7 do not apply to competent
39 private instruction provided by a licensed
40 practitioner under this section.

41 Sec. 8. Section 299A.8, Code Supplement 1991, is
42 amended to read as follows:

43 299A.8 DUAL ENROLLMENT.

44 If a parent, guardian, or legal custodian of a
45 child who is receiving competent private instruction
46 under this chapter submits a request, the child shall
47 also be registered in a public school for dual
48 enrollment purposes. If the child is enrolled in a
49 public school district for dual enrollment purposes,
50 the child shall be permitted to participate in any

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1 academic activities in the district and shall also be
2 permitted to participate on the same basis as public
3 school children in any extracurricular activities
4 available to children in the child's grade or group,
5 and the parent, guardian, or legal custodian shall not
6 be required to pay the costs of any annual testing
7 under this chapter. If the child is enrolled for dual
8 enrollment purposes, the child shall be included in
9 the public school's basic enrollment under sections
10 442.4 and section 257.6 and shall be counted as one
11 pupil.

12 Sec. 9. 1992 Iowa Acts, Senate File 2320, section
 13 11, if enacted by the Seventy-fourth General Assembly,
 14 1992 Session, is repealed.
 15 Sec. ____ . Sections 6, 7, 8, and 9 of this Act,
 16 being deemed of immediate importance, take effect upon
 17 enactment for the purpose of computations required for
 18 payment of state aid to and levying of property taxes
 19 by school districts for the budget year beginning July
 20 1, 1992.”
 21 2. By renumbering as necessary.

MIKE CONNOLLY

S-5972

1 Amend House File 2484, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 3 through 10 and
 4 inserting the following:
 5 “NEW SUBSECTION. 26. Add depreciation taken for
 6 federal income tax purposes on a speculative shell
 7 building defined in section 427.1, subsection 41 which
 8 is owned by a for-profit entity and the for-profit
 9 entity is receiving the proper tax exemption.
 10 Subtract depreciation computed as if the speculative
 11 shell building were classified as fifteen-year
 12 property under the accelerated cost recovery system of
 13 the Internal Revenue Code during the period during”.
 14 2. Page 1, by striking lines 20 through 25 and
 15 inserting the following:
 16 NEW SUBSECTION. 15. Add depreciation taken for
 17 federal income tax purposes on a speculative shell
 18 building defined in section 427.1, subsection 41 which
 19 is owned by a for-profit entity and the for-profit
 20 entity is receiving the proper tax exemption.
 21 Subtract depreciation computed as if the speculative
 22 shell building were classified as”.
 23 3. Page 2, line 17, by inserting after the word
 24 “exemption.” the following: “Eligibility for an
 25 exemption as a speculative shell building shall be
 26 determined as of January 1 of the assessment year.”

BILL HUTCHINS

S-5973

1 Amend Senate File 2378 as follows:
 2 1. Page 2, by inserting after line 2 the
 3 following:
 4 “bb. For health care, treatment and facilities,

- 5 including mental health and mental retardation
- 6 pursuant to section 331.424, subsection 1, paragraphs
- 7 "a" through "h."
- 8 2. Page 2, lines 14 and 15, by striking the words
- 9 "and "b"" and inserting the following: ", "b", and
- 10 "bb".
- 11 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-5974

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 4, by inserting after line 8, the
- 3 following:
- 4 "Sec. ____ 1. Notwithstanding the provision in
- 5 section 425.1 that the homestead credit equals the
- 6 actual levy on the first \$4,850 of actual value, for
- 7 the taxes payable in the fiscal year beginning July 1,
- 8 1992, the amount of the homestead credit granted
- 9 pursuant to section 425.1 equals 89.1 percent of the
- 10 amount of homestead credit which would have been
- 11 allowed but for this subsection. The county treasurer
- 12 shall certify to the department of revenue and finance
- 13 pursuant to section 425.4 the total amount of
- 14 homestead credits based upon the provisions of this
- 15 subsection.
- 16 2. Notwithstanding the standing appropriation in
- 17 section 425.1 to pay homestead credits, there is
- 18 appropriated from the general fund of the state
- 19 pursuant to section 425.1 to the department of revenue
- 20 and finance for the fiscal year beginning July 1,
- 21 1992, and ending June 30, 1993, the following amount,
- 22 or so much thereof as is necessary, for the purpose
- 23 designated:
- 24 For reimbursing counties for the loss of property
- 25 tax revenue due to homestead credits granted as
- 26 provided in subsection 1:
- 27 \$ 98,498,125
- 28 If the amount of calculated county reimbursement
- 29 exceeds the amount specified in this subsection the
- 30 director of revenue and finance shall prorate the
- 31 amount available."

ELAINE SZYMONIAK

S-5975

- 1 Amend Senate File 2378 as follows:
- 2 1. Page 1, by striking line 23.

- 3 2. Page 1, by striking lines 30 through 34, and
 4 inserting the following: "pursuant to section 331.430
 5 or section 384.4."
 6 3. Page 2, by inserting after line 2, the
 7 following:
 8 "bb. Trust and agency fund purposes under section
 9 384.6."
 10 4. Page 2, lines 14 and 15, by striking the words
 11 "and "b"" and inserting the following: ", "b", and
 12 "bb"".
 13 5. By numbering, renumbering, and correcting
 14 internal references.

ELAINE SZYMONIAK
 EMIL HUSAK

S-5976

- 1 Amend House File 2488 as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 11 the
 4 following:
 5 "Sec. ____ . There is appropriated from the general
 6 fund of the state to the following person the amount
 7 set opposite the person's name in full settlement of
 8 all claims which the person has against the state of
 9 Iowa:

<u>CLAIMANT'S NAME</u>	<u>CLAIM NO.</u>	<u>NATURE OF CLAIM</u>	<u>AMOUNT</u>
10 Young House Family	G91-0578	Adolescent Day Treatment Services	\$475.60
11 Services			
12 Burlington, Iowa			

- 14 Sec. ____ . There is appropriated from the general
 15 fund of the state to the following person the amount
 16 set opposite the person's name in full settlement of
 17 all claims which the person has against the state of
 18 Iowa:

<u>CLAIMANT'S NAME</u>	<u>CLAIM NO.</u>	<u>NATURE OF CLAIM</u>	<u>AMOUNT</u>
19 Young House Family	G91-0579	Adolescent Substance Abuse Treatment".	\$884.39
20 Services			
21 Burlington, Iowa			

- 23 2. By renumbering as necessary.

MARK R. HAGERLA

S-5977

- 1 Amend Senate File 2380 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. COLLECTIVE BARGAINING AGREEMENTS

5 FUNDED -- GENERAL FUND. There is appropriated from
6 the general fund of the state to the salary adjustment
7 fund for distribution by the department of management
8 to the various state departments, boards, commissions,
9 councils, and agencies for the fiscal year beginning
10 July 1, 1992, and ending June 30, 1993, the following
11 amount, \$92,472,713, or so much thereof as may be
12 necessary, to fund the following annual pay
13 adjustments, expense reimbursements, and related
14 benefits:

15 1. The collective bargaining agreement negotiated
16 pursuant to chapter 20 for employees in the blue
17 collar bargaining unit.

18 2. The collective bargaining agreement negotiated
19 pursuant to chapter 20 for employees in the state
20 police officers council bargaining unit.

21 3. The collective bargaining agreement negotiated
22 pursuant to chapter 20 for employees in the security
23 bargaining unit.

24 4. The collective bargaining agreement negotiated
25 pursuant to chapter 20 for employees in the technical
26 bargaining unit.

27 5. The collective bargaining agreement negotiated
28 pursuant to chapter 20 for employees in the
29 professional fiscal and staff bargaining unit.

30 6. The collective bargaining agreement negotiated
31 pursuant to chapter 20 for employees in the university
32 of northern Iowa faculty bargaining unit.

33 7. The collective bargaining agreement negotiated
34 pursuant to chapter 20 for employees in the clerical
35 bargaining unit.

36 8. The collective bargaining agreement negotiated
37 pursuant to chapter 20 for employees in the
38 professional social services bargaining unit.

39 9. The collective bargaining agreement negotiated
40 pursuant to chapter 20 for employees in the community-
41 based corrections bargaining unit.

42 10. The collective bargaining agreement negotiated
43 pursuant to chapter 20 for employees in the judicial
44 branch of government bargaining unit.

45 11. The annual pay adjustments, related benefits,
46 and expense reimbursements referred to in sections 2
47 and 3 of this Act for employees not covered by a
48 collective bargaining agreement.

49 Sec. 2. NONCONTRACT STATE EMPLOYEES -- GENERAL.

50 1. The maximum salary levels of all pay plans

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1 provided for in section 19A.9, subsection 2, as they
2 existed for the fiscal year ending June 30, 1991,
3 shall be increased for employees who are not included
4 in a collective bargaining agreement made final under
5 chapter 20 and who are not otherwise specified in this
6 Act, by 9 percent for the fiscal year beginning July
7 1, 1992, effective with the pay period beginning July
8 3, 1992. The department of personnel shall revise the
9 pay plans as provided under section 19A.9, subsection
10 2, by increasing the maximum salary levels for the
11 various grades by 9 percent and the minimum salary
12 levels of the various grades in such a way, not to
13 exceed 9 percent, as to achieve comparability with
14 other executive branch pay plans excluding those of
15 the board of regents. In addition to the increases
16 specified above, employees may receive a merit
17 increase in accordance with policies to be adopted by
18 the department of personnel for the reimplementation
19 of merit increases.

20 2. The pay plans for state employees who are
21 exempt from chapter 19A and who are included in the
22 department of revenue and finance's centralized
23 payroll system, and the board office employees of the
24 state board of regents shall be increased by the same
25 percent and in the same manner as provided in
26 subsection 1.

27 3. This section does not apply to members of the
28 general assembly, board members, commission members,
29 salaries of persons set by the general assembly
30 pursuant to this Act, or set by the governor,
31 employees designated under section 19A.3, subsection
32 5, and employees under the state board of regents, but
33 subsection 2 does apply to office employees of the
34 state board of regents.

35 4. The pay plans for the bargaining eligible
36 employees of the state shall be increased by the same
37 percent and in the same manner as provided in
38 subsection 1. As used in this section, "bargaining
39 eligible employee" means an employee who is eligible
40 to organize under chapter 20, but has not done so.

41 5. The policies for implementation of this section
42 shall be approved by the governor.

43 **Sec. 3. NONCONTRACT STATE EMPLOYEES -- STATE BOARD**
44 **OF REGENTS.** The funds allocated to the state board of
45 regents for the purpose of providing increases for
46 employees not covered by a collective bargaining
47 agreement shall be used as follows:

48 1. The amount necessary to fund for the fiscal

49 year beginning July 1, 1992, and ending June 30, 1993,
50 an average base salary increase of 10.5 percent for

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1 the fiscal year beginning July 1, 1992, of the base
2 salaries of professional and scientific staff members,
3 except board office employees as provided for in
4 section 2 of this Act, paid during the preceding
5 fiscal year, to be allocated to professional and
6 scientific staff members at the discretion of the
7 state board of regents.

8 2. For employees under the state board of regents
9 merit system who are not included in the collective
10 bargaining agreement made final under chapter 20,
11 except board office employees, the amount necessary to
12 increase the state board of regents merit system pay
13 plans as they exist for the fiscal year beginning July
14 1, 1992, and ending June 30, 1993, by increasing the
15 salary levels for each grade and step within the plans
16 by 9 percent for the fiscal year beginning July 1,
17 1992. In addition to the increases specified above,
18 employees may receive a merit increase or the
19 equivalent of a merit increase.

20 3. For faculty members who are not included in the
21 collective bargaining agreement made final under
22 chapter 20, for the fiscal year beginning July 1,
23 1992, and ending June 30, 1993, an average base salary
24 increase of 10.5 percent for the fiscal year beginning
25 July 1, 1992, to be allocated at the discretion of the
26 state board of regents.

27 Sec. 4. REGIONAL LIBRARIES. Of the funds
28 appropriated from the general fund of the state in
29 section 1 of this Act, the department of management
30 shall allocate funds to pay the state's share of
31 authorized salary increases for the fiscal year
32 beginning July 1, 1992, and ending June 30, 1993, for
33 regional libraries.

34 Sec. 5. APPROPRIATIONS FROM ROAD FUNDS.

35 1. There is appropriated from the road use tax
36 fund to the salary adjustment fund for the fiscal year
37 beginning July 1, 1992, and ending June 30, 1993, the
38 following amount, or so much thereof as may be
39 necessary, to be used for the purpose designated:

40 To supplement other funds appropriated by the
41 general assembly:

42 \$ 5,159,862

43 2. There is appropriated from the primary road
44 fund to the salary adjustment fund, for the fiscal
45 year beginning July 1, 1992, and ending June 30, 1993,

46 the following amount, or so much thereof as may be
 47 necessary, to be used for the purpose designated:
 48 To supplement other funds appropriated by the
 49 general assembly:
 50 \$ 14,030,835

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1 3. Except as otherwise provided in this Act, the
 2 amounts appropriated in subsections 1 and 2 shall be
 3 used to fund the annual pay adjustments, expense
 4 reimbursement, and related benefits for public
 5 employees subject to collective bargaining agreements
 6 negotiated pursuant to chapter 20.

7 Sec. 6. GENERAL FUND APPROPRIATION FOR COVERED AND
 8 NONCOVERED EMPLOYEES FOR FISCAL YEAR 1992.

9 1. There is appropriated from the general fund of
 10 the state to the salary adjustment fund for
 11 distribution by the department of management to the
 12 various state departments, boards, commissions,
 13 councils, and agencies for the fiscal year beginning
 14 July 1, 1991, and ending June 30, 1992, the following
 15 amount, \$15,100,000, or so much thereof as may be
 16 necessary, to fund the annual pay adjustments, expense
 17 reimbursements, and related benefits for state
 18 employees as provided in section 2 of this Act.

19 2. Notwithstanding section 8.33, moneys
 20 appropriated in subsection 1 that remain unencumbered
 21 or unobligated on June 30, 1992, shall not revert to
 22 the general fund but shall remain available for
 23 expenditure for the purposes specified in section 2 of
 24 this Act for the fiscal year beginning July 1, 1992.

25 Sec. 7. SPECIAL FUNDS -- AUTHORIZATION. To
 26 departmental revolving, trust, or special funds,
 27 except for the primary road fund or the road use tax
 28 fund, for which the general assembly has established
 29 an operating budget, a supplemental expenditure
 30 authorization is provided, unless otherwise provided,
 31 in an amount necessary to fund salary adjustments as
 32 otherwise provided in this Act.

33 Sec. 8. GENERAL FUND SALARY MONEYS. Funds
 34 appropriated from the general fund of the state in
 35 this Act relate only to salaries supported from
 36 general fund appropriations of the state.

37 Sec. 9. FEDERAL FUNDS APPROPRIATED. All federal
 38 grants to and the federal receipts of the agencies
 39 affected by this Act which are received and may be
 40 expended for purposes of this Act are appropriated for
 41 those purposes and as set forth in the federal grants
 42 or receipts.

43 Sec. 10. This section and section 6 of this Act,
 44 being deemed of immediate importance, take effect upon
 45 enactment."
 46 2. Title, by striking line 4 and inserting the
 47 following: "providing an effective date."

RICHARD F. DRAKE
 RICHARD J. VARN
 JIM LIND
 RALPH ROSENBERG
 JEAN LLOYD-JONES

S-5978

1 Amend Senate File 2380 as follows:
 2 1. Page 3, line 18, by inserting after the figure
 3 "1992" the following: "and merit increases".
 4 2. Page 3, line 29, by inserting after the figure
 5 "1992" the following: "and merit increases".

LEONARD BOSWELL

S-5979

1 Amend Senate File 2380 as follows:
 2 1. Page 6, by inserting after line 7 the
 3 following:
 4 "Sec. ____ . Section 8.29, Code 1991, is amended by
 5 adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. Each institution under
 7 the state board of regents shall implement a
 8 centralized Iowa financial accounting system by July
 9 1, 1994."
 10 2. By renumbering as necessary.

MIKE CONNOLLY

S-5980

1 Amend Senate File 2380 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 "to" the following: "fully".
 4 2. By striking page 3, line 35 through page 4,
 5 line 28, and inserting the following:
 6 "Sec. ____ . NONCONTRACT STATE EMPLOYEES -- STATE
 7 BOARD OF REGENTS. The funds allocated to the state
 8 board of regents for the purpose of providing
 9 increases for employees not covered by a collective
 10 bargaining agreement shall be used as follows:
 11 1. The amount necessary to fund for the fiscal

12 year beginning July 1, 1992, and ending June 30, 1993,
13 an average base salary increase in an amount equal to
14 the salary increase received by state employees in
15 subsection 1 of section 2 of this Act for the fiscal
16 year beginning July 1, 1992, of the base salaries of
17 professional and scientific staff members, except
18 board office employees as provided for in section 2 of
19 this Act, paid during the preceding fiscal year, to be
20 allocated to professional and scientific staff members
21 at the discretion of the state board of regents.

22 2. For employees under the state board of regents
23 merit system who are not included in the collective
24 bargaining agreement made final under chapter 20,
25 except board office employees, the amount necessary to
26 fund an average base salary increase in an amount
27 equivalent to the salary increase received by state
28 employees in subsection 1 of section 2 of this Act for
29 the fiscal year beginning July 1, 1992, to be
30 allocated to the employees of the state board of
31 regents merit system who are not included in the
32 collective bargaining agreement made final under
33 chapter 20 at the discretion of the state board of
34 regents. The employees shall receive a bonus of four
35 hundred dollars each, payable in December 1992. In
36 addition to the increases specified above, employees
37 may receive a merit increase or the equivalent of a
38 merit increase.

39 3. For faculty members who are not included in the
40 collective bargaining agreement made final under
41 chapter 20, for the fiscal year beginning July 1,
42 1992, and ending June 30, 1993, an average base salary
43 increase of 7 percent for the fiscal year beginning
44 July 1, 1992, to be allocated at the discretion of the
45 state board of regents.

46 Sec. ____ . JUDICIAL SALARIES. From the funds
47 appropriated from the general fund of the state in
48 section 2 of this Act, the salary rates specified to
49 be paid to the persons holding judicial positions in
50 1990 Iowa Acts, chapter 1256, section 2, shall be

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1 increased by 7 percent for the fiscal year beginning
2 July 1, 1992, and ending June 30, 1993."

3 3. Page 6, by inserting after line 7 the
4 following:

5 "Sec. ____ . PERSONNEL COMPARABLE WORTH STUDY. The
6 department of personnel shall conduct a study to
7 determine the impact of the salary adjustment
8 provisions in this Act and the changes in salary

9 relationships as a result of the implementation of
10 this Act, and to identify issues of concern, including
11 possible disparities affecting compensation equity.
12 The department shall complete its study and report its
13 findings and recommendations to the general assembly
14 by February 1, 1993."

LEONARD BOSWELL

S-5981

1 Amend Senate File 2380 as follows:
2 1. Page 3, line 18, by inserting after the figure
3 "1992" the following: "and merit increases".
4 2. Page 3, line 21, by striking the words
5 "pursuant to this" and inserting the following: "by".
6 3. Page 3, line 29, by inserting after the figure
7 "1992" the following: "and merit increases".

LEONARD BOSWELL

HOUSE AMENDMENT TO
SENATE FILE 2378

S-5982

1 Amend Senate File 2378, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, line 2, by striking the words and
4 figure "and 1995 FISCAL YEARS" and inserting the
5 following: "FISCAL YEAR".
6 2. Page 1, line 5, by striking the words "each of
7 the fiscal years" and inserting the following: "the
8 fiscal year".
9 3. Page 1, lines 5 and 6, by striking the words
10 and figures "and July 1, 1994".
11 4. Page 1, by striking line 17 and inserting the
12 following: "the fiscal year beginning July 1, 1993".
13 5. Page 1, line 18, by striking the figure
14 "1994".
15 6. Page 1, line 20, by striking the words "the
16 following levies" and inserting the following: "each
17 of the levies for the following".
18 7. Page 1, line 27, by striking the words "levies
19 made for the".
20 8. Page 1, line 28, by striking the word "Debt"
21 and inserting the following: "Levies for debt".
22 9. Page 1, by inserting after line 29 the
23 following:
24 "___ . Levies for health care, treatment and

25 facilities, including mental health and mental
 26 retardation care and treatment pursuant to section
 27 331.424, subsection 1, paragraphs "a" through "h".
 28 10. Page 1, line 30, by striking the word "Taxes"
 29 and inserting the following: "Levies for taxes".
 30 11. Page 1, line 33, by striking the word "Trust"
 31 and inserting the following: "Levies for trust".
 32 12. Page 1, by inserting after line 33 the
 33 following:
 34 " — . An increase in the taxable valuation of the
 35 property where the levy for the previous fiscal year
 36 remains the same or is lower.
 37 — . Levies for hospitals under chapters 37, 347,
 38 and 347A."
 39 13. Page 1, line 34, by striking the word
 40 "Unusual" and inserting the following: "An unusual".
 41 14. Page 2, by striking lines 1 through 21 and
 42 inserting the following: "city or county residents."
 43 15. Page 2, line 24, by striking the word "years"
 44 and inserting the following: "year".
 45 16. Page 2, lines 24 and 25, by striking the
 46 words and figures "and July 1, 1994,".
 47 17. By striking page 2, line 28, through page 3,
 48 line 10, and inserting the following:
 49 "a. Not later than March 1, the city or county may
 50 petition the state appeal board for approval of a

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1 property tax increase in excess of the limitation in
 2 subsections 1 and 2, on forms furnished by the
 3 director of the department of management.
 4 Applications received after March 1 shall be
 5 ineligible for consideration by the board.
 6 b. Additional costs incurred by the city or county
 7 because of a natural disaster or other life-
 8 threatening emergencies shall be the only basis for
 9 justifying a property tax increase under this
 10 subsection."
 11 18. Page 3, line 16, by inserting after the word
 12 "appeal" the following: "under this subsection".
 13 19. Page 3, by inserting after line 16 the
 14 following:
 15 " — . The increase in property tax dollars under
 16 this subsection is limited to no more than the product
 17 of the total tax dollars certified in the fiscal year
 18 beginning July 1, 1992, and the annual percent change
 19 in the implicit price deflator for the gross domestic
 20 product computed for the calendar year beginning
 21 January 1, 1992, as defined by the bureau of economic

- 22 analysis of the United States department of commerce.
 23 For purposes of this paragraph, tax dollars certified
 24 in the fiscal year beginning July 1, 1992, shall not
 25 include any exempt amounts under subsection 3.”
 26 20. Page 3, line 22, by inserting after the word
 27 “board” the following: “unless the amount is for an
 28 exemption listed under subsection 3”.
 29 21. Page 4, line 3, by striking the word “years”
 30 and inserting the following: “year”.
 31 22. Page 4, line 4, by striking the words “, and
 32 July 1, 1994”.
 33 23. By renumbering as necessary.

S-5983

- 1 Amend Senate File 2380 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. COLLECTIVE BARGAINING AGREEMENTS
 5 FUNDED --GENERAL FUND APPROPRIATION FOR COVERED AND
 6 NONCOVERED EMPLOYEES. There is appropriated from the
 7 general fund of the state to the salary adjustment
 8 fund for distribution by the department of management
 9 to the various state departments, boards, commissions,
 10 councils, and agencies for the fiscal year beginning
 11 July 1, 1992, and ending June 30, 1993, the following
 12 amount, \$101,009,928, or so much thereof as may be
 13 necessary, to fully fund the following annual pay
 14 adjustments, expense reimbursements, and related
 15 benefits:
 16 1. The collective bargaining agreement negotiated
 17 pursuant to chapter 20 for employees in the blue
 18 collar bargaining unit.
 19 2. The collective bargaining agreement negotiated
 20 pursuant to chapter 20 for employees in the state
 21 police officers council bargaining unit.
 22 3. The collective bargaining agreement negotiated
 23 pursuant to chapter 20 for employees in the security
 24 bargaining unit.
 25 4. The collective bargaining agreement negotiated
 26 pursuant to chapter 20 for employees in the technical
 27 bargaining unit.
 28 5. The collective bargaining agreement negotiated
 29 pursuant to chapter 20 for employees in the
 30 professional fiscal and staff bargaining unit.
 31 6. The collective bargaining agreement negotiated
 32 pursuant to chapter 20 for employees in the university
 33 of northern Iowa faculty bargaining unit.
 34 7. The collective bargaining agreement negotiated
 35 pursuant to chapter 20 for employees in the clerical

36 bargaining unit.

37 8. The collective bargaining agreement negotiated
38 pursuant to chapter 20 for employees in the
39 professional social services bargaining unit.

40 9. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the community-
42 based corrections bargaining unit.

43 10. The collective bargaining agreement negotiated
44 pursuant to chapter 20 for employees in the judicial
45 branch of government bargaining unit.

46 11. The annual pay adjustments, related benefits,
47 and expense reimbursements referred to in sections 2
48 and 3 of this Act for employees not covered by a
49 collective bargaining agreement.

50 Sec. 2. NONCONTRACT STATE EMPLOYEES -- GENERAL.

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1 1. Effective July 3, 1992, all pay plans provided
2 for in section 19A.9, subsection 2, as they existed
3 for the fiscal year ending June 30, 1991, shall be
4 increased as of July 1, 1991, for employees who are
5 not included in a bargaining agreement made final
6 under chapter 20 and who are not otherwise specified
7 in this Act, by not less than nor more than 2 percent.
8 Effective July 3, 1992, the pay plans established as
9 of July 1, 1991, in this subsection shall be increased
10 by not less than nor more than 4 percent. The
11 department of personnel shall revise the pay plans as
12 provided under section 19A.9, subsection 2, by
13 increasing the salary levels of the various grades
14 within the respective plans as provided in this
15 subsection. The employees shall receive a bonus of
16 four hundred dollars each, payable in December 1992.
17 In addition to the increases specified above,
18 employees may receive a merit increase in accordance
19 with policies to be adopted by the department of
20 personnel for the reimplementation of merit increases.
21 This subsection does not authorize annual pay
22 adjustments, interest, and related benefits pursuant
23 to the increase in the pay plans for the fiscal year
24 beginning July 1, 1991, and ending June 30, 1992.

25 2. The pay plans for state employees who are
26 exempt from chapter 19A and who are included in the
27 department of revenue and finance's centralized
28 payroll system, and the board office employees of the
29 state board of regents shall be increased by the same
30 percentages and in the same manner as provided in
31 subsection 1, including the bonus of four hundred
32 dollars in December 1992 and the merit increases.

33 3. This section does not apply to members of the
34 general assembly, board members, commission members,
35 salaries of persons set by the general assembly
36 pursuant to this Act, or set by the governor,
37 employees designated under section 19A.3, subsection
38 5, and employees under the state board of regents, but
39 subsection 2 does apply to office employees of the
40 state board of regents.

41 4. The pay plans for the bargaining eligible
42 employees of the state shall be increased by the same
43 percentages and in the same manner as provided in
44 subsection 1, including the bonus of four hundred
45 dollars in December 1992 and merit increases. As used
46 in this section, "bargaining eligible employee" means
47 an employee who is eligible to organize under chapter
48 20, but has not done so.

49 5. The policies for implementation of this section
50 shall be approved by the governor.

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1 Sec. 3. NONCONTRACT STATE EMPLOYEES -- STATE BOARD
2 OF REGENTS. The funds allocated to the state board of
3 regents for the purpose of providing increases for
4 employees not covered by a collective bargaining
5 agreement shall be used as follows:

6 1. The amount necessary to fund for the fiscal
7 year beginning July 1, 1992, and ending June 30, 1993,
8 an average base salary increase in an amount equal to
9 the salary increase received by state employees in
10 subsection 1 of section 2 of this Act for the fiscal
11 year beginning July 1, 1992, of the base salaries of
12 professional and scientific staff members, except
13 board office employees as provided for in section 2 of
14 this Act, paid during the preceding fiscal year, to be
15 allocated to professional and scientific staff members
16 at the discretion of the state board of regents.

17 2. For employees under the state board of regents
18 merit system who are not included in the collective
19 bargaining agreement made final under chapter 20,
20 except board office employees, the amount necessary to
21 fund an average base salary increase in an amount
22 equivalent to the salary increase received by state
23 employees in subsection 1 of section 2 of this Act for
24 the fiscal year beginning July 1, 1992, to be
25 allocated to the employees of the state board of
26 regents merit system who are not included in the
27 collective bargaining agreement made final under
28 chapter 20 at the discretion of the state board of
29 regents. The employees shall receive a bonus of four

30 hundred dollars each, payable in December 1992. In
31 addition to the increases specified above, employees
32 may receive a merit increase or the equivalent of a
33 merit increase.

34 3. For faculty members who are not included in the
35 collective bargaining agreement made final under
36 chapter 20, for the fiscal year beginning July 1,
37 1992, and ending June 30, 1993, an average base salary
38 increase of 7 percent for the fiscal year beginning
39 July 1, 1992, to be allocated at the discretion of the
40 state board of regents.

41 Sec. 4. REGIONAL LIBRARIES. Of the funds
42 appropriated from the general fund of the state in
43 section 1 of this Act, the department of management
44 shall allocate funds to pay the state's share of
45 authorized salary increases for the fiscal year
46 beginning July 1, 1992, and ending June 30, 1993, for
47 regional libraries.

48 Sec. 5. APPROPRIATIONS FROM ROAD FUNDS.

49 1. There is appropriated from the road use tax
50 fund to the salary adjustment fund for the fiscal year

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1 beginning July 1, 1992, and ending June 30, 1993, the
2 following amount, or so much thereof as may be
3 necessary, to be used for the purpose designated:
4 To supplement other funds appropriated by the
5 general assembly:

6 \$ 5,159,862

7 2. There is appropriated from the primary road
8 fund to the salary adjustment fund, for the fiscal
9 year beginning July 1, 1992, and ending June 30, 1993,
10 the following amount, or so much thereof as may be
11 necessary, to be used for the purpose designated:

12 To supplement other funds appropriated by the
13 general assembly:

14 \$ 14,030,835

15 3. Except as otherwise provided in this Act, the
16 amounts appropriated in subsections 1 and 2 shall be
17 used to fund the annual pay adjustments, expense
18 reimbursements, and related benefits for public
19 employees as provided in the Act.

20 Sec. 6. BACK PAY. The moneys appropriated in this
21 Act shall also be used to pay annual pay adjustments,
22 interest, and related benefits due employees covered
23 by collective bargaining agreements negotiated
24 pursuant to chapter 20 for the fiscal year beginning
25 July 1, 1991, and ending June 30, 1992.

26 Sec. 7. SPECIAL FUNDS -- AUTHORIZATION. To

27 departmental revolving, trust, or special funds,
28 except for the primary road fund or the road use tax
29 fund, for which the general assembly has established
30 an operating budget, a supplemental expenditure
31 authorization is provided, unless otherwise provided,
32 in an amount necessary to fund salary adjustments as
33 otherwise provided in this Act.

34 Sec. 8. GENERAL FUND SALARY MONEYS. Funds
35 appropriated from the general fund of the state in
36 this Act relate only to salaries supported from
37 general fund appropriations of the state.

38 Sec. 9. FEDERAL FUNDS APPROPRIATED. All federal
39 grants to and the federal receipts of the agencies
40 affected by this Act which are received and may be
41 expended for purposes of this Act are appropriated for
42 those purposes and as set forth in the federal grants
43 or receipts.

44 Sec. 10. PERSONNEL COMPARABLE WORTH STUDY. The
45 department of personnel shall conduct a study to
46 determine the impact of the salary adjustment
47 provisions in this Act and the changes in salary
48 relationships as a result of the implementation of
49 this Act, and to identify issues of concern, including
50 possible disparities affecting compensation equity.

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1 The department shall complete its study and report its
2 findings and recommendations to the general assembly
3 by February 1, 1993. A committee shall be appointed
4 to supervise the study and shall have seven members,
5 including six legislators and one member appointed by
6 the governor. The legislative members shall consist
7 of two members of the majority party and one member of
8 the minority party from the house of representatives
9 and the senate. The legislative members shall be
10 selected by the speaker of the house, the majority
11 leader of the senate, and the minority leaders of the
12 house of representatives and the senate.

13 The judicial department shall conduct a separate
14 study of the impact of the salary adjustment
15 provisions of this Act related to the judicial
16 department."

17 2. Title page, line 4, by striking the words "and
18 an effective date".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2486

S-5984

1 Amend the Senate amendment, H-6098, to House File
2 2486, as passed by the House, as follows:

3 1. Page 1, by inserting after line 2 the fol-
4 lowing:

5 "___ . Page 1, by inserting before line 1 the
6 following:

"DIVISION I

8 Sec. 500. Section 422.13, subsection 1, paragraphs
9 a and b, Code 1991, are amended to read as follows:

10 a. The individual is required to file a federal
11 income tax return under the Internal Revenue Code.

12 b. The individual has net income of five nine
13 thousand dollars or more for the tax year from sources
14 taxable under this division.

15 Sec. 501. Section 422C.3, subsection 1, as enacted
16 by 1992 Iowa Acts, House File 695, section 4, is
17 amended to read as follows:

18 1. A tax of four five percent is imposed upon the
19 rental price of an automobile if the rental
20 transaction is subject to the sales and services tax
21 under chapter 422, division IV, or the use tax under
22 chapter 423. The tax shall not be imposed on any
23 rental transaction not taxable under the state sales
24 and services tax, as provided in section 422.45, or
25 the state use tax, as provided in section 423.4, on
26 automobile rental receipts.

27 Sec. 502. Section 423.24, subsection 1, Code
28 Supplement 1991, as amended by 1992 Iowa Acts, Senate
29 File 2034, section 27, applies to the revenues derived
30 from the five percent use tax on motor vehicles,
31 trailers, and motor vehicle accessories and equipment
32 as collected after June 1, 1992, pursuant to section
33 423.7.

34 Sec. 503. Section 425.17, subsection 2, Code
35 Supplement 1991, as amended by 1992 Iowa Acts, Senate
36 File 2034, section 28, is amended to read as follows:

37 2. "Claimant" means a person filing a claim for
38 credit or reimbursement under this division who has
39 attained the age of eighteen years on or before
40 December 31 of the base year, and was domiciled in
41 this state during the entire base year, and is
42 domiciled in this state at the time the claim is filed
43 or at the time of the person's death in the case of a
44 claim filed by the executor or administrator of the

45 claimant's estate and, in the case of a person who is
46 not disabled and has not reached the age of sixty-
47 five, was not claimed as a dependent on any other
48 person's tax return for the base year.

49 "Claimant" includes a vendee in possession under a
50 contract for deed and may include one or more joint

Page 2

1 tenants or tenants in common. In the case of a claim
2 for rent constituting property taxes paid, the
3 claimant shall have rented the property during any
4 part of the base year. If a homestead is occupied by
5 two or more persons, and more than one person is able
6 to qualify as a claimant, the persons may determine
7 among them who will be the claimant. If they are
8 unable to agree, the matter shall be referred to the
9 director of revenue and finance not later than October
10 31 of each year and the director's decision is final.

11 Sec. 504. 1992 Iowa Acts, Senate File 2034,

12 section 36, is amended to read as follows:

13 SEC. 36. APPLICABILITY. This section applies in

14 regard to the increase in the state sales, services,
15 and use taxes from four to five percent. The five
16 percent rate applies to all sales of taxable personal
17 property, consisting of goods, wares, or merchandise

18 if delivery occurs on or after June 1, 1992. The use

19 tax rate of five percent applies to motor vehicles
20 subject to registration which are registered on or
21 after June 1, 1992. The five percent use tax rate
22 applies to the use of property when the first taxable
23 use in this state occurs on or after June 1, 1992.

24 The five percent rate applies to the gross receipts

25 from the sale, furnishing, or service of gas,

26 electricity, water, heat, pay television service, and

27 communication service if the date of billing the

28 customer is on or after June 1, 1992. In the case of

29 a service contract entered into prior to June 1, 1992,

30 which contract calls for periodic payments, the five

31 percent rate applies to those payments made or due on

32 or after June 1, 1992. This periodic payment applies,

33 but is not limited to, tickets or admissions, private

34 club membership fees, sources of amusement, equipment

35 rental, dry cleaning, reducing salons, dance schools,

36 and all other services subject to tax, except the

37 aforementioned utility services which are subject to a

38 special transitional rule. Unlike periodic payments

39 under service contracts, installment sales of goods,

40 wares, and merchandise are subject to the full amount

41 of sales or use tax when the sales contract is entered

42 into or the property is first used in Iowa.

43 Sec. ____ . Sections 500 through 504 of this

44 division are contingent upon the enactment of Senate

45 File 2034 by the Seventy-fourth General Assembly, 1992

46 Session.

47 If Senate File 2034 is enacted, section 500 of this

48 division is retroactive to January 1, 1992, for tax

49 years beginning on or after that date, section 501 of

50 this division is effective July 1, 1992, sections 502

Page 3

1 and 504 of this division are effective June 1, 1992,

2 and section 503 of this division is effective January

3 1, 1993, for property tax claims filed on or after

4 that date and is applicable to rent reimbursement

5 claims filed on or after January 1, 1994. This

6 section, being deemed of immediate importance, takes

7 effect upon enactment.

8

DIVISION II

9 Sec. ____ . 1992 Iowa Acts, Senate File 2355,

10 section 24, if enacted by the Seventy-fourth General

11 Assembly, 1992 Session, is amended by adding the

12 following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The department may adopt

14 emergency rules relating to eligibility, services, and

15 reimbursement rates in implementing the provisions of

16 this section.

17 Sec. ____ . 1992 Iowa Acts, Senate File 2355,

18 section 25, subsection 1, unnumbered paragraph 4, if

19 enacted by the Seventy-fourth General Assembly, 1992

20 Session, is amended to read as follows:

21 ~~The mental health, and mental retardation, and~~

22 ~~developmental disabilities~~ commission shall adopt

23 ~~emergency~~ rules pursuant to chapter 17A describing the

24 ~~services listed in subparagraphs (1) through (5) and~~

25 ~~other necessary rules relating to services for brain~~

26 ~~injury for the purposes of this subsection. For the~~

27 ~~purposes of this subsection, "brain injury" means~~

28 ~~clinically evident brain damage or spinal cord injury~~

29 ~~resulting from trauma which permanently impairs an~~

30 ~~individual's physical or cognitive functions and~~

31 ~~causes the individual to meet the federal criteria for~~

32 ~~a person with a developmental disability except for~~

33 ~~age of onset of the disability.~~

34 The poverty guideline required to be used under

35 this subsection and subsection 7 shall be based upon

36 the poverty guideline utilized for the social services

37 block grant in fiscal year 1991-1992.

38 The funding provided to a county under this

39 subsection shall be utilized in accordance with the
40 plan for provision of mental health, mental
41 retardation, and developmental disabilities services
42 developed by the county's mental health and mental
43 retardation coordinating board. However, the board of
44 supervisors shall revise the plan for fiscal year
45 1992-1993, if necessary, to provide contemporary
46 services in accordance with the requirements of this
47 subsection and the revisions shall be submitted to the
48 mental health and mental retardation commission by
49 October 15, 1992.

50 Sec. ____ . 1992 Iowa Acts, Senate File 2355,

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1 section 25, subsection 4, paragraph a, if enacted by
2 the Seventy-fourth General Assembly, 1992 Session, is
3 amended to read as follows:

4 a. ~~Provision of funding~~ Funding provided to a
5 county under subsection 1 shall be distributed in
6 quarterly payments and distribution of the second and
7 succeeding quarterly payments is contingent upon
8 counties establishing the county participating as a
9 member of a mental illness, mental retardation,
10 developmental disabilities, and brain injury
11 (MI/MR/DD/BI) planning ~~councils~~ council. The counties
12 shall meet in consultation with service providers,
13 consumers, and advocates, the department, and other
14 interested parties in establishing the planning
15 councils. A planning council's planning area shall,
16 to the extent possible, utilize the borders of the
17 county clusters as established pursuant to section
18 217.42, if enacted in Senate File 2342, and shall
19 include a population of at least 40,000 and include
20 counties with a historical pattern of cooperation in
21 providing MI/MR/DD/BI services. The councils shall be
22 established on or before September 1, 1992.

23 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
24 section 25, subsection 7, paragraph b, if enacted by
25 the Seventy-fourth General Assembly, 1992 Session, is
26 amended to read as follows:

27 b. The funds allocated in this subsection shall be
28 expended by counties in accordance with eligibility
29 guidelines established in the department's rules
30 outlining general provisions for service
31 administration. Services eligible for payment with
32 funds allocated in this subsection are limited to any
33 of the following which are provided in accordance with
34 the department's administrative rules for the
35 services: community supervised apartment living

36 arrangements, residential services for adults,
37 sheltered work, supported employment, supported work
38 training, transportation, and work activity,
39 administrative support for volunteers, adult day care,
40 adult support, and family-centered services.
41 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
42 section 25, subsection 7, if enacted by the Seventy-
43 fourth General Assembly, 1992 Session, is amended by
44 adding the following new paragraph:
45 NEW PARAGRAPH. k. The county of residence shall
46 pay for services provided under this subsection. That
47 county may seek reimbursement from the county of legal
48 settlement in accordance with applicable law. If a
49 person receiving services under this subsection has no
50 county of legal settlement, the state shall pay for

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1 the services. The rate of payment for services
2 provided under this subsection shall be in accordance
3 with the department's rules for purchase of services
4 and law relating to reimbursement of social services
5 providers.
6 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
7 section 27, subsection 6, if enacted by the Seventy-
8 fourth General Assembly, 1992 Session, is amended to
9 read as follows:
10 6. Notwithstanding section 225C.20, case
11 management services shall be provided by the
12 department except when a county or a consortium of
13 counties contracts with the department to provide the
14 services. A county or consortium of counties may
15 contract to be the provider at any time and the
16 department shall agree to the contract so long as the
17 contract meets the standards for case management
18 adopted by the department. The county or consortium
19 of counties may subcontract for the provision of case
20 management services if the subcontract meets the same
21 standards. A mental health, mental retardation, and
22 developmental disabilities coordinating board or a
23 planning council established pursuant to section 25,
24 subsection 4, of this Act may change the provider of
25 individual case management services at any time.
26 However, once a planning council is established, the
27 authority to change the provider and responsibility
28 for providing notification shall be assumed by the
29 planning council in place of the coordinating board.
30 If the current or proposed contract is with the
31 department, the coordinating board or planning council
32 shall provide written notification of a proposed

33 change to the department on or before August 15 and
34 written notification of an approved change on or
35 before ~~October~~ November 15 in the fiscal year which
36 precedes the fiscal year in which the change will take
37 effect.

38 Sec. ____ . 1992 Iowa Acts, Senate File 2355,
39 section 33, if enacted by the Seventy-fourth General
40 Assembly, 1992 Session, is amended by adding the
41 following new subsection:

42 NEW SUBSECTION. 7. The provisions of subsection 5
43 do not revise in any manner the maximum reimbursement
44 rates paid to social services providers in the fiscal
45 year beginning July 1, 1991.

46 Sec. ____ . NEW SECTION. 217.41 PRIVATE AGENCY
47 CONTRACTS.

48 Notwithstanding the provisions of section 11.36,
49 the auditor of state shall not require a private
50 agency awarded a grant, contract, or purchase of

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1 service contract through the department of human
2 services to obtain a certification from the auditor of
3 state pursuant to section 11.36.

4 Sec. ____ . Section 225C.27, unnumbered paragraph 1,
5 Code 1991, as amended by 1992 Iowa Acts, Senate File
6 2355, section 65, if enacted by the Seventy-fourth
7 General Assembly, 1992 Session, is amended to read as
8 follows:

9 Sections 225C.25 through 225C.28B shall be
10 liberally construed and applied to promote their
11 purposes and the stated rights and service quality
12 standards. The ~~division~~ commission, in coordination
13 with appropriate agencies, shall adopt rules to
14 implement the purposes of section 225C.28B,
15 subsections 3 and 4, which include, but are not
16 limited to, the following:

17 Sec. ____ . Section 225C.27, subsection 3, Code
18 1991, is amended by striking the subsection and
19 inserting in lieu thereof the following:

20 3. Encouraging activities to ensure that
21 recipients of services shall not be deprived of any
22 rights, benefits, or privileges guaranteed by law, the
23 Constitution of the State of Iowa, or the Constitution
24 of the United States solely on account of the receipt
25 of the services.

26 Sec. ____ . Section 225C.29, Code 1991, as amended
27 by 1992 Iowa Acts, Senate File 2355, section 68, is
28 amended to read as follows:

29 225C.29 COMPLIANCE.

30 Except for a violation of section 225C.28B,
 31 subsection 2, the sole remedy for violation of a rule
 32 adopted by the ~~division~~ commission to implement
 33 sections 225C.25 through 225C.28B shall be by a
 34 proceeding for compliance initiated by request to the
 35 division pursuant to chapter 17A. Any decision of the
 36 division shall be in accordance with due process of
 37 law and is subject to appeal to the Iowa district
 38 court pursuant to sections 17A.19 and 17A.20 by any
 39 aggrieved party. Either the division or a party in
 40 interest may apply to the Iowa district court for an
 41 order to enforce the decision of the division. Any
 42 rules adopted by the ~~division~~ commission to implement
 43 sections 225C.25 through 225C.28B do not create any
 44 right, entitlement, property or liberty right or
 45 interest, or private cause of action for damages
 46 against the state or a political subdivision of the
 47 state or for which the state or a political
 48 subdivision of the state would be responsible. Any
 49 violation of section 225C.28B, subsection 2, shall
 50 solely be subject to the enforcement by the

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1 commissioner of insurance and penalties granted by
 2 chapter 507B for a violation of section 507B.4,
 3 subsection 7.

4 Sec. ____ . RIGHTS AND SERVICE QUALITY STANDARDS --
 5 RULES REQUIRED. The mental health and mental
 6 retardation commission shall act to ensure that rules
 7 relating to sections 225C.27 and 225C.28A shall be
 8 filed as a notice of intended action by July 1, 1994.

9 Sec. ____ . REPEAL. Sections 225C.18 and 225C.19,
 10 Code 1991, are repealed effective July 1, 1993.

11 Sec. ____ . NONASSISTANCE CHILD SUPPORT RECOVERY
 12 CASES -- LIMITATION OF AMOUNT OF ADDITIONAL FEES. The
 13 additional fee established by the department of human
 14 services pursuant to section 252B.4, subsection 2, if
 15 enacted and amended by 1992 Iowa Acts, Senate File
 16 2316, section 101, for the fiscal year beginning July
 17 1, 1992, and ending June 30, 1993, shall not exceed
 18 \$10.65.

19 DIVISION III

20 Sec. 1000. There is appropriated from the general
 21 fund of the state to the GAAP deficit reduction
 22 account within the department of management for the
 23 fiscal year beginning July 1, 1992, and ending June
 24 30, 1993, the following amount, or so much thereof as
 25 is necessary, for the purpose designated:

26 For reducing the state deficit as determined under

27 generally accepted accounting principles, as defined
 28 by the governmental accounting standards board:
 29 \$ 28,800,000
 30 Sec. 1001. Contingent upon the enactment of Senate
 31 File 2034 by the Seventy-fourth General Assembly, 1992
 32 Session, there is appropriated from the increase in
 33 use tax revenues collected pursuant to section 423.7,
 34 as a result of the increase in the sales and use tax
 35 rate, prior to deposit in accordance with section
 36 423.24 in the fiscal year beginning July 1, 1992, to
 37 the GAAP deficit reduction account within the
 38 department of management for the fiscal year beginning
 39 July 1, 1992, and ending June 30, 1993, the following
 40 amount, or so much thereof as is necessary, for the
 41 purpose designated:
 42 For reducing the state deficit as determined under
 43 generally accepted accounting principles, as defined
 44 by the governmental accounting standards board:
 45 \$ 31,200,000
 46 Sec. ____ . The amounts appropriated in sections
 47 1000 and 1001 of this division shall be reduced by any
 48 amount deposited into the cash reserve account created
 49 in section 8.56, as provided in 1992 Iowa Acts, House
 50 File 2465, if enacted by the Seventy-fourth General

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1 Assembly, and any amounts otherwise appropriated for
 2 purposes of reducing the state GAAP deficit. The
 3 order of reduction shall be the appropriation in
 4 section 1000 and then the appropriation in section
 5 1001.
 6 Sec. ____ . MEDICAL ASSISTANCE SUPPLEMENTAL
 7 APPROPRIATION. There is appropriated from the general
 8 fund of the state to the department of human services
 9 for the fiscal year beginning July 1, 1992, and ending
 10 June 30, 1993, the following amount, or so much
 11 thereof as is necessary, to be used for the purposes
 12 designated:
 13 For medical assistance, in addition to the funds
 14 appropriated for this purpose in Senate File 2355,
 15 section 3, if enacted by the Seventy-fourth General
 16 Assembly, 1992 Session:
 17 \$ 25,000,000
 18 Sec. 147. Section 422.43, subsection 13, paragraph
 19 a, unnumbered paragraph 1, as enacted by 1992 Iowa
 20 Acts, Senate File 2116, section 404, as amended by
 21 1992 Iowa Acts, Senate File 2346, section 4, is
 22 amended to read as follows:
 23 A tax of ~~four~~ five percent is imposed upon the

24 gross receipts from the sales, furnishing, or service
 25 of solid waste collection and disposal service.
 26 Sec. ____ . RECOMMENDATIONS OF THE GOVERNOR'S
 27 COMMITTEE ON GOVERNMENT SPENDING REFORM. The general
 28 assembly encourages and authorizes the governor to
 29 implement the following recommendations of the
 30 governor's committee on government spending reform:
 31 1. Consolidate and provide for common management
 32 of state data processing centers.
 33 2. Provide through the state department of
 34 transportation for renewal of drivers' licenses by
 35 mail.
 36 3. Establish state collection standards and
 37 policy.
 38 4. Identify unrecognized receivables owed the
 39 state.
 40 5. Review personal computer acquisitions by the
 41 state.
 42 6. Initiate local government coordination of
 43 information systems, subject to approval of the
 44 legislative council.
 45 7. Consolidate state printing facilities.
 46 8. Eliminate the state aircraft pool or
 47 consolidate the Iowa state university aircraft pool.
 48 9. Develop a uniform financial reporting and
 49 accounting system.
 50 10. Develop a statewide system for delivery of

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1 state-offered services.
 2 11. Implement a system for management of federal
 3 funds.
 4 12. Expand the use of voice mail telephone
 5 answering systems.
 6 13. Establish an enterprise plan for technology.
 7 In addition the governor shall submit to the
 8 general assembly by February 1, 1993, a status report
 9 delineating the implementation status of all of the
 10 recommendations of the governor's committee on
 11 government spending and reform.
 12 Sec. ____ . Section 147 of this division is
 13 contingent upon the enactment of Senate File 2034 by
 14 the Seventy-fourth General Assembly, 1992 Session. If
 15 Senate File 2034 is enacted, section 147 of this
 16 division takes effect June 1, 1992. This section,
 17 being deemed of immediate importance, takes effect
 18 upon enactment.
 19 DIVISION IV
 20 Sec. ____ . Section 35A.8, Code 1991, as amended by

21 1992 Iowa Acts, Senate File 2011, section 10, is
22 amended by adding the following new subsection:

23 NEW SUBSECTION. 3. Except for the employment
24 duties and responsibilities assigned to the commandant
25 for the Iowa veterans home, the executive director
26 shall employ such personnel as are necessary for the
27 performance of the duties and responsibilities
28 assigned to the commission. All employees shall be
29 selected on a basis of fitness for the work to be
30 performed with due regard to training and experience
31 and shall be subject to the provisions of chapter 19A.

32 Sec. ____ . Section 219.14, as enacted by 1992 Iowa
33 Acts, Senate File 2011, section 31, is amended by
34 adding the following new unnumbered paragraph before
35 unnumbered paragraph 1:

36 NEW UNNUMBERED PARAGRAPH. The commandant or the
37 commandant's designee, shall employ such personnel as
38 are necessary for the performance of the duties and
39 responsibilities assigned to the commandant. All
40 employees shall be selected on a basis of fitness for
41 the work to be performed with due regard to training
42 and experience and shall be subject to the provisions
43 of chapter 19A.

44 **DIVISION V**

45 Sec. 600. Section 422.7, Code Supplement 1991, is
46 amended by adding the following new subsection:

47 NEW SUBSECTION. 26. Subtract, to the extent
48 included, payments received by an individual providing
49 unskilled in-home health-related care services
50 pursuant to section 249.3, subsection 2, paragraph

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1 "a", subparagraph (2), to a member of the individual
2 caregiver's family. For purposes of this subsection,
3 a member of the individual caregiver's family includes
4 a spouse, parent, stepparent, child, stepchild,
5 brother, stepbrother, sister, stepsister, lineal
6 ancestor, or lineal descendant, and such persons by
7 marriage or adoption. A health care professional
8 licensed by an examination board designated in section
9 147.13, subsections 1 through 10, is not eligible for
10 the exemption authorized in this subsection.

11 Sec. 601. Notwithstanding section 422.73,
12 subsection 2, a claim for credit or refund of the
13 state individual income tax paid for a tax year
14 beginning in the 1988 calendar year, is considered
15 timely filed if the claim is filed with the department
16 of revenue and finance before April 30, 1993, and the
17 claim is based upon the deduction allowed in section

18 600 of this Act.

19 Sec. 700. There is appropriated from the general
20 fund of the state to the department of revenue and
21 finance for the fiscal year beginning July 1, 1991,
22 and ending June 30, 1992, the following amount, or so
23 much thereof as is necessary, for the purpose
24 designated:

25 AUDIT AND COMPLIANCE

26 To supplement funds already appropriated, for
27 administration of the increase in the rate of the
28 sales and use tax:

29 \$ 129,000

30 Sec. ____ . There is appropriated from the general
31 fund of the state to the department of human services
32 for the fiscal year beginning July 1, 1992, and ending
33 June 30, 1993, the following amount, or so much
34 thereof as is necessary, for the purpose designated:

35 In addition to the funds appropriated for the
36 operation of the Iowa veterans home in 1992 Iowa Acts,
37 Senate File 2355, Section 18, if enacted by the
38 Seventy-fourth General Assembly, 1992 Session:

39 \$ 10,000

40 Sec. 998. GENERAL FUND APPROPRIATION FOR COVERED
41 EMPLOYEES FOR FISCAL YEAR 1992.

42 1. There is appropriated from the general fund of
43 the state to the salary adjustment fund for
44 distribution by the department of management to the
45 various state departments, boards, commissions,
46 councils, and agencies for the fiscal year beginning
47 July 1, 1991, and ending June 30, 1992, the following
48 amount, \$15,100,000, or so much thereof as may be
49 necessary, to fund the annual pay adjustments, expense
50 reimbursements, and related benefits for state

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1 employees covered by a collective bargaining
2 agreement.

3 2. Notwithstanding section 8.33, moneys
4 appropriated in subsection 1 that remain unencumbered
5 or unobligated on June 30, 1992, shall not revert to
6 the general fund but shall remain available for
7 expenditure to fund the annual pay adjustments,
8 expense reimbursements, and related benefits for state
9 employees for the fiscal year beginning July 1, 1992.

10 Sec. 999. 1992 Iowa Acts, House File 2490, section
11 1, unnumbered paragraph 1, if enacted by the Seventy-
12 fourth General assembly, 1992 Session, is amended to
13 read as follows:

14 There is appropriated from the general fund of the

15 state to the salary adjustment fund for distribution
16 by the department of management to the various state
17 departments, boards, commissions, councils, and
18 agencies for the fiscal year beginning July 1, 1992,
19 and ending June 30, 1993, the following amount,
20 \$191,009,928 \$85,909,928, or so much thereof as may be
21 necessary, to fully fund the following annual pay
22 adjustments, expense reimbursements, and related
23 benefits:

24 Sec. ____ . 1992 Iowa Acts, Senate File 2345,
25 section 1, unnumbered paragraph 3, if enacted by the
26 Seventy-fourth General Assembly, 1992 Session, is
27 amended by striking the unnumbered paragraph and
28 inserting in lieu thereof the following:

29 For basic and in-service training relating to
30 public offenses perpetrated due to a victim's
31 protected class status, as provided in section 80B.11,
32 subsection 3, if and as amended by the Seventy-fourth
33 General Assembly, 1992 Session:

34 \$ 10,000

35 Sec. ____ . 1992 Iowa Acts, Senate File 2345,
36 section 11, if enacted by the Seventy-fourth General
37 Assembly, 1992 Session, is amended to read as follows:

38 SEC. 11. There is appropriated from moneys, other
39 than federal moneys, deposited in the victim
40 compensation fund established under section 912.14 to
41 the department of justice for the fiscal year be-
42 ginning July 1, 1992, and ending June 30, 1993, the
43 following amount, or so much thereof as is necessary,
44 to be used for the purpose designated:

45 For use by the prosecuting attorneys training
46 coordinator in implementing a course of instruction
47 relating to public offenses perpetrated due to a
48 victim's protected class status, as provided in
49 section ~~80B.11~~, subsection ~~3~~ 729A.4, if and as amended
50 by the Seventy-fourth General Assembly, 1992 Session:

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1 \$ 10,000

2 Sec. ____ . 1992 Iowa Acts, Senate File 2345,
3 section 12, if enacted by the Seventy-fourth General
4 Assembly, 1992 Session, is amended to read as follows:

5 SEC. 12. The state department of transportation
6 shall place a moratorium on the placement of tourist-
7 oriented directional signs within the territorial
8 limits of the Amana colonies and the Amana colonies
9 land use district shall not initiate any action
10 regarding the removal of any existing tourist-oriented
11 directional sign until such time as a comprehensive

12 signing program has been established within the area.
 13 The moratorium shall go into effect as of the
 14 effective date of this Act section.

15 Sec. ____ . Sections 600 and 601 of this division
 16 apply retroactively to January 1, 1988, for tax years
 17 beginning on or after that date.

18 Sec. ____ . Sections 700, 998, and 999 of this
 19 division, being deemed of immediate importance, take
 20 effect upon enactment.

21 **DIVISION VI**

22 Sec. ____ . The department of economic development
 23 may transfer \$25,000 during the fiscal year beginning
 24 July 1, 1992, and ending June 30, 1993, from the loan
 25 repayments under the rural community 2000 program
 26 prior to the transfer of the funds to the Iowa finance
 27 authority housing improvement fund for purchase of
 28 land for a welcome center project based on the
 29 department's prioritization report, dated December
 30 1991. Moneys used for the welcome center project
 31 require a dollar-for-dollar match.

32 **"DIVISION VII"**

33 2. Page 1, by striking line 5 and inserting the
 34 following:

35 ~~"~~Sec. ____ . Section 234.38, subsection 1, Code
 36 1991, as amended by 1992 Iowa Acts, House File 2480,
 37 section 26, is amended to read as follows:

38 ~~±~~ The department of human services shall make
 39 reimbursement payments directly to foster parents for
 40 services provided to children pursuant to section
 41 234.6, subsection 6, paragraph "b", or section 234.35.
 42 ~~For each of the following~~ In any fiscal year,
 43 the reimbursement rate shall be based upon the
 44 ~~indicated percentage~~ sixty-five percent of the United
 45 States department of agriculture estimate of the cost
 46 to raise a child in the calendar year immediately
 47 preceding the ~~indicated~~ indicated fiscal year: ~~1992-1993,~~
 48 ~~sixty-five percent; 1993-1994, seventy-five percent;~~
 49 ~~and 1994-1995 and subsequent fiscal years, eighty~~
 50 ~~percent.~~ The department may pay an additional stipend

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1 for a child with special needs.

2 Sec. ____ . Section 257.6, subsection 1, Code
 3 1991,".

4 3. Page 2, by inserting after line 20 the
 5 following

6 **"DIVISION XI**

7 Sec. ____ . There is appropriated from the general
 8 fund of the state to the office of the governor for

9 the fiscal year beginning July 1, 1992, and ending
10 June 30, 1993, the following amounts, or so much
11 thereof as is necessary, to be used for the purposes
12 designated:

13 In addition to funds appropriated in 1992 Iowa
14 Acts, House File 2459, section 7, if enacted by the
15 Seventy-fourth General Assembly, 1992 Session, for
16 salaries, support, maintenance, and miscellaneous
17 purposes for the general office of the governor:

18 \$ 50,000

19 Sec. ____ . There is appropriated from the general
20 fund of the state to the department of management for
21 the fiscal year beginning July 1, 1992, and ending
22 June 30, 1993, the following amount, or so much
23 thereof as is necessary, to be used for the purposes
24 designated:

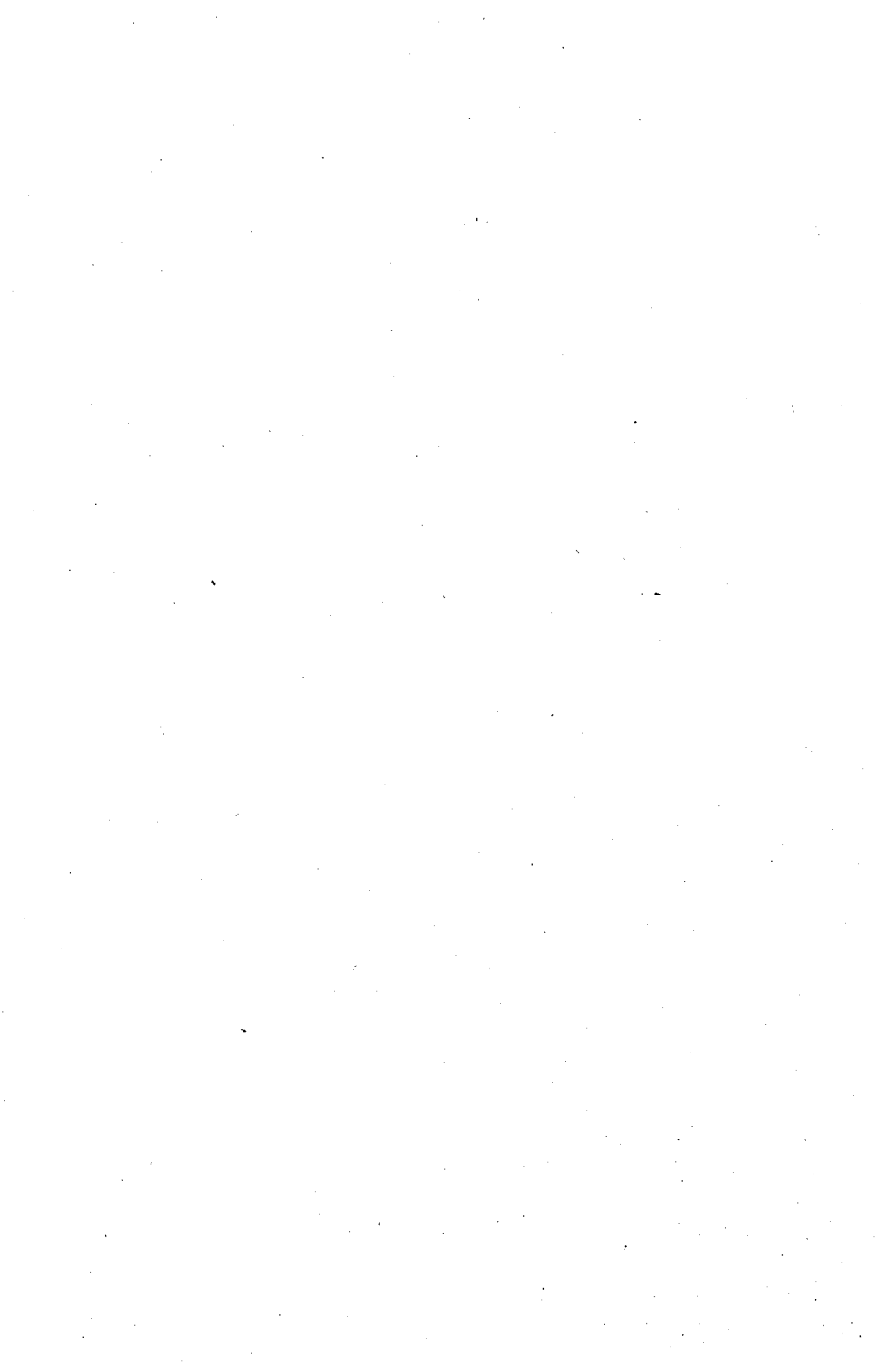
25 In addition to the funds appropriated in 1992 Iowa
26 Acts, House File 2459, section 9, if enacted by the
27 Seventy-fourth General Assembly, 1992 Session, for
28 salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-
30 time equivalent positions:

31 \$ 35,000".

32 4. Page 2, by inserting before line 21 the
33 following:

34 " ____ . Title page, line 2, by inserting after the
35 words "lottery fund" the following: " , budgetary
36 revenues and expenditures, and other budgetary
37 matters,""

38 5. By renumbering, relettering, or redesignating
39 and correcting internal references as necessary.



**REPORTS OF CONFERENCE COMMITTEES
(Senate Files)**

**Filed During The
SEVENTY-FOURTH GENERAL ASSEMBLY
1992 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2097

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 2097, 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 a retroactive applicability provision, and providing effective date and applicability provisions, respectfully make the following report:

1. That the House amendment, S-5929, to Senate File 2097, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 2, by striking lines 7 through 13.

2. Page 2, line 25, by inserting after the word "harbors" the following: "more than three breeding male or female".

3. Page 2, by striking line 28.

4. Page 2, line 29, by striking the words "harbored and".

5. By striking page 9, line 24, through page 10, line 2, and inserting the following: ""Sec. 3333. Section 312.2, subsection 15, Code Supplement 1991, is amended to read as follows:

15. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 601J.6, from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "c" an amount equal to one-twentieth of eighty percent of the revenue credited to from the road use tax fund under operation of section ~~423.24, subsection 1, paragraph "c"~~ 423.7.

Notwithstanding the provisions of this subsection directing that one-twentieth of eighty percent of the revenue credited to derived from the road use tax fund under operation of section ~~423.24, subsection 1, paragraph "c"~~ 423.7, be deposited into the public transit assistance fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such amount shall be deposited into the general fund of the state. There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 601J.""

6. Page 10, by striking lines 5 through 10 and inserting the following:

""Sec. ____ . Section 321J.4, subsection 2, Code 1991, is amended to read as follows:

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 or has not otherwise been revoked for the occurrence from which the arrest arose. The court shall immediately require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order deferring judgment.""

7. Page 11, by striking lines 21 through 28.

8. Page 11, by inserting after line 33 the following:

“ ____ . Page 8, by inserting before line 2 the following:

“Sec. ____ . CREDITS FROM ROAD USE TAX FUND TO PUBLIC TRANSIT ASSISTANCE FUND — EFFECTIVE DATES.

1. Section 3333 of this Act, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes are increased from four to five percent and applies to the revenues derived from the five percent sales, services, and use tax rate collected on or after June 1, 1992.

2. 1992 Iowa Acts, Senate File 2345, section 25, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes remain at four percent.”

9. By renumbering and correcting internal references as necessary.

On the Part of the Senate:

RICHARD VARN, Chairperson
 PAT DELUHERY
 LINN FUHRMAN
 JACK W. HESTER
 AL STURGEON

On the Part of the House:

DANIEL JAY, Chairperson
 STEVE HANSEN
 DAVE HIBBARD

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 2116

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 2116, a bill for An Act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date, respectfully make the following report:

1. That the House amendment, S-5087, to Senate File 2116, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 5, the following:

“ADDITIONAL REDUCTIONS

Sec. 100. ADDITIONAL REDUCTIONS OF FISCAL YEAR 1991-1992 APPROPRIATIONS.

1. After applying the reduction pursuant to executive order number 42, moneys appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, by the Seventy-fourth General Assembly, 1991 Session, and standing limited and unlimited appropriations from the general fund of the state for the fiscal year beginning July 1, 1991, are reduced by \$2,600,000. However, moneys appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, shall not be reduced if the appropriation is any of the following:

a. Made to the department of human services for programs as delineated in subsection 4, to the department of corrections as specified in subsection 5, to the office of the state public defender as specified in subsection 6, for property tax

replacement or reimbursement as specified in subsection 7, and to school corporations as specified in subsection 8.

b. Made pursuant to section 2.12.

c. Made to the judicial branch of the government.

2. The \$2,600,000 reduction in appropriations in subsection 1 shall be carried out uniformly and proportionately in the manner specified in section 8.31, except as provided in subsections 4 through 8, based upon the appropriated amounts after applying the reduction pursuant to executive order number 42, other reductions in this Act, and other executive branch reductions. Upon implementing the reduction specified in subsection 1, the department of management shall submit a report to the chairpersons and ranking members of the appropriations committees of each house and to the legislative fiscal bureau detailing how the reduction in subsection 1 was implemented.

3. Moneys which become available as a result of the reduction under subsection 1 shall revert to the general fund of the state on the effective date of this section.

4. The appropriation reduction in subsection 1 shall not be applied to reduce the appropriation allotments made in 1991 Iowa Acts, chapter 267, division I and in section 101 of this Act for any of the following department of human services programs: aid to dependent children under chapter 239, including the payment standard, emergency assistance, medical assistance under chapter 249A, including the medically needy program, other optional services and eligibility groups, enhanced services, and medical contracts, enhanced services and enhanced services county payment, state supplementary assistance, child day care assistance, transitional assistance, JOBS program, state juvenile institutions, foster care, home-based services, community-based programs, block grant supplementation, court-ordered services provided to juveniles, Iowa veterans home, state hospital-schools, state mental health institutes, family support subsidy program, special needs grants, and field operations.

5. Appropriations made to the department of corrections in 1991 Iowa Acts, chapter 267, section 404, subsection 1, for correctional facilities, in 1991 Iowa Acts, chapter 267, section 405, subsections 5 and 6 and in section 102 of this Act for annual payments relating to prison expansion, and in 1991 Iowa Acts, chapter 267, section 406, subsection 1, paragraphs "a" through "i" for the first through the eighth judicial district departments of correctional services shall not be reduced under subsection 1.

6. Appropriations made to the office of the state public defender in 1991 Iowa Acts, chapter 268, section 407, subsection 1, paragraph "b" for indigent court-appointed attorney fees shall not be reduced under subsection 1.

7. Appropriations made in section 405A.8 for personal property tax replacement, section 425.1, for homestead tax credit, section 425.39, for extraordinary property tax credit and reimbursement, and section 426.1 for agricultural land tax credit shall not be reduced under subsection 1.

8. Appropriations made to school corporations in chapter 257 for state aid to school districts and chapter 286A for state aid to area schools shall not be reduced under subsection 1.

9. In implementing the appropriation reduction required in subsection 1, the departments and agencies of state government shall not eliminate employee positions unless each of the following means of achieving the reduction have already been implemented in the order specified and are insufficient to achieve the required reduction: deferral or elimination of travel, equipment purchases or nonessential

expenses, and furlough of workers earning more than \$40,000 annually. If the preceding means have been implemented and are insufficient to achieve the required reduction so that elimination of employee positions is the only means remaining available, then the elimination of positions shall first apply to middle management staff consistent with the recommendations of the governor's committee on government spending reform."

2. Page 2, by inserting after line 9 the following:

"Interstate Compact on Agricultural Grain Marketing

Sec. ____ . There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriation made in 1991 Iowa Acts, chapter 268, section 206, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For carrying out the duties of the commission under the interstate compact as provided in chapter 183:

..... \$ 1,950"

3. Page 3, by inserting after line 10 the following:

"Sec. ____ . NONREVERSION. Notwithstanding section 8.33, unobligated and unencumbered moneys remaining on June 30, 1992, from the appropriation to the prevention of disabilities policy council for the fiscal year beginning July 1, 1991, in 1991 Iowa Acts, chapter 169, section 8, shall not revert to the general fund of the state but shall remain available for the purpose for which appropriated in the succeeding fiscal year."

4. Page 3, line 32, by inserting after the figure "42." the following: "However, these supplemental appropriations shall be subject to reduction under section 100 of this Act to the extent not otherwise exempt under that section."

5. Page 5, line 41, by inserting after the word "apply" the following: "retroactively".

6. Page 5, line 42, by striking the figure "1992" and inserting the following: "1991".

7. By striking page 5, line 50, through page 6, line 26, and inserting the following:

"Sec. 401. Section 321.109, subsection 1, Code 1991, is amended to read as follows:

1. The annual fee for all motor vehicles including multipurpose vehicles and vehicles designated by manufacturers as station wagons, except motor trucks, motor homes, multipurpose vehicles, ambulances, hearses, motorcycles, and motor bicycles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident's state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of ten dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident's state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed;

and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of ten dollars, issue a certificate of title in the name and address of the nonresident purchaser delivering the same to the person entitled to the title as provided in this chapter.

Sec. 401A. Section 321.124, subsection 3, Code 1991, is amended to read as follows:

3. The annual registration fee for motor homes and multipurpose vehicles is as follows:

a. For class "A" motor homes with a list price of eighty thousand dollars or more as certified to the department by the manufacturer, four hundred dollars for registration each year through five model years and three hundred dollars for each succeeding registration.

b. For class "A" motor homes with a list price of forty thousand dollars or more but less than eighty thousand dollars as certified to the department by the manufacturer, two hundred dollars for registration each year through five model years and one hundred fifty dollars for each succeeding registration.

c. For class "A" motor homes with a list price of twenty thousand dollars or more but less than forty thousand dollars as certified to the department by the manufacturer, one hundred forty dollars for the first five registrations and one hundred five dollars for each succeeding registration.

d. For class "A" motor homes with a list price of less than twenty thousand dollars as certified to the department by the manufacturer, one hundred twenty dollars for registration each year through five model years and eighty-five dollars for each succeeding registration.

e. For a class "A" motor home which is a passenger-carrying bus which has been registered at least five times as a motor truck and which has been converted, modified or altered to provide temporary living quarters, ninety dollars for registration each year through ten model years and sixty-five dollars for each succeeding registration. In computing the number of registrations, the registrations shall be cumulative beginning with the registration of the class "A" motor home as a motor truck prior to its conversion, modification, or alteration to provide temporary living quarters.

f. For class "B" motor homes, ninety dollars for registration each year through five model years and sixty-five dollars for each succeeding registration.

g. For class "C" motor homes, one hundred ten dollars for registration each year through five model years and eighty dollars for each succeeding registration.

h. For multipurpose vehicles, seventy-five dollars for registration each year through five model years and fifty-five dollars for each succeeding registration.

Sec. 401B. Section 422.42, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 17. "Nonresidential commercial operations" does not include apartment complexes, mobile home parks, or other rental operations where the primary purpose is for human habitation."

8. Page 6, line 38, by inserting before the word "commercial" the following: "nonresidential".

9. Page 7, by striking lines 37 through 41 and inserting the following: "consultant services; dance".

10. Page 8, line 12, by inserting after the word "state;" the following: "sewage services for nonresidential commercial operations.".

11. Page 8, line 14, by striking the words "food and".

12. Page 9, line 30, by inserting after the word "public" the following: "; except the sales, furnishing or providing of sewage services to a county or municipality on behalf of nonresidential commercial operations.".

13. Page 9, line 33, by inserting before the word "commercial" the following: "nonresidential".

14. Page 9, by striking line 48 and inserting the following: "nonresidential commercial, mining, and agricultural operations; does not apply to the sales, furnishing, or service of sewage service for nonresidential commercial operations.".

15. Page 10, line 26, by striking the figure "402" and inserting the following: "401".

16. Page 10, by striking lines 30 through 47 and inserting the following:

"Sec. ____ . DIVISION OF HIGHWAY SAFETY, UNIFORMED FORCE, AND RADIO COMMUNICATIONS. The department of public safety, department of personnel, and the department of management shall make every reasonable effort to fill the entire complement of positions authorized for the division of highway safety, uniformed force, and radio communications under the appropriation made to the division as constituted on July 1, 1991, from the road use tax fund in 1991 Iowa Acts, chapter 268, section 504, subsection 1, as soon after the effective date of this Act as practicable.

Sec. ____ . RADIO COMMUNICATIONS. There is appropriated from the road use tax fund to the division of highway safety, uniformed force, and radio communications of the department of public safety 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 purposes relating to radio communications, including but not limited to reimbursement of the general fund of the state for expenditures for radio communications made before the effective date of this Act pursuant to 1991 Iowa Acts, chapter 268, section 503, subsection 2, and for not more than the following full-time equivalent positions:

.....	\$ 3,039,150
.....	FTEs 79.00

Reimbursement under the appropriation from the road use tax fund to the general fund of the state shall be made for expenditures for radio communications made before the effective date of this Act pursuant to 1991 Iowa Acts, chapter 268, section 503, subsection 2. For the fiscal year beginning July 1, 1991, charges pursuant to section 421.17, subsection 33, or any comparable statute, by the department of revenue and finance, department of personnel, or other state agencies, for indirect costs, including but not limited to accounting, workers' compensation, and unemployment compensation, shall not be charged to this appropriation.

Sec. ____ . Section 80.36, Code 1991, is amended to read as follows:

80.36 MAXIMUM AGE.

The maximum age for a person to be employed as a peace officer in the divisions of highway safety, and uniformed force and radio communications, criminal investigation and bureau of identification, and drug law enforcement, and beer and liquor law enforcement is sixty-five years of age.

Sec. ____ . Section 97A.1, subsection 6, Code 1991, is amended to read as follows:

6. "Membership service" shall mean service as a peace officer in the division of highway safety, ~~and uniformed forces or force, and radio communications~~, the division of criminal investigation and bureau of identification, or division of drug law enforcement in the department of public safety and arson investigators rendered since last becoming a member, or, where membership is regained as provided in this chapter, all of such service.

Sec. ____ . Section 97A.3, subsection 1, Code 1991, is amended to read as follows:

1. All members of the division of highway safety, ~~and uniformed force, and radio communications~~ and the division of criminal investigation and bureau of identification in the department of public safety, excepting the members of the clerical force, who are employed by the state of Iowa when this chapter becomes effective, and all persons thereafter employed as members of such divisions in the department of public safety or division of drug law enforcement and arson investigators, ~~or qualified members of the division of beer and liquor law enforcement in said department~~ except the members of the clerical force, shall be members of this system. Such members shall not be required to make contributions under any other pension or retirement system of the state of Iowa, anything to the contrary notwithstanding.

Sec. ____ . Section 97A.4, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

Any member of the system who has been employed continuously prior to the passage of this chapter in the division of highway safety, ~~and uniformed force, and radio communications~~ or the division of criminal investigation and bureau of identification in the department of public safety, or as a member of the Iowa highway safety patrol, or as a peace officer or a member of the uniformed force in any department or division whose functions were transferred to, merged, or consolidated in the department of public safety at the time such department was created, shall receive credit for such service in determining retirement and disability benefits provided for in this chapter. Arson investigators who have contributed to this system prior to July 1, 1978 shall receive credit for such service in determining retirement and disability benefits.

Sec. ____ . Section 97A.6, subsection 7, paragraph c, Code Supplement 1991, is amended to read as follows:

c. The commissioner of public safety may, subject to approval of the medical board, assign any former member of the division of highway safety, ~~and uniformed force, and radio communications~~ or the division of criminal investigation and bureau of identification or an arson investigator who is retired and drawing a pension for disability under the provisions of this chapter, to the performance of light duties in such division.

Sec. ____ . 1991 Iowa Acts, chapter 268, section 503, subsection 2, is amended by striking the subsection."

17. Page 12, line 6, by striking the figure "402" and inserting the following: "401".

18. Page 12, line 13, by inserting after the words "additional services," the following: "and changing the registration fees for multipurpose vehicles."

On the Part of the Senate:

On the Part of the House:

LEONARD L. BOSWELL, Chairperson
 MIKE CONNOLLY
 WILLIAM W. DIELEMAN

THOMAS JOCHUM, Chairperson
 JOHN GRONINGA
 C. ARTHUR OLLIE

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 2244

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 2244, a bill for an Act relating to the care and feeding of swine by cooperative associations and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5856.

2. That the House amendment, S-5528, to Senate File 2244, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 18 and 19 and inserting the following: "producers association, and the Iowa business council's Iowa animal agriculture council whose representative shall be actively engaged in the production of swine."

On the Part of the Senate:

On the Part of the House:

BERL E. PRIEBE, Chairperson
 H. KAY HEDGE
 ALVIN V. MILLER
 JIM RIORDAN
 JOHN E. SOORHOLTZ

DOLORES MERTZ, Chairperson
 DANIEL FOGARTY
 ROBERT JOHNSON
 DEO KOENIGS
 DAN PETERSEN

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 2249

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 2249, a bill for an Act relating to pari-mutuel racing and excursion boat gambling and providing effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S-5556.

2. That Senate File 2249, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 99B.8, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. However, notwithstanding subsection 1, paragraphs "b" and "c" if the games or raffles are conducted by a qualified organization issued a license pursuant to subsection 3, the sponsor may charge an entrance fee to

a participant and the sponsor need not have a bona fide social relationship with the participant.

Sec. 2. Section 99D.5, subsection 3, Code Supplement 1991, is amended by striking the subsection and inserting the following:

3. Not more than three members of the commission shall belong to the same political party. A member of the commission shall not have a financial interest in a racetrack.

Sec. 3. Section 99D.11, subsection 5, Code Supplement 1991, is amended to read as follows:

5. As each race is run the licensee shall deduct sixteen percent from the total sum wagered on all horses or dogs as first winners. However, the commission shall authorize at the request of the licensee a deduction of a higher or lower percentage of the total sum wagered not to exceed eighteen percent and the additional deduction shall be retained by the licensee. The balance, after deducting breakage, shall be paid to the holders of certificates on the winning horse or dog in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses or dogs in the race as first winners. The licensee may pay a larger amount if approved by the commission. The licensee shall likewise receive other wagers on horses or dogs in places or combinations the commission may authorize. The method, procedure, and the authority and right of the licensee, as well as the deduction allowed to the licensee, shall be as specified with respect to wagers upon horses or dogs selected to run first. However, the commission ~~may shall~~ shall authorize at the request of the licensee to deduct a deduction of a higher or lower percent of the total sum wagered not to exceed ~~twenty~~ twenty-four percent on multiple or exotic wagering involving not more than two horses or dogs. The deduction authorized above twenty percent on the multiple or exotic wagering involving more than two dogs or horses shall be retained by the licensee. For exotic wagering involving three or more horses or dogs, the commission ~~may shall~~ shall authorize at the request of the licensee to deduct an additional two a deduction of a higher or lower percent from of the total sum wagered but not more than a total sum wagered of twenty-five percent on the exotic wagers. The additional deduction authorized above twenty-two percent on the multiple or exotic wagers involving more than two horses or dogs shall be retained by the licensee. One percent of the exotic wagers on three or more horses or dogs shall be distributed as provided in section 99D.12.

Sec. 4. Section 99D.11, subsection 6, paragraph b, Code Supplement 1991, is amended to read as follows:

b. The commission may authorize the licensee to simultaneously telecast within the racetrack enclosure for purpose of pari-mutuel wagering a horse or dog race licensed by the racing authority of another state. It is the responsibility of each licensee to obtain the consent of appropriate racing officials in other states as required by the federal Interstate Horseracing Act of 1978, 15 U.S.C. 3001-3007, to televise races for the purpose of conducting pari-mutuel wagering. A licensee may also obtain the permission of a person licensed by the commission to conduct horse or dog races in this state to televise races conducted by that person for the purpose of conducting pari-mutuel racing. However, arrangements made by a licensee to televise any race for the purpose of conducting pari-mutuel wagering are subject to the approval of the commission, and the commission shall select the races to be televised. The races selected by the commission shall be the same for all licensees approved by the commission to televise races for the purpose

of conducting pari-mutuel wagering. The commission shall not authorize the simultaneous telecast or televising of and a licensee shall not simultaneously telecast or televise any horse or dog race for the purpose of conducting pari-mutuel wagering unless the simultaneous telecast or televising is done at the racetrack of a licensee that schedules no less than ~~one hundred five~~ ninety performances of ~~eight~~ nine live races each day of the season. For purposes of the taxes imposed under this chapter, races televised by a licensee for purposes of pari-mutuel wagering shall be treated as if the races were held at the racetrack of the licensee.

Sec. 5. EXCEPTION FOR SIMULCAST RACING WITHOUT LIVE RACING. Notwithstanding section 99D.11, subsection 6, paragraph "b" the commission may authorize the simultaneous telecast or televising of horse or dog races for the purpose of conducting pari-mutuel wagering at the racetrack of a licensee where no live racing is scheduled during the period beginning May 1, 1992, and ending June 30, 1993.

Sec. 6. Section 99D.12, subsection 1, Code Supplement 1991, is amended to read as follows:

1. In horse races the breakage shall be retained by the licensee to supplement purses for races restricted to Iowa-foaled horses or to supplement purses won by Iowa-foaled horses by finishing first, second, third, or fourth in any other race. The purse supplements will be paid in proportion to the purse structure of the race. Two percent shall be deposited by the commission into a special fund to be known as the horse racing promotion fund. The commission each year shall approve a nonprofit organization to use moneys in the fund for research, education, and marketing of horse racing in the state, including public relations, and other promotional techniques. The nonprofit organization shall not engage in political activity. It shall be a condition of the allocation of funds that any organization receiving funds shall not expend the funds on political activity or on any attempt to influence legislation.

Sec. 7. HORSE RACING PLAN FOR 1993. The pari-mutuel licensee of a horse track shall submit a staffing plan for live horse racing for the year 1993 and have the plan approved by the commission no later than the regular commission meeting in January 1993. Failure to have an approved plan shall result in revocation of the license. The commission may extend the approval date not more than thirty days to allow the licensee to complete action on a staffing plan.

Sec. 8. Section 99D.15, subsection 2, Code Supplement 1991, is amended to read as follows:

2. A tax credit of up to five percent of the gross sum wagered per year shall be granted to licensees licensed for horse races and paid into a special fund to be used for the purpose of retiring the annual debt on the cost of construction of the licensed facility debt retirement or operating expenses. However, the tax credit is equal to six percent of the gross sum wagered in a year when the gross sum wagered is less than ninety million dollars. Any portion of the credit not used in a particular year shall be retained by the commission. A tax credit shall first be assessed against any share going to a city, then to the share going to a county, and then to the share going to the state.

Sec. 9. Section 99D.15, subsection 3, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. If the gross sum wagered at a racetrack for the 1992 racing season is less than twenty million dollars, the licensee may retain up to three hundred eighty thousand dollars of its tax liability for the 1992 racing season

as a no interest loan. The loan shall be repaid to the treasurer of state in four equal annual installments. The first installment is due and payable at the conclusion of the 1993 racing season and an additional installment is due and payable at the conclusion of each succeeding racing season ending with the 1996 racing season. A lien in favor of the state shall attach to the property of the taxpayer as provided in section 422.26 when the tax payment would otherwise be due and may be enforced by the state upon the delinquency of the loan repayment.

Sec. 10. Section 99D.15, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A tax of two percent is imposed on the gross sum wagered by the pari-mutuel method on horse races and dog races which are simultaneously telecast. The tax imposed by this subsection is in lieu of the taxes imposed pursuant to subsection 1 or 3, but the tax revenue from simulcast horse races shall be distributed as provided in subsection 1 and the tax revenue from simulcast dog races shall be distributed as provided in subsection 3.

Sec. 11. Section 99D.25A, subsection 6, Code 1991, is amended to read as follows:

6. Once a horse has been permitted the use of lasix, it must be brought to the detention barn for treatment not less than four hours prior to scheduled post time for the race in which it is entered to start. Once at the detention barn, a horse shall remain there until it is taken to the paddock to be saddled or harnessed for a race. After the lasix treatment, the commission, by rule, may authorize the release of the horse from the detention barn before the scheduled post time. If a horse is brought to the detention barn late, the commission shall assess a civil penalty of one hundred dollars against the trainer.

Sec. 12. Section 99E.9, subsection 3, paragraph b, Code 1991, is amended to read as follows:

b. The types of lottery games to be conducted. Rules governing the operation of a class of games are subject to chapter 17A. However, rules governing the particular features of specific games within a class of games are not subject to chapter 17A. Such rules may include, but are not limited to, setting the name and prize structure of the game and shall be made available to the public prior to the time the games go on sale and shall be kept on file at the office of the commissioner. The board shall authorize instant lottery and on-line lotto games and may authorize the use of any type of lottery game that on May 3, 1985, has been conducted by a state lottery of another state in the United States, or any game that the board determines will achieve the revenue objectives of the lottery and is consistent with subsection 1. However, the board shall not authorize a game using an electronic computer terminals terminal or other devices device if, upon winning a game, the terminals or devices dispense terminal or device immediately dispenses coins or currency upon the winning of a prize or a ticket, credit or token which is redeemable for cash or a prize. In a game utilizing instant tickets other than pull-tab tickets, each ticket in the game shall bear a unique consecutive serial number distinguishing it from every other ticket in the game, and each lottery number or symbol shall be accompanied by a confirming caption consisting of a repetition of a symbol or a description of the symbol in words. In the game other than an instant game which uses tangible evidence of participation, each ticket shall bear a unique serial number distinguishing it from every other ticket in the game.

Sec. 13. Section 99E.9, subsection 6, Code 1991, is amended to read as follows:

6. If reasonably practical when the lottery division awards a contract under

subsection 2, for the lease or purchase of a machine to be used in the conducting of a lottery game including, but not limited to, a ~~video lottery machine or machine~~ used in lotto, the lottery division shall give preference to awarding the contract to a responsible vendor who manufactures the machines in the state, provided the costs and benefits to the lottery division are equal to those available from competing vendors.

If reasonably practical when the lottery division awards a contract under subsection 2, for the servicing of a machine to be used in the conducting of a lottery game including, but not limited to, a ~~video lottery machine or a machine~~ used in lotto, the lottery division shall give preference to a responsible vendor whose principal place of business is in Iowa, provided the costs and benefits to the lottery division are equal to those available from competing vendors.

Sec. 14. Section 99F.1, subsection 10, Code 1991, is amended to read as follows:

10. "Gambling game" means ~~twenty-one, dice, slot machine, video game of chance or roulette wheel~~ any game of chance authorized by the commission. "Gambling game" does not include sports betting.

Sec. 15. Section 99F.7, subsection 1, Code 1991, is amended to read as follows:

1. If the commission is satisfied that this chapter and its rules adopted under this chapter applicable to licensees have been or will be complied with, the commission shall issue a license for a period of not more than three years to an applicant to own a gambling game operation and to an applicant to operate an excursion gambling boat. The commission shall decide which of the gambling games authorized under this chapter it will permit. The commission shall decide the number, location, and type of excursion gambling boats licensed under this chapter for operation on the rivers, lakes, and reservoirs of this state. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boats will operate and dock, and the time and number of days during the excursion season and the off season when gambling may be conducted by the licensee. The commission shall not allow a licensee to conduct gambling games on an excursion gambling boat while docked during the off season if the licensee does not operate gambling excursions for a minimum number of days during the excursion season. The commission may delay the commencement of the excursion season at the request of a licensee.

Sec. 16. Section 99F.7, subsection 10, paragraph c, Code 1991, is amended to read as follows:

c. If, after July 1, 1989, ~~section 99F.1, subsection 5; 99F.4, subsection 4; or 99F.9, subsection 2,~~ is amended, the board of supervisors of a county in which excursion boat gambling has been approved shall submit to the county electorate a proposition to approve or disapprove the conduct of gambling games on excursion gambling boats at a special election at the earliest practicable time. If excursion boat gambling is not approved at the election, paragraph "b" does not apply to the licenses and the commission shall cancel the licenses issued for the county within sixty days of the unfavorable referendum.

Sec. 17. REFERENCE CLARIFICATION. The Code citation, section 99F.1, subsection 5, in section 16 of this Act refers to section 99F.1, subsection 5, as it appears in 1989 Iowa Acts, chapter 67, section 1.

Sec. 18. Section 99F.17, subsection 5, Code 1991, is amended to read as follows:

5. A manufacturer or distributor of gambling games who has been granted a license under this section shall have a representative within this state to take delivery of gambling games or implements of gambling prior to delivery to a

licensee. The manufacturer or distributor shall provide the commission with a copy of the invoice showing the items shipped and a copy of the bill of lading. When received, the gambling games or implements of gambling shall be stored in a public warehouse in this state until delivered to the licensee or, after delivery is complete, the shipment may be transferred to a licensee.

Sec. 19. Section 537A.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

This section does not apply to a contract for the operation of or for the sale or rental of equipment for games of skill or games of chance, if both the contract and the games are in compliance with chapter 99B. This section does not apply to wagering under the pari-mutuel method of wagering authorized by chapter 99D. This section does not apply to the sale, purchase or redemption of a ticket or share in the state lottery in compliance with chapter 99E. This section does not apply to wagering under the excursion boat gambling method of wagering authorized by chapter 99F. This section does not apply to the sale, purchase, or redemption of any ticket or similar gambling device legally purchased in Indian lands within this state.

Sec. 20. Section 725.16, Code 1991, is amended to read as follows:

725.16 GAMBLING PENALTY.

A person who commits an offense declared in chapter 99B to be a misdemeanor shall be guilty of a serious misdemeanor except if an owner of an electrical or mechanical amusement device commits an offense in violation of section 99B.10, the owner is guilty of a class "D" felony.

Sec. 21. EFFECTIVE DATES. Sections 5, 9, 12, 13, and 14 of this Act and this section, being deemed of immediate importance, take effect upon enactment. Sections 12 and 13 of this Act apply retroactively to January 1, 1992. Section 9 of the Act applies retroactively to April 1, 1992. Sections 5 and 14 of this Act apply retroactively to May 1, 1992. The remaining sections of this Act take effect on July 1, 1992."

2. Title page, line 1, by inserting after the word "gambling" the following: ", charitable gaming, and raffles, prohibiting video lottery, providing a tax credit, providing for properly related matters,".

3. Title page, line 2, by inserting after the word "effective" the following: "and retroactive applicability".

On the Part of the Senate:

LARRY MURPHY, Chairperson
HARRY SLIFE
JOHN E. SOORHOLTZ
JOE WELSH

On the Part of the House:

TONY BISIGNANO, Chairperson
DENNIS BLACK
PHILIP WISE

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2345

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 2345, a bill for an Act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5945.
2. That the House recedes from its amendment, S-5663.
3. That Senate File 2345, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 11, the following:

"For use by the prosecuting attorneys training coordinator in implementing a course of instruction relating to public offenses perpetrated due to a victim's protected class status, as provided in section 80B.11, subsection 3, if and as amended by the Seventy-fourth General Assembly, 1992 Session:

..... \$ 10,000".

2. Page 2, by striking lines 28 through 32.

3. Page 3, line 1, by striking the words "The study".

4. Page 3, by striking lines 2 through 5 and inserting the following: "The".

5. Page 3, by striking lines 24 and 25 and inserting the following: "included within the Iowa public employees' retirement system as members of a protection occupation under section 97B.49, subsection 16, paragraph "d"."

6. Page 5, by striking lines 7 through 10.

7. Page 11, line 16, by striking the word "August" and inserting the following: "September".

8. Page 14, by inserting after line 2 the following:

"Sec. ____ . There is appropriated from moneys, other than federal moneys, deposited in the victim compensation fund established under section 912.14 to the department of justice for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For use by the prosecuting attorneys training coordinator in implementing a course of instruction relating to public offenses perpetrated due to a victim's protected class status, as provided in section 80B.11, subsection 3, if and as amended by the Seventy-fourth General Assembly, 1992 Session:

..... \$ 10,000".

9. Page 14, line 4, by striking the words and figures ", effective July 1, 1992".

10. Page 14, line 7, by striking the word "order" and inserting the following: "initiate any action regarding".

11. Page 14, line 9, by striking the word "Any".

12. Page 14, by striking lines 10 and 11 and inserting the following: "The moratorium shall go into effect as of the effective date of this Act."

13. Page 14, by inserting before line 12, the following:

"Sec. ____ . STATE OPPOSITION EXPRESSED. To the extent that Iowa motor vehicle license suspension and revocation law is contrary to or inconsistent with 23 U.S.C. § 104(a)(3)(A) both houses of the general assembly do hereby resolve and the governor does hereby certify their combined opposition to the enactment and enforcement in the state of Iowa of the law described in 23 U.S.C. 104(a)(3)(A).

Sec. ____ . Section 2.45, Code 1991, is amended by adding the following new

subsection:

NEW SUBSECTION. 5. The transportation policy review committee which shall be composed of eight members consisting of the chairpersons or their designated committee members and the ranking minority party members or their designated committee members of the house and senate transportation standing committees and the house and senate joint transportation and safety appropriations subcommittees. The transportation policy review committee shall meet at least two times, but not more than four times per year, in conjunction with the state transportation commission, and shall exchange information and discuss state policy concerns affecting transportation related issues.

Sec. ____ . Section 29A.27, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Officers and enlisted persons while in active state service shall receive the same pay, per diem, and allowances as are paid for the same rank or grade for service in the armed forces of the United States. However, a person shall not be paid at a base rate of pay of less than fifty seventy-five dollars per calendar day of active state service.

Sec. ____ . Section 29A.57, subsection 3, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Grant a temporary or permanent easement with or without monetary consideration for utility or public highway purposes if granting the easement will not adversely affect use of the real estate for military purposes."

14. Page 15, by inserting after line 4, the following:

"Sec. ____ . Section 80.9, subsection 2, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. To maintain a vehicle theft unit in the Iowa highway safety patrol to investigate and assist in the examination and identification of stolen, altered, or forfeited vehicles.

Sec. ____ . Section 80B.5, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall be appointed by the Iowa law enforcement academy council."

15. Page 16, by inserting after line 10, the following:

"Sec. ____ . Section 309.10, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a" "b" "d" and "e" are at least seventy-five percent of the sum of the following for the fiscal year ending June 30, 1993, eighty percent of the sum of the following for the fiscal year ending June 30, 1994, eighty-five percent of the sum of the following for the fiscal year ending June 30, 1995, and ninety percent of the sum of the following for each fiscal year beginning on or after July 1, 1995:

Sec. ____ . Section 312.2, subsection 8, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a" "b" "d" and "e" are less than seventy-five percent of the sum of the following for the fiscal

year ending June 30, 1993, eighty percent of the sum of the following for the fiscal year ending June 30, 1994, eighty-five percent of the sum of the following for the fiscal year ending June 30, 1995, and ninety percent of the sum of the following for each fiscal year beginning on or after July 1, 1995."

16. Page 17, by inserting after line 21 the following:

"Sec. ____ . Section 313.4, subsection 4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Such fund is appropriated and shall be used by the department to provide energy and for the operation and maintenance of those primary road freeway lighting systems within the corporate boundaries of cities including energy and maintenance costs associated with interchange conflict lighting on existing and future freeway and expressway segments constructed to interstate standards."

17. Page 17, by inserting after line 28, the following:

"Sec. ____ . Section 321.89, subsection 1, paragraph a, Code 1991, is amended to read as follows:

a. "Police authority" means the Iowa highway safety patrol, or any law enforcement agency of a county or city or any special security officer employed by the state board of regents under section 262.13.

Sec. ____ . Section 321.152, subsection 1, Code Supplement 1991, is amended to read as follows:

1. Four and one-quarter percent of the total collection for each annual or semiannual vehicle registration and each duplicate registration card or plate issued."

18. Page 18, by inserting after line 16, the following:

"Sec. ____ . Section 321.463, unnumbered paragraph 6, Code 1991, is amended to read as follows:

In addition, the weight on any one axle, including a tandem axle, of a vehicle which is transporting raw materials which are removed from a road under construction from a designated borrow site to a construction project or transporting raw materials from a construction project, may exceed the legal maximum weight otherwise allowed under this chapter by ten percent if the gross weight on any particular group of axles on the vehicle does not exceed the gross weight allowed under this chapter for that group of axles. However, if the vehicle exceeds the ten percent tolerance allowed for any one axle or tandem axle under this paragraph the fine to be assessed for the axle or tandem axle shall be computed on the difference between the actual weight and the ten percent tolerance weight allowed for the axle or tandem axle under this paragraph. This paragraph applies only to vehicles operating along a route of travel approved by the department."

19. Page 19, by inserting after line 13 the following:

"Sec. 200. NEW SECTION. 441.73 LITIGATION EXPENSE FUND.

1. A litigation expense fund is created in the state treasury. The litigation expense fund shall be used for the payment of litigation expenses incurred by the state to defend property valuations established by the director of revenue and finance pursuant to section 428.24 and chapters 430A, 433, 434, 436, 437, and 438.

2. If the director of revenue and finance determines that foreseeable litigation expenses will exceed the amount available from appropriations made to the department of revenue and finance, the director of revenue and finance may apply to the executive council for use of funds on deposit in the litigation defense fund. The initial application for approval shall include an estimate of potential litigation expenses, allocated to each of the next four succeeding calendar quarters and

substantiated by a breakdown of all anticipated costs for legal counsel, expert witnesses, and other applicable litigation expenses.

3. The executive council may approve expenditures from the litigation expense fund on a quarterly basis. Prior to each quarter, the director of revenue and finance shall report to the executive council and give a full accounting of actual litigation expenses to date as well as estimated litigation expenses for the remaining calendar quarters of the fiscal year. The executive council may adjust quarterly expenditures from the litigation expense fund based on this information.

4. The executive council shall transfer for the fiscal year beginning July 1, 1992, and each fiscal year thereafter, from funds established in sections 405A.8, 425.1, and 426.1, an amount necessary to pay litigation expenses. However, the amount of funds transferred to the litigation expense fund for the fiscal year beginning July 1, 1992, shall not exceed three hundred fifty thousand dollars and the amount of the fund for the succeeding fiscal years shall not exceed seven hundred thousand dollars. The executive council shall determine annually the proportionate amounts to be transferred from the three separate funds. At any time when no litigation is pending or in progress the balance in the litigation defense fund shall not exceed one hundred thousand dollars. Any excess moneys shall be transferred in a proportionate amount back to the funds from which they were originally transferred."

20. Page 20, by inserting after line 6, the following:

"Sec. ____ . That section of 1992 Iowa Acts, Senate File 2354, which amends 1990 Iowa Acts, chapter 1234, section 76, as amended by 1991 Iowa Acts, chapter 213, section 35, is repealed.

Sec. ____ . LITIGATION EXPENSE FUND RECOMMENDATIONS. The legislative fiscal committee shall request the attorney general's office to make recommendations as to the potential for recoupment of costs expended from the litigation expense fund under Section 200 of this Act. The legislative fiscal bureau and the legislative service bureau shall work in cooperation with the attorney general's office. The recommendations shall be presented to the legislative council and the members of the transportation and safety appropriations subcommittee on or before January 15, 1993."

21. Page 20, by inserting after line 7 the following:

"Sec. ____ . Chapter 307D, Code 1991, is repealed."

22. Page 20, line 8, by inserting after the word "Sections" the following: "11."

23. Page 20, by inserting after line 9, the following:

"Sec. ____ . Sections 18 and 19 of this Act take effect on July 1, 1993."

24. Title page, line 5, by inserting after the words "road fund" the following: "creating a litigation expense fund and making appropriations, providing for properly related matters."

25. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

DONALD GETTINGS, Chairperson
MIKE CONNOLLY
DONALD DOYLE

On the Part of the House:

DENNIS COHOON, Chairperson
KENNETH DE GROOT
PATRICK GILL

JOHN JENSEN
 JAMES KERSTEN

EMIL PAVICH

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 2347

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 2347, a bill for an Act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S-5679.

2. That Senate File 2347, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:
 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes:

..... \$ 1,000,544

Of the funds appropriated in this paragraph "a" \$35,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

Of the funds appropriated in this 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.

b. For the operations of the dairy trade practices bureau:

..... \$ 69,612

Of the funds appropriated in this paragraph "b" not more than \$46,945 shall be used to support the operations of the dairy trade practices bureau for the fiscal year beginning July 1, 1992, and ending June 30, 1993. Notwithstanding section 8.39, moneys appropriated under this paragraph shall not be transferred by the department to support a purpose other than the operations of the bureau. Notwithstanding section 8.33, unobligated or unencumbered moneys remaining on June 30, 1993, shall not revert, but shall be available for expenditure for the bureau for the next fiscal year and any of these moneys remaining on June 30, 1994, shall revert to the general fund of the state.

c. For the operations of the agricultural marketing bureau:

..... \$ 776,805

Of the funds appropriated in this paragraph "c" \$325,000 and 8.00 FTEs shall be used to support horticulture.

d. For the purpose of performing commercial feed audits:

..... \$ 56,157
 e. For the purpose of performing fertilizer audits:

..... \$ 56,157
 f. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

..... FTEs 56.20
2. FARMERS' MARKET COUPON PROGRAM

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

..... \$ 190,822
 FTEs 1.00

3. REGULATORY DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,587,025
 FTEs 135.00

b. To cover the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:

..... \$ 648,571

4. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, including the administration of the gypsy moth program:

..... \$ 670,538

Of the amount appropriated under this paragraph "a" \$50,000 shall be used to administer a program relating to the detection, surveillance, and eradication of the gypsy moth. The department shall allocate and use the appropriation made under this paragraph before moneys other than those appropriated under this paragraph are used to support the program.

b. For the operations of the commercial feed programs:

..... \$ 705,436

c. For the operations of the pesticide programs:

..... \$ 1,189,105

d. For the operations of the fertilizer programs:

..... \$ 622,674

e. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

..... FTEs 79.25

5. SOIL CONSERVATION DIVISION

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 4,973,030
 FTEs 173.50

Of the funds appropriated in this paragraph "a" \$330,000 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

b. To provide financial incentives for soil conservation practices under chapter 467A:

..... \$ 5,947,480

c. The following requirements apply to the moneys appropriated by paragraph "b":

(1) Not more than 5 percent of the moneys appropriated in paragraph "b" may be allocated for cost sharing to abate complaints filed under section 467A.47.

(2) Of the moneys appropriated in paragraph "b" 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment. The financial incentives shall be awarded to watersheds which are of the highest importance based on soil loss as established by the natural resource commission pursuant to section 107.33A. The financial incentives shall not exceed seventy-five percent of the estimated cost of establishing the practices as determined by the commissioners or seventy-five percent of the actual cost of establishing the practices, whichever is less.

(3) The commissioners of a soil and water conservation district may allocate financial incentives to encourage summer construction of permanent soil and water conservation practices. The practices shall be constructed on or after June 1 but not later than August 15. The commissioners may also provide for the payment of moneys on a prorated basis to compensate persons for the production loss on an area disturbed by construction, according to rules which shall be adopted by the division. The commissioners shall not allocate cost-share moneys to support summer construction during a fiscal year in which applications for cost-share moneys required to establish permanent soil and water conservation practices, other than established by summer construction, equal the total amount available to support the nonsummer construction practices. The financial incentives shall not exceed sixty percent of the estimated cost of establishing the practice as determined by the commissioners, or sixty percent of the actual cost of establishing the practice, whichever is less.

(4) The commissioners of a soil and water conservation district may allocate financial incentives under a special agreement with owners of land in the district who shall adopt a watershed conservation plan as provided by rules which shall be adopted by the division. The watershed conservation plan shall be in conjunction with the owners' respective farm unit soil conservation plans. The funding agreement must provide for the funding of a project which includes five or more contiguous farm units which have at least five hundred acres of agricultural land and which constitutes at least seventy-five percent of the agricultural land located within a watershed or subwatershed. The financial incentives shall not exceed sixty percent of the estimated cost of the project as determined by the commissioners or sixty percent of the actual cost, whichever is less.

(5) Except as otherwise provided in subparagraphs (1) through (4), the moneys appropriated in paragraph "b" shall not be used alone or in combination with other public funds to provide a financial incentive payment greater than fifty percent of the approved cost for a voluntary permanent soil conservation practice. Priority for funding shall be given to family-operated farms.

(6) Not more than 30 percent of a district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping. The

division shall by rule establish limits on the amount of incentives which shall be authorized for payment to landowners upon establishment of the practice.

(7) The soil conservation committee may allocate moneys to conduct research and demonstration projects to promote conservation tillage and nonpoint sources pollution control practices.

(8) The financial incentive payments may be used in combination with department of natural resources funds.

d. The provisions of section 8.33 shall not apply to the funds appropriated under paragraph "b". Unencumbered or unobligated funds remaining on June 30, 1996, from funds appropriated under paragraph "b" for the fiscal year beginning July 1, 1992, shall revert to the general fund on August 31, 1996.

Sec. 2. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To fund lamb and wool management education projects approved by the department at community colleges selected as project sites as provided in section 99E.32, subsection 3, paragraph "m":

..... \$ 192,426

Sec. 3. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:

..... \$ 795,560

Sec. 4. There is appropriated from the funds available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:

..... \$ 174,342

INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

Sec. 5. There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For carrying out duties of the commission as provided in Article IV of the interstate compact on agricultural grain marketing as provided in chapter 183:

..... \$ 61,606

DEPARTMENT OF NATURAL RESOURCES

Sec. 6. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,058,055

..... FTEs 135.00

2. PARKS AND PRESERVES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,176,266
 FTEs 210.57

3. FORESTS AND FORESTRY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,390,537
 FTEs 55.71

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,455,711
 FTEs 55.02

5. ENVIRONMENTAL PROTECTION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,101,771
 FTEs 174.00

6. FISH AND WILDLIFE DIVISION

For not more than the following full-time equivalent positions:

..... FTEs 338.78

7. WASTE MANAGEMENT ASSISTANCE DIVISION

For not more than the following full-time equivalent positions:

..... FTEs 18.75

8. For the green thumb program for the employment of the elderly in conservation and outdoor recreation related fields in coordination with other agencies as provided by law, and for not more than the following full-time equivalent positions:

..... \$ 129,279
 FTEs 10.00

Sec. 7. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for administrative support, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 18,386,561

The department shall not expend more moneys from the fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative fiscal bureau of the commission's approval, and the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee.

Sec. 8. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of funding expenditures traditionally funded from marine fuel tax revenues, but not considered as capitals or operations:

..... \$ 198,890

2. For purposes of maintaining and developing boating facilities and access to public waters by the parks and preserves division:
 \$ 432,959

3. For deposit in the state fish and game protection fund for maintenance of boating access on lands managed by the fish and wildlife division:
 \$ 144,320

4. For purposes of funding capitals traditionally funded from marine fuel tax receipts for the purposes specified in section 324.79:
 \$ 1,540,000

Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining on June 30, 1993, from moneys appropriated for purposes of funding capitals traditionally funded from marine fuel tax receipts as provided in this subsection 4 for the fiscal year beginning July 1, 1992, shall revert on September 30, 1994.

Sec. 9. There is transferred on July 1, 1992, from the fees deposited under section 321G.7 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:
 \$ 100,000

Sec. 10. There is transferred on July 1, 1992, from the fees deposited under section 106.52 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administration and enforcement of navigation laws and water safety:
 \$ 950,000

MISCELLANEOUS

Sec. 11. PREDATOR DAMAGE CONTROL. From moneys appropriated for the fiscal year beginning July 1, 1992, and ending June 30, 1993, to the agricultural experiment station at Iowa state university of science and technology there is transferred to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount to be used for purposes of supporting a predator damage management program:
 \$ 50,000

The program shall provide for controlling predators, including coyotes which interfere with agricultural production including livestock production. A primary purpose of the program shall be to reduce damages or injury to property involved in farming as defined in section 172C.1. The program shall emphasize the prevention of damage through management techniques which preserve the life and habitat of predators. An animal or an animal's habitat shall not be destroyed only because the animal belongs to a particular species. The department shall cooperate with the department of natural resources. The program shall be conducted in accordance with federal and state law, notwithstanding laws relating to open seasons.

Sec. 12. REAP.

1. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the general fund of the state, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 1992, to the Iowa resources enhancement and protection fund the sum of \$9,944,500, of which all moneys shall be allocated as provided in subsection 2 and section 455A.19.

2. Of the amount appropriated under subsection 1, there is allocated the following amounts to be used for the purposes designated:

a. To the department of natural resources to support the purposes specified pursuant to section 455D.15, subsection 3, paragraph "g":

..... \$ 500,000

b. To the soil conservation division of the department of agriculture and land stewardship to provide state soil and water conservation cost-sharing moneys pursuant to chapter 467A:

..... \$ 400,000

Sec. 13. STREAM STABILIZATION. There is appropriated from the general fund of the state to the division of soil conservation of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of participating with local entities including local governments, and with entities receiving federal funding, in developing and installing projects that stabilize degrading stream channels in areas of the state determined by the division to require assistance:

..... \$ 99,445

Sec. 14. LAKE PROJECT. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of supporting lake preservation efforts at Black Hawk Lake:

..... \$ 397,780

The moneys appropriated under this section shall be allocated by the department to continue lake preservation, including dredging operations, at Black Hawk Lake, located at Lake View, Iowa. Remaining moneys previously designated for Black Hawk Lake under the federal clean lakes program shall be allocated on a matching basis with moneys appropriated under this section for purposes of preserving Black Hawk Lake. The allocation of moneys shall be contingent upon land used as a spoil site for the lake being provided without financial obligation to the state and the active participation of a local entity in preparing the spoil site.

This section shall become effective upon enactment.

Sec. 15. The department of agriculture and land stewardship and the department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the departments' table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the full-time equivalent position limits contained in the this Act for the departments.

Sec. 16. The department of revenue and finance in cooperation with the department of agriculture and land stewardship and the department of natural resources shall track receipts to the general fund which have traditionally been deposited into the following funds:

1. The fertilizer fund created in section 200.9.
2. The pesticide fund created in section 206.12.
3. The dairy trade practices trust fund pursuant to section 192A.30.
4. The milk fund created in section 192.111.
5. The commercial feed fund created in section 198.9.
6. The marine fuel tax fund created in section 324.79.
7. The energy research and development fund provided in section 93.11.

The departments designated in this section shall prepare reports detailing revenue from receipts traditionally deposited into each of the funds. A report shall be submitted to the legislative fiscal bureau at least once for each three-month period as designated by the legislative fiscal bureau.

Sec. 17. The department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year.

Sec. 18. Notwithstanding section 17A.2, subsection 7, paragraph "g" the department of natural resources shall by rule establish prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 19. During the fiscal year for which funds are appropriated by sections 6 and 7 of this Act, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on or by facilities for storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

Sec. 20. ZERO-BASE BUDGET PROPOSAL. The parks and preserves division of the department of natural resources shall submit a zero-base budget proposal for the fiscal year beginning July 1, 1993, and ending June 30, 1994, to the joint appropriations subcommittee on agriculture and natural resources by January 15, 1993.

Sec. 21. CODE EDITOR. The Code editor shall change the name of the waste management authority within the department of natural resources to the waste management assistance division wherever it appears in the Code.

Sec. 22. 1992 Iowa Acts, Senate File 2367, section 201, unnumbered paragraph 2, is amended by striking the paragraph.

This section, being deemed of immediate importance, takes effect upon enactment.

Sec. 23. Section 93.11, subsection 1, paragraph f, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

Notwithstanding the provisions of this section directing that moneys be deposited into the energy research and development fund, for the fiscal period beginning July 1, 1991, and ending June 30, 1993, all moneys shall be deposited into the general fund of the state. ~~There is appropriated annually from the general fund of the state the sum of one hundred fifty thousand dollars to be used for the purposes of this section.~~

Sec. 24. NEW SECTION. 111.17A PAYMENT IN LIEU OF PROPERTY TAXES. The director of the department of natural resources shall submit a budget request to pay the annual property taxes on property held by the department. The budget request shall be submitted to the general assembly as part of the annual budget proposal provided in section 455A.4. The amount of the payment shall be based on property acquired on or after July 1, 1992, which would otherwise be subject to the levy of property taxes. The assessed value of property held by the department shall be that determined under section 427.1, subsection 31, and the director may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For the purposes of chapter 257, the assessed value of any property which was acquired by the department on or after July 1, 1992, shall be included in the valuation base of the school district and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify the amount of taxes due to the department. The taxes shall be paid annually from the departmental fund or account from which the property acquisition was funded. If the departmental fund or account has no moneys, no longer exists, or if the acquisition of property was made without an expenditure of funds by the department, the taxes shall be paid from funds in the manner provided by the general assembly. If the total amount of taxes due, as certified to the department, exceeds the amount available for expenditure under this section, the property taxes due shall be reduced proportionately so that the total amount due equals the amount available for expenditure.

Sec. 25. NEW SECTION. 159.6A CONTRIBUTIONS.

The department may accept contributions, including gifts and grants, in order to carry out and administer the provisions of this chapter. The department shall maintain an itemized accounting of the contributions. At the end of each fiscal year, the department shall prepare a list recognizing private contributors.

Sec. 26. Section 159.20, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

~~An agricultural marketing division is created within the department. The division department shall perform duties designed to lead to more advantageous marketing of Iowa agricultural commodities. The division department may do any of the following:~~

Sec. 27. Section 159.20, subsections 5 and 9, Code Supplement 1991, are amended to read as follows:

5. Accumulate and diffuse information concerning the marketing of agricultural commodities in cooperation with persons, agencies, or the federal government. ~~The division department shall establish an agricultural commodity informational data base.~~

9. Cooperate with the Iowa department of economic development to avoid duplication of efforts between the ~~division department~~ and the agricultural

marketing program operated by the Iowa department of economic development.

Sec. 28. Section 159.20, unnumbered paragraph 2, Code Supplement 1991, is amended by striking the paragraph.

Sec. 29. Section 159.22, Code Supplement 1991, is amended to read as follows:
159.22 GRANTS AND GIFTS OF FUNDS.

The division may with the approval of the secretary may accept grants and allotments of funds from the federal government and enter into co-operative agreements with the United States department of agriculture for projects to effectuate a purpose described in this subchapter. ~~The division may accept grants, gifts or allotments of funds from any person for the purpose of carrying out the provisions of this subchapter. If funds are accepted from a person, the director shall prepare an itemized accounting to the department at the end of each fiscal year.~~

Sec. 30. Section 159.23, Code 1991, is amended to read as follows:

159.23 SPECIAL FUND.

All fees collected as a result of the inspection and grading provisions set out herein shall be paid into the state treasury, there to be set aside in a separate fund which is hereby appropriated for the use of the ~~division~~ department except as indicated. Withdrawals therefrom shall be by warrant of the director of revenue and finance upon requisition by the ~~administrator of the division~~ approved by the secretary of agriculture. Such fund shall be continued from year to year, provided, however, that if there be any balance remaining at the end of the biennium which, in the opinion of the governor, director of management and secretary of agriculture, is greater than necessary for the proper administration of the inspection and grading program referred to herein, the treasurer of state is hereby authorized on the recommendation and with the approval of the governor, director of management and secretary of agriculture, to transfer to the general fund of the state that portion of such account as they shall deem advisable.

Sec. 31. Section 159.24, Code 1991, is amended to read as follows:

159.24 GRADES OR CLASSIFICATIONS OF FARM PRODUCTS.

A certificate of the grade, or other classification, of any farm products issued under ~~this division of this chapter~~ shall be accepted in any court of this state as prima facie evidence of the true grade or classification of such farm products as the same existed at the time of their classification.

Sec. 32. Section 159.37, subsection 1, Code 1991, is amended to read as follows:

1. The department shall establish ~~within the international trade bureau of the marketing division~~ a special quality grains electronic bulletin board system. The system shall be available to any and all buyers and sellers of special quality grains for the purpose of posting the availability of special quality grains, or a demand for special quality grains.

Sec. 33. Section 159A.3, subsection 1, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

An office of renewable fuel is created within ~~the agricultural marketing division of the department~~ and shall be staffed by a coordinator who shall be appointed by the ~~division administrator~~ secretary. It shall be the policy of the office to further renewable fuel activities. The office shall first further renewable fuel activities based on the following considerations:

Sec. 34. Section 199.3, subsection 4, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The last date on which the variety of seed will normally

germinate according to standards established by rules adopted by the department.

Sec. 35. Section 199.11, Code 1991, is amended to read as follows:

199.11 AUTHORITY OF SECRETARY OF AGRICULTURE THE DEPARTMENT.

1. For the purpose of carrying out the provisions of this chapter, the state secretary of agriculture who may act through authorized agents is hereby authorized and directed department shall do all of the following:

a. To sample Sample, inspect, make analysis of analyze, and test agricultural seeds seed other than lawn seed, if the agricultural seed is transported, sold, offered, or exposed for sale within this state for sowing purposes, The department shall perform these duties at such a time and place and to such an extent as the secretary may deem necessary to determine whether said the agricultural seeds are seed is in compliance with the provisions of this chapter; and to notify, The department shall promptly notify the person who transported, sold, offered, or exposed the seed for sale, of any a violation.

b. To prescribe and, after public hearing following due public notice, to adopt Adopt rules and regulations governing the methods of sampling, inspecting, analysis, tests analyzing, testing, and examination of examining agricultural seed; and the other than lawn seed. The rules shall include tolerances to be followed in the administration of this chapter, which shall be in general accord with officially prescribed practice in interstate commerce under the federal seed Act and such other rules and or regulations as may be necessary to secure for the efficient enforcement of this chapter.

2. Further, for For the purpose of carrying out the provisions of this chapter, the state secretary of agriculture, individually or through authorized agents, is authorized and directed department may:

a. To enter Enter upon any public or private premises during regular business hours in order to have access to seeds commercial seed other than lawn seed, subject to this chapter and the departmental rules and regulations thereunder.

b. To issue Issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of agricultural seed other than lawn seed which the state secretary of agriculture or the secretary's authorized agents believe department believes is in violation of any of the provisions of this chapter which or departmental rules. The order shall prohibit further sale of such the seed until such officer the department has evidence that the law has been complied with; provided, that of compliance. However, the owner or custodian of such the seed shall be permitted to remove said the seed from a salesroom open to the public; provided further, that in respect to seeds which have been denied sale as provided in this subsection, judicial, Judicial review of the order may be sought in accordance with the terms of the Iowa administrative procedure Act chapter 17A. Notwithstanding the terms of said Act However, notwithstanding chapter 17A, petitions for judicial review may be filed in the district court; and provided further, that the provisions of this, This subsection shall does not be construed as limiting limit the right of the enforcement officer department to proceed as authorized by other sections of this chapter.

c. To establish Establish and maintain or make provision for seed testing facilities essential to the enforcement of this chapter; to, The department may employ qualified persons, and to incur such expenses as may be necessary to comply with these provisions.

d. To co-operate Cooperate with the United States department of agriculture

in seed law enforcement.

Sec. 36. Section 214.3, subsection 1, Code 1991, is amended to read as follows:

1. The license for inspection of a commercial weighing and measuring device shall expire on December 31 of each year, and for a motor vehicle fuel pump on June 30 of each year. The amount of the fee due for each license shall be as provided in subsection 3, except that the fee for a motor vehicle fuel pump shall be ~~three~~ four dollars and fifty cents if paid within one month from the date the license is due.

Sec. 37. Section 214.3, subsection 3, paragraphs a through e, Code 1991, are amended to read as follows:

a. Class S-III.

(1) Railroad track scales, ~~seventy-one~~ one hundred six dollars and fifty cents.

(2) Other scales.

(a) 500 to 1,000 pounds capacity, ~~eleven~~ sixteen dollars and fifty cents.

(b) 1,001 to 30,000 pounds capacity, ~~twenty-one~~ thirty-one dollars and fifty cents.

(c) 30,001 to 50,000 pounds capacity, ~~forty-one~~ sixty-one dollars and fifty cents.

(d) 50,001 pounds capacity or more, ~~fifty-six~~ eighty-four dollars.

(3) A minimum fee of ~~thirty-one~~ forty-six dollars and fifty cents shall be charged for each vehicle or livestock scale.

b. Class S-II and S-III, ~~six~~ nine dollars.

(1) Bench scale, ~~six~~ nine dollars.

(2) Counter scale, ~~six~~ nine dollars.

(3) Portable platform scale, ~~six~~ nine dollars.

(4) Livestock monorail scale, ~~six~~ nine dollars.

(5) Single animal scale, ~~six~~ nine dollars.

(6) Grain test scale, ~~six~~ nine dollars.

(7) Precious metal and gems scale, ~~six~~ nine dollars.

(8) Postal scale, ~~six~~ nine dollars.

c. (1) Grain moisture meters, ~~sixteen~~ twenty-four dollars.

(2) Additional meters at the same location, ~~eleven~~ sixteen dollars and fifty cents.

d. Class M-I. One hundred-gallon prover.

(1) Bulk meters, ~~six~~ nine dollars.

(2) Bulk liquid petroleum gas meters, ~~thirty-five~~ fifty-two dollars and fifty cents.

(3) Bulk refined fuel meters, ~~six~~ nine dollars.

(4) Mass flow meters, ~~six~~ nine dollars.

e. Class M-II. Five-gallon prover.

(1) Slow flow meters, ~~six~~ nine dollars.

(2) Retail motor vehicle fuel pump, ~~six~~ nine dollars.

Sec. 38. Section 215.2, subsections 1 and 2, Code 1991, are amended to read as follows:

1. Class S, scales, ~~fifty~~ seventy-five dollars per hour.

2. Class M, meters, ~~thirty-five~~ fifty-two dollars and fifty cents per hour.

Sec. 39. Section 215.17, Code 1991, is amended to read as follows:

215.17 TEST WEIGHTS TO BE USED.

Any A person, firm or corporation engaged in scale repair work for hire shall use only test weights sealed by the department in determining the effectiveness of repair work and ~~said~~ the test weights shall be sealed as to their accuracy once each year. ~~Provided, however, that it shall be unlawful for such~~ However, a person to shall not claim to be an official scale inspector or to and shall not use said the test weights except to determine the accuracy of scale repair work done by

the person and the person shall not be entitled to ~~no~~ a fee for their use. A fee shall be charged and collected at time of inspection for the inspection of such weights as follows:

All weights up to and including 25 pounds \$ ~~75~~ 1.10 each
All weights

Over twenty-five pounds capacity,

up to and including 50 pounds ~~1.50~~ 2.25 each

Over 50 pounds capacity, up to and including 100 pounds ~~2.00~~ 3.00 each

Over 100 pounds capacity, up to and including 500 pounds ~~3.00~~ 4.50 each

Over 500 pounds capacity, up to and including 1,000 pounds ~~5.00~~ 7.50 each

The fee for all tank calibrations shall be as follows:

100 gallons up to and including 300 gallons \$ ~~3.00~~ 4.50

301 gallons up to and including 500 gallons ~~5.00~~ 7.50

501 gallons up to and including 1,000 gallons ~~7.50~~ 11.25

1,001 gallons up to and including 2,000 gallons ~~10.00~~ 15.00

2,001 gallons up to and including 3,000 gallons ~~12.00~~ 18.00

3,001 gallons up to and including 4,000 gallons ~~14.00~~ 21.00

4,001 gallons up to and including 5,000 gallons ~~16.00~~ 24.00

5,001 gallons up to and including 6,000 gallons ~~18.00~~ 27.00

6,001 gallons up to and including 7,000 gallons ~~20.00~~ 30.00

7,001 gallons and up ~~25.00~~ 37.50

~~No calibration will~~ Calibration shall not be required of ~~any~~ a tank which is not used for the purpose of measuring, or which is equipped with a meter, ~~nor shall~~ and vehicle tanks loaded from meters and carrying a printed ticket showing gallonage shall not be required to be calibrated.

Sec. 40. Section 215A.9, unnumbered paragraph 2, Code 1991, is amended to read as follows:

A fee of ~~ten~~ fifteen dollars shall be charged for each device subject to reinspection under section 215A.5. All moneys received by the department under the provisions of this chapter shall be handled in the same manner as "repayment receipts" as defined in chapter 8, and shall be used for the administration and enforcement of the provisions of this chapter.

Sec. 41. Section 423.24, subsection 1, paragraph b, as enacted by 1992 Iowa Acts, House File 2456, section 6, is amended to read as follows:

b. Beginning on July 1, 1993, three and one-half percent of the remaining revenue, not to exceed one million dollars per quarter, derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7, shall be deposited in the ethanol production incentive

account of the renewable fuel fund created in section 159A.7. Moneys deposited according to this paragraph are a continuing appropriation for expenditure under section 159A.8. Moneys deposited during a state fiscal year to the ethanol production incentive account which remain unobligated and unencumbered on July 31 of the following state fiscal year shall be credited to the road use tax fund as provided in this section.

Sec. 42. Section 455A.5, subsection 6, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Approve or disapprove proposals involving the dredging or renovation of lakes; the acquisition, development, and maintenance of boating facilities; and the acquisition, development, and maintenance of recreational facilities associated with recreational boating.

Sec. 43. Section 455A.6, subsection 6, paragraph d, Code Supplement 1991, is amended to read as follows:

d. Approve the budget request prepared by the director for the programs authorized by chapters 455B, 455C, 455E, and 455F. The commission shall approve the budget request prepared by the director for programs administered by the energy and geological resources division; ~~the coordination and information division;~~ the administrative services division, and the office of the director, as provided in section 455A.7. The commission may increase, decrease, or strike any item within the department budget request for the specified programs before granting approval.

Sec. 44. Section 455A.7, subsection 1, paragraph f, Code Supplement 1991, is amended by striking the paragraph.

Sec. 45. Section 455A.7, subsection 1, paragraph j, Code Supplement 1991, is amended to read as follows:

j. Office of the director which has responsibilities for administering the department, including information dissemination, education, and government liaison services.

Sec. 46. Section 455B.103A, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The enforcement provisions of division III, part of this chapter, apply to general permits for stormwater discharge.

Sec. 47. Section 455B.310, subsection 2, paragraph b, subparagraph (5), Code Supplement 1991, is amended to read as follows:

(5) Five cents per ton per year is appropriated to the department of economic development to establish, in cooperation with the department of natural resources, a marketing initiative to assist Iowa businesses producing recycling or reclamation equipment or services, recyclable products, or products from recycled materials to expand into national markets. Efforts shall include the reuse and recycling of sawdust. For the each fiscal year beginning July 1, 1991, and ending June 30, 1992, and beginning July 1, 1992, and ending June 30, 1993, fifty thousand dollars of the moneys appropriated under this subparagraph shall be allocated for the purposes of developing advanced microbiological technologies for reduction, destruction, or disposal of wet solid waste. For the each fiscal year beginning July 1, ~~1992~~ 1993, and thereafter, fifty thousand dollars of the moneys appropriated under this subparagraph shall be used by the department of economic development to provide grants or loans to Iowa businesses which have participated in the waste reduction assistance program of the department of natural resources or the program provided by the waste reduction center at the university of northern

Iowa, and which have identified needs for equipment or retooling to achieve waste reduction.

Sec. 48. NEW SECTION. 455B.601 PESTICIDE AND FERTILIZER CONTAMINATED AGRICULTURAL CHEMICAL DEALER SITES — PRIORITIZATION OF CLEANUP.

1. The commission shall adopt rules to establish criteria for the classification and prioritization of sites upon which contamination has been discovered.

a. For purposes of this section:

(1) "Action level" means action level as defined in 567 IAC 133.2, adopted as of a specific date by rule of the department.

(2) "Contamination" means the presence of one or more pesticides, as defined in section 206.2, or the presence of fertilizer, as defined in section 200.3, in soil or groundwater at levels above those that would result at normal field application rates or above background levels.

(3) "Contaminated site" means a site upon which contamination has been discovered.

(4) "Responsible person" means responsible person as defined in 567 IAC 133.2, adopted as of a specific date by rule of the department.

b. A contaminated site shall be classified as either high, medium, or low priority.

(1) A site shall be considered high priority under any of the following conditions:

(a) Groundwater contamination exceeds action levels and is affecting or likely to affect groundwater used as a drinking water source.

(b) Contamination is affecting or likely to affect surface water bodies to a level which exceeds surface water quality standards under section 455B.173.

(c) Contamination is discovered in an ecologically sensitive area. An ecologically sensitive area is one which is designated by the department.

(2) A site shall be considered medium priority if contamination of groundwater exceeds action levels, but does not meet the criteria for classification as a high priority site.

(3) A site shall be considered low priority under any of the following conditions:

(a) If soil contamination exists at the site, but no groundwater contamination exists at the site.

(b) If soil contamination exists and groundwater contamination has been discovered, but is below action levels.

(4) 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 paragraph.

c. An initial site plan shall be developed by the responsible person and approved by the department for each site upon which contamination has been discovered. The site plan shall include all of the following:

(1) A determination as to the extent of the existing soil, groundwater, or surface water contamination.

(2) The proximity of the contamination and the likelihood that the contamination will affect a drinking water well.

(3) The characteristics of the site and the potential for migration of the contamination.

(4) A recommendation as to whether the site should be classified as a high, medium, or low priority site.

(5) If a site is classified as a high or medium priority site, further investigation shall be conducted to determine the extent of the remediation which should be

conducted on the site.

d. The corrective action response requirements for high, medium, or low priority sites shall be administered in accordance with the following:

(1) Soils and groundwaters on a high priority site shall be actively remediated, where technically feasible, until such time as the groundwater contamination levels are below action levels.

(2) Remediation on a medium priority site shall include either monitoring or active or passive remediation and shall be determined by the department on a site-by-site basis based upon the findings of the site plan. Remediation on a medium priority site shall include at least that which would be required on a low priority site.

(3) (a) Active soil remediation shall be required on a low priority site if remediation would be more practical and cost-effective than monitoring.

(b) If active soil remediation on a low priority site is undertaken, no further action shall be required on the site.

(c) If active soil remediation is not undertaken on a low priority site, a site shall be monitored, for a specified period of time as determined by the department.

2. This section is applicable to all sites upon which contamination has been discovered, unless corrective action on a site has already been approved and implemented.

3. Application of contaminated groundwaters and soils on land upon which the contaminants have been applied in accordance with department rules shall not exceed a level which would preclude the resumption of normal farming practices within a two-year period.

4. This section does not affect the ability of the department or the United States environmental protection agency to require monitoring or remediation on sites that are placed on the national priorities list pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act.

Sec. 49. Section 467A.7, subsections 17 and 19, Code 1991, are amended by striking the subsections.

Sec. 50. Section 467A.43, unnumbered paragraph 2, as enacted in 1992 Iowa Acts, House File 2343, section 4, is amended to read as follows:

A landowner shall not be liable for a claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent installation, construction, or reconstruction of a soil and water ~~construction~~ conservation practice or an erosion control practice that was installed, constructed, or reconstructed in accordance with generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A soil and water conservation practice or an erosion control practice installed, constructed, or reconstructed in compliance with rules adopted by the division and currently in effect shall be deemed to be installed, constructed, or reconstructed according to generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A claim shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing soil and water conservation practice or erosion control practice to a new, changed, or altered design standard. This section does not apply to a claim based on a failure of a landowner to upgrade, improve, or alter a soil and water conservation practice or erosion control practice in violation of law. This section does not apply to claims based upon gross negligence.

Sec. 51. Section 467A.73, subsection 1, paragraph b, as enacted by 1992 Iowa Acts, House File 2343, section 8, is amended to read as follows:

b. The allocation of moneys as financial incentives provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping. The division shall by rule establish limits on the amount of incentives which shall be authorized for payment to landowners upon establishment of the practice.

Sec. 52. Section 467A.73, subsection 2, paragraph a, as enacted in House File 2343 by the Seventy-fourth General Assembly, is amended to read as follows:

a. The allocation of cost-share moneys as financial incentives under a special agreement with owners of land in the district who promise to adopt a watershed conservation plan as provided by rules which shall be adopted by the division. The watershed conservation plan shall be in conjunction with the district soil and water resource conservation plan provided under section 467A.7 the owners' respective farm unit soil conservation plans. The funding agreement must provide for the funding of a project which ~~shall include~~ includes five or more contiguous farm units which have at least five hundred acres of agricultural land and which constitutes at least seventy-five percent of the agricultural land located within a watershed or subwatershed. The financial incentives shall not exceed sixty percent of the estimated cost of the project as determined by the commissioners or sixty percent of the actual cost, whichever is less.

Sec. 53. Section 467A.74, subsection 1, paragraph a, as enacted in House File 2343 by the Seventy-fourth General Assembly, is amended to read as follows:

a. The financial incentives shall not exceed more than fifty percent of the estimated cost of establishing the practices as determined by the commissioners, or fifty percent of the actual cost of establishing the practices, whichever is less. However, the commissioners may allocate an amount determined by the division committee for management of soil and water conservation practices, except as otherwise provided regarding land classified as agricultural land under conservation cover.

Sec. 54. Section 467A.74, subsection 2, as enacted in House File 2343 by the Seventy-fourth General Assembly, is amended to read as follows:

2. The committee shall review requirements of this section once each year. The division committee may authorize commissioners in districts to condition the establishment of a mandatory soil and water conservation practice in a specific case on a higher proportion of public cost-sharing than is required by this section. The commissioners shall determine the amount of cost-sharing moneys allocated to establish a specific soil and water conservation practice in accordance with an administrative order issued pursuant to section 467A.47 by considering the extent to which the practice will contribute benefits to the individual owner or occupant of the land on which the practice is to be established.

Sec. 55. Section 542.1, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 10. "Good cause" means that the department has cause to believe that the net worth or current asset to current liability ratio of a grain dealer presents a danger to sellers with whom the grain dealer does business, based on evidence of any of the following:

a. The making of a payment by use of a financial instrument which is a check, share draft, draft, or written order on a financial institution, and a financial

institution refuses payment on the instrument because of insufficient funds in a grain dealer's account.

b. A violation of recordkeeping requirements provided in this chapter or rules adopted pursuant to this chapter by the department.

c. A substantial risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the grain dealer based on a statistical model provided in section 542.22.

Sec. 56. Section 542.3, subsection 4, paragraph b, Code 1991, is amended to read as follows:

b. The grain dealer shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a grain dealer submit more than one such unqualified opinion per year. The grain dealer, except as provided in section 542.15, may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause to believe that the net worth or current asset to current liability ratio of a licensee presents a danger to producers or sellers with whom the licensee deals. "Good cause" means that the department has evidence that the licensee issued checks on insufficient funds, evidence of a quality or quantity shortage in a warehouse facility, or evidence of violations of recordkeeping requirements. If a grain dealer making the election engages in credit sale contracts, the grain dealer shall also comply with the provisions of section 542.15, subsection 8.

Sec. 57. Section 542.3, subsection 5, paragraph b, Code 1991, is amended to read as follows:

b. The grain dealer shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a grain dealer submit more than one such unqualified opinion per year. The grain dealer may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause to believe that the net worth or current asset to current liability ratio

of a licensee presents a danger to producers or sellers with whom the licensee deals. "Good cause" means that the department has evidence that the licensee issued checks on insufficient funds, evidence of a quality or quantity shortage in a warehouse facility, or evidence of violations of recordkeeping requirements. If a grain dealer making the election engages in credit sale contracts, the grain dealer shall also comply with the provisions of section 542.15, subsection 8.

Sec. 58. Section 542.5, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Upon the filing of the application and compliance with the terms and conditions of this chapter and rules of the department, the department shall issue a license to the applicant. The license shall terminate ~~on~~ at the thirtieth of June of each year end of the third calendar month following the close of the grain dealer's fiscal year. A grain dealer's license may be renewed annually by the filing of a renewal fee and a renewal application on a form prescribed by the department. An application for renewal shall be received by the department ~~on or before the thirtieth of June end of the third calendar month following the close of the grain dealer's fiscal year.~~ A grain dealer license which has terminated may be reinstated by the department upon receipt of a proper renewal application, the renewal fee, and the reinstatement fee as provided in section 542.6 if filed within thirty days from the date of termination of the grain dealer license. The department may cancel a license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter. Fees for licenses issued for less than a full year shall be prorated from the date of the application.

Sec. 59. Section 542.6, subsection 1, Code 1991, is amended to read as follows:

1. For the issuance or renewal of a license for a grain dealer required under section 542.3, and for any inspection of a grain dealer, the fee shall be determined on the basis of dollar volume of all bushels of grain purchased during the grain dealer's previous calendar fiscal year as follows according to the grain dealer's financial statement required in section 542.3. The fee shall be calculated according to the following schedule:

a. If the total number of bushels purchased is one hundred thirty-five thousand dollars or less, the license fee is forty sixty-six dollars and the inspection fee is fifty eighty-three dollars.

b. If the total number of bushels purchased is more than one hundred thirty-five thousand dollars, but not more than seven two hundred fifty thousand dollars, the license fee is seventy one hundred sixteen dollars and the inspection fee is seventy-five one hundred twenty-five dollars.

c. If the total number of bushels purchased is more than seven two hundred fifty thousand dollars, but not more than one million five hundred thousand dollars, the license fee is one hundred sixty-six dollars and the inspection fee is one hundred fifteen ninety-one dollars.

d. If the total number of bushels purchased is more than one million five hundred thousand dollars, but not more than three one million dollars, the license fee is one two hundred seventy-five ninety-one dollars and the inspection fee is one two hundred fifty forty-nine dollars.

e. If the total number of bushels purchased is more than three one million dollars, but not more than four one million seven eight hundred fifty thousand dollars, the license fee is three four hundred ninety-eight dollars and the inspection fee is one three hundred eighty-five seven dollars.

f. If the total number of bushels purchased is more than four one million seven eight hundred fifty thousand dollars, but not more than nine three million five two hundred thousand dollars, the license fee is four seven hundred twenty-five six dollars and the inspection fee is two three hundred twenty-five seventy-four dollars.

g. If the total number of bushels purchased is more than nine three million five two hundred thousand dollars, the license fee is five nine hundred seventy-five fifty-five dollars and the inspection fee is two four hundred sixty-five forty dollars.

If the applicant did not purchase grain in the applicant's previous calendar fiscal year, the applicant will shall pay the fee specified in paragraph "a". If during the license period licensee's fiscal year the total number of bushels of grain actually purchased exceeds one hundred thirty-five thousand dollars, the licensee shall notify the department and the license and inspection fee shall be adjusted accordingly. Subsequent adjustments shall be made as necessary. An applicant may elect licensing in any category of this subsection. New Fees for new licenses issued for less than a full year shall be prorated from the date of application.

Sec. 60. Section 542.9, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department may inspect the premises used by any grain dealer in the conduct of the dealer's business at any time, and the books, accounts, records, and papers of every grain dealer which pertain to grain purchases are subject to inspection by the department during ordinary business hours. The department shall cause the business premises and books, accounts, records, and papers of every grain dealer to be inspected not less than at least once during each twelve-month eighteen-month period; but not more than four times in a twenty-four month period without good cause justification. The department shall prioritize inspections based on the system provided in section 542.22. The department may use a risk rating produced by a statistical model provided in section 542.22 as justification to conduct an inspection. The transporter of grain in transit shall possess bills of lading or other documents covering the grain, and shall present them to any law enforcement officer or to a person designated as an enforcement officer under section 542.13 on demand. If there is good cause justification to believe that a person is engaged without a license in the business of a grain dealer in this state, the department may inspect the books, papers, and records of the person which pertain to grain purchases.

Sec. 61. Section 542.11, subsection 4, Code 1991, is amended to read as follows:

4. A person in violation of this chapter, or a in violation of chapter 714 or 715A involving, which violation involves the business of a grain dealer, is subject to prosecution by the county attorney in the county where the business is located. However, if the county attorney fails to initiate prosecution within thirty days and upon request by the department, the attorney general may initiate and carry out the prosecution in cooperation, if possible, with the county attorney. The person in violation may be restrained by an injunction in an action brought by the department or the attorney general upon request by the department.

Sec. 62. NEW SECTION. 542.12A LIEN ON GRAIN DEALER ASSETS.

1. A statutory lien is imposed on all grain dealer assets in favor of sellers who have surrendered warehouse receipts or other written evidence of ownership as part of a grain sale transaction or who possess written evidence of the sale of grain to a grain dealer, without receiving full payment for the grain.

2. "Grain dealer assets" includes proceeds received or due a grain dealer upon the sale, including exchange, collection, or other disposition, of grain sold by the grain dealer. As used in this section, "proceeds" means noncash and cash proceeds as provided in section 554.9306. "Grain dealer assets" also includes any other funds or property of the grain dealer which can be directly traced as being from the sale of grain by the grain dealer, or which were utilized in the business operation of the grain dealer. A court, upon petition by an affected party, may order that claimed grain dealer assets are not grain dealer assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not grain dealer assets as defined in this section.

3. The lien shall arise at the time of surrender of warehouse receipts or other written evidence of ownership as part of a grain sale transaction or the time of delivery of the grain for sale, and shall terminate when the liability of the grain dealer to the seller has been discharged. The lien of all sellers is hereby assigned to the Iowa grain indemnity fund board, on behalf of the grain depositors and sellers indemnity fund.

4. To perfect the lien, the Iowa grain indemnity fund board must file a lien statement with the office of the secretary of state. The lien statement is valid only if filed on or after the date of suspension but not later than sixty days after the incurrence date as provided in section 543A.6. The lien statement shall disclose the name of the grain dealer, the address of the dealer's principal place of business, a description of identifiable grain dealer assets, and the amount of the lien. The lien amount shall be the board's estimate of the final cost of reimbursing the grain depositors and sellers indemnity fund for the payment of claims against the fund resulting from the breach of the grain dealer's obligations. The board shall correct the amount not later than one hundred eighty days following the incurrence date. A court, upon petition by an affected person, may correct the amount. The board shall have the burden of proving that the amount is an accurate estimate.

5. The Iowa grain indemnity fund board shall upon written demand of the grain dealer file a termination statement with the secretary of state, if the license of the grain dealer is not revoked, terminated, or canceled after one hundred eighty days from the date that the lien is perfected. Upon filing the termination statement, the lien becomes unperfected. The board shall also deliver a copy of the termination statement to the grain dealer.

6. The secretary of state shall note the filing of a lien statement under this section in a manner provided by chapter 554, the uniform commercial code. The secretary shall note the filing of a termination statement with the lien statement.

7. A lien statement filed under this section shall be a security interest perfected under chapter 554 and subject to the same priority as provided under section 554.9312.

8. If the grain dealer is also licensed under chapter 543, and in the event the department is appointed as a receiver under section 543.3, assets under the authority of the receiver are free from this statutory lien. However, if there are receivership assets in excess of those necessary to fully reimburse depositors, the perfected lien will attach to those excess assets.

9. The board may enforce the lien in the manner provided in chapter 554, article 9, part 5, for the enforcement of security interests. If, upon enforcement of the lien, the lien amount is satisfied in full without exhaustion of the grain dealer assets, the remaining assets shall be returned to the grain dealer or, if there are

competing claims to those remaining assets by other creditors, shall place those assets in the custody of the district court and implead the known creditors.

For purposes of enforcement of the lien, the board is deemed to be the secured party and the grain dealer is deemed to be the debtor, and each has the respective rights and duties of a secured party and a debtor as provided in chapter 554, article 9, part 5. If a right or duty under chapter 554, article 9, part 5, is contingent upon the existence of express language in a security agreement, or may be waived by express language in a security agreement, the requisite language is deemed not to exist for purposes of enforcement of the lien created by this section.

10. Actions relating to this section shall be brought in the district court in the county in which the grain dealer's primary place of business is located or in Polk county.

Sec. 63. Section 542.15, subsection 7, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

7. a. A grain dealer shall not purchase grain on credit-sale contract during any time period in which the grain dealer fails to maintain fifty cents of net worth for each outstanding bushel of grain purchased under credit. The grain dealer may maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of deficiency in net worth.

b. A grain dealer holding a federal or state warehouse license who does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department or the United States department of agriculture shall not purchase grain on credit-sale contract to correct the shortage of grain.

c. A grain dealer must meet at least either of the following conditions:

(1) The grain dealer's last financial statement required to be submitted to the department pursuant to section 542.3 is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state.

(2) The grain dealer files a bond with the department in the amount of one hundred thousand dollars payable to the department. The bond shall be used to indemnify sellers for losses resulting from a breach of a credit-sale contract as provided by rules adopted by the department. The rules shall include, but are not limited to, procedures and criteria for providing notice, filing claims, valuing losses, and paying claims. The bond provided in this paragraph shall be in addition to any other bond required in this chapter.

A bond filed with the department under this paragraph shall not be canceled by the issuer on less than ninety days notice by certified mail to the department and the principal. When the department receives notice from an issuer that it has canceled the bond, the department shall automatically suspend the grain dealer's license if a replacement bond is not received by the department within sixty days of the issuance of the notice of cancellation. The department shall cause an inspection of the licensed grain dealer immediately at the end of the sixty-day period. If a replacement bond is not filed within another thirty days following the suspension, the grain dealer license shall be automatically revoked. When a license is revoked, the department shall provide notice of the revocation by ordinary mail to the last known address of each holder of an outstanding credit-sale contract and all known sellers.

Sec. 64. Section 542.15, Code 1991, is amended by adding the following new

subsection:

NEW SUBSECTION. 7A. The department may adopt rules to suspend the right of a grain dealer to purchase grain by credit-sale contract based on any of the following conditions:

a. The grain dealer holding a federal or state warehouse license does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department or the United States department of agriculture.

b. The grain dealer holding a state or federal warehouse license issues back to the grain dealer a warehouse receipt for purposes of providing collateral, if the grain which is the subject of the warehouse receipt was purchased on credit and is unpaid for by the grain dealer.

c. The grain dealer fails to maintain requirements relating to net worth or fails to maintain a ratio of current assets to current liabilities, as required in section 542.3.

d. The grain dealer violates this section.

e. The grain dealer's total liabilities are greater than seventy-five percent of the grain dealer's total assets.

f. The grain dealer has made payment by use of a financial instrument which is a check, share draft, draft, or written order on a financial institution, and a financial institution refuses payment on the instrument because of insufficient funds in a grain dealer's account.

g. The department discovers that a grain dealer has delayed payment for grain purchased since the department last inspected the grain dealer pursuant to section 542.9.

Sec. 65. NEW SECTION. 542.22 PRIORITIZATION OF INSPECTIONS OF GRAIN DEALERS.

The department shall develop a system to prioritize the inspections of grain dealers provided in section 542.9. The system of prioritization shall be computed each year based on the risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the grain dealer. The department shall compute the risk by utilizing an available statistical model to measure the financial condition of grain dealers, and especially grain dealers who execute credit-sale contracts. Procedures for utilizing the statistical model shall be adopted by department rules. The statistical model shall be used to provide risk ratings. A risk rating shall be used as a factor by the department to prioritize its inspection schedule. The department may use a risk rating produced by the statistical model as justification to inspect the grain dealer at any time. A substantial risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the grain dealer based on the statistical model shall be good cause.

Sec. 66. Section 543.1, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Good cause" means that the department has cause to believe that the net worth or current asset to current liability ratio of a warehouse operator presents a danger to depositors with whom the warehouse operator does business, based on evidence of any of the following:

a. The making of a payment by use of a financial instrument which is a check, share draft, draft, or written order on a financial institution, and a financial institution refuses payment on the instrument because of insufficient funds in the warehouse operator's account.

b. A violation of recordkeeping requirements provided in this chapter or rules adopted pursuant to this chapter by the department.

c. A quality or quantity shortage in the warehouse facility.

d. A high risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the warehouse operator based on a statistical model provided in section 543.40.

Sec. 67. Section 543.2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department may exercise general supervision over the storage, warehousing, classifying according to grade or otherwise, weighing, and certification of agricultural products. The department may inspect or cause to be inspected any warehouse. Inspections may be made at times and for purposes as the department determines. Except as provided in section 543.6, the department shall cause every licensed warehouse and its contents to be inspected once in every twelve-month period. The department shall prioritize inspections based on the system provided in section 543.40. The department may require the filing of reports relating to a warehouse or its operation. If upon inspection a deficiency is found to exist as to the quantity or quality of agricultural products stored, as indicated on the warehouse operator's books and records according to official grain standards, the department may require an employee of the department to remain at the licensed warehouse and supervise all operations involving agricultural products stored there under this chapter until the deficiency is corrected. The charge for the cost of maintaining an employee of the department at a warehouse to supervise the correction of a deficiency is one hundred fifty dollars per day.

Sec. 68. Section 543.4, subsection 6, Code 1991, is amended to read as follows:

6. The department is entitled to reimbursement out of commodities or proceeds held in receivership for all expenses incurred as court costs or in handling and disposing of stored commodities, and for all other costs directly attributable to the receivership. The right of reimbursement of the department is prior to any claims against the commodities or proceeds of sales of commodities, and constitutes a claim against a deficiency bond or irrevocable letter of credit. Notwithstanding section 8.33, the reimbursement amount received by the department in a fiscal year shall not revert unless unobligated or unencumbered on June 30 of the following fiscal year.

Sec. 69. Section 543.6, subsection 4, paragraph b, Code 1991, is amended to read as follows:

b. The warehouse operator shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a warehouse operator submit more than one such unqualified opinion per year. The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed

in this state that is based upon a review performed by a certified public accountant if the department has good cause to believe that the net worth or current asset to current liability ratio of a licensee presents a danger to producers or sellers with whom the licensee deals. "Good cause" means that the department has evidence that the licensee issued checks on insufficient funds, evidence of a quality or quantity shortage in a warehouse facility, or evidence of violations of recordkeeping requirements.

Sec. 70. Section 543.6, subsection 5, paragraph b, Code 1991, is amended to read as follows:

b. The warehouse operator shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a warehouse operator submit more than one such unqualified opinion per year. The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause to believe that the net worth or current asset to current liability ratio of a licensee presents a danger to producers or sellers with whom the licensee deals. "Good cause" means that the department has evidence that the licensee issued checks on insufficient funds, evidence of a quality or quantity shortage in a warehouse facility, or evidence of violations of recordkeeping requirements.

Sec. 71. NEW SECTION. 543.12A LIEN ON WAREHOUSE OPERATOR ASSETS.

1. A statutory lien is imposed on all warehouse operator assets in favor of depositors possessing warehouse receipts covering grain stored by the warehouse operator and depositors with written evidence of ownership other than warehouse receipts disclosing a storage obligation of a warehouse operator.

2. "Warehouse operator assets" includes proceeds received or due a warehouse operator upon the sale, including exchange, collection, or other disposition, of grain sold by the warehouse operator. As used in this section, "proceeds" means noncash and cash proceeds as provided in section 554.9306. "Warehouse operator assets" also includes storage payments received or due to a warehouse operator, grain owned by the warehouse operator, and any other funds or property of the warehouse operator which can be directly traced as being from the sale of grain by the warehouse operator, or which were utilized in the business operation of the warehouse operator. A court, upon petition by an affected party, may order that claimed warehouse operator assets are not warehouse operator assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not warehouse operator assets as defined in this section.

3. The lien shall arise at the commencement of the storage obligation, and shall terminate when the liability of the warehouse operator to the depositor has been

discharged. The lien of all depositors is hereby assigned to the Iowa grain indemnity fund board, on behalf of the grain depositors and sellers indemnity fund.

4. To perfect the lien, the Iowa grain indemnity fund board must file a lien statement with the office of the secretary of state. The lien statement is valid only if filed on or after the date of suspension but not later than sixty days after the incurrence date as provided in section 543A.6. The lien statement shall disclose the name of the warehouse operator, the address of the warehouse operator's principal place of business, a description of identifiable warehouse operator assets, and the amount of the lien. The lien amount shall be the board's estimate of the final cost of reimbursing the grain depositors and sellers indemnity fund for the payment of claims made against the fund resulting from the breach of the warehouse operator's obligations. The board shall correct the amount not later than one hundred eighty days following the incurrence date. A court, upon petition by an affected person, may correct the amount. The board shall have the burden of proving that the amount is an accurate estimate.

5. The Iowa grain indemnity fund board shall upon written demand of the warehouse operator file a termination statement with the secretary of state, if the license of the warehouse operator is not revoked, terminated, or canceled after one hundred eighty days from the date that the lien is perfected. Upon filing the termination statement, the lien becomes unperfected. The board shall also deliver a copy of the termination statement to the warehouse operator.

6. The secretary of state shall note the filing of a lien statement under this section in a manner provided by chapter 554, the uniform commercial code. The secretary shall note the filing of a termination statement with the lien statement.

7. A lien statement filed under this section shall be a security interest perfected under chapter 554 and subject to the same priority as provided under section 554.9312.

8. In the event the department is appointed as a receiver under section 543.3, assets under the authority of the receiver are free from this statutory lien. However, if there are receivership assets in excess of those necessary to fully reimburse depositors, the perfected lien will attach to those excess assets.

9. The Iowa grain indemnity fund board may enforce the lien in the manner provided in chapter 554, article 9, part 5, for the enforcement of security interests. If, upon enforcement of the lien, the lien amount is satisfied in full without exhaustion of the warehouse operator assets, the remaining assets shall be returned to the warehouse operator or, if there are competing claims to those remaining assets by other creditors, those assets shall be placed in the custody of the district court and the known creditors impleaded.

For purposes of enforcement of the lien, the board is deemed to be the secured party and the warehouse operator is deemed to be the debtor, and each has the respective rights and duties of a secured party and a debtor as provided in chapter 554, article 9, part 5. If a right or duty under chapter 554, article 9, part 5, is contingent upon the existence of express language in a security agreement, or may be waived by express language in a security agreement, the requisite language is deemed not to exist for purposes of enforcement of the lien created by this section.

10. Actions relating to this section shall be brought in the district court in the county in which the warehouse operator's primary place of business is located or in Polk county.

Sec. 72. Section 543.17, Code 1991, is amended by adding the following new

subsection:

NEW SUBSECTION. 6A. A licensed warehouse operator who does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department shall not purchase grain on credit-sale contract to correct the shortage of grain. A licensed warehouse operator shall not issue a warehouse receipt for purposes of providing collateral, if the grain which is the subject of the warehouse receipt was purchased by credit-sale contract and is unpaid for by the warehouse operator.

Sec. 73. Section 543.17, subsection 7, Code 1991, is amended to read as follows:

7. Every licensed warehouse operator shall, on or before July 1 of each year, send a statement for each holder of a warehouse receipt covering grain held for more than one year at that warehouse to the holder's last known address. The statement shall show the amount of all grain held pursuant to warehouse receipt for such warehouse receipt holder and the amount of any storage charges held by the licensed warehouse operator against that grain. However, a licensed warehouse operator need not prepare this annual statement for a holder of a warehouse receipt, if the licensed warehouse operator prepares such statements monthly, quarterly or for any other period more frequent than annually. ~~Failure~~ The failure to prepare a statement required by this subsection is a simple misdemeanor.

PARAGRAPH DIVIDED. Violation of this section shall not constitute grounds for suspension, revocation, or modification of the license of anyone licensed under this chapter.

Sec. 74. Section 543.33, subsection 1, paragraphs a through g, Code 1991, are amended to read as follows:

a. If the total storage capacity is one hundred thousand bushels or less, the fee is ~~thirty-five~~ fifty-eight dollars.

b. If the total storage capacity is more than one hundred thousand bushels, but not more than seven hundred fifty thousand bushels, the fee is ~~seventy-five~~ one hundred twenty-five dollars.

c. If the total storage capacity is more than seven hundred fifty thousand bushels, but not more than one million five hundred thousand bushels, the fee is one hundred ~~fifteen~~ ninety-one dollars.

d. If the total storage capacity is more than one million five hundred thousand bushels, but not more than three million bushels, the fee is ~~one~~ two hundred ~~forty-nine~~ forty-nine dollars.

e. If the total storage capacity is more than three million bushels, but not more than four million seven hundred fifty thousand bushels, the fee is ~~one~~ three hundred ~~eighty-five~~ seventy dollars.

f. If the total storage capacity is more than four million seven hundred fifty thousand bushels, but not more than nine million five hundred thousand bushels, the fee is ~~two~~ three hundred ~~twenty-five~~ seventy-four dollars.

g. If the total storage capacity is more than nine million five hundred thousand bushels, the fee is ~~two~~ four hundred ~~sixty-five~~ forty dollars.

Sec. 75. Section 543.36, subsection 4, Code 1991, is amended to read as follows:

4. A person in violation of this chapter, or a in violation of chapter 714 or 715A involving, which violation involves the business of a warehouse operator, is subject to prosecution by the county attorney in the county where the business is located. However, if the county attorney fails to initiate prosecution within thirty days, and upon request by the department, the attorney general may initiate and carry

out the prosecution in cooperation, if possible, with the county attorney. The person in violation may be restrained by injunction in an action brought by the department or the attorney general upon request by the department.

Sec. 76. Section 543.37, Code 1991, is amended to read as follows:
543.37 FAILURE TO PAY FEE.

Failure to pay the annual license fee provided for in section 543.33 on or before June 30 of the year for which due the end of the third calendar month following the close of the licensee's fiscal year shall cause a license to terminate. A warehouse license which has terminated may be reinstated by the department upon receipt of a proper renewal application, the renewal fee, and the reinstatement fee as provided for in section 543.33, if filed within thirty days from the date of termination of the warehouse license. The department may cancel the license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

Sec. 77. NEW SECTION. 543.40 PRIORITIZATION OF INSPECTIONS OF WAREHOUSE OPERATORS.

The department shall develop a system to prioritize the inspections of warehouse operators provided in section 543.2. The system of prioritization shall be computed each year based on the risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the warehouse operator. The department shall compute the risk by utilizing an available statistical model to measure the financial condition of warehouse operators. Procedures for utilizing the statistical model shall be adopted by department rules. The statistical model shall be used to provide risk ratings. A risk rating shall be used as a factor by the department to prioritize its inspection schedule. The department may inspect a warehouse operator at any time based on a risk of loss to the fund according to the risk rating. A substantial risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the warehouse operator based on the statistical model shall be good cause.

Sec. 78. NEW SECTION. 543A.5A LIEN ON LICENSEE'S ASSETS.

The board may enforce a lien attached to assets held by a licensee under chapter 542 or 543. The lien shall be perfected and enforced pursuant to section 542.12A or 543.12A.

Sec. 79. Section 554.9407, subsection 3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon written request, the filing officer shall issue a certificate showing whether there is on file on the date and hour stated, an effective financing statement, lien statement, or termination statement under chapter 542 or 543 naming a grain dealer or warehouse operator as a debtor, the address of the grain dealer's or warehouse operator's principal place of business, and the grain indemnity fund board as secured creditor, identifiable grain proceeds subject to the lien, and the amount of the lien. The uniform fee for a certificate is five dollars if the request for the certificate is on a form conforming to standards prescribed by the secretary of state, or the fee is six dollars if the request is not on a form conforming to the standards.

Sec. 80. Section 715A.2, subsection 2, paragraph a, Code 1991, is amended to read as follows:

a. Forgery is a class "D" felony if the writing is or purports to be part of an issue of money, securities, postage or revenue stamps, or other instruments issued by the government, or part of an issue of stock, bonds, credit-sale contracts as

defined in section 542.1, or other instruments representing interests in or claims against any property or enterprise, or a check, draft, or other writing which ostensibly evidences an obligation of the person who has purportedly executed it or authorized its execution.

Sec. 81. **TRANSITION PERIOD.** There shall be a transition period for implementing and enforcing provisions of this Act relating to any license period as provided in sections 542.5 and 543.37 as amended by this Act. Within the transition period, the department of agriculture and land stewardship may issue or renew licenses under chapter 542 or 543 for a period less than twelve consecutive months. The department shall prorate the fees charged for issuing or renewing the licenses for a period of less than twelve consecutive months. The transition period shall terminate on June 30, 1993.

Sec. 82. **DATES OF APPLICABILITY.** The liens established in sections 542.12A and 543.12A are applicable and enforceable against all grain dealer and warehouse operator licensees with an incurrence date on or after July 1, 1992.

Sec. 83. 1991 Iowa Acts, chapter 268, sections 212 and 213, are repealed.

This section, being deemed of immediate importance, takes effect upon enactment.

Sec. 84. **REPEAL.** Section 542.21, Code 1991, is repealed.

Sec. 85. This Act takes effect on July 1, 1992, except as otherwise provided in specific sections of this Act."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to budgetary and administrative matters by providing for appropriations and revenue, and providing for statutory changes, including matters involving agriculture and natural resources, and providing effective".

On the Part of the Senate:

EMIL HUSAK, Chairperson
JOHN P. KIBBIE
BERL E. PRIEBE

On the Part of the House:

DON SHOULTZ, Chairperson
LOUIS MUHLBAUER
DAVID SCHRADER

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2351**

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 2351, a bill for an Act relating to state budget and financial control by requiring certain financial practices, respectfully make the following report:

1. That the House recedes from its amendment, S-5584.

2. That Senate File 2351, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following: "Section 1. Section 8.21, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the governor is required to use a lesser amount in the budget process because of a later meeting of the state revenue estimating conference under section 8.22A, subsection 3, the governor shall transmit recommendations for a balanced budget meeting this requirement within fourteen days of the later meeting of the state revenue estimating conference.

Sec. 2. Section 8.22A, Code 1991, is amended to read as follows:

8.22A REVENUE ESTIMATING CONFERENCE.

1. The state revenue estimating conference is created consisting of the governor or the governor's designee, the director of the legislative fiscal bureau, and a third member agreed to by the other two.

2. The conference shall meet as often as deemed necessary, but shall meet at least quarterly. The conference may use sources of information deemed appropriate.

3. By December 15, 1986 and of each succeeding fiscal year the conference shall agree to a revenue estimate for the fiscal year beginning the following July 1. That estimate shall be used by the governor in the preparation of the budget message under section 8.22 and by the legislature general assembly in the budget process. If the conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount agreed to by December 15, the governor and the general assembly shall continue to use the initial estimate amount in the budget process for that fiscal year. However, if the conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount, the governor and the general assembly shall use the lesser amount in the budget process for that fiscal year. As used in this subsection, "later meeting" means only those later meetings which are held prior to the conclusion of the regular session of the general assembly.

Sec. 3. NEW SECTION. 8.53 GAAP DEFICIT — GAAP IMPLEMENTATION.

For the fiscal year beginning July 1, 1992, and the two succeeding fiscal years, the governor shall recommend in the governor's budget and the general assembly shall provide funds to eliminate the state generally accepted accounting principles (GAAP) deficit, as reported in the state's comprehensive annual financial report issued during the prior fiscal year, and taking into account the revised GAAP standards that are projected to be in place by the fiscal year ending in 1995, either through the appropriation of specific funds to provide an adjustment in the GAAP deficit or by setting funds aside in a special account in an amount equal to the GAAP deficit.

For the fiscal year beginning July 1, 1996, and each succeeding fiscal year, the governor shall recommend in the governor's budget and the general assembly shall provide funds to eliminate the GAAP deficit of the general fund of the state, as reported in the state's comprehensive annual financial report issued during the prior fiscal year, either through the appropriation of specific funds to correct a GAAP adjustment or by setting funds aside in a special account in an amount equal to the GAAP deficit.

Sec. 4. NEW SECTION. 8.54 GENERAL FUND EXPENDITURE LIMITATION.

1. For the purposes of this section and sections 8.55 through 8.57:

a. "Adjusted revenue estimate" means the appropriate revenue estimate for the general fund for the following fiscal year as determined under section 8.22A, subsection 3, adjusted by subtracting estimated tax refunds payable from that estimated revenue and adding any new revenues which may be considered to be

eligible for deposit in the general fund.

b. "New revenues" means moneys which are received by the state due to increased tax rates and fees or newly created taxes and fees over and above those moneys which are received due to state taxes and fees which are in effect as of January 1 following the December state revenue estimating conference. "New revenues" also includes moneys received by the state due to new transfers over and above those moneys received by the state due to transfers which are in effect as of January 1 following the December state revenue estimating conference.

2. There is created a state general fund expenditure limitation for each fiscal year beginning on or after July 1, 1993, calculated as provided in this section.

3. Except as otherwise provided in this section, the state general fund expenditure limitation for a fiscal year shall be ninety-nine percent of the adjusted revenue estimate.

4. The state general fund expenditure limitation amount provided for in this section shall be used by the governor in the preparation of the budget under section 8.22 and by the general assembly in the budget process. If a source for new revenues is proposed, the budget revenue projection used for that new revenue source for the period beginning on the effective date of the new revenue source and ending in the fiscal year in which the source is included in the revenue base shall be an amount determined by subtracting estimated tax refunds payable from the projected revenue from that new revenue source, multiplied by ninety-five percent. If a new revenue source is established and implemented, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include ninety-five percent of the estimated revenue from the new revenue source.

5. For fiscal years in which section 8.55, subsection 2, results in moneys being transferred to the general fund, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include the moneys which are so transferred.

6. The scope of the expenditure limitation under subsection 3 shall not encompass federal funds, donations, constitutionally dedicated moneys, and moneys in expenditures from state retirement system moneys.

7. The governor shall submit and the general assembly shall pass a budget which does not exceed the state general fund expenditure limitation. The governor in submitting the budget under section 8.21, and the general assembly in passing a budget, shall not have recurring expenditures in excess of recurring revenues.

Sec. 5. Section 8.55, Code 1991, is amended to read as follows:

8.55 IOWA ECONOMIC EMERGENCY FUND.

1. The Iowa economic emergency fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state, except for purposes of determining the annual inflation factor under section 422.4, subsection 17; the balance in the fund shall be considered part of the general fund of the state. The moneys in the fund shall not revert to the general fund, notwithstanding section 8.33, unless and to the extent the fund exceeds the maximum balance.

2. The maximum balance of the Iowa economic emergency fund is the amount equal to ten percent of the funds appropriated from the general fund of the state during the preceding fiscal year. There is appropriated from any surplus existing in the general fund of the state at the conclusion of the fiscal year to the Iowa economic emergency fund an amount equal to the smaller of the amount of the surplus or the amount necessary to achieve the maximum balance. The maximum

balance of the fund is the amount equal to five percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be transferred to the general fund.

3. The moneys in the Iowa economic emergency fund may be appropriated by the general assembly only in the fiscal year for which the appropriation is made and only for a purpose for which the general assembly previously appropriated funds for that fiscal year. The moneys shall only be appropriated by the general assembly for emergency expenditures. However, except as provided in section 8.58, the balance in the Iowa economic emergency fund may be used in determining the cash position of the general fund of the state for the payment of state obligations.

4. Notwithstanding section 453.7, subsection 2, interest or earnings on moneys deposited in the Iowa economic emergency fund shall be credited to the Iowa economic emergency fund.

Sec. 6. NEW SECTION. 8.56 CASH RESERVE FUND.

1. A cash reserve fund is created in the state treasury. The cash reserve fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state except in determining the cash position of the state as provided in subsection 3. The moneys in the cash reserve fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 453.7, subsection 2, interest or earnings on moneys deposited in the cash reserve fund shall be credited to the Iowa economic emergency fund. Moneys in the cash reserve fund may be used for cash flow purposes provided that any moneys so allocated are returned to the cash reserve fund by the end of each fiscal year.

2. The maximum balance of the cash reserve fund is the amount equal to the cash reserve goal percentage, as defined in section 8.57, multiplied by the adjusted revenue estimate for the general fund of the state for the current fiscal year.

3. The moneys in the cash reserve fund may be appropriated by the general assembly in accordance with subsection 4 only in the fiscal year for which the appropriation is made. The moneys shall only be appropriated by the general assembly for nonrecurring emergency expenditures and shall not be appropriated for payment of any collective bargaining agreement or arbitrator's decision negotiated or awarded under chapter 20. However, except as provided in section 8.58, the balance in the cash reserve fund may be used in determining the cash position of the general fund of the state for payment of state obligations.

4. a. Except as provided in subsection 1, an appropriation shall not be made from the cash reserve fund unless the appropriation is in accordance with all of the following:

(1) The appropriation is contained in a bill or joint resolution in which the appropriation is the only subject matter of the bill or joint resolution.

(2) The bill or joint resolution states the reasons the appropriation is necessary.

b. In addition to the requirements of paragraph "a" an appropriation shall not be made from the cash reserve fund which would cause the fund's balance to be less than three percent of the adjusted revenue estimate for the year for which the appropriation is made unless the bill or joint resolution is approved by vote of at least three-fifths of the members of both chambers of the general assembly and is signed by the governor.

Sec. 7. NEW SECTION. 8.57 ANNUAL APPROPRIATION.

1. a. For each fiscal year beginning on or after July 1, 1993, there is appropriated from the general fund of the state an amount to be determined as follows:

(1) If the balance of the cash reserve fund has not yet at any point reached four percent of the adjusted revenue estimate during a budget year, the amount appropriated shall be determined under this subparagraph.

(a) The amount appropriated under this subparagraph is the amount necessary for the cash reserve fund to reach the cash reserve goal percentage of the adjusted revenue estimate for the fiscal year. However, moneys appropriated under this subparagraph shall not exceed more than one percent of the adjusted revenue estimate for the fiscal year.

(b) The "cash reserve goal percentage" for the fiscal year beginning July 1, 1993, is one percent; for the fiscal year beginning July 1, 1994, is two percent; for the fiscal year beginning July 1, 1995, is three percent; for the fiscal year beginning July 1, 1996, is four percent; and for fiscal years beginning on or after July 1, 1997, is five percent.

(2) If at any point in any prior fiscal year the balance of the cash reserve fund reached four percent of the adjusted revenue estimate for that fiscal year, the moneys appropriated under this paragraph for a fiscal year shall be one percent of the adjusted revenue estimate for the fiscal year.

(3) The moneys appropriated under this paragraph shall be credited in equal and proportionate amounts in each quarter of that fiscal year.

b. Commencing June 30, 1993, the surplus existing in the general fund of the state at the conclusion of the fiscal year is appropriated for distribution as provided in this section. As used in this paragraph, "surplus" means the positive ending balance in the general fund, if any.

c. The amount appropriated in this section is not subject to the provisions of section 8.31, relating to quarterly requisitions and allotment, or to section 8.32, relating to conditional availability of appropriations.

2. Moneys appropriated under subsection 1 shall be first credited to the cash reserve fund. To the extent that moneys appropriated under subsection 1 would make the moneys in the cash reserve fund exceed the cash reserve goal percentage of the adjusted revenue estimate for the fiscal year, the moneys are appropriated to the department of management to be spent for the purpose of eliminating Iowa's GAAP deficit. The department of management shall annually file with both houses of the general assembly at the time of the submission of the governor's budget a schedule of the items for which moneys appropriated under this subsection for the purpose of eliminating Iowa's GAAP deficit shall be spent in the fiscal year commencing July 1 following the date of the filing of the report. The schedule shall list each item of expenditure and the maximum dollar amount of moneys to be spent on that item for the fiscal year. If moneys appropriated under this subsection are not enough to pay for all listed expenditures, the department of management shall allocate the payments among the listed expenditure items. Moneys appropriated to the department of management under this subsection shall not be spent on items other than those included in the filed schedule.

3. To the extent that moneys appropriated under subsection 1 exceed the amounts necessary for the cash reserve fund to reach its maximum balance and the amounts necessary to eliminate Iowa's GAAP deficit, the moneys shall be appropriated to the Iowa economic emergency fund.

4. As used in this section, "GAAP" means generally accepted accounting principles as established by the governmental accounting standards board.

Sec. 8. NEW SECTION. 8.58 EXEMPTION FROM AUTOMATIC APPLICATION.

To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund and Iowa economic emergency fund shall not be considered in the application of any formula, index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of the Code notwithstanding.

To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund and Iowa economic emergency fund shall not be considered by an arbitrator or in negotiations under chapter 20.

Sec. 9. NEW SECTION. 8.59 APPROPRIATIONS FREEZE.

Notwithstanding contrary provisions of the Code, the amounts appropriated under the applicable sections of the Code for fiscal years commencing on or after July 1, 1993, are limited to those amounts expended under those sections for the fiscal year commencing July 1, 1992. If an applicable section appropriates moneys to be distributed to different recipients and the operation of this section reduces the total amount to be distributed under the applicable section, the moneys shall be prorated among the recipients. As used in this section, "applicable sections" means the following sections: 53.50, 98.7, 229.35, 230.8, 230.11, 411.20, 425.1, 425.39, 426A.1, 663.44, and 663A.5.

Sec. 10. Section 18.75, subsection 8, Code Supplement 1991, is amended to read as follows:

8. By November 1 of each year supply a report which contains the name, gender, county or city of residence when possible, official title, salary received during the previous fiscal year, base salary as computed on July 1 of the current fiscal year, and traveling and subsistence expense of the personnel of each of the departments, boards, and commissions of the state government except personnel who receive an annual salary of less than one thousand dollars. The number of the personnel and the total amount received by them shall be shown for each department in the report. All employees who have drawn salaries, fees, or expense allowances from more than one department or subdivision shall be listed separately under the proper departmental heading. On the request of the superintendent, the head of each department, board, or commission shall furnish the data covering that agency. The report shall be paid for out of moneys in the general fund not otherwise appropriated. A The report shall be distributed upon request without charge to each member caucus of the general assembly, and the state law library the legislative service bureau, the legislative fiscal bureau, the chief clerk of the house of representatives, and the secretary of the senate. Six copies shall be distributed without charge to the state library and one copy shall be distributed without charge to each library which is designated as a documents depository by the state library. Other persons may purchase a copy for a fee not less than the amount required to print the copy. Copies of the report shall be made available to other persons in both print or electronic medium upon payment of a fee, which shall not exceed the cost of providing the copy of the report. Sections 22.2 through 22.6 apply to the report. All funds from the sale of the report shall be deposited in the general fund.

Sec. 11. Section 20.17, subsection 11, Code Supplement 1991, as amended by Senate File 2216, section 1, is amended to read as follows:

11. a. In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are teachers licensed under chapter 260 and who are employed by a public employer which is a school district or area education agency shall complete the negotiation of a proposed collective bargaining agreement not later than April 15 May 31 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than April 15 May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of April 15 May 31 to ensure that the arbitrators' decision can be reasonably made before April 15 May 31.

b. If the public employer is a community college, the following apply:

(1) The negotiation of a proposed collective bargaining agreement shall be complete not later than June 1 May 31 of the year when the agreement is to become effective, absent the existence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date. The board shall adopt rules providing for a date on which impasse items in such cases must be submitted to binding arbitration and for procedures for the completion of negotiations of proposed collective bargaining agreements not later than June 1 May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of June 1 May 31 to ensure that the arbitrators' decision can be reasonably made by June 1 May 31.

(2) Notwithstanding the provisions of paragraph "a" the June 1 May 31 deadline may be waived by mutual agreement of the parties to the collective bargaining agreement negotiations.

Sec. 12. Section 20.19, Code Supplement 1991, as amended by Senate File 2216, section 2, is amended to read as follows:

20.19 IMPASSE PROCEDURES — AGREEMENT OF PARTIES.

As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter 260, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to April 15 May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to June 1 May 31 of the year when the collective bargaining agreement is to become effective. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 to 20.22 shall apply.

Sec. 13. Section 20.20, Code Supplement 1991, as amended by Senate File 2216, section 3, is amended to read as follows:

20.20 MEDIATION.

In the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget submission date, or one hundred twenty days prior to ~~April 15~~ May 31 of the year when the collective bargaining agreement is to become effective if public employees represented by the employee organization are teachers licensed under chapter 260 and the public employer is a school district or area education agency, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. If the public employer is a community college, and in the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to ~~June 1~~ May 31 of the year when the collective bargaining agreement is to become effective, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Sec. 14. Section 24.17, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The local budgets of the various political subdivisions shall be certified by the chairperson of the certifying board or levying board, as the case may be, in duplicate to the county auditor not later than March 15 of each year ~~unless a city or county holds a special levy election, in which case certification shall not be later than fourteen days following the special levy election~~, on blanks prescribed by the state board, and according to the rules and instruction which shall be furnished all certifying and levying boards in printed form by the state board or city finance committee in the case of cities. However, if a city or county holds a special levy election, the certification shall be not later than fourteen days following the special levy election, and if the political subdivision is a school district, as defined in section 257.2, its budget shall be certified not later than April 15 of each year.

Sec. 15. Section 257.8, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

257.8 STATE PERCENT OF GROWTH — ALLOWABLE GROWTH.

1. STATE PERCENT OF GROWTH. The state percent of growth for a budget year shall be established by statute which shall be enacted within thirty days of the submission in the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

2. ALLOWABLE GROWTH CALCULATION. The department of management shall calculate the regular program allowable growth for a budget year by multiplying the state percent of growth for the budget year by the regular program state cost per pupil for the base year and shall calculate the special education support services allowable growth for the budget year by multiplying the state percent of growth for the budget year by the special education support services state cost per pupil for the base year.

3. COMBINED ALLOWABLE GROWTH. The combined allowable growth per pupil for each school district is the sum of the regular program allowable growth per pupil and the special education support services allowable growth per pupil for the budget year, which may be modified as follows:

a. By the school budget review committee under section 257.31.

b. By the department of management under section 257.36.

Sec. 16. Section 257.20, Code Supplement 1991, is amended to read as follows:
257.20 INSTRUCTIONAL SUPPORT STATE AID APPROPRIATION.

1. In order to determine the amount of instructional support state aid and the amount of local funding for the instructional support program for a district, the department of management shall divide the total assessed valuation in the state by the total budget enrollment for the budget year in the state to determine a state assessed valuation per pupil and shall divide the assessed valuation in each district by the district's budget enrollment for the budget year to determine the district assessed valuation per pupil. The department of management shall multiply the ratio of the state's valuation per pupil to the district's valuation per pupil by twenty-five hundredths and subtract that result from one to determine the portion of the instructional support program budget that is local funding. The remaining portion of the budget shall be funded by instructional support state aid.

2. There is appropriated for each fiscal year from the general fund of the state to the department of education, an amount necessary to pay instructional support state aid as provided in this section determined under subsection 1.

a. However, moneys appropriated under this subsection shall not exceed the amount of moneys appropriated as instructional support state aid for the budget year which commenced on July 1, 1992.

b. If the amount appropriated under this subsection is insufficient to pay the amount of instructional support state aid determined under subsection 1, the department of education shall prorate the amount of the instructional support state aid provided to each district.

3. If the general assembly makes an appropriation for instructional support state aid in lieu of the standing appropriation provided under subsection 2, the appropriation for instructional support state aid shall include in the appropriation the allocation of the instructional support state aid to the school districts applicable for that appropriation and subsections 1 and 2 do not apply to the appropriation.

4. Instructional support state aid shall be paid at the same time and in the same manner as foundation aid is paid under section 257.16.

Sec. 17. Section 273.3, subsection 12, Code 1991, is amended to read as follows:

12. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 to 273.9 and chapter 281 within the limits of funds provided under section 281.9 and chapter 257. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county in the territory of the area education agency in which the principal place of business of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall be not later than February March 1 of each year, the time, and the location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of education, on forms provided by the department, no later than February March 15 preceding the next fiscal year for approval. The state board shall review the proposed budget of each area education agency and shall before March April 1, either grant approval or return the budget without approval with comments of the state board included. An unapproved budget shall be resubmitted to the state board for final approval not later than April 15.

Sec. 18. Section 279.15, subsection 1, Code Supplement 1991, is amended to read as follows:

1. The superintendent or the superintendent's designee shall notify the teacher not later than April 15 ~~30~~ that the superintendent will recommend in writing to the board at a regular or special meeting of the board, held not later than April 30 May 15, that the teacher's continuing contract be terminated effective at the end of the current school year. However, if the district is subject to reorganization under chapter 275, the notification shall not occur until after the first organizational meeting of the board of the newly formed district.

Sec. 19. Section 279.16, unnumbered paragraph 6, Code 1991, as amended by House File 2235, section 1, is amended to read as follows:

If the teacher fails to timely request a private hearing or does not appear at the private hearing, the board may proceed and make a determination upon the superintendent's recommendation; ~~which, if the teacher fails to timely file a request for a private hearing, the determination in that case shall be not later than May 10; or 31. If the teacher fails to appear at the private hearing, the determination shall be~~ not later than five days after the scheduled date for the private hearing; ~~whichever is applicable.~~ The board shall convene in open session and by roll call vote determine the termination or continuance of the teacher's contract.

Sec. 20. Section 279.24, unnumbered paragraphs 3, 5, and 7, Code 1991, as amended by House File 2245, section 1, are amended to read as follows:

Administrators employed in a school district for less than two consecutive years are probationary administrators. However, a school board may waive the probationary period for any administrator who has previously served a probationary period in another school district and the school board may extend the probationary period for an additional year with the consent of the administrator. If a school board determines that it should terminate a probationary administrator's contract, the school board shall notify the administrator not later than April 30 May 15 that the contract will not be renewed beyond the current year. The notice shall be in writing by letter, personally delivered, or mailed by certified mail. The notification shall be complete when received by the administrator. Within ten days after receiving the notice, the administrator may request a private conference with the school board to discuss the reasons for termination. The school board's decision to terminate a probationary administrator's contract shall be final unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the administrator.

On or before April 30 May 15, the administrator shall be notified in writing by a letter personally delivered or mailed by certified mail that the school board has voted to consider termination of the contract. The notification shall be complete when received by the administrator.

Within five days after receipt of the written notice that the school board has voted to consider termination of the contract, the administrator may request in writing to the secretary of the school board that the notification be forwarded to the board of educational examiners along with a request that the board of educational examiners submit a list of five qualified administrative law judges to the parties. Within three days from receipt of the list the parties shall select an administrative law judge by alternately removing a name from the list until only one name remains. The person whose name remains shall be the administrative law judge. The parties shall determine by lot which party shall remove the first name from the list. The hearing shall be held no sooner than ten days and not later than thirty days following the administrator's request unless the parties otherwise agree. If the administrator does not request a hearing, the school board,

not later than May 15 31, may determine the continuance or discontinuance of the contract. School board action shall be by majority roll call vote entered on the minutes of the meeting. Notice of school board action shall be personally delivered or mailed to the administrator.

Sec. 21. Section 279.51, subsection 1, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, the sum of eight million seven hundred thousand dollars. For the fiscal year beginning July 1, 1991, and each succeeding fiscal year, there is appropriated the sum of eleven million two hundred thousand dollars plus an additional amount equal to the state percent of growth as calculated in section 257.8 multiplied by the amount appropriated the previous fiscal year. For each fiscal year beginning on or after July 1, 1993, there is appropriated the sum which was appropriated for the fiscal year commencing July 1, 1992.

Sec. 22. Section 280A.50, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department of education shall provide for the establishment of a staff development account in the office of treasurer of state for purposes of providing moneys to community colleges for staff development. There is appropriated from the general fund of the state to the department of education on July 1 of each fiscal year beginning July 1, 1992 1993, for crediting to the staff development account for each budget year an amount equal to an amount which is five-tenths of one percent of the total state general aid generated under chapter 286A for all community colleges during the base year. In the fiscal years succeeding June 30, 1993, an additional five-tenths of one percent shall be added to the percent multiplier, used to determine the appropriation in this section, until that percent multiplier reaches four percent. Once the percent multiplier has reached the four percent level, it shall remain at that level for purposes of calculating the amount to be appropriated in succeeding fiscal years the sum of six hundred thousand dollars. Moneys appropriated by the general assembly to the department of education for the purpose of the staff development program shall be paid to community colleges upon approval by the department of education of an application submitted by a community college. Funds shall be distributed to a community college based upon the proportion that a college's state general aid paid for the base year bears to the total state general aid paid that year to all community colleges.

Sec. 23. Section 294A.9, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Phase II is established to improve the salaries of teachers. For each fiscal year through the fiscal year beginning on or after July 1, 1990 1992, the department of education shall allocate to each school district for the purpose of implementing phase II a per pupil amount upon which the phase II moneys are based is equal to seventy-five dollars and ninety-three cents multiplied by the district's certified enrollment and to each area education agency for the purpose of implementing phase II a per pupil amount equal to three dollars and fifty-five cents multiplied by the enrollment served in the area education agency. Notwithstanding the per pupil amount of the payments specified in this section, for the fiscal year beginning July 1, 1991, and each succeeding fiscal year, the per pupil amounts upon which the phase II moneys are based shall be increased by an amount equal to the product

of the state percent of growth calculated under section 257.8 and the per pupil amount for the previous fiscal year the per pupil allocation plus supplemental allocations for the immediately preceding fiscal year.

Sec. 24. Section 294A.14, unnumbered paragraph 2, Code 1991, is amended by striking the unnumbered paragraph.

Sec. 25. Section 294A.14, unnumbered paragraph 13, Code 1991, is amended by striking the paragraph and inserting in lieu thereof the following:

For purposes of this section, "comprehensive school transformation" means activities which focus on the improvement of student achievement and the attainment of student achievement goals under sections 280.12 and 280.18. A comprehensive school transformation plan submitted by a school district shall demonstrate the manner in which the components of the plan are integrated with a school's student achievement goals. Components of the plan may include, but are not limited to, providing salary increases to teachers who implement site-based shared decision making, building-based goal-oriented compensation mechanism, or approved innovative educational programs; who focus on student outcomes; who direct accountability for student achievement or accountability for organizational success; and who work to foster relationships between a school and businesses or public agencies which provide health and social services.

Sec. 26. Section 294A.16, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The department of education shall review each plan and its budget and notify the department of management of the names of school districts and area education agencies with approved plans. In considering the approval of a plan submitted by a school district, the department shall give emphasis to plans which include a comprehensive school transformation plan or which include a component which is part of a statewide systemic school transformation initiative. In considering the approval of a plan submitted by an area education agency, the department shall give emphasis to plans which are integrated with and supportive of the comprehensive school transformation plans submitted by the school districts within the area education agency.

Sec. 27. Section 294A.25, subsection 1, Code 1991, is amended to read as follows:

1. For the fiscal year beginning July 1, 1990, there is appropriated from the general fund of the state to the department of education the amount of ninety-two million one hundred thousand eighty-five dollars to be used to improve teacher salaries. For each fiscal year thereafter in the fiscal period commencing July 1, 1991, and ending June 30, 1993, there is appropriated an amount equal to the amount appropriated for the fiscal year beginning July 1, 1990, plus an amount sufficient to pay the costs of the additional funding provided for school districts and area education agencies under sections 294A.9 and 294A.14. For each fiscal year beginning on or after July 1, 1993, there is appropriated the sum which was appropriated for the fiscal year commencing July 1, 1992, including supplemental payments. The moneys shall be distributed as provided in this section.

Sec. 28. Section 421.31, subsection 5, Code 1991, is amended to read as follows:

5. ACCOUNTS. To keep the central budget and proprietary control accounts of the state government in accordance with generally accepted accounting principles. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations, and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income, and expense. For each fiscal year, the financial position and results of operations of the state shall be

reported in a comprehensive annual financial report prepared in accordance with generally accepted accounting principles, as established by the governmental accounting standards board.

Sec. 29. Section 422.69, subsection 3, Code Supplement 1991, is amended by striking the subsection.

Sec. 30. 1986 Iowa Acts, chapter 1245, section 2046, as amended by 1986 Iowa Acts, chapter 1238, section 59, is repealed.

Sec. 31. Section 427B.13, Code Supplement 1991, is repealed.

Sec. 32. The state percent of growth for the school budget year beginning July 1, 1993, computed by the department of management on or before September 15, 1991, is null and void.

Sec. 33. Sections 15, 16, and 32 of this Act take effect July 1, 1992, for purposes of computing state aid to school corporations, area education agencies, and merged area schools for school budget years beginning on or after July 1, 1993. This section and sections 28, 29, and 30 of this Act, being deemed of immediate importance, take effect upon enactment."

2. Title page, line 2, by striking the word "practices" and inserting the following: "practices, providing an appropriation, and providing effective date and applicability provisions".

On the Part of the Senate:

On the Part of the House:

RICHARD VARN, Chairperson
LEONARD L. BOSWELL
MICHAEL E. GRONSTAL
DERRYL MCLAREN
JIM LIND

JACK HATCH, Chairperson
TOM MILLER
PHILIP WISE

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2355

To the President of the Senate and 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 2355, a bill for an Act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5910.
2. That the House recedes from its amendment, S-5644.
3. That Senate File 2355, as amended, passed, and reprinted by the Senate,

is amended as follows:

1. Page 1, by striking line 8 and inserting the following:

" \$ 46,470,000".

2. Page 1, line 28, by inserting after the word "the" the following: "Iowa Self-employed Household Incentive Program (ISHIP)".

3. Page 2, by inserting after line 6 the following:

" — . Notwithstanding section 239.6, the department is not required to

reconsider eligibility of aid to dependent children recipients every six months if a federal waiver is granted."

4. Page 3, by striking line 5 and inserting the following:

" \$ 276,670,000".

5. Page 6, line 7, by inserting after the word "employment" the following: "or be required to significantly reduce hours of employment".

6. Page 7, lines 20 and 21, by striking the words "the medically needy program" and inserting the following: "who are eligible for the medically needy program without a spend down requirement".

7. Page 7, by inserting after line 24, the following:

" ____ . The department of human services shall work cooperatively with the department of elder affairs and the area agencies on aging to expedite and improve the assessment and eligibility determination process used for the medical assistance home and community-based waiver program for the elderly."

8. By striking page 7, line 25 through page 8, line 9 and inserting the following:

" ____ . It is the intent of the general assembly that copayments shall not be charged to recipients for services which are mandatory under federal requirements for the medical assistance program.

____ . The department shall actively pursue the potential to fund child welfare services under the early and periodic screening, diagnosis, and treatment (EPSDT) option of the medical assistance program. If the funding is implemented, the department may transfer moneys appropriated in this Act for foster care or home-based services as necessary to pay the nonfederal costs of services reimbursed under EPSDT which are provided to children who would otherwise receive services paid under those appropriations. The department may adopt emergency rules to implement the provisions of this subsection.

____ . Except as otherwise provided in the appropriation made in this Act for mental health, mental retardation, and developmental disabilities services provided under medical assistance, if a medical assistance recipient is receiving care which is reimbursed under a federally approved home and community-based services waiver but would otherwise be approved for care in an intermediate care facility for the mentally retarded, the recipient's county of legal settlement shall reimburse the department on a monthly basis for the portion of the recipient's cost of care which is not paid from federal funds.

____ . The department shall develop program standards, admission criteria, and reimbursement rates which are consistent with the day treatment needs of children and adolescents with severe psychiatric and behavioral disorders. The department may adopt emergency rules to implement the provisions of this subsection."

9. Page 8, by inserting before line 10 the following:

" ____ . Administrative rules adopted by the department establishing intermediate care facility for the mentally retarded (ICFMR) standards relating to family scale and size, location, and community inclusion, including, but not limited to, rules adopted pursuant to 1991 Iowa Acts, chapter 267, section 103, subsection 5, and Senate File 2311, as enacted by the Seventy-fourth General Assembly, 1992 Session, shall not prohibit any ICFMR, with eight beds or less."

10. Page 8, by striking line 16 and inserting the following:

" \$ 4,830,000".

11. Page 8, by striking line 26 and inserting the following:

" \$ 19,040,000".

12. Page 9, line 15, by inserting after the word "income." the following: "The department shall adopt emergency rules to implement the provisions of this subsection."

13. Page 9, by inserting after line 15, the following:

" ____ . In determining the amount of state supplementary assistance provided to a resident of a licensed residential care facility which has a "Section 8" program contract with the United States department of housing and urban development, the moneys which the resident must pay under the "Section 8" program shall not be considered as income."

14. Page 10, by striking line 1 and inserting the following:

" \$ 7,460,000".

15. Page 10, line 6, by striking the figure "2,294,060" and inserting the following: "2,293,412".

16. Page 11, line 27, by inserting after the word "centers." the following: "However, any reimbursement increase provided under this subsection shall not cause the provider's reimbursement rate to exceed the provider's actual and allowable cost plus the inflationary increase authorized in the section of this Act relating to provider reimbursement. The department may adopt emergency rules to implement the provisions of this subsection."

17. Page 12, line 14, by inserting after the word "home" the following: "or adult day care".

18. Page 12, by striking line 29 and inserting the following:

" \$ 4,960,000".

19. Page 12, line 30, by striking the figure "4,076,896" and inserting the following: "4,050,701".

20. Page 13, line 18, by striking the words "may be used either" and inserting the following: "shall be used".

21. Page 13, line 24, by striking the word "renew" and inserting the following: "increase".

22. Page 13, line 25, by striking the words "an annual" and inserting the following: "the fiscal year 1991-1992".

23. Page 14, by striking line 9 and inserting the following:

" \$ 3,750,000".

24. Page 14, by striking lines 17 through 25 and inserting the following: "employees together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level. If the director adds additional employees, the".

25. Page 15, line 6, by inserting after the word "bureau." the following: "If a statute enacted by the Seventy-fourth General Assembly, 1992 Session, authorizes the department to charge an annual cost recovery fee to nonpublic assistance users of child support recovery services, the fee may be deducted from support paid in fiscal year 1992-1993, unless the user elects to pay the fee directly. The department shall continue to provide child support recovery services to persons who were notified during fiscal year 1991-1992 that services would not be continued if an annual cost recovery fee was not paid."

26. Page 16, by striking line 7 and inserting the following:

" \$ 11,810,000".

27. Page 16, by striking line 12 and inserting the following:

" \$ 4,340,000".

28. Page 16, by striking line 17 and inserting the following:

" \$ 7,470,000".

29. Page 18, by striking lines 12 through 15 and inserting the following:

" ____ . Monitor the efforts of the regional out-of-state placement committees, as established in House File 2480, if enacted by the Seventy-fourth General Assembly, 1992 Session, to reduce out-of-state placements by 25 percent by June 30, 1994."

30. Page 18, by inserting before line 16 the following:

" ____ . Investigate the efforts used by other states to return children who have been placed out-of-state, including any training programs.

____ . Investigate the potential of using funding currently expended for children placed out-of-state as matching funding for services in this state in order to retain those children in this state.

____ . Investigate the potential of using medical assistance funding available under section 1915a of the federal Social Security Act in decategorization counties as a model for developing a flexible financing system."

31. Page 18, lines 18 and 19 by striking the words "children, youth, and families" and inserting the following: "adult, children, and family services".

32. Page 18, by striking lines 23 through 27 and inserting the following:

" ____ . A juvenile court judge or referee appointed by the chief justice.

____ . A juvenile court officer appointed by the chief justice."

33. Page 19, by inserting after line 8 the following:

" ____ . A member of the general assembly appointed by the legislative council."

34. Page 20, by striking line 4 and inserting the following:

" \$ 47,520,000

____ . a. For fiscal year 1992-1993, the statewide target, as provided for in section 232.143, if enacted in House File 2480 by the Seventy-fourth General Assembly, 1992 Session, for the average number of children placed in group foster care in any day of the fiscal year which are a charge upon or are paid for by the state, shall be 1,405. The department may adopt emergency rules in order to implement the provisions of this subsection on July 1, 1992.

b. If section 232.143 is enacted, in each quarter of the fiscal year, the department shall compare the actual number of group foster care placements in a region and the targets allocated to the region for that quarter. The department shall develop a methodology to provide, within the funds allocated in this subsection, fiscal incentives to regions which have reduced the number or length of group foster care placements below the targeted levels. The fiscal incentives shall be used by a region to maintain or further the region's reduction in the number or length of group foster care placements.

c. The department shall report quarterly to the legislative fiscal bureau concerning the status of each region's efforts to limit the number of group foster care placements in accordance with the regional plan established pursuant to section 232.143.

d. It is the intent of the general assembly that the average reimbursement rates paid for placement of children out-of-state shall not exceed the maximum reimbursement rate paid to providers in this state."

35. Page 20, line 11, by striking the word and figures "October 1, 1992" and inserting the following: "April 1, 1993".

36. Page 20, by striking lines 23 through 33.

37. Page 21, line 8, by inserting after the figure "1991-1992." the following: "The department may adopt emergency rules relating to program standards for

therapeutic foster care.”

38. Page 21, line 15, by inserting after the word “adoption” the following: “and foster care”.

39. Page 21, line 16, by striking the figure “150,000” and inserting the following: “104,625”.

40. Page 22, line 11, by striking the words “services and notwithstanding” and inserting the following: “services. Notwithstanding”.

41. Page 23, line 6, by striking the words “due to” and inserting the following: “in excess of the amount budgeted for”.

42. Page 23, line 10, by inserting after the figure “7.” the following: “Notwithstanding any provision of law to the contrary, any state funding identified as saved in excess of the amount budgeted for the federal financial participation shall be considered encumbered, for the purposes of this subsection, at the time of identification.”

43. By striking page 23, line 11, through page 24, line 2 and inserting the following:

“ — . The department shall draw from the reasonable efforts model court project in continuing training seminars for child welfare practitioners”.

44. Page 24, line 16, by striking the figure “80,000” and inserting the following: “63,160”.

45. Page 24, line 29, by striking the word “system” and inserting the following: “department”.

46. Page 25, by striking lines 1 through 3 and inserting the following: “may use up to \$110,530 of the funds appropriated in this section.

— . The department shall allocate up to \$1,050,000 of the funds appropriated in this section among the department’s regions to be used for wrap-around services. The moneys shall be used by each region to reduce the number or length of group foster care placements ordered by that region. For the purposes of this subsection, “wrap-around services” means coordinated, highly individualized, and community-based services directed to the basic human needs of a child and child’s family which are developed and approved by an interdisciplinary team and focused upon the strengths of the child and the child’s family. The department may transfer funds allocated in this subsection in addition to other funds appropriated in this Act that are used to provide wrap-around services. The department may adopt emergency rules to implement the provisions of this subsection.

— . Of the funds appropriated in this section, up to \$1,000,000 is allocated for continued foster care services to a child who is 18 years of age or older in accordance with the provisions of section 234.35, subsection 4, paragraph “c” if enacted in House File 2480 by the Seventy-fourth General Assembly, 1992 Session. The department shall distribute the moneys allocated in this subsection to the departmental regions based on each region’s proportion of the total number of children placed in foster care on March 31, 1992, who, during the fiscal year beginning July 1, 1992, would no longer be eligible for foster care due to age. The department may adopt emergency rules to implement the provisions of this subsection.

— . The provisions of this section constitute a significant change in state policy involving child welfare. In order to determine whether the change in policy has the intended effect and to provide information for future decision making, adequate information is required. During the fiscal period of this appropriation, the department shall track those out-of-home placements of children in which

the state or a county is financially involved. The department, in coordination with the legislative fiscal bureau and the judicial department, shall develop a system for providing the tracking information. The tracking information shall be provided in a manner by which it can be determined whether the limitations on group foster care enacted by the Seventy-fourth General Assembly, 1992 Session, have resulted in increased use of out-of-home placements of children other than group foster care. The tracking information shall be submitted quarterly to the governor, the chairpersons and ranking members of the joint human services appropriations subcommittee, and the legislative fiscal bureau and shall include all of the following information for each departmental region:

a. The number of placements of children within each of the following age ranges: 0 through 5; 6 through 10; 11 through 15; and 16 through 21.

b. The number of children placed in each of the following: family foster care, residential foster care, state training school, Iowa juvenile home, psychiatric medical institutions for children (PMICs), residential substance abuse treatment programs, hospitals for acute psychiatric care, state mental health institutes, shelter care, juvenile detention, adult correctional facilities, state hospital-schools, intermediate care facilities for the mentally retarded (ICF/MR), residential care facilities for the mentally retarded (RCF/MR).

_____. Notwithstanding section 232.142, subsection 3, the financial aid paid by the state shall be limited to 0.5 percent of the total cost of the establishment, improvements, operation, and maintenance of a county or multicounty juvenile detention home."

47. Page 25, line 10, by striking the words "The contractor must be" and inserting the following: "In selecting a vendor, the department shall give preference to a vendor who is".

48. Page 25, line 16, by inserting after the word "benefits." the following: "Notwithstanding section 217.30 and section 232.2, subsection 11, and any other provision of law to the contrary, the custodian of a child in foster care may release medical, mental health, substance abuse, or any other information necessary only to determine the child's eligibility for SSI benefits, and may sign releases for the information. In any release of information made pursuant to this subsection, confidentiality shall be maintained to the maximum extent possible."

49. Page 26, line 23, by inserting after the word "section." the following: "The department may adopt emergency rules to implement the provisions of this paragraph.

_____. Of the funds appropriated in this section, up to \$3,027,717 shall be used for family-centered services for families with children with mental retardation or other developmental disability who would otherwise be placed in group foster care or are currently placed in group foster care. The department may adopt emergency rules to implement the provisions of this subsection."

50. Page 25, by striking line 28 and inserting the following:
"..... \$ 22,530,000".

51. Page 26, line 29, by inserting after the word "programs," the following: "on the condition that family planning services are funded,".

52. Page 26, by striking line 32 and inserting the following:
"..... \$ 1,620,000".

53. Page 29, by striking line 15 and inserting the following:
"..... \$ 3,990,000".

54. Page 29, line 26, by inserting after the word "law." the following:

"Reimbursement rates for providers of court-ordered evaluation and treatment services paid under section 232.141, subsection 4, shall be negotiated with providers by each judicial district's planning group."

55. Page 32, by striking line 25 and inserting the following:

" \$ 26,510,000".

56. Page 33, line 7, by inserting after the word "may" the following: "expend the excess amounts to".

57. Page 33, line 14, by striking the words "appropriated in this section" and inserting the following: "reimbursed to the Iowa veterans home pursuant to paragraph "a"".

58. Page 33, by inserting after line 19 the following:

"c. The first \$2,372,481 of reimbursements received from a source other than the state, as a result of the Iowa veterans home reclassifying 147 beds under the medical assistance program and opening previously closed beds, shall be retained by the home and used for costs associated with the reclassification and reopening of the beds. The moneys retained by the home pursuant to this paragraph are in addition to state funds appropriated to the home in this section."

59. Page 33, by striking line 29 and inserting the following:

" \$ 41,860,000".

60. Page 33, by striking line 34 and inserting the following:

" \$ 14,690,000".

61. Page 34, by striking line 2 and inserting the following:

" \$ 5,660,000".

62. Page 34, by striking line 5 and inserting the following:

" \$ 16,500,000".

63. Page 34, by striking line 8 and inserting the following:

" \$ 5,010,000".

64. Page 34, by inserting after line 19 the following:

" ____ . As part of the discharge planning process at the state mental health institutes, the department shall provide assistance in obtaining eligibility for federal supplemental security income (SSI) to those individuals whose care at a state mental health institute is the financial responsibility of the state."

65. Page 34, by striking line 28 and inserting the following:

" \$ 64,260,000".

66. Page 34, by striking line 33 and inserting the following:

" \$ 34,680,000".

67. Page 35, by striking line 1 and inserting the following:

" \$ 29,580,000".

68. Page 36, by striking line 20 and inserting the following:

" \$ 1,000,000".

69. By striking page 37, line 6 through page 38, line 6, and inserting the following:

"Sec. ____ . MH/MR/DD STATE CASES — NON-MH/MR/DD LOCAL PURCHASES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purchase of local mental health, mental retardation, and developmental disabilities services where the client has no established county of legal settlement and for allocation to the various counties for the purchase of local services not related to mental health, mental retardation, or developmental disabilities:

..... \$ 4,980,000".

70. Page 38, line 8, by inserting after the word "DISABILITIES" the following: "**— BRAIN INJURY —**".

71. Page 38, lines 14 and 15, by striking the words "and developmental disabilities" and inserting the following: "developmental disabilities, and brain injury".

72. Page 38, by striking line 17 and inserting the following:

" \$ 27,280,000".

73. Page 38, line 18, by striking the figure "10,336,168" and inserting the following: "12,278,889".

74. Page 38, lines 20 and 21, by striking the words "and developmental disabilities" and inserting the following: "developmental disabilities, and brain injury".

75. By striking page 38, line 29 through page 39, line 1, and inserting the following:

"A county shall utilize the funding the county receives pursuant to this subsection for services provided to persons with mental illness, mental retardation, developmental disability, or brain injury. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations."

76. Page 39, line 5, by striking the word "or".

77. Page 39, line 6, by striking the word "illness" and inserting the following: "disability, or brain injury".

78. Page 39, line 22, by striking the word "residents" and inserting the following: "individuals".

79. Page 39, line 24, by striking the words "residents and residents" and inserting the following: "individuals and individuals".

80. Page 39, line 24, by striking the word "a" and inserting the following: "an".

81. Page 39, by striking line 25 and inserting the following: "individual is living with the individual's family. The support".

82. Page 39, line 27, by striking the words "a resident" and inserting the following: "an individual".

83. Page 39, line 33, by striking the word "residents" and inserting the following: "individuals".

84. Page 39, line 35, by striking the word "resident's" and inserting the following: "individual's".

85. Page 40, by inserting after line 13 the following:

"4. a. Provision of funding under subsection 1 is contingent upon counties establishing mental illness, mental retardation, developmental disabilities, and brain injury (MI/MR/DD/BI) planning councils. The counties shall meet in consultation with service providers, consumers, and advocates, the department, and other interested parties in establishing the planning councils. A planning council's planning area shall, to the extent possible, utilize the borders of the county clusters as established pursuant to section 217.42, if enacted in Senate File 2342, and shall include a population of at least 40,000 and include counties with a historical pattern of cooperation in providing MI/MR/DD/BI services. The councils shall be established on or before September 1, 1992.

b. The membership of a planning council shall include a member of the county board of supervisors of each county comprising the planning council and a sufficient number of members of service consumers to provide for adequate representation of the providers and consumers or family members. The board of supervisors

of the counties comprising the planning council shall determine the size and membership of the planning council.

c. If a county does not establish a planning council arrangement by September 1, 1992, in accordance with the criteria provided in paragraph "b" the department shall assign that county to a planning council.

d. A planning council shall develop plans for the provision of services in the fiscal year beginning July 1, 1993, to persons with MI/MR/DD/BI in the county or counties comprising the planning council. The plans shall be submitted to the department on or before December 1, 1992.

5. Of the funds appropriated in this section, \$20,000, or so much thereof as is necessary, shall be transferred to the legislative service bureau and used to contract for the consultant and facilitator required for the task force established in section 100 of this Act.

6. Of the funds appropriated in this section, \$1,912,335, or so much thereof as is necessary, is allocated to reimburse eligible counties for their expenditures for services provided to persons with mental retardation, a developmental disability, or chronic mental illness during the fiscal year beginning July 1, 1991, and ending June 30, 1992, in accordance with the provisions of section 27, subsection 5 of this Act.

7. a. Of the funds appropriated in this section, \$13,038,776 is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with eligibility guidelines established in the department's rules outlining general provisions for service administration. Services eligible for payment with funds allocated in this subsection are limited to any of the following which are provided in accordance with the department's administrative rules for the services: community supervised apartment living arrangements, residential services for adults, sheltered work, supported employment, supported work training, transportation, and work activity.

c. In purchasing services with funds allocated in this subsection, a county shall designate a person to provide for eligibility determination and development of a case plan for individuals for whom the services are purchased. The designated person shall be a medical assistance case manager serving the person's county of residence. If an individual does not have a case manager, the individual's eligibility shall be determined by a social services caseworker of the department serving the individual's county of residence. The case plan shall be developed in accordance with the department's rules outlining general provisions for service administration.

d. Services purchased with funds allocated in this subsection must be the result of a referral by the person who identified the services in developing the individual's case plan.

e. Services purchased with funds allocated in this subsection must be under a purchase of service contract established in accordance with the department's administrative rules for purchase of service.

f. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase services under the federal social services block grant in the fiscal year beginning July 1, 1991.

g. Each county shall submit to the department a plan for funding of the services eligible for payment under this subsection. The plan may provide for allocation of the funds for one or more of the eligible services. The plan shall identify the funding amount the county allocates for each service and the time period for which the funding will be available. Only those services which have funding allocated in the plan are eligible for payment with funds provided in this subsection.

h. A county shall provide advance notice to the individual receiving services, the service provider, and the person responsible for developing the case plan of the date the county determines that funding will no longer be available for a service.

i. Moneys allocated to a county pursuant to paragraph "f" shall be provided to the county as claims are submitted to the state.

j. The moneys provided under this subsection do not establish an entitlement to the services funded under this subsection.

Sec. 100. TASK FORCE ESTABLISHED.

1. For the fiscal year beginning July 1, 1992, there is established a task force to develop a plan for restructuring the service delivery system for persons with mental illness, mental retardation and other developmental disabilities, and brain injury. The task force shall consist of individuals appointed by all of the following entities:

- a. Iowa state association of counties.
- b. Iowa association of rehabilitation and residential facilities.
- c. Alliance for the mentally ill of Iowa.
- d. Association for retarded citizens of Iowa.
- e. Community mental health centers association of Iowa.
- f. Iowa governor's planning council for persons with developmental disabilities.
- g. Iowa farm bureau federation.
- h. Iowa federation of labor.
- i. Iowa association of business and industry.
- j. Iowa citizen action network.
- k. Iowa psychiatric society.
- l. Iowa hospital association.
- m. Department of human services.
- n. Iowa coalition.
- o. Iowa protection and advocacy service.
- p. Coalition for persons with disabilities.
- q. Prevention of disabilities policy council.
- r. Iowa head-injury association.
- s. Department of management.
- t. Governor.
- u. A member of the senate appointed by the legislative council.
- v. A member of the house of representatives appointed by the legislative council.

2. The task force shall present a plan to the legislative council, the department of human services, and the governor, by December 1, 1992, which will implement a restructuring of the mental health, mental retardation, and developmental disabilities service system to be effective July 1, 1993. However, the funding portion of the plan referred to in paragraph "b" of this subsection is to be effective July

1, 1994. The plan shall address, but not be limited to, all of the following:

a. Multi-county structures for planning.

b. The funding responsibilities and the funding relationship between the state and counties, including but not limited to, the per diem reimbursement paid at the state mental health institutes.

c. The structure for service delivery.

d. Targeting services for state funding which are aimed at implementing the service quality standards in section 225C.28A and rights in section 225C.28B.

The task force shall be assisted by a consultant and facilitator in carrying out its responsibilities under this section.

3. It is the intent of the general assembly that the plan developed by the task force created in this section shall be considered for enactment during the 1994 Legislative Session."

86. Page 40, line 22, by striking the words "counties, including" and inserting the following: "counties:"

87. Page 40, by striking lines 23 through 25 and inserting the following:

" \$ 2,860,000".

88. Page 41, line 5, by inserting after the word "and" the following: "100 percent of the nonfederal share"

89. Page 41, by striking lines 11 through 16 and inserting the following: "illness. The state shall have responsibility for the remaining 50 percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization. For persons without a county of legal settlement, the state shall have responsibility for 100 percent of the nonfederal share of the cost of case management provided to adults, day treatment, partial hospitalization, and the home and community-based waiver services."

90. Page 44, line 8, by striking the word "division" and inserting the following: "Act".

91. Page 45, by striking lines 16 and 17 and inserting the following:

" \$ 37,840,000

..... FTEs 2,180.50".

92. Page 48, by striking lines 3 and 4 and inserting the following:

" \$ 8,710,000

..... FTEs 359.01".

93. Page 49, by inserting after line 33 the following:

"The department shall complete all of the following requirements relating to implementation of the X-PERT system:

1. Complete an assessment of the relative appropriateness and cost-effectiveness of the various options for developing the X-PERT system. The assessment shall include an evaluation of the relative merits of using various computer hardware platforms including, but not limited to, mainframe computers, distributed processing, and personal microcomputers. The department shall utilize experts and resources from the private sector and shall ensure that the assessment is independent of influence from potential system vendors. The department shall report to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau no later than October 1, 1992.

2. Complete a detailed work plan for the development, testing, pilot implementation, and full implementation of the X-PERT system by August 1, 1994. The work plan shall contain an assessment of the fiscal and staff resources

required to meet this time frame and the availability of these resources. The work plan shall be completed on or before September 1, 1992.

3. Develop, in cooperation with the legislative fiscal bureau, a methodology for measuring costs and savings resulting from the development and implementation of the X-PERT system. The methodology shall provide for separate measurement of both actual reductions in expenditures and avoidance of increased expenditures. The department shall implement the methodology during the development of the system and shall report quarterly regarding implementation of the methodology to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau."

94. Page 51, by inserting after line 6 the following:

" ____ . Federally qualified health centers shall be reimbursed at 100 percent of reasonable costs as determined by the department in accordance with federal requirements.

____ . The department shall review and utilize small area analysis to identify differences in utilization of physician and hospital services. Within funds appropriated, the department shall seek to revise reimbursement methodologies for providers and shall seek to equalize reimbursement rates between providers. In addition, the department shall identify incentives to reward efficient, effective, and quality care."

95. Page 52, by inserting after line 3 the following:

" ____ . For the fiscal year beginning July 1, 1992, the maximum reimbursement rates for social service providers other than child day care providers shall be the same as the rates in effect on June 30, 1991, except under any of the following circumstances:

a. If a new service was added after June 30, 1991, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

____ . The department may adopt emergency rules to implement the provisions of this section."

96. Page 52, by striking lines 4 through 21.

97. Page 53, by inserting after line 12 the following:

"Sec. ____ . MEDICAL ASSISTANCE STUDY. The department of management shall utilize a task force to perform a study of the medical assistance program. The study parameters shall include but are not limited to reimbursement rates, accuracy and improvement of fiscal projections, scope of covered services, cost containment provisions, relative growth of the program, and the relationship with other health coverages. The task force membership shall include consumers, service providers, affected governmental agencies, and four legislators appointed by the majority and minority leader of the senate and the speaker and minority leader of the house of representatives. The study findings and recommendations shall be submitted to the governor and the general assembly on or before January 1, 1993.

Sec. ____ . HEALTH DATA COMMISSION STUDY. The health data commission shall study the feasibility of creating an electronic network to transmit all claims payable to third-party payors and the feasibility of using this data

transmission network to establish a statewide health data repository. The commission shall submit a report of the findings of the study to the general assembly by January 1, 1993."

98. Page 54, by inserting after line 4, the following:

"Sec. 201. FAMILY PLANNING — REPRODUCTIVE HEALTH SERVICES INTEGRATION WITH SUBSTANCE ABUSE PROGRAMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For the provision of family planning services to eligible women as specified in this subsection:

..... \$ 350,000

To be eligible for family planning services under this subsection, the following criteria apply: the woman has an income which is equal to or less than 185 percent of the federal poverty level as defined by the most recently published guidelines issued by the United States department of health and human services; the woman was receiving medical assistance at the time the child was born; the woman is no longer eligible for medical assistance; and the woman is not covered by health insurance for family planning services. The family planning services shall be provided for not more than 12 months from the date of expiration of an eligible woman's postpartum medical assistance coverage. The department shall include information concerning the availability of the family planning services at the time the department notifies a recipient that her 60 days of postpartum medical assistance coverage will expire. The department may adopt emergency rules to implement the provisions of this subsection.

2. For the use of the Iowa department of public health, division of substance abuse and health promotion, for the integration of reproductive health services with substance abuse programs:

..... \$ 100,000

To be eligible for funding under this subsection, a program shall be a residential treatment provider which provides services to a large number of women of childbearing age.

3. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for services in accordance with the provisions of this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

Sec. 202. MEDICAL ASSISTANCE — ENHANCED SERVICES FOR HIGH-RISK PREGNANCIES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

1. For provider costs to perform risk assessments for pregnant women eligible for medical assistance:

..... \$ 71,000

2. For medical assistance costs to provide enhanced services for high-risk pregnancies in accordance with this section:

..... \$ 72,000

The department of human services and the Iowa department of public health shall jointly develop risk assessment criteria which shall be applied to all pregnant

women eligible for medical assistance. If a pregnant woman is determined to have a high-risk pregnancy by use of the risk assessment, enhanced services shall be made available to the woman. Enhanced services shall include care coordination, health education, social services, nutrition education, and a postpartum home visit. The department of human services may adopt emergency rules to implement the provisions of this section.

Sec. 203. INFANT MORTALITY AND MORBIDITY PREVENTION PILOT PROJECT. The Iowa department of public health shall award grants to establish an infant mortality and morbidity prevention pilot project beginning October 1, 1992, and ending June 30, 1995, in the designated areas of Polk, Scott, and Woodbury counties. The recipient of a grant shall establish a resource mothers program or coordinate existing resource mothers programs in the targeted areas and shall do all of the following:

1. Identify barriers to positive birth outcomes and encourage cooperation in the targeted area to reduce infant mortality and morbidity.
2. Develop an inventory of existing community resources, including both public and private organizations, which are designed to reduce infant mortality.
3. Collaborate with local chambers of commerce, businesses, and civic organizations, including both public and private organizations, to establish a coupon bonus program for pregnant women residing in the targeted area to encourage the pregnant women to seek prenatal care and to encourage mothers of children through one year of age to utilize the early and periodic screening, diagnosis, and treatment program. The coupon bonus program shall provide for the validation of coupons by health care providers, following the provision of prenatal care or care provided to a child through one year of age, which may be exchanged for the provision of goods or services by sponsors within the community.

Sec. 204. PRENATAL TO PRESCHOOL FAMILY AND CHILD PROTECTION SERVICES PROGRAM.

1. The Iowa department of public health shall develop a program for the awarding of a grant to a statewide child abuse prevention organization for the development and implementation of the prenatal to preschool family and child protection services program to be implemented beginning October 1, 1992, and ending October 1, 1995, in at least three urban and three rural counties, three of which shall be coordinated with the existing infant mortality and morbidity programs in Polk, Scott, and Woodbury counties, and all of which shall be implemented through the use of existing nonprofit home health programs. The department shall make a request for proposals application available to any organization requesting an application by August 1, 1992, and shall require the completed application to be returned to the department by September 1, 1992.

2. The department shall adopt rules which establish the criteria for the awarding of a grant to an applicant. The criteria shall include but are not limited to the required match of one dollar provided by the organization for each two dollars provided by the state.

3. A grant recipient shall do all of the following:
- a. Implement the proposed program by October 1, 1992.
 - b. Coordinate the program with the infant mortality and morbidity prevention programs in existence in Polk, Scott, and Woodbury counties.
 - c. To the maximum extent possible, utilize existing programs and services necessary for implementation of the program.
 - d. Utilize nonprofit home health programs in the development and

implementation of the program.

4. The Iowa department of public health shall submit an evaluation of the program, by January 15, annually, to the governor and the general assembly.

Sec. 205. APPROPRIATION — INFANT MORTALITY AND MORBIDITY — HEALTHY FAMILY PROGRAM. There is appropriated from the general fund of the state to the Iowa department of public health, for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, for the purposes designated:

..... \$ 665,000

1. Of the moneys appropriated in this section, not more than \$165,000 shall be used to award grants to establish infant mortality and morbidity prevention pilot projects in Polk, Scott, and Woodbury counties in the areas designated by the Iowa department of public health as areas with the highest infant mortality rates. Of the amount appropriated, not more than 15 percent shall be used for administrative expenses.

2. Of the moneys appropriated in this section, not more than \$335,000 shall be used to award a grant to a statewide child abuse prevention organization for the development and implementation of the prenatal to preschool family and child protection services program to be implemented beginning October 1, 1992.

3. Of the moneys appropriated in this section, not more than \$25,000 shall be used for departmental staff support of a multidisciplinary team conducting research concerning the causes of individual infant deaths in the state. Funding of the multidisciplinary team concerning an individual case shall be used solely for research purposes.

4. Of the moneys appropriated under this section, not more than \$140,000 shall be used to increase the use of mid-level practitioners to improve access to prenatal health care. The funds shall be used to issue three grants in equal amounts to hospitals, public health programs, or maternal health clinics to develop programs to provide services to pregnant women, utilizing nurse midwives with hospital privileges and physician support, in areas of the state with insufficient availability of obstetrical services.

Sec. 206. IOWA CENTER FOR HEALTH ISSUES — ESTABLISHED. There is appropriated from moneys collected by the division of insurance pursuant to section 505.7, subsection 3, from the amount collected in excess of \$310,815, to the division of insurance for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For the awarding of a grant, by the division, to a private institution to establish a center for use as a forum for the purposes of community discussion and consensus building, public education, and research in the area of health care and health-related issues, particularly in the area of ethical decision making:

..... \$ 75,000

Criteria for the awarding of a grant includes but is not limited to:

1. That the recipient be a private institution which is centrally located in the state, which does not directly provide medical or health services, and which has developed credibility among the health care and business community.

2. That the institution is able to draw from a variety of disciplines including but not limited to the health services, law, sociology, insurance, economics, education, and public administration in carrying out the purpose of the center.

3. That the institution provide physical space for the holding of meetings, forums,

and other activities of the center, and that the institution be capable of holding meetings, forums, and other activities throughout the state.

4. That the institution provide or develop independent funding, in an amount which is one dollar for every state dollar provided, from sources including but not limited to private contributions or federal funding.

The grant recipient shall cooperate with the division in establishing the center. The division shall perform ongoing evaluation of the activities of the center and shall make recommendations to the grant recipient regarding improved effectiveness of the activities of the center.

Sec. 207. VERIFICATION OF SPENDING REDUCTIONS. The department of human services, the Iowa department of public health, and the commissioner of insurance, shall submit reports to the governor and the general assembly by January 15, 1993, regarding the effectiveness or proposed effectiveness of the initiatives established in sections 201 through 206 and 208 of this Act in reducing health care costs.

Sec. 208. NEW SECTION. 135.106 IOWA HEALTHY FAMILY PROGRAM — ESTABLISHED.

1. The Iowa department of public health shall establish an Iowa healthy family program to provide services to families and children during the prenatal through preschool years. The program shall be designed to promote optimal child development, improve family coping skills and functioning, and promote positive parenting skills and intrafamilial interaction, with the goal of prevention of child abuse and neglect.

2. The program shall include the following components which shall be developed and implemented to provide for coordination of services to the greatest extent possible:

a. An infant mortality and morbidity prevention program.

b. A prenatal to preschool family and child protection services program.

3. The infant mortality and morbidity prevention program shall include, but is not limited to, the following components:

a. The establishment of pilot projects, through the awarding of grants, in three counties of the state which have areas with the state's highest infant mortality rates, to identify barriers to positive birth outcomes, to encourage collaboration and cooperation among providers of health care, social services, and other services to pregnant women and infants, and to encourage pregnant women and women of childbearing years to seek health care and other services which result in positive birth outcomes.

b. The establishment of a resource mothers program to provide pregnant and postpartum women with individual guidance, information, and access to health care. As used in this section, "resource mothers program" means a community outreach program which provides for home visits by women who have experience as mothers and who have knowledge of health care services, social services, or related fields of services and who provide pregnant and postpartum women with information and access to health care and other services necessary for positive birth outcomes.

4. The prenatal to preschool family and child protection services program shall be developed and implemented by the recipient of a grant awarded by the department and shall include but is not limited to all of the following components:

a. Systematic hospital-based screening for the highest percent of high-risk families of newborns in specific geographic areas. The systematic hospital-based

screening component shall provide that a resource mother identifies hospital admissions data for childbirths to determine high-risk families, based upon risk indicators developed by rule of the department. The woman who is a member of a family which is identified to be at high-risk shall be interviewed by the resource mother to encourage the woman to accept services including but not limited to home visits, support services, and instruction in child care and development.

b. Community-based home visiting family support services. Following identification of a family as high-risk and acceptance of a family of services under the program, the resource mother shall initiate home visits to assess the needs of the family and to refer the family to appropriate services.

c. Individualization of the intensity of services based upon the family's need and level of risk. The resource mother shall assess the specific needs of the participating family to ensure appropriate access to services and necessary frequency of services.

d. Linkage to a "medical home". The resource mother shall assist participating families in the selection of a primary care provider in order to promote preventive health care and positive child development. The resource mother assigned to a family shall track the scheduling and completion of and the provision of transportation to health care visits. The resource mother shall also review the results of health care visits and coordinate future visits or referrals to necessary services.

e. Coordination of a range of health and social services for at-risk families, including the provision of the appropriate levels or types of immunizations to children participating in the program.

f. Continuous follow-up with the family until the identified child reaches age three, except in the case of high-risk families in which case the follow-up shall continue to age four.

g. A structured training program in the dynamics of abuse and neglect. The grant recipient shall provide a training program to establish uniform standards for service delivery.

h. Provision of crisis child care through utilization of existing child care services to participants in the program.

i. Evaluation of the program, including an evaluation of the effects on the reduction in risk factors for the participants, an evaluation of the services provided, and recommendations for changes in or expansion of the program.

j. To the extent possible, private party, third party, and medical assistance including the early and periodic screening, diagnosis, and treatment (EPSDT) program, shall be utilized as a reimbursement to defray the costs of services provided.

5. The department shall adopt rules to establish and implement the healthy family program which address all of the following:

a. The entering of an interagency agreement with the department of human services by which the department may refer a family at high-risk, based upon reports to the department of human services, of the need for services.

b. The criteria for the awarding of a grant for the development and implementation of the infant mortality and morbidity prevention pilot program and for the development and implementation of the prenatal to preschool family and child protection services program.

c. The components required of a grant applicant for inclusion in an infant mortality and morbidity prevention pilot program proposal and in a prenatal to

preschool family and child protection services program proposal.

d. Establishment of risk indicators to be used in the systematic hospital-based screening component of the prenatal to preschool family and child protection services program.

e. Designation of the areas of the counties selected for implementation of the infant mortality and morbidity prevention pilot program which have the highest infant mortality rate based on census tracts.

f. Designation, in cooperation with the grant recipient, of the counties of the state for implementation of the prenatal to preschool family and child protection services program.

Sec. ____ . Section 135C.2, subsection 5, paragraph b, Code Supplement 1991, is amended to read as follows:

b. A facility must be located in an area zoned for single or multiple-family housing or in an unincorporated area and must be constructed in compliance with applicable local housing codes requirements and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2. Local housing codes requirements shall not be more restrictive than the rules adopted for the special classification by the state fire marshal and the state building code requirements for single or multiple-family housing."

99. Page 54, by inserting after line 4, the following:

"Sec. ____ . NEW SECTION. 148E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Acupuncture" means promoting, maintaining, or restoring health based on traditional oriental medical concepts of treating specific areas of the human body, known as acupuncture points or meridians, by performing any of the following practices:

a. Inserting acupuncture needles.

b. Moxibustion.

c. Applying manual, conductive thermal, or electrical stimulation through use of acupuncture needles or any other secondary therapeutic technique except for use of other electromagnetic or ultrasound energy sources.

2. "Acupuncturist" means a person who is engaged in the practice of acupuncture.

3. "Board" means the board of medical examiners established in chapter 147.

4. "Department" means the Iowa department of public health.

Sec. ____ . NEW SECTION. 148E.2 REGISTRATION AND RENEWAL REQUIRED.

A person shall not engage in the practice of acupuncture unless the person has registered with the board and received a certificate of registration pursuant to this chapter. Registration shall be renewed annually. The board shall charge a fee for renewal.

Sec. ____ . NEW SECTION. 148E.3 REGISTRATION REQUIREMENTS AND RECIPROCAL AGREEMENTS.

1. A person shall be registered as an acupuncturist and issued a certificate of registration by the board, if the person does all of the following:

a. Submits a completed application form as provided by the board and the application fee as required by the board.

b. Successfully completes and passes the certification and examination process of the national commission for the certification of acupuncture.

c. Successfully completes a training program which conforms to standards established by the national commission for the certification of acupuncture.

2. The board may register a person as an acupuncturist and issue a certificate of registration based upon a reciprocal agreement pursuant to chapter 147.

Sec. ____ . **NEW SECTION. 148E.4 DISPLAY OF CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.**

An acupuncturist shall display the certificate of registration issued pursuant to section 148E.3 in a conspicuous place in the acupuncturist's place of business. An acupuncturist shall provide to each patient upon initial contact with the patient the following information in written form:

1. The name, business address, and business phone number of the acupuncturist.

2. A fee schedule.

3. A listing of the acupuncturist's education, experience, degrees, certificates, or credentials related to acupuncture awarded by professional acupuncture organizations, the length of time required to obtain the degrees or credentials, and experience.

4. A statement indicating any license, certificate, or registration in a health care occupation which was revoked by any local, state, or national health care agency.

5. A statement that the acupuncturist is complying with rules adopted by the department or the board, including a statement that only presterilized, disposable needles are used by the acupuncturist.

6. A statement indicating that the practice of acupuncture is regulated by the department.

Sec. ____ . **NEW SECTION. 148E.5 USE AND DISPOSAL OF NEEDLES.**

An acupuncturist shall use only presterilized, disposable needles, and shall provide for adequate disposal of used needles.

Sec. ____ . **NEW SECTION. 148E.6 REVOCATION OR SUSPENSION OF CERTIFICATE AND REGISTRATION.**

In addition to the grounds for revocation or suspension referred to in section 147.55, the registration and certificate of registration to practice acupuncture shall be revoked or suspended when the acupuncturist is guilty of any of the following acts or offenses:

1. Failure to provide information as required in section 148E.4 or provision of false information to patients.

2. Acceptance of remuneration for referral of a patient to other health professionals.

3. Offering of or giving of remuneration for the referral of patients, not including paid advertisements or marketing services.

4. Failure to comply with this chapter, rules adopted pursuant to this chapter, or applicable provisions of chapter 147.

5. Engaging in sexual activity or genital contact with a patient while acting or purporting to act within the scope of practice, whether or not the patient consented to the sexual activity or genital contact.

6. Disclosure of confidential information regarding the patient.

Sec. ____ . **NEW SECTION. 148E.7 ACCIDENT AND HEALTH INSURANCE COVERAGE.**

This chapter shall not be construed to require accident and health insurance

coverage for acupuncture services under an existing or future contract or policy for insurance issued or issued for delivery in this state, unless otherwise provided by the contract or policy.

Sec. ____ . **NEW SECTION. 148E.8 SCOPE OF CHAPTER.**

This chapter does not apply to a person who is licensed as a physician, as defined in section 135.1, or as a dentist.

Sec. ____ . **NEW SECTION. 148E.9 STANDARD OF CARE.**

A person registered under this chapter shall be held to the same standard of care as a person licensed to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery.

Sec. ____ . **NEW SECTION. 148E.10 EVALUATION OF CONDITION REQUIRED.**

A person registered under this chapter shall not engage in the performance of acupuncture upon another person until the person's condition has been evaluated by a physician, as defined in section 135.1, or by a dentist.

Sec. ____ . Section 147.1, subsections 2 and 3, Code Supplement 1991, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, or social worker, or acupuncturist means a person licensed or certified under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, marital and family therapy, mental health counseling, social work, or dietetics, or acupuncture.

Sec. ____ . Section 147.13, subsection 1, Code Supplement 1991, is amended to read as follows:

1. For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, and acupuncture, medical examiners.

Sec. ____ . Section 147.74, Code Supplement 1991, is amended by adding the following new subsection after subsection 16 and renumbering the remaining subsection:

NEW SUBSECTION. 17. An acupuncturist registered under chapter 148E may use the words "registered acupuncturist" after the person's name.

Sec. ____ . Section 147.80, Code Supplement 1991, is amended by adding the following new subsection after subsection 23 and renumbering the remaining subsections:

NEW SUBSECTION. 24. Registration to practice acupuncture, registration to practice acupuncture under a reciprocal agreement, or renewal of registration to practice acupuncture."

100. Page 54, by inserting after line 4 the following:

"Sec. ____ . Section 225C.25, Code 1991, is amended to read as follows:

225C.25 SHORT TITLE.

Sections 225C.25 through ~~225C.28~~ **225C.28B** shall be known as "the bill of rights and service quality standards of persons with mental retardation, developmental

disabilities, brain injury, or chronic mental illness".

Sec. ____ . Section 225C.26, Code 1991, is amended to read as follows:

225C.26 SCOPE.

These rights and service quality standards apply to any person with mental retardation, a developmental disability, brain injury, or chronic mental illness who receives services which are funded in whole or in part by public funds or services which are permitted under Iowa law.

Sec. ____ . Section 225C.27, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Sections 225C.25 through ~~225C.28~~ **225C.28B** shall be liberally construed and applied to promote their purposes and the stated rights and service quality standards. The division, in coordination with appropriate agencies, shall adopt rules to implement the purposes of sections ~~225C.25 through 225C.28~~ **section 225C.28B, subsections 3 and 4**, which include, but are not limited to the following:

Sec. ____ . **NEW SECTION. 225C.28A SERVICE QUALITY STANDARDS.**

As the state participates more fully in funding services to persons with mental retardation, developmental disabilities, brain injury, or chronic mental illness, it is the intent of the general assembly that the state shall seek to attain the following quality standards in the provision of the services:

1. Provide comprehensive evaluation and diagnosis adapted to the cultural background, primary language, and ethnic origin of the person.
2. Provide an individual treatment, habilitation, and program plan.
3. Provide individualized treatment, habilitation, and program services as appropriate.
4. Provide periodic review of the individual plan.
5. Provide for the least restrictive environment and age-appropriate services.
6. Provide appropriate training and employment opportunities so that the person's ability to contribute to and participate in the community is maximized.

Sec. ____ . **NEW SECTION. 225C.28B RIGHTS OF PERSONS WITH MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, BRAIN INJURY, OR CHRONIC MENTAL ILLNESS.**

All of the following rights shall apply to a person with mental retardation, a developmental disability, brain injury, or chronic mental illness:

1. Wage protection. A person with mental retardation, a developmental disability, brain injury, or chronic mental illness engaged in work programs shall be paid wages commensurate with the going rate for comparable work and productivity.
2. Insurance protection. Pursuant to section 507B.4, subsection 7, a person or designated group of persons shall not be denied insurance coverage by reason of mental retardation, a developmental disability, brain injury, or chronic mental illness.
3. Due process. A person with mental retardation, a developmental disability, brain injury, or chronic mental illness retains the right to citizenship in accordance with the laws of the state.
4. Participation in planning activities. If an individual treatment, habilitation, and program plan is developed for a person with mental retardation, a developmental disability, brain injury, or chronic mental illness, the person has the right to participate in the formulation of the plan.

Sec. ____ . Section 225C.29, Code 1991, is amended to read as follows:

225C.29 COMPLIANCE.

Except for a violation of section ~~225C.28~~, **subsection 9 225C.28B, subsection 2.**

the sole remedy for violation of a rule adopted by the division to enforce or implement this Act sections 225C.25 through 225C.28B shall be by a proceeding for compliance initiated by request to the division pursuant to chapter 17A. Any decision of the division shall be in accordance with due process of law and is subject to appeal to the Iowa district court pursuant to sections 17A.19 and 17A.20 by any aggrieved party. Either the division or a party in interest may apply to the Iowa district court for an order to enforce the decision of the division. ~~Neither this Act nor any~~ Any rules adopted by the division to implement sections 225C.25 through 225C.28B do not create any right, entitlement, property or liberty right or interest, or private cause of action for damages against ~~a municipality as defined in chapter 613A~~ the state or a political subdivision of the state or for which such ~~municipality~~ the state or a political subdivision of the state would be responsible. Any violation of section ~~225C.28, subsection 9, 225C.28B, subsection 2,~~ shall solely be subject to the enforcement by the commissioner of insurance and penalties granted by chapter 507B for a violation of section 507B.4, subsection 7.

Sec. ____ . Section 226.7, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the district court commits a patient to a state mental health institute and a bed for the patient is not available, the institute shall assist the court in locating an alternative placement for the patient.

Sec. ____ . Section 230A.14, Code 1991, is amended to read as follows:

230A.14 SUPPORT OF CENTER — FEDERAL FUNDS.

The board of supervisors of any county served by a community mental health center established or continued in operation as authorized by section 230A.1 may expend money from county funds; ~~federal revenue sharing funds, or other federal matching funds designated by the board of supervisors for that purpose, without a vote of the electorate of the county, to pay the cost of any services described in section 230A.2 which are provided by the center or by an affiliate under contract with the center, or to pay the cost of or grant funds for establishing, reconstructing, remodeling, or improving any facility required for the center. However, the county board shall not expend money from that fund, except for designated revenue-sharing or other federal matching funds, for mental health treatment obtained outside a state institution in an amount exceeding eight dollars per capita in any county having less than forty thousand population.~~

101. Page 54, by inserting after line 25 the following:

"Sec. ____ . Section 249A.25, subsection 4, paragraph i, Code Supplement 1991, is amended by striking the paragraph.

Sec. ____ . Section 249A.25, subsection 4, paragraph j, Code Supplement 1991, is amended to read as follows:

j. Issue a final advisory decision regarding any issue of disagreement between a county and the department relating to expenditures for candidate services or ~~the county's maintenance of effort.~~

Sec. ____ . Section 249A.26, subsection 3, Code Supplement 1991, is amended by striking the subsection.

Sec. ____ . Section 331.438, Code 1991, is amended to read as follows:

331.438 COUNTY MENTAL HEALTH SERVICES EXPENDITURES FROZEN.

In the event the ~~Seventy-fourth~~ General Assembly does not enact legislation to implement a funding formula for state participation in funding of mental health, mental retardation, and developmental disabilities services which takes effect in

the fiscal year beginning July 1, ~~1992~~ 1996, the mental health, mental retardation, and developmental disabilities services expenditures of counties shall be frozen in the amount the counties expended for those services in the fiscal year beginning July 1, ~~1991~~ 1995. The expenses in excess of the frozen amount shall be paid for by the state in a timely manner that is not disruptive to persons providing or receiving services.

Sec. ____ . 1992 Iowa Act, Senate File 2366, section 9, subsection 3, paragraphs c and e, if enacted by the Seventy-fourth General Assembly, 1992 Session, are amended to read as follows:

c. Foster care:

..... \$ 4,257,392
..... 14,262,340

e. Local administrative costs and other local services:

..... \$ 11,142,810
..... 1,137,862

Sec. ____ . 1992 Iowa Acts, Senate File 2366, section 50, subsection 60, if enacted by the Seventy-fourth General Assembly, 1992 Session, is amended to read as follows:

60. For ~~block grant supplementation~~ foster care, grant number 13667:

..... \$ 10,004,948".

102. Page 55, by inserting after line 5 the following:

"Sec. ____ . REPEAL. Section 225C.28 is repealed."

103. Title page, line 3, by inserting before the word "providing" the following: "including other provisions and appropriations involving health care and".

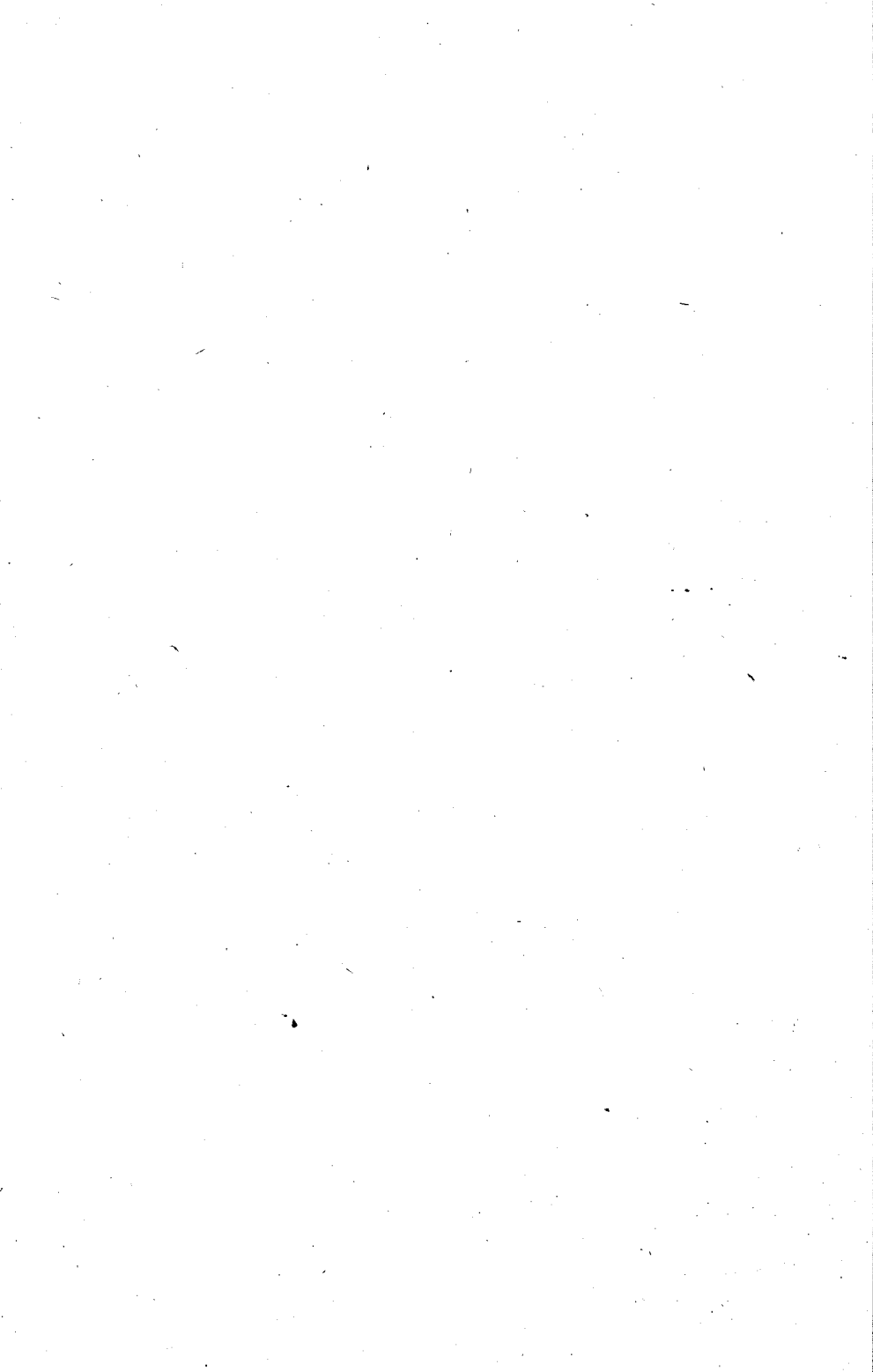
104. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

On the Part of the House:

ELAINE SZYMONIAK, Chairperson
LARRY MURPHY
MAGGIE TINSMAN

JOHNIE HAMMOND, Chairperson
JOEL BROWN
MARK HAVERLAND



**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not
Previously Printed During the**

SEVENTY-FOURTH GENERAL ASSEMBLY

1992 Regular Session

SENATE RESOLUTION 101

By: Committee on Rules and Administration

A Resolution relating to gubernatorial appointments requiring senate confirmation.

WHEREAS, section 2.32, subsection 7, requires the governor to provide the secretary of the senate with a list of all gubernatorial appointments requiring senate confirmation during this session by February 1; and

WHEREAS, this information has been submitted and is on file in the office of the secretary of the senate; and

WHEREAS, that subsection also requires that the senate by resolution approve the list or request corrections by February 15; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the following list of appointments submitted by the governor pursuant to section 2.32, subsection 7, and on file with the secretary of the senate is approved:

Accountancy Examining Board

1 term commencing 5-1-91 and ending 4-30-94

3 terms commencing 5-1-92 and ending 4-30-95

African Americans, Commission on the Status of

1 term commencing 6-21-91 and ending 4-30-94

5 terms commencing 5-1-92 and ending 4-30-96

Agricultural Development Authority

3 terms commencing 5-1-92 and ending 4-30-98

Alcoholic Beverages Commission

1 term commencing 5-1-92 and ending 4-30-97

Architectural Examining Board

Page 2

2 terms commencing 5-1-92 and ending 4-30-95

Banking, Superintendent of

1 term commencing 9-26-91 and ending 4-30-93

Barber Examiners, State Board of

1 term commencing 5-1-92 and ending 4-30-95

Behavioral Science Examiners, State Board of

2 terms commencing 9-12-91 and ending 4-30-92

1 term commencing 12-12-91 and ending 4-30-92

3 terms commencing 9-12-91 and ending 4-30-93

3 terms commencing 9-12-91 and ending 4-30-94

3 terms commencing 5-1-92 and ending 4-30-95

Blind, Commission for the

1 term commencing 5-1-92 and ending 4-30-95

Campaign Finance Disclosure Commission

1 term commencing 1-20-92 and ending 4-30-97

Chiropractic Examiners, State Board of

1 term commencing 5-1-92 and ending 4-30-95

- 18 City Development Board
- 19 2 terms commencing 7-18-91 and ending 4-30-97
- 20 1 term commencing 5-1-92 and ending 4-30-98
- 21 Civil Rights Commission, Iowa State
- 22 1 term commencing 11-1-91 and ending 4-30-93
- 23 Civil Rights Commission, Director of the Iowa State
- 24 1 term commencing 5-1-91 and ending 4-30-95
- 25 Commerce, Director of the Department of
- 26 1 term served at the pleasure of the Governor
- 27 Community Action Agencies, Commission on
- 28 1 term commencing 9-12-91 and ending 4-30-92
- 29 3 terms commencing 5-1-92 and ending 4-30-95
- 30 Corrections, Board of

Page 3

- 1 1 term commencing 12-12-91 and ending 4-30-95
- 2 Cosmetology Examiners, State Board of
- 3 1 term commencing 5-1-92 and ending 4-30-95
- 4 Credit Union Review Board
- 5 2 terms commencing 5-1-92 and ending 4-30-95
- 6 Criminal and Juvenile Justice Planning
- 7 Advisory Council
- 8 1 term commencing 5-9-91 and ending 4-30-94
- 9 Deaf, Commission on the
- 10 1 term commencing 8-2-91 and ending 4-30-93
- 11 1 term commencing 1-16-92 and ending 4-30-93
- 12 2 terms commencing 5-1-92 and ending 4-30-95
- 13 Dental Examiners, State Board of
- 14 3 terms commencing 5-1-92 and ending 4-30-95
- 15 Dietetic Examiners, State Board of
- 16 1 term commencing 5-1-92 and ending 4-30-95
- 17 Economic Development Board, Iowa
- 18 1 term commencing 4-25-91 and ending 4-30-93
- 19 2 terms commencing 5-1-92 and ending 4-30-96
- 20 Education, State Board of
- 21 4 terms commencing 5-1-92 and ending 4-30-98
- 22 Education, Director of the Department of
- 23 1 term served at the pleasure of the Governor
- 24 Educational Examiners, Board of
- 25 1 term commencing 7-1-91 and ending 4-30-93
- 26 Elder Affairs, Commission of
- 27 2 terms commencing 5-1-92 and ending 4-30-96
- 28 Emergency Response Commission, Iowa
- 29 1 term commencing 4-9-91 and ending 4-30-94
- 30 1 term commencing 5-1-92 and ending 4-30-95

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- 1 Employment Appeal Board
- 2 1 term commencing 5-1-92 and ending 4-30-98
- 3 Engineering and Land Surveying Examining Board
- 4 2 terms commencing 5-1-92 and ending 4-30-95
- 5 Environmental Protection Commission
- 6 1 term commencing 11-1-91 and ending 4-30-93
- 7 Foster Care Review Board, State
- 8 2 terms commencing 5-1-92 and ending 4-30-96
- 9 General Services, Director of the Department of
- 10 1 term served at the pleasure of the Governor
- 11 Grain Indemnity Fund Board, Iowa
- 12 2 terms commencing 5-1-92 and ending 4-30-95
- 13 Hearing Aid Dealers, Board of Examiners for the
- 14 Licensing and Regulation of
- 15 2 terms commencing 5-1-92 and ending 4-30-95
- 16 Higher Education Loan Authority
- 17 1 term commencing 5-1-92 and ending 4-30-98
- 18 Indigent Defense Advisory Commission
- 19 2 terms commencing 9-12-91 and ending 4-30-92
- 20 1 term commencing 11-1-91 and ending 4-30-92
- 21 2 terms commencing 9-12-91 and ending 4-30-93
- 22 2 terms commencing 9-12-91 and ending 4-30-94
- 23 3 terms commencing 5-1-92 and ending 4-30-95
- 24 Industrial Commissioner
- 25 1 term commencing 8-5-91 and ending 4-30-97
- 26 Inspections and Appeals, Director of the
- 27 Department of
- 28 1 term served at the pleasure of the Governor
- 29 IPERS, Investment Board of the
- 30 1 term commencing 5-1-92 and ending 4-30-98

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- 1 Landscape Architectural Examining Board
- 2 2 terms commencing 5-1-92 and ending 4-30-95
- 3 Latino Affairs, Administrator of the Division of
- 4 1 term served at the pleasure of the Governor
- 5 Law Enforcement Academy Council, Iowa
- 6 2 terms commencing 5-1-92 and ending 4-30-96
- 7 Lottery Board
- 8 1 term served at the pleasure of the Governor
- 9 Medical Examiners, State Board of
- 10 1 term commencing 12-12-91 and ending 4-30-94
- 11 1 term commencing 1-8-92 and ending 4-30-94
- 12 3 terms commencing 5-1-92 and ending 4-30-95
- 13 Mental Health and Mental Retardation Commission
- 14 5 terms commencing 5-1-92 and ending 4-30-95
- 15 Mortuary Science Examiners, State Board of

- 16 1 term commencing 5-1-92 and ending 4-30-95
- 17 Nursing Examiners, State Board of
- 18 2 terms commencing 5-1-92 and ending 4-30-95
- 19 Nursing Home Administrators, State Board of
- 20 Examiners for
- 21 2 terms commencing 5-1-92 and ending 4-30-95
- 22 Optometry Examiners, State Board of
- 23 2 terms commencing 5-1-92 and ending 4-30-95
- 24 Parole, Board of
- 25 1 term commencing 5-1-92 and ending 4-30-96
- 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 5-1-92 and ending 4-30-95
- 30 Physical and Occupational Therapy Examiners,

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- 1 State Board of
- 2 2 terms commencing 5-1-92 and ending 4-30-95
- 3 Physician Assistant Examiners, State Board of
- 4 1 term commencing 9-11-91 and ending 4-30-94
- 5 2 terms commencing 5-1-92 and ending 4-30-95
- 6 Podiatry Examiners, State Board of
- 7 1 term commencing 5-1-92 and ending 4-30-95
- 8 Prevention of Disabilities Policy Council
- 9 3 terms commencing 9-12-91 and ending 4-30-92
- 10 3 terms commencing 9-12-91 and ending 4-30-93
- 11 3 terms commencing 9-12-91 and ending 4-30-94
- 12 3 terms commencing 5-1-92 and ending 4-30-95
- 13 Product Development Corporation, Iowa
- 14 1 term served at the pleasure of the Governor
- 15 Psychology Examiners, State Board of
- 16 2 terms commencing 5-1-92 and ending 4-30-95
- 17 Public Employment Relations Board
- 18 2 terms commencing 5-1-92 and ending 4-30-96
- 19 Racing and Gaming Commission, State
- 20 1 term commencing 5-1-92 and ending 4-30-95
- 21 Real Estate Appraiser Examining Board
- 22 3 terms commencing 5-1-92 and ending 4-30-95
- 23 Real Estate Commission
- 24 1 term commencing 12-2-91 and ending 4-30-93
- 25 1 term commencing 5-1-92 and ending 4-30-95
- 26 Renewable Fuel Advisory Committee
- 27 3 terms commencing 9-12-91 and ending 4-30-93
- 28 2 terms commencing 9-12-91 and ending 4-30-94
- 29 Respiratory Care Advisory Committee
- 30 1 term commencing 5-1-92 and ending 4-30-95

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- 1 School Budget Review Committee
- 2 1 term commencing 5-1-92 and ending 4-30-95
- 3 Small Business Advisory Council
- 4 2 terms commencing 9-12-91 and ending 4-30-92
- 5 2 terms commencing 9-12-91 and ending 4-30-93
- 6 1 term commencing 10-22-91 and ending 4-30-93
- 7 2 terms commencing 9-12-91 and ending 4-30-94
- 8 1 term commencing 9-12-91 and ending 4-30-95
- 9 1 term commencing 10-22-91 and ending 4-30-95
- 10 2 terms commencing 5-1-92 and ending 4-30-96
- 11 Social Work Examiners, State Board of
- 12 2 terms commencing 5-1-92 and ending 4-30-95
- 13 Soil Conservation Committee, State
- 14 1 term commencing 12-12-91 and ending 4-30-95
- 15 1 term commencing 5-1-92 and ending 4-30-98
- 16 Speech Pathology and Audiology Examiners,
17 State Board of
- 18 1 term commencing 1-23-92 and ending 4-30-93
- 19 2 terms commencing 5-1-92 and ending 4-30-95
- 20 State-Federal Relations, Director of the Office for
- 21 1 term served at the pleasure of the Governor
- 22 Statehood Sesquicentennial Commission, Iowa
- 23 2 terms commencing 12-13-91 and ending 6-30-97
- 24 Transportation Commission, State
- 25 2 terms commencing 5-1-92 and ending 4-30-96
- 26 Veterinary Medicine, Iowa Board of
- 27 1 term commencing 5-1-92 and ending 4-30-95
- 28 Veterans Affairs, Administrator of the Division of
- 29 1 term served at the pleasure of the Governor
- 30 Wallace Technology Transfer Foundation of Iowa

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- 1 1 term commencing 5-9-91 and ending 4-30-94
- 2 2 terms commencing 5-1-92 and ending 4-30-96
- 3 Well Contractors' Council
- 4 1 term commencing 11-1-91 and ending 4-30-93
- 5 3 terms commencing 9-12-91 and ending 4-30-93
- 6 Women, Commission on the Status of
- 7 5 terms commencing 5-1-92 and ending 4-30-96

- 1 SENATE RESOLUTION 103
- 2 By: Running
- 3 A Resolution relating to the designation of October
- 4 14, 1992, as W. Edwards Deming Day.
- 5 WHEREAS, Dr. William Edwards Deming, a
- 6 statistician, mathematician, and business management

7 consultant, was born in Sioux City, Iowa, on October
 8 14, 1900, and will celebrate his ninety-second
 9 birthday this year; and
 10 WHEREAS, Dr. Deming is credited with supplying
 11 post-World War II Japan with a blueprint for success
 12 and the statistical tools necessary to convert the
 13 small, war-devastated country into today's economic
 14 giant; and
 15 WHEREAS, top Japanese companies work three to five
 16 years to achieve the exceptional level of quality that
 17 enables them to compete for an award named for Dr.
 18 Deming, the esteemed Deming Prize; and
 19 WHEREAS, Dr. Deming's fourteen principles of
 20 quality and leadership, his blueprint for business
 21 success, and statistical tools are accessible to
 22 business leaders committed to quality in Iowa; and
 23 WHEREAS, Dr. Deming has spent much of his life
 24 working with businesses to retrain management and
 25 focus companies on the importance of improving the
 26 quality of products and services, and assisting them
 27 in recognizing that workers need and want to do a good
 28 job; NOW THEREFORE,
 29 BE IT RESOLVED BY THE SENATE, That the Senate honor
 30 Dr. W. Edwards Deming on the occasion of his ninety-

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1 second birthday and request that the Governor proclaim
 2 October 14, 1992, W. Edwards Deming Day, and call upon
 3 the business leaders of Iowa to observe the day by
 4 committing themselves and their companies to improve
 5 continually all aspects of production and service.

1 **SENATE RESOLUTION 104**
 2 By: Senate Ethics Committee
 3 A resolution relating to the disposition of an ethics
 4 complaint against Senator Joseph J. Welsh.
 5 WHEREAS, on January 27, 1992, the Senate Ethics
 6 Committee received and filed a complaint in proper
 7 form from Senator Jack Rife that alleged six different
 8 violations of the Senate Code of Ethics by Senator
 9 Joseph J. Welsh; and
 10 WHEREAS, on February 17, 1992, the Senate Ethics
 11 Committee received, in addition to several motions, a
 12 response to the complaint that contained a denial of
 13 the allegations contained in the complaint and
 14 asserted several affirmative defenses; and
 15 WHEREAS, the Senate Ethics Committee denied the
 16 motions and set the complaint and response for public

17 hearing; and

18 WHEREAS, a public hearing was held on March 4,
19 1992, and March 5, 1992, in the Statehouse in Des
20 Moines at which members of the Committee, Independent
21 Legal Counsel for the Committee, Senator Joseph J.
22 Welsh, Counsel for Senator Welsh, numerous witnesses,
23 other members of the General Assembly, members of
24 legislative staff, and members of the general public
25 and of the press were present; and

26 WHEREAS, at the hearing, testimony was received
27 under oath and various documents and records were
28 introduced for the Committee's consideration; and

29 WHEREAS, on March 6, 1992, the Committee
30 deliberated on the evidence and made findings of fact,

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1 a copy of which is on file in the Office of the

2 Secretary of the Senate; and

3 WHEREAS, the Committee made the following

4 recommendations for Senate action with respect to the
5 complaint against Senator Joseph J. Welsh:

6 1. Although Senator Joseph J. Welsh has already

7 resigned from his position as President of the Senate,

8 the Committee believes that removal from the position

9 of President of the Senate is one appropriate sanction

10 in this matter and would have recommended removal from
11 that position if Senator Welsh had not resigned; and

12 2. That Senator Welsh be removed from the
13 membership of the Investment Board of the Iowa Public
14 Employees' Retirement System; and

15 3. That Senator Welsh be removed from his position
16 as the Vice-chairperson of the Senate Appropriations
17 Committee for the remainder of the 1992 Session of the
18 74th General Assembly; and

19 4. That the Secretary of the Senate review the
20 record of Senator Joseph J. Welsh's expenses and if
21 there are any irregularities, that these be rectified.

22 5. That the full Senate publicly reprimand Senator
23 Joseph J. Welsh based upon the findings of the
24 Committee.

25 NOW THEREFORE, BE IT RESOLVED BY THE SENATE, That
26 the following action be taken on the recommendations
27 made by the Senate Ethics Committee:

28 1. That Senator Welsh be removed from the
29 membership of the Investment Board of the Iowa Public
30 Employees' Retirement System; and

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1 2. That Senator Welsh be removed from his position
 2 as the Vice-chairperson of the Senate Appropriations
 3 Committee for the remainder of the 1992 Session of the
 4 74th General Assembly; and

5 3. That the Secretary of the Senate review the
 6 record of Senator Joseph J. Welsh's expenses and if
 7 there are any irregularities, that these be rectified;
 8 and

9 4. That the Senate reprimands Senator Joseph J.
 10 Welsh based upon the findings of the Senate Ethics
 11 Committee.

1 SENATE RESOLUTION 106

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 Director of the Department

11 of Management

Gretchen Tegeler

12 (Term beginning February 14, 1992 and ending April 30, 1996)

1 SENATE RESOLUTION 117

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, 1992 and ending June 30, 1993, 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 \$2,416,600.
- 27 2. Interim expenses including members' and staff
28 compensation and other current expenses in an amount
29 not to exceed \$287,500.
- 30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed
2 \$1,291,500.

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 \$20,000.

8 Sec. 2. The Secretary of the Senate shall
9 immediately provide written notice to the majority and
10 minority leaders of the Senate and to the Chair and
11 Ranking Member of the Senate Appropriations Committee
12 if actual expenditures payable pursuant to Iowa Code
13 sections 2.10 through 2.14 inclusive exceed the
14 maximum amount allocated to any category of the budget
15 provided by section 1 of this resolution. The written
16 notice shall specify the amount of and reasons for any
17 excess expenditure.

18 Sec. 3. The expenditures referred to in section 2
19 of this resolution shall consist only of those sums
20 required for payment of the various expenses of the
21 General Assembly including such items as legislative
22 printing expenses, unpaid expenses incurred during the
23 interim between sessions of the General Assembly,
24 expenditures incurred pursuant to resolutions, and
25 expenses for purchases of legislative equipment and
26 supplies necessary to carry out the functions of the
27 General Assembly. Joint expenditures or special
28 expenditures approved by the Committee on Rules and
29 Administration or the Legislative Council are not
30 included in the budget set forth in this resolution.

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1 Sec. 4. If a special session of the General
2 Assembly is held, the Committee on Rules and
3 Administration shall provide for consideration of a
4 budget for the special session.

1 SENATE CONCURRENT RESOLUTION 101

2 By: Hester and Hutchins

3 A Concurrent Resolution to designate Shelby, Iowa, the Purple
4 Martin Capital of Iowa.5 WHEREAS, many of the residents of Shelby, Iowa,
6 have welcomed migratory purple martins to their
7 property by building suitable housing for summer
8 nesting and reproduction; and9 WHEREAS, the City of Shelby has pursued an
10 ecologically safe program of insect abatement by
11 welcoming these birds to the parks and recreation
12 areas of the city; and13 WHEREAS, the nearby Missouri River Valley and rich
14 farmlands of western Iowa provide an ideal setting for
15 these bird populations, which winter in Brazil and
16 summer as far north as Canada; and17 WHEREAS, Interstate 80 provides the state's
18 tourists easy access to encounter these nesting birds
19 at picturesque locations; and20 WHEREAS, Shelby residents have expressed a desire
21 to host all travelers in southwest Iowa who share
22 their love, respect, and appreciation for nature
23 through bird preservation and management; and24 WHEREAS, the City of Shelby and its residents will
25 seek to annually attract these migratory birds, manage
26 nesting sites, and establish and maintain visitor
27 accommodations for viewing the birds in plazas and
28 parks, and provide printed literature about the birds;
29 and

30 WHEREAS, it is accepted practice for a state to

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1 adopt a town as its official purple martin capital, as
2 represented by Atmore, Alabama; Mt. Juliet, Tennessee;
3 Parsons, Kansas; Enid, Oklahoma; Longview, Texas; and
4 by the Purple Martin Capital of the Nation,
5 Griggsville, Illinois; and6 WHEREAS, recent counts indicate that both purple
7 martins and tourists are increasing in number in the
8 area; NOW THEREFORE,9 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
10 That the Iowa General Assembly commend the City of
11 Shelby, Iowa, and its residents for their continuing
12 efforts in conservation and propagation of one of
13 nature's finest and most beneficial birds, the purple
14 martin; and15 BE IT FURTHER RESOLVED, That the Iowa General
16 Assembly designate Shelby, Iowa, as the official

17 Purple Martin Capital of Iowa.

18 BE IT FURTHER RESOLVED, That the Secretary of the
19 Iowa Senate send a copy of this Resolution to the
20 Mayor of the City of Shelby, Iowa, and to Mr. Harry
21 Wright, editor of Nature Society News.

1 SENATE CONCURRENT RESOLUTION 102

2 By: Varn, Priebe, Lind, Soorholtz, Rife, and Hutchins

3 A Concurrent Resolution to express support for the
4 establishment in Iowa of a national Swine-Pork
5 Research Center of the Agricultural Research
6 Service of the United States Department of Agri-
7 culture.

8 WHEREAS, the State of Iowa is one of the major
9 agricultural production regions of the world, and for
10 more than 100 years has led this nation in pork
11 production, contributing approximately 25 percent of
12 the nation's pork; and

13 WHEREAS, Iowa State University of Science and
14 Technology is a renowned institution of agricultural
15 research and animal science, devoted to issues
16 affecting swine production and pork products,
17 including improving swine health and performance,
18 improving profitable management practices by
19 producers, and increasing opportunities for marketing
20 pork products; and

21 WHEREAS, the establishment of the Swine-Pork
22 Research Center in Iowa would contribute to swine and
23 pork production, one of the most vital sources of
24 income and employment in Iowa, which accounts for \$5.5
25 billion to the state's economy; and

26 WHEREAS, Iowa's dependence upon the industry and
27 its preeminent position as the supplier of swine and
28 pork require improved research capabilities regarding
29 concerns vital to the future of the industry,
30 including all of the following: harmonizing

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1 production with the environment and environmental
2 regulations, such as the effect of waste disposal
3 systems on groundwater; satisfying the dietary
4 concerns of consumers; improving the health and safety
5 of producers; and developing innovation in the areas
6 of production, processing, and marketing; and

7 WHEREAS, locating the center's laboratory and main
8 offices at Iowa State University would build upon the
9 significant work of study and academic achievement,
10 accomplished by industry experts, distinguished

11 faculty and promising students, in a variety of
12 disciplines, including post-graduate fields related to
13 biotechnology; and
14 WHEREAS, it is contemplated that the federal
15 government would contribute an estimated \$26 million
16 dollars in costs associated with constructing the
17 center on land owned by Iowa State University, that
18 the federal government and the state of Iowa would
19 assume an annual obligation of \$15 million required to
20 operate the center, with Iowa contributing \$8.2
21 million of that obligation from appropriations already
22 committed to the Agricultural Experiment Station at
23 Iowa State University and planned increases in
24 appropriations to the station after the fiscal year
25 ending June 30, 1992; NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
27 That the Iowa General Assembly supports the efforts to
28 establish the national Swine-Pork Research Center at
29 Iowa State University as contemplated in this
30 resolution; and

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1 BE IT FURTHER RESOLVED, That the annual
2 contribution by the state is considered a long-term
3 investment in the economic development of Iowa which
4 this General Assembly treats as removed from regular
5 budget obligations devoted to academic purposes at
6 Iowa State University; and

7 BE IT FURTHER RESOLVED, That this support
8 represents a special and united commitment by the
9 state, and that following General Assemblies serving
10 this state should understand the importance of the
11 center and are urged to endorse and continue this
12 commitment; and

13 BE IT FURTHER RESOLVED, That the Governor of Iowa
14 is respectfully requested to express support for this
15 resolution by proclamation or other writings to
16 demonstrate a present commitment and to ensure that
17 future state leaders understand the importance of the
18 center and are urged to endorse and continue this
19 commitment; and

20 BE IT FURTHER RESOLVED, That copies of this
21 resolution be sent by the Secretary of the Senate to
22 Iowa's congressional delegation, the Secretary of
23 Agriculture, United States Department of Agriculture,
24 the Governor of the State of Iowa, the President of
25 Iowa State University, and the President of the Iowa
26 Pork Producers Association.

1 SENATE CONCURRENT RESOLUTION 103

2 By: Running

3 A Concurrent Resolution calling upon the United
4 States Congress to provide for the establish-
5 ment of benefit levels for aid to families with
6 dependent children.

7 WHEREAS, under the current welfare system, the size
8 of aid to families with dependent children (AFDC)
9 payments is determined, within federal limitations, by
10 the states; the states offer payments to single-parent
11 families and to families that are needy because the
12 principal wage earner is unemployed; and the federal
13 government pays between fifty and eighty-three percent
14 of the benefit; and

15 WHEREAS, due, in part, to recent economic stress,
16 many states are reducing AFDC benefits at a time when
17 the number of those eligible for assistance is
18 increasing; and the current variation in benefit
19 levels from state to state has discouraged families
20 receiving AFDC from remaining in their home
21 communities, although it is generally in the best
22 interest of all citizens to live close to their
23 family, friends, support networks, and where job
24 opportunities exist; and decisions of residency should
25 not be complicated by the level of welfare benefits;
26 and

27 WHEREAS, under the current system, state taxpayers
28 pay differing amounts, with some states providing
29 comparatively high welfare benefits while others pay
30 well beneath the level of poverty; consequently,

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1 several states, Iowa included, are in the process of
2 considering two-tiered welfare systems (creating
3 different levels of payments for residents and
4 nonresidents) and restrictive residency requirements;
5 various versions of this proposal in all of the states
6 could be extremely time-consuming and administratively
7 expensive at a time when states have many other
8 priorities to consider; and it is doubtful that these
9 approaches would be as effective as would uniform
10 welfare benefits; and

11 WHEREAS, because poverty does not know state
12 boundaries, and because of the current disparities in
13 the system for both taxpayers and AFDC recipients,
14 AFDC benefits should be uniform throughout the nation;

15 NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

17 That the general assembly of the state of Iowa calls
 18 upon the United States Congress to pass, and President
 19 Bush to sign, legislation under which the federal
 20 government establishes the poverty level of each state
 21 and establishes a uniform percentage of the poverty
 22 level to be paid as AFDC benefits by each state and
 23 the federal government; and
 24 BE IT FURTHER RESOLVED, That the secretary of the
 25 senate send certified copies of this resolution to
 26 each member of the state's congressional delegation
 27 and to President Bush.

1 SENATE CONCURRENT RESOLUTION 108

2 By: Committee on Agriculture
 3 (SUCCESSOR TO SSB 2122)

4 A Concurrent Resolution to encourage the establish-
 5 ment of the National Association of Swine Records
 6 in Des Moines, Iowa, and the support of the Asso-
 7 ciation to increase performance of purebred swine
 8 and to assist purebred swine producers.
 9 WHEREAS, eight organizations, administering
 10 purebred swine records promotion activities, and
 11 membership services, located in three offices
 12 throughout the country have been involved in an effort
 13 to consolidate their resources by establishing the
 14 National Association of Swine Records; and
 15 WHEREAS, Iowa during the twentieth century has led
 16 the nation in swine production, producing 25 percent
 17 of all swine in the United States, producing more
 18 swine than the next two leading swine production
 19 states combined; and
 20 WHEREAS, Des Moines is located in the center of the
 21 nation's region devoted to the production and
 22 marketing of swine and pork products, with more than
 23 50 percent of swine produced in the United States
 24 marketed within a 350 mile area around Des Moines; and
 25 WHEREAS, locations in Des Moines in proximity to
 26 the Iowa Pork Producers Association and the National
 27 Pork Producers Council adjoin the crossing of two
 28 interstate systems, are near an international airport,
 29 neighbor numerous hotels, and feature a country style
 30 atmosphere; and

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1 WHEREAS, the Iowa Pork Producers Association, the
 2 National Pork Producers Council, the Iowa Purebred
 3 Swine Council, the Greater Des Moines Chamber of
 4 Commerce Federation, the Iowa Department of Economic

5 Development, and Iowa State University of Science and
 6 Technology continue to encourage the establishment of
 7 the National Association of Swine Records in Des
 8 Moines and will cooperate with the Association in its
 9 establishment and in programs related to facilitating
 10 performance of purebred swine and assisting purebred
 11 swine producers in the nation, NOW THEREFORE,
 12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 13 REPRESENTATIVES CONCURRING, That the Iowa General
 14 Assembly encourages the National Association of Swine
 15 Records to be established in Des Moines; and
 16 BE IT FURTHER RESOLVED, That it is the intent of
 17 the Iowa General Assembly that state agencies and
 18 private organizations support the establishment of the
 19 Association in Des Moines and cooperate with the
 20 Association in all efforts relating to improving the
 21 performance of purebred swine and assist swine
 22 producers; and
 23 BE IT FURTHER RESOLVED, That copies of this
 24 Resolution be sent by the Secretary of the Senate to
 25 the President of the National Association of Swine
 26 Records, the President of the Iowa Pork Producers
 27 Association, the President of the National Pork
 28 Producers Council, the President of the Iowa Purebred
 29 Swine Council, the President of Iowa State University
 30 of Science and Technology, the Director of the Iowa

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1 Department of Economic Development, and the President
 2 of the Greater Des Moines Chamber of Commerce
 3 Federation.

1 SENATE CONCURRENT RESOLUTION 109

2 By: Committee on Natural Resources
 3 (SUCCESSOR TO SSB 2079)

4 A Concurrent Resolution urging the United States
 5 Congress to continue financial support for
 6 the Missouri River Fish and Wildlife
 7 Mitigation Project.

8 WHEREAS, the federal Fish and Wildlife Coordination
 9 Act of 1958 (Pub. L. No. 85-624) gave the United
 10 States Army Corps of Engineers authority to study and
 11 prepare a Missouri River Bank Stabilization and
 12 Navigation Project Final Feasibility Report and Final
 13 Environmental Impact Statement (EIS) for Fish and
 14 Wildlife Mitigation which recommended that the Corps
 15 of Engineers acquire, restore, preserve, or otherwise
 16 develop certain lands and waters in the project area;

17 and

18 WHEREAS, the federal Water Resources Development
19 Act of 1986 (Pub. L. No. 99-662) authorized the
20 Missouri River Fish and Wildlife Mitigation Project at
21 an initial federal cost of \$51.9 million in the states
22 of Iowa, Nebraska, Kansas, and Missouri; and

23 WHEREAS, without intervention of the Missouri River
24 Fish and Wildlife Mitigation Project, an estimated 500
25 thousand acres of aquatic and terrestrial habitat will
26 be lost to the Missouri River Basin states by the year
27 2003; and

28 WHEREAS, the Missouri River Fish and Wildlife
29 Mitigation Project will restore, develop, and preserve
30 approximately 48,100 acres of habitat or approximately

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1 ten percent of the losses that occurred due to the
2 Missouri River Bank Stabilization and Navigation
3 Project; and

4 WHEREAS, the United States Congress has
5 appropriated, at the request of the affected states,
6 initial construction funding for the Missouri River
7 Fish and Wildlife Mitigation Project for the federal
8 fiscal year 1992; NOW THEREFORE,

9 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
10 REPRESENTATIVES CONCURRING, That the state of Iowa
11 urges the United States Congress to continue its
12 financial support for the Missouri River Fish and
13 Wildlife Mitigation Project in an amount which can be
14 effectively used by the United States Army Corps of
15 Engineers and which will also ensure that the
16 authorized Project will be completed in ten years or
17 less.

18 BE IT FURTHER RESOLVED, That a copy of this
19 Concurrent Resolution be sent to the President of the
20 United States Senate, to the Speaker of the House of
21 Representatives, and to members of Iowa's
22 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 110

2 By: Szymoniak, Lind, Kersten, McLaren, Rittmer,
3 Tinsman, Deluhery, Furhman, Gettings, Peterson,
4 Murphy, Rosenberg, Kibbie, Gronstal, Dieleman,
5 Lloyd-Jones, Hedge, Slife, Connolly, Hannon,
6 Buhr, Riordan, Horn, Husak, and Kinley
7 A Concurrent Resolution to support efforts to
8 promote early detection of and effective treatment

9 modalities for breast cancer and to urge the Congress
10 of the United States to enact legislation to ensure
11 adequate funds to find a cure and effective preventive
12 measures for breast cancer.

13 WHEREAS, breast cancer strikes one in nine women in
14 the United States today, and it is estimated that
15 breast cancer has taken the lives of 44,500 women in
16 1991 alone; and

17 WHEREAS, in 1992, an estimated 2,300 women in Iowa
18 will be diagnosed with breast cancer and 600 will die;
19 and

20 WHEREAS, there has been a 3 percent increase in the
21 incidence of breast cancer since 1980; and

22 WHEREAS, while the incidence of breast cancer is
23 highest among older women, the incidence is rapidly
24 increasing in women under 40, making breast cancer a
25 concern for women of all ages; and

26 WHEREAS, while it is known what characteristics
27 place some women at greater risk for developing breast
28 cancer, experts still do not completely understand the
29 cause of breast cancer or how to prevent its
30 occurrence; and

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1 WHEREAS, despite advancements in detection and
2 treatment methods, the mortality rate from breast
3 cancer has remained essentially unchanged; and

4 WHEREAS, screening mammography plays a vital role
5 in early diagnosis when breast cancer is in the most
6 curable state; and

7 WHEREAS, low income, minority status, and lack of
8 health insurance affect the ability of many women to
9 obtain screening services, making it more likely they
10 will not be diagnosed until in the advanced stages of
11 breast cancer, significantly reducing their chances of
12 survival; NOW THEREFORE,

13 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
14 REPRESENTATIVES CONCURRING, That the General Assembly
15 supports efforts to promote early detection of and
16 effective treatment modalities for breast cancer in
17 Iowa.

18 BE IT FURTHER RESOLVED, That the General Assembly
19 urges the Congress of the United States to enact
20 legislation to ensure adequate funds to advance
21 efforts to find a cure and effective preventive
22 measures for breast cancer.

23 BE IT FURTHER RESOLVED, That the Secretary of the
24 Senate send copies of this Resolution to the Governor
25 of the State of Iowa, to the President of the United

26 States, to the President of the United States Senate,
 27 to the Speaker of the United States House of
 28 Representatives, to the Secretary of the United States
 29 Senate, to the Chief Clerk of the United States House
 30 of Representatives, to each member of the Iowa

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1 congressional delegation, and to the presiding officer
 2 of each house of the legislature in each state in the
 3 union.

1 **SENATE CONCURRENT RESOLUTION 112**

2 By: Running

3 **(COMPANION TO LSB 5678HH BY BURKE)**

4 A Concurrent Resolution requesting the Governor to
 5 annually issue a proclamation designating April
 6 28 as Workers' Memorial Day.

7 WHEREAS, every year an estimated 10,000 American
 8 workers are killed by workplace hazards; and

9 WHEREAS, another 50,000 to 100,000 workers die each
 10 year from workplace injuries and diseases; and

11 WHEREAS, thousands more are injured and permanently
 12 disabled each year; and

13 WHEREAS, the federal Occupational Safety and Health
 14 Act guarantees every American worker the right to a
 15 safe and healthy workplace; and

16 WHEREAS, concerned Americans are determined to
 17 prevent workplace tragedies by seeking stronger safety
 18 and health protections, better standards and
 19 enforcement, and fair and just compensation; and

20 WHEREAS, concerned Americans are dedicated to
 21 improving safety and health in all workplaces in the
 22 United States; and

23 WHEREAS, the AFL-CIO has chosen the anniversary
 24 date of the federal Occupational Safety and Health
 25 Act, April 28, as Workers' Memorial Day; NOW

26 THEREFORE,

27 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 28 REPRESENTATIVES CONCURRING, That the Governor is
 29 requested to proclaim April 28, 1992, as Workers'
 30 Memorial Day, a day to remember the workers who have

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1 been disabled by occupational disease, or killed or
 2 injured on the job.

3 BE IT FURTHER RESOLVED, That the Governor is
 4 requested to annually issue a proclamation designating

5 the twenty-eighth day of April as Workers' Memorial
6 Day.

1 SENATE CONCURRENT RESOLUTION 113

2 By: Committee on Rules and Administration

3 A Concurrent Resolution to affirm the commitment of
4 the Iowa General Assembly to continued coopera-
5 tion and exchange of information between the
6 Russian Parliament and the Iowa General Assembly.

7 WHEREAS, the Iowa General Assembly has expressed
8 its commitment to communication with and assistance to
9 the Russian Federation through its establishment and
10 funding of the Iowa International Development
11 Foundation; and

12 WHEREAS, the Iowa General Assembly has been honored
13 to receive delegations from the Russian Parliament and
14 is very pleased to share democratic experiences with
15 the members of these delegations; and

16 WHEREAS, members of the leadership of the Iowa
17 General Assembly were able to visit the Russian people
18 in the fall of 1991 and were greatly impressed with
19 the beauty of Russia and the hard work of the Russian
20 people who have created a lawful democratic government
21 for themselves; and

22 WHEREAS, the members of the Iowa General Assembly
23 are most excited to share their democratic experiences
24 with the representatives of the Russian Parliament;
25 and

26 WHEREAS, the members of the Iowa General Assembly
27 and the members of the Russian Parliament believe that
28 closer cooperation between the State of Iowa and the
29 Russian Federation will benefit the peoples of both
30 lands economically and will bridge the vast distances

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1 in geography and bring the peoples closer together,

2 NOW THEREFORE,

3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
4 REPRESENTATIVES CONCURRING, That the Iowa General
5 Assembly extends warmest regards to the delegation of
6 the Peoples' Deputies of the Supreme Soviet of the
7 Russian Federation, including Valentin Agafonov,
8 Chairman of the Committee on Rural Economic
9 Development, Agriculture, and Food; and Peoples'
10 Deputies Stanislav Osminin, Michail Varshavsky, and
11 Vladimir Molochkov; and Boris Chernyakov, member of
12 the Institute of the U.S.A. and Canada, during their
13 visit to the State of Iowa; and

14 BE IT FURTHER RESOLVED, That the Iowa General
 15 Assembly affirms its commitment to continued
 16 cooperation and exchange of information between the
 17 Russian Parliament and the Iowa General Assembly; and
 18 BE IT FURTHER RESOLVED, That the Iowa General
 19 Assembly pledges that it will take action to build
 20 bridges to create closer understanding between our two
 21 states.

1 SENATE CONCURRENT RESOLUTION 114

2 By: Running

3 A Concurrent Resolution relating to the declaration of
 4 Iowa quality week.

5 WHEREAS, the state of Iowa is proud to promote the
 6 ideals of quality as applied to products and services
 7 in Iowa and across the country; and

8 WHEREAS, Iowans are proud of the high quality
 9 products and services which are produced in the state;
 10 and

11 WHEREAS, Iowa's products are appreciated nationwide
 12 for their quality, and the state is working to open
 13 more markets worldwide for its high quality products
 14 and services; and

15 WHEREAS, the first Midwest Quality Conference was
 16 held in Iowa City in 1945 by the men and women of
 17 sections 1303 and 1308 of the American Society for
 18 Quality Control, who today continue to promote and
 19 communicate quality awareness in Iowa; and

20 WHEREAS, the future success of the state depends
 21 upon maintaining the quality of Iowa's products; NOW
 22 THEREFORE,

23 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 24 REPRESENTATIVES CONCURRING, That the week of March 15
 25 to March 21, 1992, is designated as "Iowa Quality
 26 Week," in recognition of the men and women involved
 27 with quality achievement in Iowa, and the Governor is
 28 requested to issue a proclamation calling upon the
 29 people of Iowa to observe this week by renewing
 30 efforts to improve the quality of Iowa's products and

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1 services.

1 SENATE CONCURRENT RESOLUTION 115

2 By: Committee on Rules and Administration

3 A Concurrent Resolution to request the United States
 4 Congress and the Senate Finance Committee to refrain

5 from preempting state laws relating to health
 6 insurance premium taxes.
 7 WHEREAS, the federal executive branch
 8 administration's plan for comprehensive health care
 9 reform includes a provision for the preemption of
 10 state laws relating to health insurance premium taxes;
 11 and
 12 WHEREAS, the administration's plan would also
 13 preempt certain other state laws relating to health
 14 care benefits; and
 15 WHEREAS, the preemption of state laws would
 16 significantly reduce the health insurance premium
 17 taxes for many states and would annually reduce Iowa's
 18 health insurance premium taxes by approximately \$33
 19 million; NOW THEREFORE,
 20 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 21 REPRESENTATIVES CONCURRING, That the Iowa General
 22 Assembly strongly urges the United States Congress and
 23 especially the Senate Finance Committee, which is
 24 currently considering the administration's proposal
 25 and of which Iowa's senior Senator, the Honorable
 26 Charles E. Grassley is a member, to reject the
 27 legislative proposal to preempt Iowa's laws regarding
 28 health insurance premium taxes.
 29 BE IT FURTHER RESOLVED, That copies of this
 30 resolution be sent to the Honorable Charles E.

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1 Grassley, Iowa's senior United States Senator, the
 2 Honorable Tom Harkin, Iowa's junior United States
 3 Senator, the other members of Iowa's congressional
 4 delegation, the President of the United States Senate,
 5 the Speaker of the United States House of
 6 Representatives, and the President of the United
 7 States.

1 SENATE CONCURRENT RESOLUTION 116

2 By: Committee on Education
 3 (SUCCESSOR TO SSB 2274)

4 A Concurrent Resolution encouraging local schools,
 5 colleges, universities, businesses, and trade unions
 6 throughout Iowa to work together to improve the
 7 quality and accessibility of education and business in
 8 Iowa and increase expectations of and for Iowa's
 9 students.
 10 WHEREAS, schools, colleges, and universities have a
 11 symbiotic relationship with businesses and trade
 12 unions; and

13 WHEREAS, students who are encouraged and assisted
 14 in elementary and secondary school are more likely to
 15 become successful apprentices, employees, and
 16 postsecondary students; and
 17 WHEREAS, schools that improve student attendance
 18 and test scores and reduce their student drop-out rate
 19 can supply colleges and universities, and businesses
 20 and trade unions with better educated, disciplined
 21 applicants; and
 22 WHEREAS, colleges and universities that assist
 23 local school faculty and students could diminish the
 24 need for remedial courses, expand the number of
 25 students prepared to build on the knowledge acquired
 26 in high school, and enhance placement opportunities
 27 for graduates; and
 28 WHEREAS, students have more incentive to attend
 29 classes and work for good grades when businesses and
 30 trade unions assist schools and reward aptitude in

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1 school with higher paying summer jobs, full-time jobs
 2 upon graduation, positions in apprenticeship programs,
 3 or entry-level positions after the successful
 4 completion of a college education; NOW THEREFORE,
 5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 6 REPRESENTATIVES CONCURRING, That the Iowa General
 7 Assembly supports moves by Iowa's educational system
 8 to improve the working skills, grades, and attendance
 9 of its students; encourages businesses to hire Iowa's
 10 students through contracts with local school
 11 districts; and promotes efforts by local schools,
 12 colleges, universities, businesses, and trade unions
 13 throughout Iowa to strengthen their mutually
 14 beneficial relationships, work together to improve the
 15 quality of education and business in Iowa, and raise
 16 the expectations of and for Iowa's students.

1 SENATE CONCURRENT RESOLUTION 117
 2 By: Varn, Murphy, Riordan, Hannon, Horn, Kinley,
 3 Gronstal, Buhr, Palmer, Szymoniak, Slife, Kramer,
 4 Lloyd-Jones, Sturgeon, Pate, Fuhrman, Lind, Kersten,
 5 Connolly, Running, Welsh, Tinsman, Rensink, Kibbie,
 6 Borlaug, Fraise, Miller, Rittmer, Vande Hoef, Jensen,
 7 Peterson, Hutchins, Tieden, Husak, Dieleman, Sorensen,
 8 Rosenberg, Doyle, McLaren, Rife, Deluhery, Taylor,
 9 Boswell, Soorholtz, Hagerla, Hedge, Priebe, Drake,
 10 Gettings, and Hester
 11 A Concurrent Resolution to encourage ethnic, cultural,

12 and economic diversity in Iowa.
13 WHEREAS, the citizens of the United States take
14 pride in the country's history and international
15 reputation as a land of immigrants; and
16 WHEREAS, 1990 census figures relate that 96 percent
17 of Iowa's population is white, 2 percent African-
18 American, 1 percent Hispanic, and 1 percent Asian,
19 Pacific Islander, Native American, Alaskan Native
20 American; and
21 WHEREAS, Iowa has lost population during recent
22 decades; and
23 WHEREAS, Iowa, despite the nature of its
24 population, has a history of cultural tolerance; and
25 WHEREAS, recent events and polls in the state
26 indicate that despite Iowa's history, present day
27 Iowans do not understand other cultures and feel
28 threatened by what they perceive as an encroachment by
29 outsiders; and
30 WHEREAS, the future health and wellness of the

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1 communities and the economy of the state may depend
2 upon long-term strategies devised now to improve
3 ethnic and cultural tolerance and diversity in Iowa,
4 making conditions favorable for new immigrants to Iowa
5 and attractive to businesses wishing to locate in
6 Iowa; NOW THEREFORE,
7 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
8 REPRESENTATIVES CONCURRING, That the General Assembly
9 encourage the establishment of an Iowa immigration
10 program to increase awareness and education regarding
11 the contributions of other cultures, to encourage
12 people of other cultures and backgrounds to locate in
13 Iowa, and to work with immigrants to Iowa to ease
14 their assimilation into Iowa culture while recognizing
15 the dignity of each immigrant's cultural identity.
16 BE IT FURTHER RESOLVED, That the General Assembly
17 encourage efforts to combat racism and encourage the
18 forceful prosecution of hate crimes.
19 BE IT FURTHER RESOLVED, That the General Assembly
20 encourage the Iowa Peace Institute; the National
21 Association for the Advancement of Colored Persons;
22 Proteus; the League of United Latin American Citizens;
23 the National Conference of Christians and Jews; the
24 Entrepreneurial Group for Minorities; Education Equity
25 Consultants; Blacks in Management; the Department of
26 Human Rights and its divisions; the chambers of
27 commerce, religious communities, service clubs,
28 sorority and fraternity alumni groups, human rights

29 organizations across the state and any other
30 interested organizations or groups in Iowa to work in

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1 Iowa's rural and urban communities to increase
2 awareness, acceptance, and understanding among Iowa's
3 adults of the need for cultural, ethnic, and
4 socioeconomic diversity, that they may act
5 appropriately as role models for Iowa's youth.
6 BE IT FURTHER RESOLVED, That the General Assembly
7 encourage and support economic diversification of the
8 state and economic incentives to encourage people with
9 diverse backgrounds to locate their businesses, their
10 homes, and their families in Iowa.

1 SENATE CONCURRENT RESOLUTION 118

2 By: Welsh and Connolly

3 A Concurrent Resolution to honor pharmacist Robert J.
4 Osterhaus of Maquoketa, Iowa, on achieving the highest
5 elected office in American pharmacy, President of the
6 American Pharmaceutical Association.
7 WHEREAS, Robert J. Osterhaus is an upstanding and
8 respected member of the business community in the City
9 of Maquoketa in Jackson County; and

10 WHEREAS, Mr. Osterhaus has been an active member
11 and supporter of religious, local community, and civic
12 organizations; and

13 WHEREAS, Mr. Osterhaus is a 1952 graduate of the
14 University of Iowa College of Pharmacy; and

15 WHEREAS, Mr. Osterhaus served the citizens of the
16 state by advancing public health for 12 years as a
17 member of the Iowa Board of Pharmacy Examiners; and

18 WHEREAS, Mr. Osterhaus has served the profession of
19 pharmacy in Iowa as the 106th President of the Iowa
20 Pharmacists Association; and

21 WHEREAS, Mr. Osterhaus will be installed as the
22 137th President of the American Pharmaceutical
23 Association on March 17, 1992; NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
25 REPRESENTATIVES CONCURRING, That the General Assembly
26 commends Robert J. Osterhaus for his outstanding
27 contributions in pharmaceutical care for the citizens
28 of Jackson County and for his visionary advancements
29 in the pharmacy profession, and shows its appreciation
30 for the honor Mr. Osterhaus brings to Iowa in serving

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1 as the 137th President of the American Pharmaceutical
2 Association.

1 SENATE CONCURRENT RESOLUTION 121
2 By: Riordan and Rosenberg
3 A Senate Concurrent Resolution requesting that the
4 President of the United States and the Congress
5 of the United States safeguard the laws of the
6 United States relating to health, safety, labor,
7 and environmental protection from threats by
8 treaties affecting trade currently being negotiated,
9 including the current Uruguay Round of the General
10 Agreement on Tariffs and Trade and the United States-
11 Mexico Free Trade Agreement.
12 WHEREAS, a dispute resolution panel under the
13 General Agreement on Tariffs and Trade decreed on
14 August 16, 1991, that certain provisions of the
15 federal Marine Mammal Protection Act of 1972, 16
16 U.S.C. § 1361 et seq. designed to protect dolphins,
17 are a barrier to trade and must be eliminated; and
18 WHEREAS, the dispute resolution panel also declared
19 that nations shall not have laws to protect health,
20 safety, or the environment beyond that nation's
21 geographic borders; and
22 WHEREAS, the ruling may jeopardize other vital
23 provisions of United States laws, including the
24 federal Clean Air Act, 42 U.S.C., § 7401 et seq., the
25 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301
26 et seq. and international agreements, intended to
27 protect the stratospheric ozone layer to save
28 endangered species, to discourage driftnet fishing,
29 and to protect whales; and
30 WHEREAS, continuing negotiations during the Uruguay

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1 Round of the General Agreement on Tariffs and Trade,
2 reflected in the December 1990 draft agreement and the
3 United States-Mexico Free Trade Agreement, threaten
4 United States laws relating to health, safety, labor,
5 and the environment, and laws adopted by state and
6 local authorities; NOW THEREFORE,
7 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
8 REPRESENTATIVES CONCURRING, That the President of the
9 United States initiate and complete negotiations, as
10 part of the current Uruguay Round, to make the General
11 Agreement on Tariffs and Trade compatible with the

12 Marine Mammal Protection Act of 1972 and other United
 13 States laws relating to health, safety, labor, and the
 14 environment, including laws that are designed to
 15 protect the environment beyond the geographic borders
 16 of the United States; and
 17 BE IT FURTHER RESOLVED, That the Congress not
 18 approve legislation to implement any trade agreement
 19 including an agreement produced under the Uruguay
 20 Round of the General Agreement on Tariffs and Trade
 21 and the United States-Mexico Free Trade Agreement, if
 22 the trade agreement would jeopardize United States
 23 laws relating to health, safety, labor, or
 24 environmental protection, and
 25 BE IT FURTHER RESOLVED, That copies of this
 26 resolution be sent by the Secretary of the Senate to
 27 the President of the United States, the President of
 28 the United States Senate, the Speaker of the United
 29 States House of Representatives, and Iowa's
 30 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 124

2 By: Szymoniak, Lloyd-Jones, Murphy, Hannon, Kramer,
 3 Rittmer, Miller, Slife, McLaren, Riordan, Deluhery,
 4 Tinsman, and Taylor
 5 A Concurrent Resolution expressing support for indepen-
 6 dent living centers for persons with disabilities in
 7 Iowa.

8 WHEREAS, there is a need to enable persons with
 9 disabilities to exercise more control in their lives
 10 and put an end to their isolation; and

11 WHEREAS, the tools that enable persons with
 12 disabilities include peer counseling and support to
 13 persons with disabilities and their families; and

14 WHEREAS, persons with disabilities can assimilate
 15 into their community if housing is provided that meets
 16 the persons' specific needs and if productive
 17 employment is available that takes advantage of the
 18 persons' special skills; and

19 WHEREAS, private, nonprofit, community-managed, and
 20 community-based programs to provide services to
 21 persons with disabilities are anticipated to create a
 22 new small business base within the state and increase
 23 employment opportunities for individuals; and

24 WHEREAS, studies show that funding of services to
 25 assist persons with disabilities produce able,
 26 enthusiastic workers, neighbors, and students, and
 27 return to the state and federal coffers six to 11
 28 times the original investment; and

29 WHEREAS, it is time that services to persons with
30 disabilities are raised to the high standards expected

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1 from the great state of Iowa; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
3 REPRESENTATIVES CONCURRING, That the General Assembly
4 expresses its support of private, nonprofit,
5 community-managed, and community-based independent
6 living centers for persons with disabilities in Iowa.

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- Jensen, John W.—Senator Eleventh District
- Tinsman, Maggie—Senator Twentieth District
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Bills introduced—10, 63, 70, 91, 107, 307

Amendments filed—172, 264, 281, 319, 324, 327, 525, 542, 743, 773, 774,
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Escorted Chief Justice and the Justices of the Supreme Court and the Chief
Judge and the Judges of the Court of Appeals into the House Chamber—
32Escorted Senator Hutchins to the well of the Senate and presented an
engraved plaque and an enrolled copy of Senate Resolution 115—1775

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into a multi-million dollar international business and founded Youth
Services International, Inc.—220Presented members of the Iowa High School Rodeo Association: Alexis Good,
Bloomfield, President of the Iowa High School Rodeo Association; Trina
Nealy, Danville, Queen of the Iowa High School Rodeo Association;
Craig Korkow, Silver City, National Student President of the Iowa High
School Rodeo Association; and Spencer Love, Estherville, Iowa High
School Rodeo Association member—720

Presided at sessions of the Senate—1792

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1502, 1543, 1552, 1691, 1725
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Presented delegation visiting from Lithuania: Dr. Juozas Olekas, Minister
of Health; Dr. Juozas Radikas, Chief Doctor, Vilnius Santarikskes
University Hospital; Dr. Juozas Raistenskis, Chief Doctor, Red Cross
Hospital; and Gediminas Cerniauskas, Head of the Finance Department
of the Lithuanian Parliament. The delegation was jointly hosted by
Iowa Methodist Medical Center, Mercy Hospital Medical Center and
the Iowa International Development Foundation—695
Presented Dr. Konrad Elmer, member of the German Parliament, who serves
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133, 134, 135
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 House File 242 - Senator Connolly—1174
 House File 323 - Senator Connolly—1253
 House File 695 - Senator Boswell—376
 House File 2061 - Senator Pate—443
 House File 2086 - Senator Vande Hoef—346
 House File 2126 - Senator Connolly—1174
 House File 2165 - Senator Connolly—1253
 House File 2232 - Senator Pate—1098
 House File 2269 - Senator Pate—978
 House File 2308 - Senator Connolly—1253
 House File 2385 - Senator Connolly—1253
 House File 2428 - Senator Hedge—1166
 House File 2454 - Senator Pate—1421
 House File 2455 - Senator Pate—1307
 House File 2455 - Senator Pate—1421
 House File 2467 - Senator Pate—1649
 House File 2476 - Senator Pate—1649
 House File 2484 - Senator Vande Hoef—1837
 House File 2484 - Senator Fuhrman—1837
 House Concurrent Resolution 117 - Senator Pate—1649

FEDERAL AGENCIES—

(See President of the United States, Congress and/or Federal Agencies)

FRAISE, EUGENE—Senator Thirty-first District

Bills introduced—10, 70, 91, 107, 182, 219, 257, 307, 418
 Amendments filed—327, 665, 686, 697, 710, 718, 743, 752, 767, 773, 774,
 787, 795, 829, 844, 966, 967, 983, 1113, 1126, 1182, 1190, 1191, 1330,
 1391, 1406, 1652, 1742
 Amendments offered—710, 793, 824, 972, 1265, 1652
 Amendments withdrawn—710, 1265, 1461
 Call of the Senate—1824
 Committee appointments—4, 1673
 Petitions presented—74, 357, 444, 558, 1227
 Presented members of the 1992 Girls' State five-player high school basketball
 tournament team and volleyball team from Marquette High School, West
 Point—772
 Reports—1698, 1824
 Standing committees and subcommittees appointed to—12, 13, 14, 15, 132,
 133, 134, 135
 Subcommittee assignments, governor's appointments—288, 933, 934, 935

FUHRMAN, LINN—Senator Fifth District

Bills introduced—91, 107, 181, 182, 218, 219, 278, 403, 460
 Amendments filed—242, 264, 279, 281, 327, 337, 553, 570, 623, 697, 717,
 718, 724, 816, 829, 853, 857, 967, 981, 1019, 1103, 1138, 1152, 1166,
 1326, 1358, 1405, 1406, 1447, 1484, 1566, 1567, 1714

- Amendments offered—337, 701, 816, 862, 894, 1004, 1138, 1149, 1178, 1216, 1373, 1411, 1447, 1714, 1778
- Amendments withdrawn—1152
- Committee appointments—1454, 1793
- Petitions presented—123, 1648, 1725
- Reports—1799
- Resolutions offered—208, 282, 450
- Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135
- Subcommittee assignments, governor's appointments—288, 290, 933, 945, 946

GENERAL ASSEMBLY - SENATE—

(See also Rules and Administration and/or President of the United States, Congress, Federal Agencies and/or Study Committees in this General Index and/or Senate Concurrent Resolutions, Senate Resolutions, and House Concurrent Resolutions listed in Legislative Index Volume)

Resolutions relating to:

- Senate Concurrent Resolution 113, Affirm the commitment of the general assembly to continue cooperation and exchange information between the Russian Parliament and the Iowa General Assembly. S.J. 523, 524, 525 adopted, 546 - H.J. 389, 393 adopted, 394.
- Senate Concurrent Resolution 132, 1992 Extraordinary Session-Final adjournment, Thursday, May 21, 1992. S.J. 26, 36 adopted and msgd. 43 - H.J. 32, 33, adopted and msgd.
- Senate Resolution 101, Gubernatorial appointments, require senate confirmation. S.J. 307, 316, 329 adopted.
- Senate Resolution 104, Disposition of ethics complaint against Senator Joseph J. Welsh. S.J. 651, 654, 655, 656, 657 adopted.
- Senate Resolution 106, Defer action on confirmation of Gretchen Tegler, appointee. S.J. 1418, 1423, 1428-1429 adopted.
- Senate Resolution 108, Honor Senator Ray Taylor for his years of legislative service. S.J. 1667, 1671, 1693 adopted.
- Senate Resolution 109, Honor Senator Bill Hutchins for his legislative service. S.J. 1667, 1671, 1694 adopted.
- Senate Resolution 110, Honor Senator Wally E. Horn for his years of service. S.J. 1667, 1671, 1692 adopted.
- Senate Resolution 111, Honor Senator Alvin V. Miller for his years of legislative service. S.J. 1667, 1671, 1693-1694 adopted.
- Senate Resolution 112, Honor Senator Dale L. Tieden. S.J. 1683, 1769, 1770 adopted.
- Senate Resolution 113, Honor Senator John E. Soorholtz who is retiring from legislative service. S.J. 1683, 1770, 1771 adopted.
- Senate Resolution 114, Honor Senator Alvin Miller. S.J. 1683, 1772-1773 adopted.
- Senate Resolution 115, Honor Senator Bill Hutchins who is retiring from legislative office. S.J. 1683, 1773-1774, 1775 adopted.

- Senate Resolution 116, Honor Senator George R. Kinley who is retiring from legislative office. S.J. 1684, 1775, 1776 adopted.
- Senate Resolution 117, Daily operations of the Senate. S.J. 1715, 1716 adopted.
- House Concurrent Resolution 101, Joint convention, Tuesday, January 14, 1992, 10:00 a.m., Governor Terry E. Branstad be invited to deliver his condition of the state and budget message. H.J. 4-5 adopted, 5 - S.J. 7 adopted H.J. 25-26.
- House Concurrent Resolution 102, Joint convention, Thursday, January 16, 1992, 10:00 a.m., Chief Justice McGiverin be invited to present his message of the condition of the judicial department. H.J. 5 adopted - S.J. 7, 30 adopted - H.J. 26.
- House Concurrent Resolution 123, Final adjournment, Monday, May 4, 1992 Regular Session of the Seventy-fourth General Assembly, H.J. 2247 adopted and msgd. - S.J. 1834 adopted - H.J. 2253.

GETTINGS, DONALD E.—Senator Thirty-third District

- Bills introduced—63, 91, 107, 218
- Amendments filed—264, 540, 698, 718, 829, 983, 1114, 1330, 1371, 1378, 1391, 1406, 1423, 1424, 1551, 1552, 1566, 1639, 1655, 1725
- Amendments offered—366, 540, 793, 969, 1440, 1573
- Appointed to Senate Ethics Committee—16, 135
- Appointed to Iowa Law Enforcement Academy Council—1708
- Committee appointments—57, 1494
- Escorted the Honorable Arthur A. McGiverin, Chief Justice of the Iowa Supreme Court and guests into the House chamber—57-58
- Escorted Senator Miller to the well of the Senate and presented him with an engraved plaque and an enrolled copy of Senate Resolution 114—1773
- Petitions presented—558, 559, 560, 1377
- Reports—166, 659-661, 750-751, 1625
- Resolutions offered—450
- Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135
- Subcommittee assignments, governor's appointments—933, 935

GOVERNOR BRANSTAD, TERRY E.—

- Addressed joint convention—31-39
- Bills signed by—261, 377, 965-966, 1013, 1097, 1142, 1165, 1226, 1269, 1278, 1323, 1378, 1388, 1404, 1422-1423, 1520-1521, 1564-1565, 1596, 1669-1670, 1697, 1708, 1724, 1840
- Condition of the State Address Message—32-39
- Committees to notify and/or report—4, 31, 1843, 1844
- Committees to escort—32, 58
- Communications from—233-239, 358, 381, 859, 865-873, 1845
- Item veto messages—715-717
- Item veto messages after session—1850-1857
- Veto messages—1270-1271, 1323-1325, 1740-1742, 1841
- Veto messages after session—1857-1860

Resolution relating to the Condition of the State and Budget Message, HCR
101 - H.J. 4-5 adopted, 5 - S.J. 7 adopted - H.J. 25-26
Closing message—1845

*****1992 EXTRAORDINARY SESSION *****

Bills signed by—46
Communications from—1-3
Proclamation re Extraordinary Session—1,2-3
Veto messages—46-47
Notify—4, 37

***** 1992 SECOND EXTRAORDINARY SESSION *****

Bills signed by—16
Communications from—1-2
Proclamation re Second Extraordinary Session—2-3

GRONSTAL, MICHAEL E.—Senator Fiftieth District, President of the Senate

Bills introduced—70, 91, 207, 218, 497, 545

Advisory - Senate Resolution 104, S.5146 was not divisible—655

Amendments filed—959, 1113, 1358, 1512, 1543, 1551, 1660, 1702

Amendments offered—1370, 1508, 1660

Announced appointments—272, 856, 1166, 1357, 1708

Announced that due to an error in Senate File 2285 (SSB 2226) the bill
will be withdrawn and replaced by Senate File 2343 (SSB 2226)—712

Announced S-5941, inadvertently previously ruled out of order was eligible
for consideration—1786

Appointed to statutory membership of the Legislative Council—147

Assignment of bills—108, 128, 145, 161, 184-185, 195, 209, 221, 240, 264-
265, 283, 304, 307, 326, 345, 370, 388, 405, 427, 451, 479, 495, 529, 551,
568, 586, 607, 627, 634, 652, 681, 733, 750, 773, 799, 829, 856, 886, 908,
935-936, 951, 966, 991, 1030, 1041, 1052, 1126, 1164, 1189, 1212, 1254,
1279, 1329, 1467, 1513, 1539, 1540, 1549, 1566, 1585, 1591, 1597, 1608,
1636, 1646, 1665, 1698, 1721, 1738, 1744, 1758, 1773, 1801

Committee appointments—57, 147, 1369, 1813

Elected President of the Senate for the remainder of the Seventy-fourth
General Assembly—102

Escorted the Honorable Arthur A. McGiverin, Chief Justice of the Iowa
Supreme Court and guests into the House chamber—57-58

Escorted to the rostrum by Senators Hutchins and Connolly and was
congratulated and presented the gavel by President pro-tempore Lloyd-
Jones—102

Petitions presented—357, 444, 559, 1755

Presented an engraved pocket calculator-business card case and pen set
on behalf of the members of the Senate in recognition of leadership
during the Seventy-fourth General Assembly—1816

Presided at sessions of the Senate—107, 119, 126, 131, 142, 156, 162, 187,
195, 197, 198, 206, 211, 223, 233, 239, 243, 254, 257, 266, 268, 277, 279,
286, 302, 317, 319, 324, 329, 331, 352, 361, 372, 380, 403, 417, 430, 450,

453, 473, 480, 521, 542, 545, 555, 564, 571, 583, 584, 590, 591, 603, 624, 632, 649, 650, 655, 667, 673, 677, 687, 699, 711, 721, 731, 736, 754, 775, 778, 797, 801, 806, 811, 830, 845, 847, 858, 880, 893, 910, 915, 923, 928, 937, 952, 953, 957, 969, 976, 984, 1003, 1025, 1040, 1060, 1100, 1148, 1156, 1171, 1176, 1178, 1183, 1202, 1214, 1256, 1273, 1305, 1308, 1310, 1328, 1332, 1340, 1346, 1350, 1359, 1371, 1375, 1380, 1395, 1431, 1432, 1434, 1436, 1457, 1487, 1513, 1544, 1558, 1559, 1570, 1600, 1620, 1640, 1646, 1655, 1666, 1673, 1680, 1686, 1699, 1701, 1706, 1707, 1712, 1731, 1735, 1747, 1748, 1754, 1757, 1786, 1801, 1812, 1813, 1823, 1824, 1826, 1828, 1829, 1838

Reports—1626, 1830

Resolutions offered—450

Rulings—248, 255, 334, 543, 689, 846, 863, 895, 959, 1006, 1148, 1182, 1184, 1185, 1274, 1276, 1396, 1436, 1441, 1487-1488, 1490, 1561, 1602, 1614, 1616, 1656

Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135, 147, 1072

Subcommittee assignments, governor's appointments—288, 291, 292, 933, 950

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Presided at sessions of the Senate—1, 4, 9, 36

***** 1992 SECOND EXTRAORDINARY SESSION *****

Announced appointments—11

Announced resignation of Senator Bill Hutchins—13

Presided at session of the Senate—1, 4, 6, 8, 9

HAGERLA, MARK R.—Senator Thirtieth District, Assistant Minority Leader

Bills introduced—78, 180, 181, 278, 509, 633

Amendments filed—172, 242, 279, 327, 665, 666, 718, 753, 848, 1048, 1114, 1212, 1326, 1391, 1395, 1542, 1553, 1639, 1723, 1742, 1815

Amendments offered—848, 1395, 1553, 1723, 1815

Appointed to Healthy Iowans 2000—49

Appointed to Iowa Highway Research Board—272

Committee appointments—2, 1476

Petitions presented—444, 559, 786, 1095

Reports—3

Standing committees and subcommittees appointed to—12, 13, 15, 132, 133, 135

Subcommittee assignments, governor's appointments—289, 290, 945, 946

***** 1992 EXTRAORDINARY SESSION *****

Amendments filed—42

HANNON, BEVERLY A.—Senator Twenty-second District

Bills introduced—9, 10, 70, 126, 497

Amendments filed—172, 217, 327, 347, 525, 532, 686, 743, 800, 810, 891, 966, 983, 1006, 1048, 1099, 1114, 1126, 1148, 1180, 1185, 1190, 1213, 1254, 1326, 1357, 1393, 1395, 1396, 1405, 1499, 1502, 1512, 1748
 Amendments offered—249, 525, 726, 926, 1006, 1048, 1180, 1185, 1316, 1345, 1370, 1371, 1617
 Amendments withdrawn—722, 818, 982, 1316, 1370, 1371
 Appointed to Rural Health Advisory Board—272
 Committee appointments—4, 1476
 Petitions presented—357, 559, 921
 Presented David Hunt, 1991-92 Iowa Ambassador for Education (Teacher of the Year) from Clarence-Lowden High School, Clarence, Iowa—326
 Presided at sessions of the Senate—533, 927, 1408, 1706
 Reports—1597, 1824
 Resolutions offered—450
 Rulings—927
 Standing committees and subcommittees appointed to—13, 15, 133, 135
 Subcommittee assignments, governor's appointments—289, 291, 934, 945, 946

***** 1992 SECOND EXTRAORDINARY SESSION *****

Appointed to Agriculture Energy Management Council—11

HEARINGS—

Schwiesow, Jim R., Board of Corrections—358
 Renaud, Dale L., Administrator of the Veterans Affairs Division—962

HEDGE, H. KAY—Senator Thirty-second District

Bills introduced—63, 70, 71, 78, 107, 218, 278
 Amendments filed—264, 279, 281, 327, 623, 665, 743, 753, 1001, 1271, 1378, 1391, 1396, 1512, 1543, 1551, 1574
 Amendments offered—1452
 Amendments withdrawn—1452
 Appointed to Senate Ethics Committee—16, 135
 Committee appointments—2, 147, 1461
 Petitions presented—269, 444, 559, 560, 679, 1227, 1376, 1648
 Reports—3, 166, 659-661, 1580
 Resolutions offered—208, 282, 450
 Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135
 Statutory appointments—20
 Subcommittee assignments, governor's appointments—288, 290, 933

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Appointed to Agriculture Energy Management Advisory Council—11

HESTER, JACK W.—Senator Forty-ninth District

Bills introduced—70, 78, 91, 107, 218, 278

Amendments filed—173, 264, 279, 281, 327, 623, 666, 753, 767, 936, 967,
983, 1114, 1146, 1212, 1254, 1391, 1552
Amendments offered—767, 1184, 1414
Committee appointments—31, 1435, 1793
Escorted Governor Branstad to the Speakers station—32
Petitions presented—357, 559, 560, 1227, 1376, 1648
Presented Thomas Sutherland, former hostage released in Beirut, after 77
months in captivity—1202
Reports—1799
Resolutions offered—46
Standing committees and subcommittees appointed to—12, 13, 14, 132, 133,
134
Subcommittee assignments, governor's appointments—290, 933, 946

HORN, WALLY E.—Senator Twenty-fifth District, Assistant Majority Leader
Bills introduced—70, 91, 126, 127, 195, 219, 437, 460
Amendments filed—172, 173, 264, 301, 323, 346, 366, 379, 553, 623, 665,
718, 857, 879, 909, 981, 983, 1048, 1114, 1167, 1330, 1366, 1386, 1393,
1396, 1399, 1424, 1784, 1787
Amendments offered—1366, 1386, 1396, 1426
Amendments withdrawn—1399
Call of the Senate—1824
Called up appointees on En Bloc Confirmation Calendar—1238
Presented leadership with an engraved pocket calculator-business card case
and pen set on behalf of the members of the Senate in recognition of
their leadership during the Seventy-fourth General Assembly—1816
Reports—24-25, 1824
Resolutions offered—450
Received his Senate Chair and an enrolled copy of Senate Resolution 110,
for his years of service in the Iowa Senate—1692
Standing committees and subcommittees appointed to—12, 13, 14, 15, 132,
133, 134, 147
Subcommittee assignments, governor's appointments—289, 290, 291, 292,
933, 934, 945, 946, 947, 948, 949, 950

HOUSE AMENDMENTS FILED—

Senate File 84, S-5451—1109
Senate File 260, S-5078—379
Senate File 316, S-5511—1172
Senate File 390, S-5563—1251-1252
Senate File 414, S-5720—1434
Senate File 446, S-5540—1208
Senate File 511, S-5145—651
Senate File 2005, S-5481—1129
Senate File 2011, S-5430—1049
Senate File 2034, S-5928—1742
Senate File 2035, S-5799—1544
Senate File 2040, S-5542—1208
Senate File 2059, S-5450—1109
Senate File 2061, S-5512—1172

Senate File 2063, S-5477—1129
Senate File 2065, S-5719—1434
Senate File 2094, S-5144—651
Senate File 2097, S-5929—1738
Senate File 2108, S-5478—1129
Senate File 2116, S-5087—449
Senate File 2117, S-5568—1252
Senate File 2119, S-5505—1168
Senate File 2133, S-5498—1162
Senate File 2137, S-5507—1168
Senate File 2148, S-5696—1418
Senate File 2167, S-5697—1418
Senate File 2179, S-5429—1049
Senate File 2189, S-5530—1187
Senate File 2190, S-5698—1419
Senate File 2197, S-5609—1309
Senate File 2198, S-5553—1208
Senate File 2203, S-5777—1538
Senate File 2213, S-5558—1215
Senate File 2218, S-5877—1601
Senate File 2231, S-5555—1209
Senate File 2233, S-5479—1129
Senate File 2236, S-5567—1252
Senate File 2241, S-5896—1685
Senate File 2244, S-5528—1187
Senate File 2248, S-5794—1538
Senate File 2249, S-5556—1209
Senate File 2254, S-5876—1600
Senate File 2257, S-5418—1029
Senate File 2265, S-5529—1187
Senate File 2286, S-5480—1129
Senate File 2290, S-5817—1550
Senate File 2298, S-5610—1309
Senate File 2301, S-5506—1168
Senate File 2302, S-5499—1162
Senate File 2307, S-5541—1208
Senate File 2316, S-5699—1419
Senate File 2320, S-5722—1434
Senate File 2323, S-5569—1252
Senate File 2329, S-5900—1695
Senate File 2339, S-5713—1431
Senate File 2342, S-5543—1208
Senate File 2343, S-5742—1485
Senate File 2345, S-5663—1382
Senate File 2346, S-5403—1019
Senate File 2347, S-5679—1399
Senate File 2348, S-5611—1309
Senate File 2351, S-5584—1277
Senate File 2353, S-5793—1530
Senate File 2354, S-5701—1419

Senate File 2355, S-5644—1351
 Senate File 2360, S-5798—1544
 Senate File 2361, S-5774—1519
 Senate File 2364, S-5756—1510
 Senate File 2366, S-5855—1583
 Senate File 2367, S-5854—1584
 Senate File 2373, S-5939—1757
 Senate File 2378, S-5982—1826
 Senate Concurrent Resolution 102, S-5778—1537
 House File 547, S-5735 to H-5649—1470
 House File 2061, S-5175—713
 House File 2205, S-5920 to H-5889—1720
 House File 2250, S-5775 to H-5957—1519
 House File 2287, S-5734 to H-5916—1470
 House File 2385, S-5849—1562
 House File 2400, S-5906 to H-6027—1707
 House File 2413, S-5712 to H-5803—1431
 House File 2417, S-5937 to H-6077—1752
 House File 2450, S-5743 to H-5834—1496
 House File 2454, S-5853 to H-5909—1584
 House File 2455, S-5685 to H-5818—1400
 House File 2471, S-5899 to H-6034—1695
 House File 2475, S-5902 to H-6059—1703
 House File 2481, S-5931—1743
 House File 2486, S-5984 to H-6098—1832

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Senate File 2381, S-5985—17
 Senate File 2385, S-5990—28

HUMAN RESOURCES, COMMITTEE ON—

Appointed and appointments to—12
 Appointees, investigation of—270-271, 918
 Bills introduced—91, 403, 473, 523, 566, 584, 603, 625, 638, 649, 651, 657,
 686, 712
 Amendments filed—210, 623, 1018, 1019
 Investigating committee reports—462-463, 514, 550, 1014
 Referred to—606, 1050, 1713
 Standing committees and subcommittees appointed to—13, 133, 945-946
 Subcommittee assignments, governor's appointments—289

HUSAK, EMIL J.—Senator Thirty-eighth District, Assistant Majority Leader

Bills introduced—10, 63, 70, 91, 95, 107, 219, 307
 Amendments filed—155, 172, 264, 327, 366, 452, 525, 542, 665, 698, 699,
 718, 752, 773, 774, 857, 891, 936, 966, 983, 1001, 1007, 1113, 1166, 1180,
 1185, 1190, 1191, 1213, 1235, 1281, 1297, 1298, 1371, 1391, 1405, 1445,
 1512, 1543, 1551, 1559, 1560, 1561, 1566, 1567, 1578, 1580, 1590, 1702,
 1725, 1756, 1806
 Amendments offered—245, 537, 542, 983, 1001, 1382, 1559, 1574, 1580, 1783

Amendments withdrawn—894, 1578
 Appointed to Senate Ethics Committee—16, 135
 Appointed to Committee on Appropriations Vice Chair—695
 Call of the Senate—1824
 Committee appointments—147, 1435, 1674
 Petitions presented—74, 269, 357, 358, 444, 559, 679, 921, 1095, 1227
 Presented Roger A. Galvin from Belle Plaine, Easter Seal Adult
 Ambassador—267
 Presided at sessions of the Senate—249, 254, 737, 847, 915, 1050
 Reports—24-25, 166, 659-661, 1776, 1779, 1824
 Resolutions offered—450
 Standing committees and subcommittees appointed to—12, 13, 14, 132, 133,
 134, 135, 147
 Subcommittee assignments, governor's appointments—288

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Amendments filed—23
 Amendments offered—23

HUTCHINS, C.W. (Bill)—Senator Forty-eighth District, Majority Leader
 Addressed the Senate—1-2, 1695, 1775, 1816
 Bills introduced—28, 70, 91, 317, 1193, 1252, 1538, 1539, 1739, 1808
 Amendments filed—542, 1386, 1402, 1543, 1655, 1748, 1785, 1786, 1795, 1804
 Amendments offered—1300, 1386, 1402, 1748, 1785, 1804
 Amendments withdrawn—1655
 Announced appointments—12-16, 49
 Announced Statutory Appointments—20
 Appointed to statutory membership of the Legislative Council—147
 Call of the Senate—1823
 Call of the Senate lifted—1824
 Called up appointees on En Bloc Confirmation Calendar—497-499, 669-671,
 755-756, 859, 1061, 1170, 1193-1195, 1257, 1282, 1310-1311, 1333, 1360,
 1384, 1413
 Escorted to the well of the Senate by Senator Boswell and was presented
 with an engraved plaque and an enrolled copy of Senate Resolution
 115—1775
 Escorted Senator Gronstal, President of the Senate to the rostrum—102
 Invited the Senate Pages to the well of the Senate and thanked them for
 serving in the Iowa Senate, presented them with a Certificate of
 Recognition and a Page group picture—1777
 Petitions presented—357, 444, 559, 560, 679, 786, 1226
 Presented an engraved pocket calculator-business card case and pen set
 on behalf of the members of the Senate in recognition of leadership
 during the Seventy-fourth General Assembly—1816
 Presented Tupuna Rakanui, Second Clerk Assistant and Clerk of Committees
 in the Cook Islands Parliament, who will be working in the House of
 Representatives; Dr. Panna Kaji Amatya, head of the political science
 department at the university in Katmandu, Nepal, who will be working

in the Legislative Service Bureau; and Jan (Tony) Hsi-Dung, dir. of the Research Dept. and Vice-Researcher of the Secretariat of the Legislative Yuan, Wisdom Coalition, in the Republic of China, Taiwan, who will be working in the Legislative Fiscal Bureau and Tony's wife Mei-Li Wu (Nancy)—197

Presented Michael Murray, Senate Page a Certificate of Recognition for serving with honor and distinction during 1992 Regular Session—1470

Presented Senators Dan Lynch, Omaha and D. Paul Hartnett, Bellvue, members of the Nebraska Legislature—1551

Received his Senate Chair and was presented with an enrolled copy of Senate Resolution 109, for years served in the Iowa Senate—1694

Reports—25-26, 26-27, 1794, 1823

Resolutions offered—46, 119

Standing committees and subcommittees appointed to—13, 133, 147

***** 1992 EXTRAORDINARY SESSION *****

Amendments filed—36

Amendments offered—36

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Amendments filed—6

Amendments offered—6

Announced appointments—11

Resignation—13

INDIVIDUAL CONFIRMATION CALENDAR, Senate Rule 59—
(See Appointments - Governor's)

INTERIM COMMITTEES—
(See Legislative Council and/or Study Committees)

INTRODUCTIONS—
(See Addressed the Senate and/or Presentations)

INVESTIGATING COMMITTEES—Governor's Appointments—
(See Appointments - Governor's)

JENSEN, JOHN W.—Senator Eleventh District, Assistant Minority Leader
Bills introduced—11, 63, 78, 91, 107, 182, 233, 278, 438
Amendments filed—264, 279, 281, 327, 379, 542, 735, 743, 773, 774, 800,
829, 999, 1018, 1190, 1391, 1399, 1543, 1598, 1742, 1789, 1795
Amendments offered—420, 789, 813, 822, 969, 1197, 1346, 1371, 1391, 1405,
1789
Amendments withdrawn—822, 1391
Committee appointments—1494
Petitions presented—123, 191, 269, 358, 559, 921, 1492

Presented leadership with an engraved pocket calculator-business card case and pen set on behalf of the members of the Senate in recognition of their leadership during the Seventy-fourth General Assembly—1816
 Presented Mirkka Sippola from Finland, exchange student attending Ackley-Geneva School and Kokua Rajchukit of Thailand, teacher at Ackley-Geneva School—518
 Reports—24-25, 1625
 Resolutions offered—156, 208
 Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135, 147
 Subcommittee assignments, governor's appointments—288, 289, 290, 412, 933, 934, 935

***** 1992 EXTRAORDINARY SESSION *****

Amendments filed—25
 Amendments withdrawn—25

JOINT CONVENTIONS—

Convention of the State and Budget Message of Governor Terry E. Branstad—31-39
 Condition of the Iowa Judiciary Message of Chief Justice Arthur A. McGiverin—57-62
 Resolutions relating to:
 House Concurrent Resolution 101, Condition of the state and budget message, Governor Terry E. Branstad - H.J. 4-5 adopted, 5 - S.J. 7 adopted - H.J. 25-26.
 House Concurrent Resolution 102, Condition of the judicial department, Chief Justice McGiverin - H.J. 5 adopted - S.J. 7, 30 adopted - H.J. 26

JUDICIARY, COMMITTEE ON—

Appointed and appointments to—13
 Appointees, investigation of—271, 343, 918
 Bills introduced—146, 210, 242, 425, 450, 491, 523, 534, 584, 584-585, 604, 605, 624, 630, 631, 649, 667, 668, 1018
 Amendments filed—154, 217, 222, 344, 449, 610, 887, 1018, 1033, 1035, 1330
 Investigating committee reports—369, 445, 1210
 Referred to—483, 556, 832, 1050, 1449, 1452, 1476, 1676
 Standing committees and subcommittees appointed to—13, 133, 946
 Subcommittee assignments, governor's appointments—289-290

KERSTEN, JIM—Senator Seventh District

Bills introduced—54, 70, 71, 91, 107, 126, 181, 218, 278, 279, 361, 418, 475
 Amendments filed—264, 279, 323, 337, 347, 361, 570, 666, 686, 698, 699, 717, 718, 753, 800, 857, 909, 967, 1113, 1166, 1213, 1346, 1372, 1391, 1393, 1396, 1405, 1406, 1424, 1430, 1433, 1484, 1512, 1574, 1742
 Amendments offered—792, 973, 1440, 1517, 1577
 Amendments withdrawn—337, 973, 1577, 1616

Appointed to the advisory committee of the Iowa Department of Economic Development and Iowa Utilities Board—582
 Committee appointments—1471, 1494
 Presided at sessions of the Senate—1695
 Reports—1625
 Resolutions offered—450
 Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135
 Subcommittee assignments, governor's appointments—288, 935

***** 1992 EXTRAORDINARY SESSION *****

Presided at sessions of the Senate—32

KIBBIE, JOHN P.—Senator Sixth District

Bills introduced—10, 70, 91, 107, 126, 207, 218, 219, 278, 418
 Amendments filed—145, 155, 159, 161, 172, 173, 284, 301, 327, 361, 366, 379, 402, 542, 623, 665, 698, 743, 752, 800, 857, 891, 999, 1002, 1039, 1126, 1127, 1166, 1179, 1180, 1181, 1182; 1183, 1184, 1185, 1254, 1274, 1275, 1371, 1391, 1512, 1566, 1672
 Amendments offered—171, 245, 350, 692, 780, 806, 845, 1041, 1135, 1179, 1181, 1184, 1220, 1274, 1275
 Amendments withdrawn—845, 1121, 1135, 1182
 Appointed to IPERS Advisory Board—856
 Call of the Senate—1824
 Committee appointments—2, 1435, 1674
 Petitions presented—269, 357, 444, 560, 786
 Presented Patrick (Paddy) Sheehan Jr., member of the Irish Parliament from Goleen, County Cork, Ireland, he represents the Fine Gael Political Party and is a fulltime public representative with interests in the field of Agriculture. He was accompanied by his wife Elizabeth, Miss Joy Stowell from Emmetsburg, 1992 Miss Shamrock; Patrick and Rose Reilly, Dennis and Mary Speirs of Scotland—801
 Presided at sessions of the Senate—1046
 Reports—3, 1511, 1776, 1779, 1824
 Resolutions offered—450
 Standing committees and subcommittees appointed to—12, 13, 14, 132, 133, 134
 Statutory appointments—20
 Subcommittee assignments, governor's appointments—288, 290, 291, 934, 947, 948

***** 1992 EXTRAORDINARY SESSION *****

Amendments filed—42
 Presided at sessions of the Senate—32

KINLEY, GEORGE R.—Senator Fortieth District

Bills introduced—107, 219, 392, 407, 492, 667

Advised President Gronstal will state decision on parliamentary inquiry—
1477

Amendments filed—331, 366, 371, 665, 735, 752, 787, 971, 1166, 1281, 1391,
1543, 1559

Amendments offered—331, 941, 1120, 1559

Committee appointments—1813

Escorted to the well of the Senate by Senator Palmer and presented with
an engraved plaque and an enrolled copy of Senate Resolution 116—
1776

Petitions presented—358, 444

Presided at sessions of the Senate—99, 198, 766, 794, 834, 1229, 1327, 1328,
1338, 1476

Reports—1830

Resolutions offered—450

Rulings—1231

Standing committees and subcommittees appointed to—12, 14, 15, 132, 133,
134

Subcommittee assignments, governor's appointments—288, 290, 934, 945

KRAMER, MARY E.—Senator Forty-first District

Bills introduced—46, 78, 107, 181, 218, 219, 278, 473

Amendments filed—264, 279, 281, 284, 327, 346, 347, 386, 891, 936, 967,
1113, 1179, 1326, 1358, 1369, 1501, 1512, 1543, 1566, 1710, 1742, 1786

Amendments offered—790, 1369, 1617

Amendments withdrawn—1339, 1369

Committee appointments—1410, 1495, 1673, 1793, 1801

Petitions presented—358

Presented Karlos Kirby, a member of the United States Olympic Bobsled
team, who represented the United States in the 1992 Winter Olympics
in Albertville, France—1421

Reports—1698, 1811

Standing committees and subcommittees appointed to—12, 13, 14, 15, 132,
133, 134

Subcommittee assignments, governor's appointments—289, 291, 933, 934,
945, 946, 947, 948, 949, 950

LEGISLATIVE COUNCIL COMMITTEES—

(See also Study Committees)

Senators appointed to—147

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LIND, JIM—Senator Thirteenth District

Bills introduced—9, 71, 80, 99, 107, 126, 181, 257, 278, 361, 418, 460, 491,
523

Amendments filed—173, 264, 279, 281, 319, 322, 327, 328, 337, 361, 364,
366, 371, 553, 718, 735, 743, 752, 753, 857, 882, 883, 959, 966, 971, 981,
1113, 1114, 1179, 1190, 1237, 1347, 1348, 1371, 1372, 1391, 1395, 1433,
1442, 1512, 1542, 1552, 1580, 1587, 1598, 1652, 1742, 1837

Amendments offered—364, 723, 766, 796, 797, 881, 883, 927, 971, 1237, 1304,
1347, 1348, 1371, 1536, 1566, 1567, 1573, 1574, 1576, 1587, 1652
Amendments withdrawn—319, 927, 1442, 1536, 1577, 1587, 1613
Committee appointments—147, 1369, 1418, 1674, 1793, 1813, 1844
Petitions presented—1376, 1377
Reports—1626, 1792, 1811, 1830, 1844
Resolutions offered—119, 450, 603
Standing committees and subcommittees appointed to—12, 14, 15, 132, 134,
147
Subcommittee assignments, governor's appointments—291, 292, 934, 947,
948, 949, 950

LLOYD-JONES, JEAN—Senator Twenty-third District, President Pro Tempore
Bills introduced—460, 497
Amendments filed—697, 735, 800, 1114, 1499, 1512, 1543, 1551, 1578, 1590,
1655, 1837
Amendments offered—766, 1477, 1578
Announcement of vacancy—2
Announced Senator Joe Welsh submitted a letter of resignation from the
office of the President of the Senate—101
Announced Senator Gronstal had been elected President of the Senate for
the remainder of the Seventy-fourth General Assembly—102
Appointed to statutory membership of Legislative Council—147
Appointed to Senate Ethics Committee—16, 135
Appointed committee to escort Governor Branstad—31
Committee appointments—147, 1813, 1843
Memorandum of Decision of the Ethics Committee—112-117
Presented Governor Branstad who delivered the condition of the state and
budget address—32
Presented with an engraved pocket calculator-business card case and pen
set on behalf of the members of the Senate in recognition of leadership
during the Seventy-fourth General Assembly—1816
Presented Amy Worthen, Iowa Sister States Yamanashi Chair and Makato
Koshiihi, Yamanashi Prefectural Rep in Iowa—1360
Presided at joint convention—31, 32, 57
Presided at sessions of the Senate—1, 3, 28, 46, 47, 54, 56, 73, 78, 95, 100,
348, 391, 407, 496, 535, 572, 669, 702, 719, 772, 864, 1000, 1006, 1115,
1124, 1137, 1149, 1192, 1229, 1273, 1327, 1367, 1392, 1410, 1413, 1446,
1460, 1608, 1609, 1646, 1714, 1727, 1743, 1746, 1811
Presented Chief Justice McGiverin who delivered the Condition of the Iowa
Judiciary Message—58
Presented Senator Gronstal, President of the Senate, the gavel and
congratulated him—102
Reports—659-661, 1830, 1844
Resolutions offered—450
Rulings—1125, 1235, 1236, 1237, 1238, 1369, 1411, 1603
Standing committees and subcommittees appointed to—12, 13, 14, 15, 132,
134, 135
Subcommittee assignments, governor's appointments—290, 934, 948, 949

Welcomed a delegation of outstanding wrestlers from the Spartak Wrestling Club in Cherkesk, Stravropol region in Russia—1310

***** 1992 EXTRAORDINARY SESSION *****

Presided at sessions of the Senate—1, 9, 28

LOCAL GOVERNMENT, COMMITTEE ON—

Appointed and appointments to—13

Appointees, investigation of—271, 405, 918

Bills introduced—91, 221, 302, 303, 404, 474, 583, 606, 624, 625

Amendments filed—222, 610, 887, 888

Investigating committee reports—463, 1031

Referred to—816, 1050, 1094

Standing committees and subcommittees appointed to—13, 133, 134, 147

Subcommittee assignments, governor's appointments—288, 934

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)

MCLAREN, DERRYL—Senator Forty-seventh District

Bills introduced—70, 71, 78, 91, 107, 181, 278

Amendments filed—172, 264, 279, 281, 346, 347, 553, 570, 666, 686, 698, 699, 718, 752, 753, 768, 936, 966, 967, 1001, 1007, 1018, 1213, 1297, 1298, 1326, 1391, 1405, 1430, 1484, 1543, 1552, 1566, 1586, 1599, 1702, 1786

Amendments offered—172, 689, 723, 883, 1001, 1318, 1430, 1569, 1586, 1786

Amendments withdrawn—689, 1430

Committee appointments—1369, 1435

Petitions presented—444, 559, 679, 1376, 1648

Presented Peoples Deputies of the Russian Federation in Moscow: Chairman Agafonov, Stanislav Osminin, Michail Varshavsky, Peoples Deputy; and Vladimir Molochkov, also Boris Chernyakov, from Moscow—480

Reports—1626

Resolutions offered—450

Standing committees and subcommittees appointed to—12, 14, 132, 134

Subcommittee assignments, governor's appointments—288, 291, 292, 933, 947, 948, 949, 950

MESSAGES—

(See also Communications, Joint Conventions and Addressed the Senate)

From House—6-7, 142, 182-183, 243, 256, 266, 277-278, 339, 372, 391, 438, 481-482, 496, 533-534, 545, 555-556, 571, 590, 612-613, 626, 632-633, 650-651, 713, 719-720, 727, 731, 736-737, 754-755, 775-776, 802-803, 830-831, 838, 858-859, 864-865, 880, 884, 893, 903-904, 910-911, 915-916, 932, 937, 943-944, 952, 969, 976-977, 1008-1009, 1020, 1029, 1040, 1049,

1051, 1060, 1100, 1109, 1128-1129, 1139-1140, 1162, 1168-1170, 1172, 1186-1187, 1192, 1208-1209, 1214-1215, 1251-1252, 1256, 1277, 1293, 1308-1310, 1321, 1332, 1350-1351, 1359, 1369, 1381-1382, 1399-1400, 1408-1410, 1418-1419, 1431, 1434-1435, 1466, 1469-1470, 1480, 1485-1487, 1496, 1510, 1513, 1518-1519, 1537-1538, 1544-1545, 1550, 1557-1558, 1561-1562, 1583-1585, 1600-1601, 1611-1612, 1664, 1666-1667, 1685, 1695-1696, 1703, 1707, 1712-1713, 1720, 1734, 1737-1738, 1743, 1750, 1751-1752, 1757-1758, 1771-1772, 1776, 1781-1782, 1792, 1798-1799, 1807, 1808, 1817, 1819, 1826, 1829, 1831-1832

***** 1992 EXTRAORDINARY SESSION *****

From House—4, 15, 17, 24, 28, 42-43
 From Governor Terry E. Branstad, closing—1845
 From Governor Terry E. Branstad, item veto—715-717, 1850-1857
 From Governor Terry E. Branstad, veto—1270-1271, 1323-1325, 1740-1741, 1841, 1857-1860

***** 1992 SECOND EXTRAORDINARY SESSION *****

From House—4, 8, 9, 10

MILEAGE, COMMITTEE ON—

Reports—6, 24-25

MILLER, ALVIN V.—Senator Tenth District

Bills introduced—70, 91, 107, 126, 418

Amendments filed—94, 264, 665, 753, 999, 1114, 1167, 1190, 1212, 1296, 1391, 1512, 1582

Amendments offered—1314, 1426, 1582, 1615

Appointed to Advisory Commission on Intergovernmental Relations—67

Committee appointments—1461, 1476

Escorted to well of the Senate by Senator Gettings and was presented an engraved plaque and an enrolled copy of Senate Resolution 114—1773

Petitions presented—191, 444

Presented Alison Ewing, 1992 Iowa Young Woman of the Year, a student at Mason City High School with a career goal in musical theatre, will represent Iowa in the June National Finals in Mobile, Alabama—56

Received his Senate Chair and an enrolled copy of Senate Resolution 111, for his years of service in the Iowa Senate—1693-1694

Reports—1580, 1597

Standing committees and subcommittees appointed to—12, 13, 15, 132, 133, 135

Subcommittee assignments, governor's appointments—288, 289, 290, 291, 933, 934, 946

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 2013—1463
 Senate File 2116—757-758
 Senate File 2267—1320
 Senate File 2360—1780

Lost:

Senate File 2013—1463-1464
 Senate File 2116—758
 Senate File 2267—1320-1321
 Senate File 2360—1780

MOTIONS TO RECONSIDER AND RULINGS—

Motions to reconsider—

Filed:

Senate File 316, S-5065 to S-5044—383
 Senate File 316, S-5033—384
 Senate File 316—385
 Senate File 414—733
 Senate File 2010, S-5022 to S-5007—262
 Senate File 2034, S-5017—173
 Senate File 2034—191
 Senate File 2034, S-5017—191
 Senate File 2036, S-5715 to S-5531 as amended—1457
 Senate File 2049(2)—369
 Senate File 2097—451
 Senate File 2101—493
 Senate File 2101—513
 Senate File 2108—376
 Senate File 2116, S-5042A—283
 Senate File 2120—729
 Senate File 2175, S-5102—721
 Senate File 2201—1026
 Senate File 2201(2)—1027
 Senate File 2221—681
 Senate File 2236—729
 Senate File 2236—750
 Senate File 2249, S-5215—959
 Senate File 2249(5)—1638
 Senate File 2249, S-5556—1639
 Senate File 2250—1039
 Senate File 2250, S-5376—1055
 Senate File 2256—886
 Senate File 2256, S-5299—886
 Senate File 2256, S-5299—907
 Senate File 2275(2)—714
 Senate File 2275, S-5137—745
 Senate File 2284—715
 Senate File 2300—715

Senate File 2302—1445
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Senate File 2311(2)—998
Senate File 2315, S-5334—1005
Senate File 2315—1006
Senate File 2316—1467
Senate File 2316, S-5699 as amended—1489
Senate File 2316, S-5725 to S-5699—1489
Senate File 2320, S-5313 as amended—1183
Senate File 2327(2)—907
Senate File 2348(2)—1357
Senate File 2356(2)—1540
Senate File 2359, S-5736—1492
Senate File 2361—1533
Senate File 2361, S-5774 as amended—1534
Senate File 2361, S-5776 to S-5774—1535
Senate File 2363, S-5598—1339
Senate File 2365—1540
Senate File 2365—1551
Senate File 2371—1740
Senate File 2372—1555-1556
Senate File 2372—1556
Senate File 2376, S-5954—1788
Senate File 2376, S-5922—1788
Senate File 2380, S-5977—1825
Senate Joint Resolution 2008, S-5746G—1511
Senate Joint Resolution 2008, S-5746G—1595
Senate Joint Resolution 2008, S-5751—1619
Senate Joint Resolution 2008, S-5878 to S-5746—1620
House File 51—1094
House File 242(2)—1165
House File 323, S-5550—1211
House File 2061—185
House File 2061—1541
House File 2061—1551
House File 2086(2)—262
House File 2172—1126
House File 2207—1112
House File 2207—1143
House File 2237—1269
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House File 2334—1697
House File 2334—1698
House File 2356, S-5800A—1610
House File 2356, S-5840 to S-5800A—1610
House File 2372(2)—1189
House File 2384—1165
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House File 2412, S-5445—1097

House File 2412—1112
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House File 2424—1097
House File 2454, S-5691—1402
House File 2455, S-5513—1290
House File 2455(2)—1405
House File 2457(2)—1638
House File 2459, S-5565—1254
House File 2464—1540
House File 2464—1541
House File 2466, S-5844 to S-5797—1579
House File 2466, S-5841 to S-5797—1580
House File 2466, S-5841 to S-5797—1580

Prevailed:

Senate File 316, S-5065 to S-5044—384
Senate File 316—385
Senate File 414—748-749
Senate File 2010, S-5022 to S-5007—333
Senate File 2034—250-251
Senate File 2034, S-5017—252
Senate File 2036, S-5715 to S-5531—1457
Senate File 2108—536
Senate File 2175, S-5102—721
Senate File 2221—687-688
Senate File 2249, S-5215—959
Senate File 2249—1657-1658
Senate File 2256—902
Senate File 2275—744-745
Senate File 2275, S-5137—745
Senate File 2284—834-835
Senate File 2315, S-5334—1005
Senate File 2316—1488-1489
Senate File 2316, S-5699—1489
Senate File 2316, S-5725—1489
Senate File 2320, S-5313 as amended—1183
Senate File 2359, S-5736—1498
Senate File 2361—1534
Senate File 2361, S-5774—1534
Senate File 2361, S-5776 to S-5774—1535
Senate File 2376, S-5954—1788
Senate File 2376, S-5922—1788
Senate File 2380, S-5977—1825
Senate Joint Resolution 2008, S-5751—1619
House File 2061—422-423
House File 2334, S-5484—1414
House File 2412—1425
House File 2454, S-5691—1402
House File 2455, S-5513—1290
House File 2466, S-5844 to S-5797—1579

Lost:

Senate File 2201—1027
Senate File 2236—823-824
Senate File 2327—931
Senate File 2363, S-5598—1339
Senate File 2372—1556
Senate Joint Resolution 2008(2), S-5746G—1618
House File 242—1473-1474
House File 2061—1645
House File 2207—1259
House File 2334—1838
House File 2372—1475

Ruled out of order (motions to reconsider filed):

Senate File 2116, S-5042A—324
Senate File 2201(2)—1027
Senate File 2236—824
Senate File 2249(2)—1660
Senate File 2315—1006
Senate File 2327—932
Senate File 2372—1556
Senate Joint Resolution 2008, S-5878 to S-5746—1620
House File 242—1474
House File 2061—1645
House File 2334, S-5484—1414
House File 2356, S-5840 to S-5800A—1610
House File 2372—1476
House File 2412—1427

Withdrawn:

Senate File 316, S-5033—384
Senate File 2034, S-5017—173
Senate File 2049—418
Senate File 2086—267
Senate File 2094—430
Senate File 2097—812
Senate File 2101(2)—671
Senate File 2120—1137
Senate File 2250—1129
Senate File 2300—832
Senate File 2302—1818-1819
Senate File 2309—847
Senate File 2311(2)—1008
Senate File 2348(2)—1759
Senate File 2356—1554-1555
Senate File 2365(2)—1555
Senate File 2371—1758-1759
House File 2172—1320
House File 2287—1412
House File 2356, S-5800A—1610
House File 2384—1258
House File 2412, S-5445—1426

House File 2424—1138
 House File 2455(2)—1759-1760
 House File 2457(2)—1759
 House File 2459, S-5565—1263
 House File 2464(2)—1555
 House File 2466, S-5841 to S-5797(2)—1580

MURPHY, LARRY—Senator Fourteenth District, Assistant Majority Leader

Bills introduced—70, 91, 95, 126, 142
 Amendments filed—172, 173, 264, 284, 320, 327, 346, 347, 361, 472, 525,
 589, 686, 718, 735, 773, 787, 843, 856, 879, 891, 967, 1059, 1099, 1126,
 1146, 1148, 1182, 1183, 1185, 1190, 1290, 1358, 1391, 1405, 1499, 1502,
 1512, 1578, 1691, 1710, 1756, 1786
 Amendments offered—320, 351, 352, 383, 421, 504, 693, 711, 732, 837, 914,
 953, 982, 1024, 1044, 1136, 1151, 1183, 1499, 1578, 1691, 1786
 Amendments withdrawn—781, 837, 1136, 1290, 1370, 1578, 1613, 1614
 Committee appointments—1418, 1476, 1511, 1696, 1793
 Petitions presented—679
 Presided at sessions of Senate—39, 677, 1178, 1297, 1796, 1824
 Reports—1684, 1736, 1792, 1811
 Resolutions offered—450
 Standing committees and subcommittees appointed to—12, 13, 14, 15, 133,
 134
 Statutory appointments—1357
 Subcommittee assignments, governor's appointments—289, 290, 291, 292,
 933, 946, 947, 948, 949, 950
 Welcomed the Honorable David R. Nagle, United States Representative—
 800

NATURAL RESOURCES, COMMITTEE ON—

Appointed and appointments to—13
 Appointees, investigation of—271
 Bills introduced—221, 305, 473, 475, 583, 603
 Amendments filed—610, 1036, 1037
 Investigating committee reports—463
 Referred to—1050
 Standing committees and subcommittees appointed to—13, 133
 Subcommittee assignments, governor's appointments—290

NOMINATIONS—

For session-only officers and employees of the Senate—26-27

NYSTROM, JOHN N.—Senator Forty-fourth District

Resigned effective November 6, 1991—2

OATH OF OFFICE—

By Senator Albert Sorenson from District 44, newly elected Senator—3
 By session only officers and employees of the Senate—26-27

OBJECTIONS—

Raised:

House File 2243 - Senator Husak—1514
 House File 2360 - Senator Husak—1514
 House File 675 - Senator Husak—1514

Withdrawn:

House File 675—1515

OFFICERS AND EMPLOYEES OF THE SENATE—

Pages appointed and took oath of office—5-6
 Permanent officers appointed and took oath of office—4-5
 Secretaries appointed and took oath of office—5
 Senate employees, classification, grades and steps—25-26
 Temporary officers appointed and took oath of office—26-27

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Appointment of—5-6
 Special presentation to—1470, 1777

PALMER, WILLIAM D.—Senator Thirty-ninth District

Bills introduced—126
 Amendments filed—554, 623, 752, 790, 966, 988, 1039, 1124, 1166, 1201,
 1212, 1271, 1275, 1378, 1391, 1783
 Amendments offered—790, 988, 1124, 1201, 1783
 Amendments withdrawn—1347
 Escorted Senator Kinley to the well of the Senate and presented him with
 an engraved plaque and an enrolled copy of Senate Resolution 116—
 1775-1776
 Petitions presented—358, 359
 Standing committees and subcommittees appointed to—12, 13, 14, 15, 132,
 133, 134, 135
 Subcommittee assignments, governor's appointments—288, 933, 936, 945

*****1992 EXTRAORDINARY SESSION *****

Petitions presented—6

PATE, PAUL D.—Senator Twenty-fourth District

Bills introduced—78, 91, 107, 181, 182, 195, 218, 219, 278, 407, 417
 Amendments filed—173, 264, 327, 347, 366, 543, 553, 665, 666, 718, 791,
 983, 1235, 1236, 1368, 1391, 1460, 1465, 1484, 1515, 1516, 1566, 1661,
 1742
 Amendments offered—791, 1024, 1235, 1460, 1515, 1575
 Amendments withdrawn—1465, 1516
 Committee appointments—4, 1511
 Petitions presented—445
 Presented students who were recipients of the Outstanding Student in
 Government Award: Brittney Behning, Linn-Mar High School; Korie
 L. Houser, Regis High School; Trevor R. Cook, Marion High School;

Jason Denney, Washington High School and Amy Whitehill, J.F.

Kennedy High School—1377

Resolutions offered—208, 282, 1575

Standing committees and subcommittees appointed to—12, 13, 14, 133, 134

Subcommittee assignments, governor's appointments—290, 291, 934, 936,
946, 947, 948, 949

PETERSON, JOHN A.—Senator Thirty-fourth District

Bills introduced—70, 91, 107, 278, 348

Amendments filed—752, 800, 879, 967, 1001, 1093, 1099, 1147, 1148, 1235,
1254, 1390, 1391, 1406, 1407, 1576, 1725

Amendments offered—896, 1093, 1178, 1198, 1235, 1263, 1441

Committee appointments—2, 1454

Presided at sessions of the Senate—1796

Reports—3, 1820

Resolutions offered—450

Standing committees and subcommittees appointed to—12, 13, 14, 132, 133,
134

Subcommittee assignments, governor's appointments—290, 291, 934, 945,
946

******* 1992 EXTRAORDINARY SESSION *******

Amendments filed—42

******* 1992 SECOND EXTRAORDINARY SESSION *******

Amendments filed—6

Amendments offered—6

POINTS OF ORDER RAISED AND RULINGS—

Senate File 531, S-5190 - Senator Connolly—747

Senate File 2010, S-5069 same subject matter previously considered
- Senator Doyle—334

Senate File 2094, S-5076 - Senator Hutchins—366

Senate File 2094, S-5038 - Senator Drake—366

Senate File 2110, S-5074 - Senator Tinsman—364

Senate File 2116, S-5053A as amended - Senator Lind—322

Senate File 2136, S-5072 - Senator Murphy—337

Senate File 2136, S-5070 - Senator Lind—351

Senate File 2227, S-5231 - Senator Welsh—767

Senate File 2231, S-5580 - Senator Varn—1374

Senate File 2249, S-5215 - Refer to Ways and Means - Senator
Dieleman—780

Senate File 2249, S-5241 - Senator Lind—940

Senate File 2249, S-5239D - Senator Dieleman—941

Senate File 2250, S-5279 as amended - Senator Murphy—938

Senate File 2257, S-5168 - Senator Kibbie—699

Senate File 2300, S-5153 - Senator Lind—711

Senate File 2316, Should require fiscal note - Senator Hagerla—805

Senate File 2336, S-5256 - Senator Dieleman—796

Senate File 2345, S-5363 - Senator Gettings—971
 Senate File 2345, S-5714 - Senator Connolly—1440
 Senate File 2345, S-5692 - Senator Drake—1441
 Senate File 2346, S-5254 - Senator Lind—825
 Senate File 2348, S-5355 - Senator Vande Hoef—986
 Senate File 2350, S-5581 - Senator Rife—1300
 Senate File 2351, S-5307 as amended - Senator Varn—883
 Senate File 2355, S-5680 to S-5644 - Senator Connolly—1393
 Senate File 2360, S-5765 - Senator Hutchins—1516
 Senate File 2360, S-5764 - Senator Kibbie—1516
 Senate File 2363, S-5598 - Senator McLaren—1338
 Senate File 2372, S-5811 - Senator Sturgeon—1553
 Senate File 2376, S-5950 - Senator Vande Hoef—1787
 Senate File 2378, S-5973 - Senator Pate—1805
 Senate File 2378, S-5974 - Senator Husak—1806
 Senate Joint Resolution 2008, S-5746 - Senator Boswell—1501
 Senate Joint Resolution 2008, S-5878 to S-5746 - Senator Boswell—
 1614

Pursuant to Senate Rule 39, subsection 7, the Senate could not be
 in session because the Ethics Committee was meeting - Senator
 Lind—1436

House File 695, S-3793 - Senator Drake—254
 House File 2203, S-5443 - Senator Buhr—1081
 House File 2205, S-5572 - Senator Jensen—1370
 House File 2232, S-5315 - Senator Varn—1072
 House File 2382, S-5648 - Senator Rensink—1452
 House File 2401, S-5904 - Senator Fuhrman—1719
 House File 2408, S-5457 - Senator Connolly—1304
 House File 2454, S-5664 as amended - Senator Lind—1386
 House File 2457, S-5537 - Senator Vande Hoef—1232
 House File 2457, S-5534 - Senator Sturgeon—1232
 House File 2459, S-5571 - Senator Welsh—1236
 House File 2459, S-5510 - Senator Hutchins—1238
 House File 2462, S-5651 - Senator Hutchins—1369
 House File 2465, S-5630 - Senator Lind—1366
 House File 2466, S-5826 - Senator Varn—1573
 House File 2466, S-5832 - Senator Murphy—1575
 House File 2477, S-5885B - Senator Fraise—1653

Ruled in order:

Senate File 2010, S-5069—334
 Senate File 2110, S-5074—364
 Senate File 2136, S-5070—351
 Senate File 2231, S-5580—1374
 Senate File 2249, S-5241—940
 Senate File 2249, S-5239D—941
 Senate File 2250, S-5279 as amended—938
 Senate File 2345, S-5363—971
 Senate File 2348, S-5355—986
 Senate File 2350, S-5581—1300
 Senate File 2355, S-5680—1393

Senate File 2363, S-5598—1338
 Senate File 2376, S-5950—1787
 House File 2232, S-5315—1072
 House File 2454, S-5664—1386
 House File 2457, S-5534—1232
 House File 2459, S-5571—1236
 House File 2466, S-5832—1576
 House File 2477, S-5885B—1653

Ruled out of order:

Senate File 531, S-5190—747
 Senate File 2094, S-5076—366
 Senate File 2094, S-5038—367
 Senate File 2136, S-5072—337
 Senate File 2227, S-5231—767
 Senate File 2257, S-5168—699
 Senate File 2300, S-5153—711
 Senate File 2336, S-5256—796
 Senate File 2345, S-5714—1441
 Senate File 2345, S-5692—1441
 Senate File 2346, S-5254—825
 Senate File 2351, S-5307 as amended—883
 Senate File 2360, S-5765—1516
 Senate File 2360, S-5764—1517
 Senate File 2372, S-5811—1553
 Senate File 2378, S-5974—1806
 House File 695, S-3793—254
 House File 2203, S-5443—1081
 House File 2205, S-5572—1370
 House File 2382, S-5648—1452
 House File 2401, S-5904—1719
 House File 2408, S-5457—1304
 House File 2457, S-5537—1232
 House File 2459, S-5510—1238
 House File 2465, S-5630—1366
 House File 2466, S-5826—1573

Ruled well taken:

Ethics Committee would be notified—1436

Ruled not well taken:

Senate File 2316, require fiscal note—805
 Senate Joint Resolution 2008, S-5746—1501

Withdrawn:

Senate File 2116, S-5053A—322
 Senate File 2249—780
 Senate File 2378, S-5973—1805
 Senate Joint Resolution 2008, S-5878 to S-5746—1614

POINT OF PARLIAMENTARY INQUIRY—

House File 2459, S-5571 to S-5559 was divisible - Senator Welsh—1235

Senate File 2359, question if one committee can file an amendment to there committee's amendment - Senator Priebe—1477

Ruling:

House File 2459, S-5571 not divisible—1235

Senate File 2359—1487-1488

PRESENTATIONS—

(See also Addressed the Senate)

- Senator Hutchins presented three Asia Foundation Fellows who will be working in the legislature this session: Tupuna Rakanui, Second Clerk Assistant and Clerk of Committees in the Cook Islands Parliament, who will be working in the House of Representatives; Dr. Panna Kaji Amatya, head of the political science dept. at the university in Katmandu, Nepal, who will be working in the Legislative Service Bureau; and Jan (Tony) Hsi-Dung, Director of the Research Department and Vice-Researcher of the Secretariat of the Legislative Yuan, Wisdom Coalition, in the Republic of China, Taiwan, who will be working in the Legislative Fiscal Bureau. Tony's wife, Mei-Li Wu (Nancy)—197
- Senator Boswell presented W. James Hindman, who presided over the growth of Jiffy Lube into a multi-million dollar international business and founded Youth Services International, Inc.—220
- Senator Dieleman presented Lisa Mendell from Pella, Youth Ambassador for the Easter Seal Campaign—267
- Senator Husak presented Roger A. Galvin from Belle Plaine, Easter Seal Adult Ambassador—267
- Senator Hannon presented David Hunt, 1991-92 Iowa Ambassador for Education (Teacher of the Year) from Clarence-Lowden High School, Clarence, Iowa—326
- Senator Riordan presented Doug Reynolds, 1991-92 Iowa FFA President, he will be attending the FFA Legislative Symposium—340
- Senator Sturgeon presented Nancy Mouats from North High School in Sioux City, Iowa's 1992-93 Teacher of the Year—340
- Senators Riordan and McLaren presented the People's Deputies of the Russian Federation in Moscow: Chairman Agafonov; Stanislav Osminin; Michail Varshavsky; and Vladimir Molochkov; also Boris Chernyakov, Senior Research Fellow, Food and Agriculture Department—480
- Senator Jensen presented Mirkka Sippola from Finland, exchange student attending Ackley-Geneva School and Kokua Rajchakit of Thailand, teacher at Ackley-Geneva School—518
- Senator Syzmoniak presented 1992 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:
- Sixth and Seventh Grade:
- First Place: Alexis Fishbaugh (6th grade), Hoover Middle School, Sioux City
- Second Place: Kathie Trede (6th grade), Underwood Middle School, Underwood
- Third Place: Elly Schaffer (7th grade), Madrid Community School, Madrid

Eighth and Ninth Grade:

First Place: Lynne Petefish (9th grade), Charles City Junior High School, Charles City

Second Place: Jennifer Neisess (9th grade), Okoboji Community School, Milford

Third Place: Lindsay Reed (8th grade), Phillip Middle School, Fort Dodge
Edith Sackett Memorial Award:

Kyle Thomas (7th grade), North Scott Junior High, Eldridge—572-573

Senator Buhr presented members of a delegation visiting from Lithuania: Dr. Juozas Olekas, Minister of Health; Dr. Juozas Radikas, Chief Doctor, Vilnius Santariškės University Hospital; Dr. Juozas Raistenskis, Chief Doctor, Red Cross Hospital; and Gediminas Cerniouskas, Head of the Finance Department of the Lithuanian Parliament. The delegation was jointly hosted by Iowa Methodist and Mercy Medical Center and the Iowa International Development Foundation—695

Senator Boswell presented members of the Iowa High School Rodeo Association: Alexis Good, Bloomfield, President of the Iowa High School Rodeo Association; Trina Nealey, Danville, Queen of the Iowa High School Rodeo Association; Craig Korkow, Silver City, National Student President of the Iowa High School Association; and Spencer Love, Estherville, Iowa High School Rodeo Association member—720

Senator Fraise presented members of the 1992 Girls' State five-player high school basketball tournament team and volleyball team from Marquette School, West Point—772

Senator Murphy welcomed the Honorable David R. Nagle, United States Representative—800

Senator Kibbie presented Patrick (Paddy) J. Sheehan, member of the Irish Parliament from Goleen, County Cork, Ireland. He represents the Fine Gael Political Party and is a fulltime public representative with interests in the field of agriculture. He was accompanied by his wife Elizabeth, Miss Joy Stowel of Emmetsburg, 1992 Miss Shamrock; Patrick and Rose Reilly; Dennis and Mary Speirs of Scotland—801

Senator Tieden welcomed former member of the Senate, Adolph W. Elvers, who served in the Iowa Senate from 1961-1968—839

Senator Szymoniak presented guests of the Council for International Understanding, Mr. Pascal Smet of Belgium, Mr. Shiek Feroze Mohamed of Guyana; Dr. Carmelo Narcisco of the Phillipines, Mr. Laszlo Borbely of Romania and Mr. George Nassif, escort and interpreter—1058

Senator Borlaug welcomed the Honorable Arthur Gratias, former member of the Senate—1164

Senators Hester and Rosenberg presented Thomas Sutherland, former hostage released in Beirut on November 18, 1991, after 77 months in captivity—1202

Senator Lloyd-Jones welcomed a delegation of outstanding wrestlers from the Spartak Wrestling Club in Cherkesk, Stravropol region in Russia, which is Iowa's Sister State—1310

Senator Buhr presented Dr. Konrad Elmer, member of the German Parliament, who serves on the Committee on Women and Youth—1322

- Senator Lloyd-Jones presented Amy Worthen, Iowa Sister States Yamanashi Chair and Makoto Koshiishi, Yamanashi Perfectural Rep. in Iowa. In honor of the 30th Anniversary of the relationship with Iowa, and in response to a joint resolution passed by the Iowa 74th General Assembly, the Japanese Prefecture passed a resolution, which was hand-printed in Japanese, framed and presented by Mr. Koshiishi to the Iowa Senate—1360
- Senator Pate presented students who were recipients of the Outstanding Student in Government Award: Brittney Behning, Linn-Mar High School; Korie L. Hoyser, Regis High School; Trevor R. Cook, Marion High School; Jason Denney, Washington High School and Amy Whitehill, J.F. Kennedy High School—1377
- Senator Dieleman presented Betsy Brandl, Queen of the Fifty-seventh Annual Tulip Time Festival, who in turn introduced the members of her court: Amy Van Vark, Angie Ryken, Amy Vander Werf and Heidi Vermeer—1380
- Senator Kramer presented Karlos Kirby, a member of the United States Olympic Bobsled Team, who represented the United States in the 1992 Winter Olympics in Albertville, France—1421
- Senator Tinsman presented the following guests from the Bulgarian Association for Fair Elections and Civil Rights (a partner organization of the Iowa Peace Institute) who were visiting from Bulgaria on a federal grant; Ekaterina Mikhailova, Loukanov Ventzislav, Michael Koytchev, Alexander Stoychev, Nikolai Nicckolov and Margutt Kevorkyan—1444
- Senators Hutchins and Rife presented Michael Murray, Senate Page, with a Certificate of Recognition for serving with honor and distinction during the 1992 Regular Session—1470
- Senator Hutchins presented Senators Dan Lynch, Omaha, and D. Paul Hartnett, Bellvue, members of the Nebraska Legislature—1551
- Senators Hutchins and Rife invited the Senate Pages to the well of the Senate for a special presentation, they were thanked for their service to the Iowa Senate. A Certificate of Recognition for serving with honor and distinction as a Senate Page during the 1992 Regular Session and a Page group picture were presented to each of the Pages—1777

PRESENTATION OF GIFTS:

- Senator Horn was presented his Senate chair and an enrolled copy of Senate Resolution 110, for his years of service in the Iowa Senate—1692
- Senator Taylor was presented his Senate chair and an enrolled copy of Senate Resolution 108, for his years of service in the Iowa Senate—1693
- Senator Miller was presented his Senate chair and an enrolled copy of Senate Resolution 111, for his years of service in the Iowa Senate—1693-1694
- Senator Hutchins was presented his Senate chair and an enrolled copy of Senate Resolution 109, for his years of service in the Iowa Senate—1694-1695
- Senator Tieden was presented an engraved plaque and an enrolled copy of Senate Resolution 112, for his years of service in the Iowa Senate—1769-1770
- Senator Rife escorted Senator Soorholtz to the well of the Senate and presented him with an engraved plaque and an enrolled copy of Senate Resolution 113—1771

Senator Gettings escorted Senator Miller to the well of the Senate and presented him an engraved plaque and an enrolled copy of Senate Resolution 114—1773

Senator Boswell escorted Senator Hutchins to the well of the Senate and presented him with an engraved plaque and an enrolled copy of Senate Resolution 115—1775

Senator Palmer escorted Senator Kinley to the well of the Senate and presented him with an engraved plaque and an enrolled copy of Senate Resolution 116—1775-1776

President Gronstal, President pro-tempore Lloyd-Jones, Majority Leader Hutchins and Minority Leader Rife were invited to the well and Senators Horn and Jensen presented each with an engraved pocket calculator-business card case and pen set on behalf of the members of the Senate in recognition of their leadership service during the seventy-fourth General Assembly—1816

PRESIDENT OF THE SENATE—Michael Gronstal, Senator Fiftieth District
(See Gronstal, Michael E.—Senator Fiftieth District, President of the Senate)

PRESIDENT OF THE SENATE—Joe J. Welsh, Senator Seventeenth District
(See Welsh, Joe J.—Senator Seventeenth District, President of the Senate)

PRESIDENT OF THE UNITED STATES, CONGRESS, AND/OR FEDERAL AGENCIES—

Resolutions relating to:

Senate Concurrent Resolution 103, Congress establish benefit levels for ADC. S.J. 91, 93, 193, 519, 634, adopted, 1752 - H.J. 503, 558, 657, 1999 adopted and msgd.

Senate Concurrent Resolution 109, Urge U.S. Congress to continue financial support for the Missouri River Fish and Wildlife Mitigation Project. S.J. 305, 330 adopted, 1664 - H.J. 238, 251, 318, 334, 447-448, 1756 adopted.

Senate Concurrent Resolution 110, Support efforts to promote early detection of and effective treatment for breast cancer, urge Congress enact legislation to ensure adequate funds to find cure and effective prevention for breast cancer. S.J. 450, 479, 561, 563, 635, adopted, 1060 msgd. - H.J. 503, 558, 832 adopted.

Senate Concurrent Resolution 115, Request U.S. Congress and the senate finance committee refrain from preempting state laws relating to health insurance premium taxes. S.J. 601, 603, 635 adopted - H.J. 503, 559, 579, 878, 929.

Senate Concurrent Resolution 121, Request congress not approve legislation to implement any trade agreement including an agreement produced under the Uruguay Round of the Gen. agreement on tariffs and trade and the U.S. Mexico Free Trade Agreement. S.J. 1446, 1467, 1649, 1715, 1746-1747 adopted, 1749 - H.J. 2000, 2019-2020.

PRESIDENT PRO TEMPORE OF THE SENATE—SENATOR JEAN LLOYD-JONES

(See LLOYD-JONES, JEAN—Senator Twenty-third District)

PRIEBE, BERL E.—Senator Eighth District

Bills introduced—28, 70, 71, 80, 91, 107, 156, 206, 219, 302, 339, 584

Amendments filed—327, 366, 495, 525, 623, 665, 698, 699, 718, 743, 752,
787, 856, 936, 959, 966, 967, 981, 999, 1001, 1007, 1018, 1113, 1126,
1182, 1183, 1190, 1212, 1213, 1254, 1271, 1281, 1297, 1298, 1326, 1372,
1378, 1391, 1405, 1543, 1742Amendments offered—806, 1000, 1001, 1007, 1044, 1090, 1284, 1318, 1319,
1372

Amendments withdrawn—699, 1001, 1265, 1298, 1372, 1606

Appointed to Administrative Rules Review Committee—20

Appointed to Council on Agricultural Education—272

Called up appointees on Individual Confirmation Calendar—1250

Committee appointments—4, 1435, 1461

Petitions presented—269, 270, 444, 559, 921, 1227

Point of parliamentary inquiry—1477

Presided at sessions of the Senate—191

Reports—6, 1580, 1779

Resolutions offered—119

Standing committees and subcommittees appointed to—12, 13, 14, 132, 133,
134

Statutory appointments—20

Subcommittee assignments, governor's appointments—290, 291, 292, 933,
947, 948, 949, 950******* 1992 EXTRAORDINARY SESSION *******

Amendments filed—25

PROCLAMATION—Convening the Seventy-fourth General Assembly Extraordinary Session May
20, 1992—1-3******* 1992 SECOND EXTRAORDINARY SESSION *******Convening the Seventy-fourth General Assembly Second Extraordinary
Session June 25, 1992—1-3**PROOF OF PUBLICATION—**

Senate File 2052—501

Senate File 2356—1052

REAPPOINTMENTS—

(See Appointments - Reappointments, Statutory - Senators)

RENSINK, WILMER—Senator Third District

Bills introduced—78, 91, 181, 218, 278, 418

Amendments filed—264, 279, 281, 553, 623, 665, 743, 845, 1114, 1254, 1347, 1348, 1349, 1391, 1405
 Amendments offered—1347, 1348, 1349
 Amendments withdrawn—1347, 1348, 1349
 Appointed to Rural Health Advisory Board—272
 Committee appointments—4
 Escorted the Honorable Arthur A. McGiverin, Chief Justice of the Iowa Supreme Court, and his guests into the House Chamber—57-58
 Petitions presented—269, 445, 921, 1377, 1648
 Standing committees and subcommittees appointed to—12, 13, 15, 132, 133, 135
 Subcommittee assignments, governor's appointments—288, 290, 933, 934, 945

REPORTS—

(See Communications and/or individual headings)

RESOLUTIONS—

(See also Legislative Index Volume)

Assigned to committee—46, 93, 128, 161, 304, 479, 529, 886, 966, 1126, 1568; 1636, 1721, 1738, 1744, 1758, 1773
 Introduction, Senate Concurrent Resolutions—46, 91, 119, 156, 208, 282, 302, 305, 450, 460, 522, 523, 545, 603, 630, 634, 651, 669, 865, 952, 1110, 1446, 1558, 1585, 1715, 1735, 1738, 1739, 1750, 1829
 Introduction, Senate Resolutions—307, 603, 633, 651, 654, 961, 1418, 1585, 1667, 1769, 1770, 1715, 1735, 1758, 1772, 1773, 1775
 Placed on calendar—302, 305, 307, 523, 603, 630, 651, 961, 1418, 1667, 1715, 1829
 Referred from Regular Calendar to Rules and Administration—1126, 1467, 1566, 1597, 1721, 1738, 1744, 1758, 1773, 1801
 Referred from Unfinished Business Calendar to Rules and Administration—1050
 Resolutions printed after session—3398-3424
 Substituted—1834

***** 1992 EXTRAORDINARY SESSION *****

Introduction - Senate Concurrent Resolution—7-8, 36
 Placed on calendar—36
 Resolutions printed after session—58-59

RIFE, JACK—Senator Twenty-ninth District, Minority Leader

Addressed the Senate—1816
 Bills introduced—78, 91, 278, 491, 1193, 1538, 1539
 Amendments filed—264, 279, 281, 666, 1114, 1326, 1516, 1542, 1543, 1566, 1661, 1786, 1795
 Amendments offered—1516, 1661
 Amendments withdrawn—1577, 1786
 Announced statutory appointments—20
 Announced appointments—12-16, 49

- Announced appointment of Senator Kersten to the advisory committee of the Iowa Department of Economic Development and Utilities Board—582
- Appointed to statutory membership to the Legislative Council—147
- Committee appointments—147, 1674, 1813, 1843
- Escorted Senator Soorholtz to the well of the Senate and presented him with an engraved plaque and an enrolled copy of Senate Resolution 113—1771
- Invited the Senate Pages to the well of the Senate and thanked them for serving in the Iowa Senate, presented them with a Certificate of Recognition and a Page group picture—1777
- Petition presented—559
- Presented an engraved pocket calculator-business card case and pen set on behalf of the members of the Senate in recognition of leadership during the Seventy-fourth General Assembly—1816
- Presented Michael Murray, Senate Page a Certificate of Recognition for serving with honor and distinction during 1992 Regular Session—1470
- Reports—1830, 1844
- Resolutions offered—119, 460
- Standing committees and subcommittees appointed to—14, 133, 134
- Subcommittee assignments, governor's appointments—291, 947, 948, 949, 950

***** 1992 SECOND EXTRAORDINARY SESSION *****

Amendments filed—6

RIORDAN, JAMES R.—Senator Forty-fifth District

- Bills introduced—70, 73, 80, 195, 207, 497
- Amendments filed—172, 264, 281, 525, 623, 686, 735, 768, 829, 843, 848, 891, 909, 966, 1018, 1019, 1048, 1081, 1113, 1146, 1180, 1182, 1183, 1184, 1185, 1326, 1357, 1369, 1378, 1393, 1395, 1433, 1710, 1725, 1742, 1756, 1786, 1787
- Amendments offered—281, 764, 768, 848, 938, 968, 1047, 1081, 1108, 1120, 1176, 1197, 1248, 1345, 1368, 1393, 1729, 1786, 1787
- Amendments withdrawn—765, 982, 1184, 1248, 1316, 1345, 1478, 1479, 1731
- Committee appointments—1410, 1461, 1801
- Presented Doug Reynolds, 1991-92 Iowa FFA President, he will be attending the FFA Legislative Symposium—340
- Presented Peoples Deputies of the Russian Federation in Moscow: Chairman Agafonov, Stanislav Osminin, Michail Varshavsky, Peoples Deputy; and Vladimir Molochkov; Also Boris Chenijakov, from Moscow—480
- Presided at sessions of the Senate—744, 788, 833, 914, 1154, 1298, 1346, 1382, 1425, 1464, 1485, 1506, 1536, 1554, 1579, 1592, 1685, 1695, 1706, 1784, 1822, 1826, 1827
- Reports—1580, 1794, 1809
- Resolutions offered—450
- Rulings—1427, 1784, 1823
- Standing committees and subcommittees appointed to—12, 13, 15, 132, 133, 134

Subcommittee assignments, governor's appointments—289, 290, 291, 933,
934, 945, 946

***** 1992 EXTRAORDINARY SESSION *****

Presided at session of the Senate—22, 24, 25, 32

RITTMER, SHELDON—Senator Nineteenth District

Bills introduced—70, 78, 107, 181, 218, 219, 278, 418, 450

Amendments filed—264, 327, 366, 753, 774, 829, 966, 1001, 1081, 1113, 1126,
1212, 1405, 1433, 1512, 1543

Amendments offered—366, 835, 971, 1216, 1441, 1616

Appointed to Advisory Commission on Intergovernmental Relations—67

Appointed to Commission on Elder Affairs—83

Committee appointments—1476

Petitions presented—74, 679, 1648, 1755

Presided at sessions of the Senate—1557

Reports—24-25, 1597

Resolutions offered—450

Standing committees and subcommittees appointed to—12, 13, 15, 133, 135

Subcommittee assignments, governor's appointments—289, 291, 933, 934,
945, 946

***** 1992 EXTRAORDINARY SESSION *****

Amendments filed—31

ROSENBERG, RALPH—Senator Thirty-seventh District

Bills introduced—9, 10, 71, 92, 99, 111, 126, 460, 474

Amendments filed—173, 284, 472, 570, 623, 697, 821, 843, 844, 857, 891,
909, 927, 967, 1113, 1190, 1228, 1271, 1289, 1307, 1317, 1357, 1358,
1424, 1439, 1499, 1512, 1526, 1543, 1552, 1570, 1576, 1579, 1598, 1639,
1689, 1702, 1726, 1755, 1837

Amendments offered—173, 503, 671, 821, 900, 912, 925, 926, 927, 985, 1004,
1065, 1199, 1289, 1291, 1317, 1344, 1362, 1370, 1439, 1440, 1526, 1570,
1579, 1609, 1689, 1702, 1762

Amendments withdrawn—252, 927, 1535, 1576, 1615, 1690, 1763

Call of the Senate—1823

Called up appointee on Individual Confirmation Calendar—1334

Committee appointments—4, 1454, 1674

Presented Thomas Sutherland former hostage released in Beirut after 77
months in captivity—1202

Presided at sessions of the Senate—1518

Reports—1776, 1820, 1823

Resolutions offered—450

Standing committees and subcommittees appointed to—13, 14, 15, 132, 133,
134, 135

Subcommittee assignments, governor's appointments—290, 412, 934, 946

RULES—

Rules invoked—

- Rule 13 (returned to calendar):
Senate File 2159—627
Senate File 2359—1467
- Rule 18 (call of the senate):
Senate File 2380—1823
House File 2490—1823
- Rule 21 (Secretary's report in engrossment):
Senate File 84—577
Senate File 2004—808
Senate File 2005—771
Senate File 2036—1635
Senate File 2097—839
Senate File 2116—342-343
Senate File 2117, S-5594—1353
Senate File 2130—1095-1096
Senate File 2175—771
Senate File 2218—808
Senate File 2241—950
Senate File 2249—979
Senate File 2320, S-5532—1210
Senate File 2329—950
Senate File 2345—979
Senate File 2351—907
Senate File 2351, S-5322—908
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House File 2025, S-2392—1210
House File 2466—1636
- Rule 21 (Secretary's report in enrollment):
Senate File 260—1595
Senate File 446—1491
Senate File 2034—1838
Senate File 2097—1838-1839
Senate File 2137—1482
Senate File 2345—1839
Senate File 2353—1839
Senate File 2354—1635
Senate File 2360—1682
Senate File 2366—1723
Senate File 2373—1839-1840

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- Rule 21 (Secretary's report in enrollment):
Senate File 2393—16

Rule 26 (Time and Method of Introducing Bills and Amendments)

Senate File 2116, S-5053A as amended—322

Rule 28 (introduction, reading and form of bills and resolutions):

Senate File 2028—71

Senate File 2029—71

Senate File 2041—94

Senate File 2049—111

Senate File 2050—111

Senate File 2051—111

Senate File 2060—129

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Senate File 2161—389

Senate File 2162—390

Senate File 2163—390

Senate File 2196—452

Senate File 2221—495

Senate File 2222—495

Senate File 2237—531

Senate File 2238—531

Senate File 2239—532

Senate File 2244—553

Senate File 2299—630

Senate File 2300—630

Senate File 2301—630

Senate File 2302—631

Senate File 2340—686

Senate File 2341—686

Senate File 2345—734

Senate File 2347—752

Senate File 2348—773

Senate File 2361—1280

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Senate File 2363—1280

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Senate File 2373—1542

Senate File 2376—1710

Senate Concurrent Resolution 109—305

Senate Concurrent Resolution 116—630

Senate Resolution 101—307

RULE 28—

- Senate File 2381—8
- Senate File 2382—8
- Senate File 2383—8
- Senate File 2392—39-40
- Senate Concurrent Resolution 131—7-8

Rule 39 (Rules for Standing Committees):

Senator Lind raised point of order that pursuant to Rule 39, subsection 7, the Senate could not be in session because Ethics Committee was meeting—1436

Rule 59 (confirmation of appointments):

- Subcommittee assignments, Governor's appointments—288-292, 412, 933-935, 945-950
- Confirmation of Governor's appointments—497-499, 669-671, 755-756, 859-860, 1061-1062, 1170-1171, 1193-1196, 1238-1239, 1257-1258, 1282-1283, 1310-1312, 1333-1334, 1360-1361, 1384-1385, 1413-1414

Ruled out of order, now eligible:

- House File 2455, S-5573—1291

Ruled out of order (amendments, etc.):

- Senate File 43, S-3187—250
- Senate File 316, S-5065—384
- Senate File 2010, S-5014—334
- Senate File 2036, S-5018—689
- Senate File 2038, S-5114—543
- Senate File 2061, S-5718—1461
- Senate File 2065, S-5031—248
- Senate File 2116, S-5053B—324
- Senate File 2201, S-5209—1024
- Senate File 2201, S-5303—1024
- Senate File 2222, S-5176—863
- Senate File 2236, S-5249—824
- Senate File 2244, S-5169—846
- Senate File 2250, S-5291—983
- Senate File 2302, S-5288—927
- Senate File 2302, S-5289A—927
- Senate File 2302, S-5301B—927
- Senate File 2316, S-5263—895
- Senate File 2316, S-5725—1490
- Senate File 2320, S-5527—1182
- Senate File 2320, S-5526—1185
- Senate File 2345, S-5721—1441
- Senate File 2352, S-5662 and S-5675 to S-5621—1411
- Senate File 2352, S-5660—1411
- Senate File 2353, S-5398—1130
- Senate File 2355, S-5681—1396
- Senate File 2360, S-5891—1661
- Senate File 2367, S-5857 to S-5854—1665
- Senate File 2376, S-5941—1784

Senate File 2376, S-5964—1786
 Senate File 2380, S-5978, S-5979—1823
 Senate File 2380, S-5980, S-5981—1823
 Senate Joint Resolution 2008, S-5759A - S-5759I—1614
 Senate Joint Resolution 2008, S-5747—1614
 Senate Joint Resolution 2008, S-5768—1615
 Senate Joint Resolution 2008, S-5792—1616
 House File 242, S-5492—1148
 House File 695, S-5001—255
 House File 2334, S-5454—1184
 House File 2400, S-5606 as amended—1602
 House File 2417, S-5453, S-5588, S-5724—1702
 House File 2450, S-5501—1276
 House File 2450, S-5364—1276
 House File 2454, S-5678, S-5671—1399
 House File 2455, S-5573—1274
 House File 2455, S-5513B—1291
 House File 2457, S-5535—1231
 House File 2459, S-5566—1236
 House File 2459, S-5440—1237
 House File 2466, S-5734—1561
 House File 2466, S-5839—1578
 House File 2466, S-5833—1579
 House File 2466, S-5866 to S-5797—1580
 House File 2466, S-5757, S-5758, S-5760—1588
 House File 2466, S-5761, S-5762, S-5763—1588
 House File 2466, S-5767, S-5769, S-5770—1588
 House File 2466, S-5771, S-5772—1588
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 House File 2466, S-5786, S-5787, S-5789—1589
 House File 2466, S-5790, S-5796, S-5801—1589
 House File 2466, S-5802, S-5803, S-5804—1589
 House File 2466, S-5805—1588
 House File 2466, S-5813, S-5814, S-5815—1590
 House File 2466, S-5816, S-5818, S-5819—1590
 House File 2466, S-5220, S-5822, S-5825—1590
 House File 2466, S-5829, S-5830, S-5831—1590
 House File 2466, S-5837, S-5862, S-5863—1590
 House File 2471, S-5875—1656
 House File 2480, S-5905—1731
 House File 2480, S-5923—1731
 House Joint Resolution 2010, S-5554—1436

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Appointed and appointments to—13
 Bills introduced—531
 Amendments filed—531
 Appointees, investigation of—271, 405
 Appointees referred to—239, 381

Appointees referred to standing committees—270-272, 398, 917

Referred to—239, 1050

Reports, administration—4-5, 25-27, 547

Resolutions relating to:

Senate Resolution 101, gubernatorial appointments, require confirmation. S.J. 307, 316, 329 adopted

Senate Resolution 104, disposition of ethics complaint against Senator Joseph J. Welsh. S.J. 651, 654, 655, 656, 657 adopted

Senate Resolution 106, defer action on confirmation of Gretchen Tegler, appointee. S.J. 1418, 1423, 1428-1429 adopted

Senate Resolution 108, honor Senator Ray Taylor for his years of legislative service. S.J. 1667, 1671, 1693 adopted

Senate Resolution 109, honor Senator Bill Hutchins for his years of legislative service. S.J. 1667, 1671, 1694 adopted

Senate Resolution 110, honor Senator Wally E. Horn for his years of legislative service. S.J. 1667, 1671, 1692 adopted

Senate Resolution 111, honor Senator Alvin V. Miller for his years of legislative service. S.J. 1667, 1671, 1693-1694 adopted

Senate Resolution 112, honor Senator Dale L. Tieden for his years of legislative service. S.J. 1683, 1769, 1770 adopted

Senate Resolution 113, honor Senator John E. Soorholtz who is retiring from legislative office. S.J. 1683, 1770, 1771 adopted

Senate Resolution 115, honor Senator Bill Hutchins who is retiring from legislative office. S.J. 1683, 1773-1774, 1775 adopted

Senate Resolution 116, honor Senator George R. Kinley who is retiring from legislative office. S.J. 1684, 1775, 1776 adopted

Senate Resolution 117, daily operations of the Senate. S.J. 1715, 1716 adopted

Resolutions offered—307, 523

Standing committees and subcommittees appointed to—13, 133, 290

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Referred to—8

Reports—17

RUNNING, RICHARD V.—Senator Twenty-sixth District

Bills introduced—70, 91, 126, 195, 286, 348, 361, 418, 497

Amendments filed—161, 366, 665, 718, 743, 761, 800, 810, 829, 909, 981, 983, 1048, 1114, 1124, 1200, 1254, 1274, 1281, 1291, 1292, 1393, 1396, 1447, 1453, 1464, 1499, 1725, 1756, 1787

Amendments offered—761, 816, 851, 1048, 1124, 1200, 1267, 1274, 1291, 1292, 1393, 1396, 1453, 1464

Amendments withdrawn—1291, 1292

Call of the Senate—1824

Call up appointees on Individual Confirmation Calendar—1335

Committee appointments—1410, 1495, 1801

Petitions presented—559

Presided at sessions of the Senate—1490, 1576, 1798, 1816

Reports—1541, 1580, 1794, 1809, 1824

Resolutions offered—91, 522, 545, 633

Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135

Subcommittee assignments, governor's appointments—288, 291, 292, 934, 945, 947, 948, 949

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Presided at sessions of the Senate—13

SEATS—

Selection of members—7-9

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Same as 1992 Regular Session—3-4

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Same as 1992 Regular Session—3

SECRETARY OF STATE, Elaine Baxter—

Communications from—3

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Communications from—3

SECRETARY OF THE SENATE, John F. Dwyer—

Acknowledgment of communications—394-395

Communications received and on file—16-20, 120-123, 233-239, 272-274, 292-293, 358, 393-395

Proofs of publication—501

Reports, Certificates of Recognition—22-24, 75, 93, 169, 200, 377, 443, 662, 714, 720-721, 886, 908, 922, 951, 980, 1095, 1723, 1860-1861

Reports on corrections, Senate Rule 21 (amendments)—1353

Reports on corrections in engrossment, Senate Rule 21—342-343, 577, 771-772, 808, 839, 907-908, 950, 979, 1012, 1095-1096, 1173, 1210, 1354, 1635, 1636, 1835

Reports on corrections in enrollment, Senate Rule 21—1482, 1491, 1595, 1635, 1682, 1723, 1838-1840

Resolutions relating to:

Senate Resolution 117, Daily operations of the Senate. S.J. 1715-1716 adopted.

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Notify Governor and House—4, 37

Reports, Certificates of Recognition—21

Communications received and on file—21

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Notify Governor and House—3, 10
Reports, Certificates of Recognition—11, 17
Reports on correction in enrollment, Senate Rule 21—16

SENATE CONCURRED—

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Senate File 260, S-5604 as amended—1314
Senate File 316, S-5511—1249
Senate File 390, S-5563—1327
Senate File 414, S-5720—1763
Senate File 446, S-5540—1262
Senate File 511, S-5145—1221
Senate File 2005, S-5481—1230
Senate File 2011, S-5430 as amended—1220
Senate File 2024, S-5482—1219
Senate File 2034, S-5928 as amended—1748
Senate File 2035, S-5799—1608
Senate File 2036, S-5531 as amended—1459
Senate File 2040, S-5542—1261
Senate File 2059, S-5450—1241
Senate File 2061, S-5512 as amended—1461
Senate File 2063, S-5477—1233
Senate File 2065, S-5719—1472
Senate File 2094, S-5144—1229
Senate File 2108, S-5478—1221
Senate File 2117, S-5568 as amended—1286-1287
Senate File 2119, S-5505—1242
Senate File 2133, S-5498—1234
Senate File 2137, S-5507—1243
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 Senate File 2343, S-5742—1517
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 Senate File 2346, S-5403—1027
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 House File 547, S-5735 to H-5649—1530
 House File 2205, S-5920 to H-5889—1733
 House File 2250, S-5775 to H-5997—1527
 House File 2400, S-5906 to H-6027—1761
 House File 2413, S-5712 to H-5803—1454
 House File 2417, S-5937 to H-6077—1760
 House File 2450, S-5743 to H-5834—1497
 House File 2455, S-5685 to H-5818—1401
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 House File 2475, S-5902 to H-6059—1704
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 Senate File 2345—1494
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 House File 2452—1454

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 House File 2465—1417
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Senate File 2034—1752-1753
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 House File 2061, S-5175 to H-5139—777
 House File 2287, S-5734 to H-5916—1475
 House File 2385, S-5849 to H-5759—1603-1604
 House File 2454, S-5853 to H-5909—1646

SLIFE, HARRY—Senator Twelfth District

Bills introduced—71, 78, 91, 107, 181, 219, 278, 418
 Amendments filed—172, 264, 279, 281, 327, 570, 686, 891, 909, 967, 981,
 1114, 1126, 1175, 1179, 1212, 1271, 1281, 1358, 1369, 1371, 1405, 1430,
 1543, 1552, 1566, 1567, 1784
 Amendments offered—1217, 1218, 1346
 Called up appointee on Individual Confirmation Calendar—803
 Committee appointments—1471, 1696
 Presided at sessions of the Senate—806
 Reports—1736
 Resolutions offered—450, 603
 Standing committees and subcommittees appointed to—14, 132, 133, 134
 Subcommittee assignments, governor's appointments—12, 13, 288, 290, 934,
 945, 946

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Presided at sessions of the Senate—30

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Appointed to Economic Development Board—11

SMALL BUSINESS AND ECONOMIC DEVELOPMENT, COMMITTEE ON—

Appointed and appointments to—13

Appointees, investigation of—271, 918-919

Bills introduced—480-481, 491, 532, 625, 638, 649

Amendments filed—631, 856

Investigating committee reports—414, 487, 991

Referred to—816, 1050, 1460

Standing committees and subcommittees appointed to—13, 133

Subcommittee assignments, governor's appointments—290-291, 934

SOORHOLTZ, JOHN E.—Senator Thirty-sixth District

Bills introduced—10, 70, 71, 91, 107, 219, 278

Amendments filed—264, 337, 366, 542, 665, 698, 699, 718, 753, 959, 967,
1001, 1059, 1190, 1213, 1297, 1298, 1599

Amendments offered—1297, 1298

Committee appointments—1461, 1696

Reports—1736

Resolutions offered—119

Standing committees and subcommittees appointed to—12, 13, 14, 15, 132,
133, 134

Subcommittee assignments, governor's appointments—288, 290, 292, 933,
947, 948, 949

Senator Rife escorted Senator Soorholtz to the well of the Senate and he
was presented with an engraved plaque and an enrolled copy of Senate
Resolution 113, for years of service in the Iowa Senate—1771

SORENSEN, ALBERT— Senator Forty-fourth District

Bills introduced—63, 70, 91, 111, 206, 380, 418, 450

Amendments filed—264, 686, 742, 774, 891, 999, 1114, 1175, 1499

Amendments offered—688, 854, 1042, 1197

Amendments withdrawn—1197

Committee appointments—31, 1471, 1673

Petitions presented—1226

Presided at sessions of the Senate—1553, 1568, 1685, 1699, 1706, 1747, 1750,
1769, 1777, 1807

Reports—1698

Standing committees and subcommittees appointed to—13, 14, 15, 133, 134,
135

Subcommittee assignments and governor's appointments—288, 290, 291, 292,
934, 947, 948, 949

Took oath of office—3

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STANDING COMMITTEES AND SUBCOMMITTEES—

- Standing committees appointed—12-14, 132-134
- Chairpersons listed—12-14, 132-134
- List of appointments to—12-14
- Senators and respective committees—12-14, 16
- Subcommittees appointed and appointments to—14-15, 134-135

STATE APPEAL BOARD—

- Michael L. Fitzgerald Chairperson—
- Communications from, stating claims filed—394-395
- Claims approved—394
- Claims disapproved—394

STATE GOVERNMENT, COMMITTEE ON—

- Appointed and appointments to—14
- Appointees, investigation of—271-272, 343-344, 919-920
- Bills introduced—111, 129, 142, 241, 325, 348-349, 367, 368, 380, 392, 403, 417, 453, 460, 491, 495, 566, 567, 572, 583, 603, 605, 625, 638, 650, 667, 668, 686
- Amendments filed—111, 186, 263, 844, 1038, 1039, 1404, 1432
- Investigating committee reports—369, 463, 464, 550, 1144-1146, 1146, 1278
- Referred to—483, 1050, 1071, 1125
- Resolutions offered—460
- Standing committees and subcommittees appointed to—14, 134, 947-950
- Subcommittee assignments, governor's appointments—291-292

STATUTORY APPOINTMENTS AND REAPPOINTMENTS TO COMMISSIONS, COMMITTEES, COUNCILS AND ADVISORY BOARDS—

(See Appointments - Reappointments, Statutory - Senators)

STUDY BILLS IN COMMITTEES—

- Agriculture—193, 213, 275, 295, 345, 515, 547, 558, 574
- Appropriations—49, 153, 202, 213, 374, 412, 574, 575, 729, 827, 1013, 1163, 1253, 1540
- Business and Labor Relations—85, 108, 154, 202, 263, 294, 314, 356, 393, 464, 575, 595
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- Education—43, 44, 64, 85, 86, 137, 192, 201, 225, 446, 465, 466, 516, 574, 575, 595, 616, 617, 661
- Environment and Energy Utilities—44, 76, 87, 137, 138, 192, 193, 295, 393, 413
- Human Resources—50, 85, 124, 184, 192, 214, 276, 357, 446, 488, 515, 557
- Judiciary—49, 86, 87, 137, 138, 200, 201, 225, 314, 374, 413, 464, 514, 557, 558, 661, 1163, 1633
- Local Government—27, 49, 64, 76, 137, 193, 214, 294, 446, 487, 516, 557, 574
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- Small Business/Economic Development—75, 213, 314, 345, 393, 466, 488, 515

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Ways and Means—27, 192, 293, 374, 465, 557, 739, 827, 905, 935, 1111, 1163, 1253, 1390, 1483, 1492, 1633, 1804

STUDY COMMITTEES—

Resolutions relating to:

Senate Concurrent Resolution 125 - Missouri River Preservation and Land Use Authority, Missouri River corridor, cmte. study. S.J. 1715, 1721

Senate Resolution 105 - Care and feeding of swine, cmte. to study. S.J. 961, 963, 1050

Senate Resolution 119 - Review foster care issues, comte. to study. S.J. 1758, 1773

STURGEON, AL—Senator First District

Bills introduced—126, 127, 156

Amendments filed—255, 264, 284, 525, 623, 743, 774, 829, 843, 853, 909, 967, 1058, 1059, 1212, 1346, 1394, 1406, 1499, 1553, 1613

Amendments offered—255, 763, 811, 853, 928, 929, 987, 1136, 1137, 1199, 1289, 1318, 1346, 1394, 1553, 1613

Amendments withdrawn—255, 929

Assignment of bills—1496

Committee appointments—1454, 1471, 1793

Presented Nancy Mouats from North High School in Sioux City, Iowa's 1992-93 Teacher Of The Year—340

Presided at sessions of the Senate—941, 957, 1042, 1101, 1131, 1429, 1461, 1494, 1495, 1498, 1533, 1573, 1660, 1665, 1785

Reports—1799, 1820

Rulings—1461, 1661

Standing committees and subcommittees appointed to—12, 13, 15, 132, 133, 135

Subcommittee assignments, governor's appointments—288, 289, 290, 945, 946

SUBCOMMITTEE APPOINTMENTS—

Appropriations subcommittees, listed and members of—14-15, 134-135

Assignments for governor's appointments—288-292, 412, 933-935, 946-950

SUBCOMMITTEE ASSIGNMENTS—

Assignments—27, 41-42, 50-52, 67-69, 76-77, 87-90, 98, 109-110, 124-125, 140-141, 154, 170, 193-194, 202-205, 215-216, 230-232, 265, 295-298, 314-315, 345-346, 359-360, 377-378, 398-400, 413-414, 447, 466-469, 488, 516-517, 550-551, 561-563, 578-579, 595-596, 617, 662, 681, 695-697, 730, 740-741, 772, 799-800, 827-828, 842-843, 877-878, 908, 935, 962-963, 980-981, 1030, 1052, 1113, 1163-1164, 1189, 1227, 1253-1254, 1271, 1295, 1329, 1390, 1445, 1492-1493, 1511, 1540, 1564, 1595, 1634, 1649-1650, 1684, 1724-1725, 1755, 1804

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SUPREME COURT OF IOWA—

(Chief Justice of Supreme Court, The Honorable Arthur A. McGiverin)

Condition of the Judicial Department Message—58-60

Resolution relating to the Judicial Department Message:

House Concurrent Resolution 102, Joint convention, Thursday, January 16, 1992, 10:00 a.m., Chief Justice McGiverin be invited to present his message of the condition of the judicial department. H.J. 5 adopted - S.J. 7, 30 adopted - H.J. 26

SZYMONIAK, ELAINE—Senator Forty-second District

Bills introduced—10, 11, 46, 99, 100, 126, 127, 142, 211, 218, 219, 276, 278, 418, 460, 497, 508-509, 806

Amendments filed—125, 281, 284, 346, 386, 416, 449, 717, 735, 743, 800, 805, 810, 829, 843, 867, 879, 999, 1048, 1114, 1136, 1212, 1271, 1296, 1307, 1326, 1330, 1338, 1358, 1392, 1394, 1396, 1484, 1499, 1501, 1502, 1512, 1726, 1742, 1748, 1784, 1786, 1805, 1806

Amendments offered—249, 383, 386, 749, 759, 763, 767, 805, 894, 986, 1048, 1232, 1337, 1338, 1339, 1374, 1392, 1394, 1396, 1489, 1501, 1502, 1602, 1748, 1786, 1805, 1806

Amendments withdrawn—894, 1066, 1394

Committee appointments—2, 1476

Presented 1992 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 Womens History Month: Sixth and Seventh Grade: First Place: Alexis Fishbaugh (6th grade), Hoover Middle School, Sioux City. Second Place: Kathie Trede (6th grade), Underwood Middle School, Underwood. Third Place: Elly Schaffer (7th grade), Madrid Community School, Madrid. Eighth and Ninth Grade: First Place: Lynne Petefish (9th grade), Charles City Junior High, Charles City. Second Place: Jennifer Neises (9th grade), Okoboji Community School, Milford. Third Place: Lindsey Reed (8th grade), Phillips Middle School, Fort Dodge. Edith Sackett Memorial Award; Kyle Thomas (7th grade), North Scott Junior High, Eldridge.—572-573

Presented guests of the Council for International Understanding, Mr. Pascal Smet of Belgium; Mr. Sheik Feroze Mohamed of Guyana; Dr. Carmelo Narcisco of the Phillipines; Mr. Laszlo Borbely of Romania and Mr. George Nassif, escort and interpreter—1058

Reports—3, 1684

Resolutions offered—450

Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135

Subcommittee assignments, governor's appointments—289, 290, 933, 945, 946

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Amendments filed—24, 31

TAYLOR, RAY—Senator Ninth District

Bills introduced—9, 63, 70, 78, 91, 107, 181, 207, 278, 282, 380, 403, 418, 425, 453, 545, 583, 584

Amendments filed—264, 281, 284, 327, 328, 337, 570, 665, 666, 718, 724, 735, 742, 743, 983, 984, 986, 999, 1114, 1368, 1553, 1561, 1567, 1598, 1710, 1748, 1756, 1785

Amendments offered—318, 724, 747, 759, 1003, 1023, 1025, 1368, 1553, 1717, 1748, 1785

Amendments withdrawn—724, 1578

Committee appointments—57, 1495

Petitions presented—123, 191, 357, 358, 559, 679, 786, 921, 1377

Presided at sessions of the Senate—444

Received his Senate Chair and an enrolled copy of Senate Resolution 108, for his years in the Iowa Senate—1693

Resolutions offered—282

Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135

Subcommittee assignments, governor's appointments—289, 945, 946

Escorted Governor Terry E. Branstad to the Condition of the Iowa Judiciary Message—57-58

TIEDEN, DALE L.—Senator Sixteenth District

Bills introduced—70, 91, 107, 181, 218, 278

Amendments filed—264, 279, 281, 322, 327, 337, 623, 665, 753, 857, 882, 936, 967, 1018, 1126, 1166, 1179, 1185, 1212, 1391, 1445, 1599, 1639

Amendments offered—279, 281, 322

Appointed to statutory membership to the Legislative Council—147

Committee appointments—147, 1418

Petitions presented—357, 559, 1376

Presided at sessions of the Senate—1651

Received an engraved plaque and enrolled copy of Senate Resolution 112, for years served in the Iowa Senate—1769-1770

Standing committees and subcommittees appointed to—12, 13, 15, 132, 133, 134, 147

Statutory appointments—20

Subcommittee assignments, governor's appointments—288, 290, 933

Welcomed former member of the Senate, Adolph W. Elvers, who served in the Iowa Senate from 1961-1968—839

TINSMAN, MAGGIE—Senator Twentieth District, Assistant Minority Leader

Bills introduced—9, 78, 181, 278, 387, 418, 460, 475, 497, 509

Amendments filed—264, 279, 281, 284, 327, 347, 718, 800, 848, 883, 1114, 1126, 1179, 1212, 1358, 1395, 1405, 1406, 1433, 1512, 1552, 1566, 1567, 1574, 1598, 1710, 1729

Amendments offered—759, 971, 1107, 1179, 1224, 1231, 1232, 1395, 1495, 1575, 1729, 1730

Committee appointments—1476

Petitions presented—786, 1227

Presented the following guests from the Bulgarian Association for Fair Elections and Civil Rights (a partner organization of the Iowa Peace Institute) who were visiting from Bulgaria on a federal grant; Ekaterina Mikhailova, Ventsislav Loukanov, Michael Koytchev, Alexander Stoychev, Nickolai Nickolov and Margutt Kevorkyan—1444

Reports—1597, 1684

Resolutions offered—450, 460

Standing committees and subcommittees appointed to—12, 13, 15, 132, 133, 135, 147

Subcommittee assignments, governor's appointments—289, 945, 946

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Amendments filed—24, 31

Amendments withdrawn—24

Amendments offered—31

TRANSPORTATION, COMMITTEE ON—

Appointed and appointments to—14

Appointees, investigation of—920

Bills introduced—129, 207, 509, 566, 613, 650, 657, 668, 712

Amendments filed—686

Investigating committee reports—991-992, 1055

Referred to—1050, 1071

Standing committees and subcommittees appointed to—14, 134

Subcommittee assignments, governor's appointments—934-935

VACANCIES—

District 44 - Jack Nystrom, resignation effective November 6, 1991—2

VANDE HOEF, RICHARD—Senator Fourth District, Assistant Minority Leader

Bills introduced—9, 10, 63, 70, 78, 91, 107, 126, 127, 181, 211, 218, 219, 278, 348, 418, 473, 496

Amendments filed—279, 281, 321, 327, 328, 347, 542, 665, 666, 743, 773, 845, 891, 983, 984, 986, 1002, 1018, 1114, 1166, 1190, 1391, 1405, 1551, 1565, 1598, 1742

Amendments offered—321, 780, 983, 984, 985, 986, 1002, 1023, 1048, 1071

Amendments withdrawn—1003

Committee appointments—4, 1454

Petitions presented—191, 357, 559, 1648

Resolutions offered—282

Standing committees and subcommittees appointed to—12, 13, 14, 15, 132, 133, 134, 135

Subcommittee assignments, governor's appointments—290, 291, 292, 933, 934, 947, 948, 949, 950

VARN, RICHARD—Senator Twenty-seventh District, Majority Floor Whip

Bills introduced—10, 70, 126, 195, 266, 425, 437, 460, 572

- Amendments filed—217, 319, 324, 449, 535, 553, 554, 570, 610, 611, 686, 697, 700, 718, 800, 810, 829, 843, 844, 882, 883, 891, 909, 967, 981, 999, 1109, 1136, 1146, 1191, 1228, 1286, 1346, 1366, 1396, 1399, 1407, 1430, 1433, 1493, 1512, 1532, 1543, 1548, 1552, 1567, 1569, 1590, 1598, 1628, 1639, 1651, 1726, 1778, 1838
- Amendments offered—319, 431, 506, 535, 564, 676, 677, 700, 882, 883, 929, 942, 1043, 1086, 1109, 1124, 1136, 1268, 1286, 1365, 1366, 1396, 1399, 1415, 1438, 1440, 1532, 1548, 1569, 1604, 1615, 1618, 1627, 1628, 1651, 1778
- Amendments withdrawn—676, 726, 926, 928, 1124, 1366, 1532, 1604, 1628, 1765
- Appointed to the advisory committee of the Iowa Department of Economic Development and the Iowa Utilities Board—148
- Call of the Senate—1824
- Called up appointees on Individual Confirmation Calendar—1416
- Committee appointments—147, 1369, 1418, 1471, 1793
- Reports—1626, 1792, 1799, 1810, 1824
- Resolutions offered—119
- Standing committees and subcommittees appointed to—12, 13, 15, 132, 133, 134
- Subcommittee assignments, governor's appointments—288, 290, 946

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- Amendments filed—42
- Presided at sessions of the Senate—31

WAYS AND MEANS, COMMITTEE ON—

- Appointed and appointments to—14
- Bills introduced—80, 305, 826, 885, 1020, 1162, 1187, 1328, 1332, 1466, 1479, 1539, 1668, 1803
- Amendments filed—589, 890, 1281, 1355
- Investigating committee reports—1270
- Referred to—408, 497, 780, 805, 1050, 1071, 1130, 1603, 1713, 1764
- Standing committees and subcommittees appointed to—14, 134
- Subcommittee assignments, governor's appointments—935

WELSH, JOE J.—Senator Seventeenth District—

- Bills introduced—10, 91, 126
- Amendments filed—264, 323, 346, 449, 570, 721, 722, 891, 959, 999, 1113, 1160, 1281, 1369, 1391, 1710, 1756, 1789, 1795
- Amendments offered—323, 382, 384, 503, 523, 721, 722, 767, 959, 1088, 1160, 1719, 1789
- Amendments withdrawn—721, 1291, 1369
- Announcements:
 - Senator Rittmer appointed to Commission on Elder Affairs—83
- Assignment of bills—29, 46, 54, 71, 93
- Called up appointees on Individual Confirmation Calendar—1364, 1416
- Committee appointments—1696
- Point of parliamentary inquiry—1235

Reassignment of bills—78

Reports—1736

Resigned as President of the Senate—101

Standing committees and subcommittees appointed to—12, 13, 14, 132, 134

Subcommittee assignments, governor's appointments—291, 934, 947, 948,
949