

**State of Iowa**

**1990**

# **JOURNAL OF THE HOUSE**

**1990  
REGULAR SESSION  
SEVENTY-THIRD  
GENERAL ASSEMBLY**

**Convened January 8, 1990  
Adjourned April 8, 1990**

**Volume II  
March 26 - April 8**

**TERRY E. BRANSTAD, Governor  
JO ANN ZIMMERMAN, President of the Senate  
DONALD D. AVENSON, Speaker of the House**

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# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day — Fifty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 26, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Cathy Young, Associate Pastor of the First Presbyterian Church, Waterloo.

The Journal of Friday, March 23, 1990 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Renken of Grundy on request of Hanson of Delaware; Tyrrell of Iowa on request of Van Maanen of Mahaska; Svoboda of Tama on request of Peterson of Carroll; Adams of Hamilton on request of Dvorsky of Johnson; Trent of Muscatine on request of Van Maanen of Mahaska, all until their arrival.

## INTRODUCTION OF BILLS

**House File 2561**, by committee on appropriations, a bill for an act relating to charge for the use of an automobile by a public officer or employee other than a state officer or employee.

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

**House File 2562**, by Arnould and Van Maanen, a bill for an act relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable.

Read first time and referred to committee on **transportation**.

## SENATE MESSAGES CONSIDERED

**Senate File 2418**, by committee on appropriations, a bill for an act providing for payment in lieu of property taxes on certain state properties under the jurisdiction of the department of natural resources and including applicability dates.

Read first time and referred to committee on **appropriations**.

**Senate File 2419**, by committee on appropriations, a bill for an act relating to technology enterprise zones, and providing an effective date.

Read first time and referred to committee on **appropriations**.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2245, a bill for an act relating to bids for certain specialized highway or bridge construction projects.

JOHN F. DWYER, Secretary

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Schrader of Marion offered the following House Memorial Resolution 101 and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 101

*Whereas*, The Honorable Paul W. Eggers of Marion County, Iowa, who was a member of the Fifty-eighth General Assembly, passed away October 9, 1989; *Now Therefore*,

*Be It Resolved by the House of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Schrader of Marion, Black of Jasper and Van Maanen of Mahaska.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Spear of Lee offered the following House Memorial Resolution 102 and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 102

*Whereas*, The Honorable Arnold R. Lindeen of Henry County, Iowa, who was a member of the Sixty-sixth and Sixty-seventh General Assemblies, passed away January 1, 1990; *Now Therefore*,

*Be It Resolved by the House of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Spear of Lee, Daggett of Adams and Spenner of Henry.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Knapp of Dubuque offered the following House Memorial Resolution 103 and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 103

*Whereas*, The Honorable Raymond J. Miller of Dubuque County, Iowa, who was a member of the Sixty-second General Assembly, passed away January 9, 1990; *Now Therefore*,

*Be It Resolved by the House of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Knapp of Dubuque, Jochum of Dubuque and Murphy of Dubuque.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Murphy of Dubuque offered the following House Memorial Resolution 104 and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 104

*Whereas*, The Honorable Robert L. Oeth of Dubuque County, Iowa, who was a member of the Fifty-fourth General Assembly, passed away November 24, 1989; *Now Therefore*,

*Be It Resolved by the House of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Murphy of Dubuque, Jochum of Dubuque and Knapp of Dubuque.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

Van Maanen of Mahaska offered the following House Memorial Resolution 105 and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 105

*Whereas*, The Honorable George N. Pierson of Mahaska County, Iowa, who was a member of the Sixty-second, Sixty-third, and Sixty-fourth General Assemblies, passed away August 26, 1989; *Now Therefore*,

*Be It Resolved by the House of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Van Maanen of Mahaska, Tyrrell of Iowa and Kistler of Jefferson.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

Schrader of Marion offered the following House Memorial Resolution 106 and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 106

*Whereas*, The Honorable Elmer Vermeer of Marion County, Iowa, who was a member of the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-ninth, and Sixtieth General Assemblies, passed away May 23, 1989; *Now Therefore*,

*Be It Resolved by the House of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Schrader of Marion, Black of Jasper and Van Maanen of Mahaska.

MOTION TO WITHDRAW FROM COMMITTEE LOST  
(House File 2192)

Garman of Story invoked Rule 60 and moved to withdraw from committee for immediate consideration **House File 2192**, a bill for an act relating to prohibiting a person who is guilty of a violation of operating a motor vehicle while under the influence of alcohol or a drug from being issued a temporary restricted license.

Roll call was requested by Garman of Story and Banks of Plymouth.

On the question "Shall the motion prevail to withdraw House File 2192 from committee?" (H.F. 2192)

The ayes were, 35:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Maulsby	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stueland	Van Maanen	

The nays were, 57:

Arnould	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie

Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Swartz	Tabor	Teaford	Wise
Mr. Speaker Avenson			

Absent or not voting, 8:

Adams	Jay	Lundby	McKean
Renken	Svoboda	Trent	Tyrrell

The motion lost.

The House stood at ease at 10:42 a.m., until the fall of the gavel.

The House resumed session at 12:08 p.m., Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 12:09 p.m., until 1:45 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1990, insisted on its amendment to House File 673, a bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways, and the members of the Conference Committee on the part of the Senate are: The Senator from Wapello, Senator Gettings, Chair; the Senator from Tama, Senator Husak; the Senator from Cerro Gordo, Senator Scott; the Senator from Bremer, Senator Jensen; the Senator from Black Hawk, Senator Lind.

Also: That the Senate has on March 26, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2170, a bill for an act relating to the prohibition of the use of certain pesticides, and making a penalty applicable.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2312, a bill for an act relating to nonsubstantive Code and Act corrections.

Also: That the Senate has on March 26, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2377, a bill for an act adopting the model state commodity Code as recommended by the North American securities administrators association, regulating the commodities markets and participants, authorizing the securities bureau of the insurance division to administer the chapter, requiring licensing of commodity broker-dealers and sales representatives, authorizing civil remedies, sanctions, penalties, and imposing criminal penalties.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2482, a bill for an act establishing an entrepreneurship task force.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2522, a bill for an act relating to free hunting and fishing licenses for military personnel.

Also: That the Senate has on March 26, 1990, passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

## MOTIONS TO RECONSIDER WITHDRAWN

(Senate File 2244)

Gruhn of Dickinson and Murphy of Dubuque asked and received unanimous consent to withdraw their motions to reconsider Senate File 2244, a bill for an act relating to parking fines, handicapped parking spaces, and handicapped identification devices, filed by them on March 8, 1990, placing out of order the following amendments:

H—5654 filed by Murphy of Dubuque and Brown of Lucas on March 13, 1990.

H—5677, to amendment H—5654, filed by Murphy of Dubuque and Brown of Lucas on March 14, 1990.

## CONSIDERATION OF BILLS

### Appropriations Calendar

**House File 2552**, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund, was taken up for consideration.

Hatch of Polk offered the following amendment H—5813 filed by him and moved its adoption:

H—5813

- 1 Amend House File 2552 as follows:
- 2 1. Page 6, line 18, by inserting after the figure

3 "423.7" the following: "up to a maximum of three  
4 million dollars per quarter,".

5 2. Page 6, by striking lines 22 through 25, and  
6 inserting the following: "shall not be used for other  
7 purposes."

8 3. Page 13, by inserting after line 2, the  
9 following:

10 "Sec. \_\_\_\_\_. Section 455G.9, subsection 1, Code  
11 Supplement 1989, is amended by adding the following  
12 new paragraph:

13 **NEW PARAGRAPH. f.** Corrective action for a release  
14 reported to the department of natural resources after  
15 May 5, 1989, and on or before October 26, 1990, in  
16 connection with a tank owned or operated by a state  
17 agency or department which elects to participate in  
18 the remedial account pursuant to this paragraph. A  
19 state agency or department which does not receive a  
20 standing unlimited appropriation which may be used to  
21 pay for the costs of a corrective action may opt, with  
22 the approval of the board, to participate in the  
23 remedial account. As a condition of opting to  
24 participate in the remedial account, the agency or  
25 department shall pay all registration fees, storage  
26 tank management fees, environmental protection  
27 charges, and all other charges and fees upon all tanks  
28 owned or operated by the agency or department in the  
29 same manner as if the agency or department were a  
30 person required to maintain financial responsibility.  
31 Once an agency has opted to participate in the  
32 remedial program, it cannot opt out, and shall  
33 continue to pay all charges and fees upon all tanks  
34 owned or operated by the agency or department so long  
35 as the charges or fees are imposed on similarly  
36 situated tanks of a person required to maintain  
37 financial responsibility. The board shall by rule  
38 adopted pursuant to chapter 17A provide the terms and  
39 conditions for a state agency or department to opt to  
40 participate in the remedial account. A state agency  
41 or department which opts to participate in the  
42 remedial account shall be subject to the minimum  
43 copayment schedule of subsection 4, as if the state  
44 agency or department were a person required to  
45 maintain financial responsibility."

46 4. Page 16, by inserting after line 12, the  
47 following:

48 "Sec. \_\_\_\_\_. Section 455G.11, subsection 3, Code  
49 Supplement 1989, is amended by adding the following  
50 new paragraph:

Page 2

1 **NEW PARAGRAPH. d.** The applicant either:

- 2 (1) Is maintaining financial responsibility  
 3 pursuant to current or previously applicable federal  
 4 or state financial responsibility requirements on  
 5 petroleum underground storage tanks within the state.  
 6 (2) Complies with the applicable following date  
 7 for financial responsibility:  
 8 (a) On or before April 26, 1990, for a petroleum  
 9 marketing firm owning at least thirteen, but no more  
 10 than ninety-nine petroleum underground storage tanks.  
 11 (b) On or before October 26, 1990, for an owner or  
 12 operator not described in subparagraph subdivision  
 13 (a), and not currently or previously required to  
 14 maintain financial responsibility by federal or state  
 15 law on tanks within the state.”  
 16 5. Page 18, line 4, by striking the word  
 17 “administrator” and inserting the following:  
 18 “department”.  
 19 6. Page 18, line 5, by striking the word  
 20 “department” and inserting the following:  
 21 “administrator”.  
 22 7. Page 18, line 5, by inserting after the word  
 23 “procedures” the following: “to administer this  
 24 subsection and”.  
 25 8. By renumbering, relettering, and redesignating  
 26 as necessary.

Amendment H—5813 was adopted.

Fogarty of Palo Alto asked and received unanimous consent to withdraw amendment H—5796 filed by him on March 21, 1990.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton, until his return, on request of Harbor of Mills.

Fogarty of Palo Alto offered the following amendment H—5857 filed by him and Hatch of Polk and moved its adoption:

H—5857

- 1 Amend House File 2552 as follows:  
 2 1. Page 20, line 17, by inserting after the word  
 3 “payment.” the following: “If claims paid pursuant to  
 4 this section do not exceed the remaining balance of  
 5 unobligated or unreserved funds of the six million  
 6 dollars, the remaining balance shall be distributed  
 7 among the claims accepted for payment which were  
 8 submitted on or before January 31, 1990, by increasing  
 9 the allowable percentage of payment contained in  
 10 section 455G.9, subsection 1, paragraph “a”,

- 11 subparagraph (1) by an amount necessary to reduce the  
 12 remaining balance of the six million dollars allocated  
 13 for retroactive claims to zero."

Amendment H—5857 was adopted.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2552)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Maulsby

Absent or not voting, 4:

Halvorson, R. A. Peters Shultz Tyrrell

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

**CONFERENCE COMMITTEE APPOINTED**  
(House File 673)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 673: Black of Jasper, Chair; Koenigs of Mitchell, Murphy of Dubuque, Schnekloth of Scott and Royer of Page.

Regular Calendar

**Senate File 2274**, a bill for an act relating to targeted small businesses, and imposing penalties, with report of committee recommending passage was taken up for consideration.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2274)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Halvorson, R. A.	Neuhauser	Peters	Tyrrell
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## Unfinished Business Calendar

The House resumed consideration of **Senate File 2031**, a bill for an act relating to vacation leave sharing by state employees, previously deferred and placed on the unfinished business calendar.

Blanshan of Greene offered the following amendment H—5801 filed by Blanshan, et al., and moved its adoption:

H—5801

- 1 Amend Senate File 2031, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 1, line 24, by striking the words "two
- 6 thousand eighty-eight" and inserting the following:
- 7 "one thousand forty-four".
- 8 3. Page 2, by inserting after line 16, the
- 9 following:
- 10 "7. This section does not affect the status of
- 11 vacations and leaves of absence as mandatory subjects
- 12 of collective bargaining under chapter 20. This
- 13 section does not preclude an employee organization
- 14 from negotiating for a vacation leave sharing program
- 15 at variance from this section.
- 16 8. It is the intent of the general assembly that
- 17 the head of each state agency, department, or
- 18 commission permit vacation leave sharing between
- 19 employees of the same office or work site only."

Amendment H—5801 was adopted.

Arnould of Scott asked and received unanimous consent that Senate File 2031 be deferred and that the bill retain its place on the unfinished business calendar.

Hibbard of Madison in the chair at 3:34 p.m.

SENATE AMENDMENTS CONSIDERED  
House Refused to Concur

Harper of Black Hawk called up for consideration **House File 2416**, a bill for an act relating to corporal punishment, amended by the Senate, and moved that the House concur in the following Senate amendment H—5719:

H—5719

- 1 Amend House File 2416, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting

4 clause and inserting the following:

5 "Section 1. DEPARTMENTAL RULES.

6 The state board of education shall include in the  
7 rule relating to use of corporal punishment under  
8 section 280.21, a rule or subrule which provides that  
9 corporal punishment does not mean the use of  
10 incidental, minor, or reasonable physical contact to  
11 maintain order and control, provided that the contact  
12 is not designed or intended to cause pain."

The motion lost and the House refused to concur in the Senate amendment H—5719.

Ollie of Clinton called up for consideration **House File 2287**, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business, amended by the Senate, and moved that the House concur in the following Senate amendment H—5812:

H—5812

1 Amend House File 2287, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 96.7, subsection 2, paragraph  
6 b, Code Supplement 1989, is amended by adding the  
7 following new unnumbered paragraph after unnumbered  
8 paragraph 1:

9 NEW UNNUMBERED PARAGRAPH. The predecessor  
10 employer, prior to entering into a contract with a  
11 successor employer relating to the sale or transfer of  
12 the enterprise or business, or a clearly segregable  
13 and identifiable part of the enterprise or business,  
14 shall disclose to the successor employer the  
15 predecessor employer's record of charges of benefits  
16 payments or any layoffs or incidences since the last  
17 record that would affect the experience record. A  
18 predecessor employer who fails to disclose or  
19 willfully discloses incorrect information to a  
20 successor employer regarding the predecessor  
21 employer's record of charges of benefits payments is  
22 liable to the successor employer for any actual  
23 damages and attorney fees incurred by the successor  
24 employer as a result of the predecessor employer's  
25 failure to disclose or disclosure of incorrect  
26 information. The division shall include notice of the  
27 requirement of disclosure in the division's quarterly  
28 notification given to each employer pursuant to  
29 section 96.7, subsection 2, paragraph "a",  
30 subparagraph (6)."

31 2. Title page, line 2, by striking the word  
32 "small".

The motion lost and the House refused to concur in the Senate amendment H—5812.

### SENATE AMENDMENTS CONSIDERED

May of Worth called up for consideration **House File 534**, a bill for an act relating to the regulation of commercial feed and providing for the increase of fees, amended by the Senate, and moved that the House concur in the following Senate amendment H—5841:

H—5841

1 Amend House File 534, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 13 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 198.3, subsection 17, Code  
6 1989, is amended to read as follows:

7 17. "Pet food" means any commercial feed prepared  
8 and distributed for consumption by ~~pets dogs or cats.~~

9 Sec. \_\_\_\_\_. Section 198.3, Code 1989, is amended by  
10 adding the following new subsection:

11 **NEW SUBSECTION. 21.** "Broker" means a person,  
12 other than a licensed manufacturer, who distributes  
13 commercial feed or commercial feed ingredients to a  
14 manufacturer."

15 2. Page 1, by striking lines 17 through 35, and  
16 inserting the following:

17 "1. A person who manufactures a commercial feed, a  
18 customer-formula feed, or whose name appears on the  
19 label of a commercial or customer-formula feed, shall  
20 not distribute a commercial feed in this state without  
21 first obtaining a license from the secretary issued on  
22 forms provided by the secretary. The forms must  
23 identify the name, place of business, and location of  
24 each manufacturing facility in this state.

25 A broker shall not distribute a commercial feed in  
26 this state without first obtaining a license from the  
27 secretary issued on forms provided by the secretary.  
28 The forms must identify the broker's name and place of  
29 business.

30 2. A person obtaining a license under this section  
31 shall pay to the secretary a license fee of ten  
32 dollars. Fees relating to the issuance of licenses  
33 shall be paid by July 1 of each year."

34 3. Page 2, by inserting after line 11, the  
35 following:

36 "Sec. \_\_\_\_\_. Section 198.5, subsection 2, Code 1989,  
37 is amended by adding the following new paragraph:

38 **NEW PARAGRAPH. g.** If a drug containing product is  
39 used, information relating to the purpose of the  
40 medication in the form of a claim statement, plus the

41 established name of each active drug ingredient and  
42 the level of each drug used in the final mixture.”

43 4. Page 2, by inserting after line 16, the  
44 following:

45 “Sec. \_\_\_\_\_. Section 198.7, subsection 1, Code 1989,  
46 is amended by adding the following new paragraph:  
47 NEW PARAGRAPH. f. If it is, or it bears or  
48 contains a new animal drug which is unsafe within the  
49 meaning of the federal Food, Drug and Cosmetics Act,  
50 21 U.S.C. § 512.”

**Page 2**

1 5. Page 2, by striking lines 21 through 29, and  
2 inserting the following:

3 “Sec. \_\_\_\_\_. Section 198.9, subsection 1, Code 1989,  
4 is amended by striking the subsection and inserting in  
5 lieu thereof the following:

6 1. An inspection fee to be fixed annually by the  
7 secretary at a rate of not more than sixteen cents per  
8 ton, shall be paid on commercial feed distributed in  
9 this state by the person who first distributes the  
10 commercial feed, subject to the following:

11 a. The inspection fee is not required on the first  
12 distribution, if made to a qualified buyer who, with  
13 approval from the secretary, shall become responsible  
14 for the fee.

15 b. A fee shall not be paid on a commercial feed if  
16 the payment has been made by a previous distributor.

17 c. A fee shall not be paid on customer-formula  
18 feeds if the inspection fee is paid on the commercial  
19 feeds which are used as components of the customer-  
20 formula feeds.

21 d. A minimum semiannual fee shall be twenty  
22 dollars.

23 e. A licensed manufacturer shall pay the  
24 inspection fee on commercial feed that is fed to  
25 livestock owned by the licensee.

26 In the case of a pet food or specialty pet food,  
27 which is distributed in this state in packages of ten  
28 pounds or less, each product shall be registered and  
29 an annual registration fee of fifty dollars for each  
30 product shall be paid by January 1 of each year in  
31 lieu of the per ton rate as provided in this  
32 subsection. The inspection fee shall apply to those  
33 same products distributed in packages of more than ten  
34 pounds.”

35 6. Page 3, by inserting after line 18, the  
36 following:

37 “Sec. \_\_\_\_\_. Section 198.9, subsection 3, Code 1989,  
38 is amended by adding the following new unnumbered  
39 paragraph:

40 NEW UNNUMBERED PARAGRAPH. The secretary shall  
 41 publish a report not later than September 1 of each  
 42 year. The report shall provide a detailed accounting  
 43 of all sources of revenue and all dispositions of  
 44 funds utilized by the commercial feed trust fund. The  
 45 report shall detail full-time equivalent positions  
 46 used in fulfilling the requirements of this chapter.  
 47 The report shall also indicate to what extent any  
 48 full-time equivalent positions are shared with other  
 49 programs. Copies of the report issued by the  
 50 secretary pursuant to this section shall be delivered

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1 each year to the members of the house of  
 2 representatives and senate standing committees on  
 3 agriculture."  
 4 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5841.

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

On the question "Shall the bill pass?" (H.F. 534)

The ayes were, 74:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lundby	Lykam	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Tabor	Teaford	Trent	Tyrrell
Wise	Hibbard		
	Presiding		

The nays were, 20:

Bennett	Branstad	Carpenter	De Groot
Garman	Hanson, D. R.	Harbor	Hermann

Hester	Iverson	Lageschulte	Maulsby
McKean	Pellett	Renken	Royer
Schneklloth	Spenner	Stueland	Van Maanen

Absent or not voting, 6:

Blanshan	Doderer	Halvorson, R. A.	Ollie
Plasier	Swartz		

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

Adams of Hamilton called up for consideration **House File 2177**, a bill for an act relating to the operation of state hospital-schools under the control of the department of human services by authorizing the offering of goods and services to the public as part of client training programs and by deleting the requirement of maintaining daily records of time worked by institutional staff, amended by the Senate, and moved that the House concur in the following Senate amendment H—5842:

H—5842

- 1 Amend House File 2177, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word "both"
- 4 and inserting the following: "all".
- 5 2. Page 1, by striking lines 8 through 17 and
- 6 inserting the following:
- 7 "(1) Any off-campus vocational or employment
- 8 training program developed or operated by the
- 9 department of human services for clients of a state
- 10 hospital-school is a supported vocational training
- 11 program or a supported employment program offered by a
- 12 community-based provider of services or other employer
- 13 in the community.
- 14 (2) (a) If a resident of a state hospital-school
- 15 is to participate in an employment or training program
- 16 which pays a wage in compliance with the federal Fair
- 17 Labor Standards Act, the state hospital-school shall
- 18 develop a community placement plan for the resident.
- 19 The community placement plan shall identify the
- 20 services and supports the resident would need in order
- 21 to be discharged from the state hospital-school and to
- 22 live and work in the community. The state hospital-
- 23 school shall make reasonable efforts to implement the
- 24 community placement plan including referring the
- 25 resident to community-based providers of services.
- 26 (b) If a community-based provider of services is
- 27 unable to accept a resident who is referred by the
- 28 state hospital-school, the state hospital-school shall
- 29 request and the provider shall indicate in writing to

30 the state hospital-school the provider's reasons for  
31 its inability to accept the resident and describe what  
32 is needed to accept the resident.

33 (c) A resident who cannot be placed in a community  
34 placement plan with a community-based provider of  
35 services may be placed by the state hospital-school in  
36 an on-campus or off-campus vocational or employment  
37 training program. However, prior to placing a  
38 resident in an on-campus vocational or employment  
39 training program, the state hospital-school shall seek  
40 an off-campus vocational or employment training  
41 program offered by a community-based provider who  
42 serves the county in which the state hospital-school  
43 is based or the counties contiguous to the county,  
44 provided that the resident will not be required to  
45 travel for more than thirty minutes one way to obtain  
46 services.

47 If off-campus services cannot be provided by a  
48 community-based provider, the state hospital-school  
49 shall offer the resident an on-campus vocational or  
50 employment training program. The on-campus program

**Page 2**

1 shall be operated in compliance with the federal Fair  
2 Labor Standards Act. At least semiannually, the state  
3 hospital-school shall seek an off-campus community-  
4 based vocational or employment training option for  
5 each resident placed in an on-campus program. The  
6 state hospital-school shall not place a resident in an  
7 off-campus program in which the cost to the state  
8 hospital-school would be in excess of the provider's  
9 actual cost as determined by purchase of service rules  
10 or if the service would not be reimbursed under the  
11 medical assistance program."

12 3. Page 1, by inserting after line 23 the fol-  
13 lowing:

14 "(4) Nothing in this paragraph shall be construed  
15 to prohibit a state hospital-school from providing a  
16 service a resident needs for compliance with  
17 accreditation standards for intermediate care  
18 facilities for the mentally retarded."

19 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-5842.

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

## On the question "Shall the bill pass?" (H.F. 2177)

The ayes were, 92:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Hibbard Presiding

The nays were, none.

Absent or not voting, 8:

Adams	Blanshan	Doderer	Halvorson, R. A.
Hatch	Hermann	Plasier	Sherzan

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

## Unfinished Business Calendar

The House resumed consideration of **Senate File 2206**, a bill for an act relating to campaign finance by specifying that restrictions on corporate campaign activities do not apply to certain political corporations, previously deferred and placed on the unfinished business calendar.

Teaford of Black Hawk offered the following amendment H-5827 filed by her and Halvorson of Webster:

H-5827

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:

3 1. Page 1, by inserting after line 29 the  
 4 following:  
 5 "However, if a political corporation meeting the  
 6 three-part test set forth in this subsection makes  
 7 contributions for the purpose of supporting or  
 8 opposing a candidate for public office or a ballot  
 9 issue, the political corporation shall comply with all  
 10 the reporting and disclosure requirements of this  
 11 chapter as if it were a political committee. The  
 12 reports shall be filed with the commission in  
 13 accordance with rules adopted by the commission and  
 14 shall include information specifically identifying all  
 15 sources of income of the political corporation. The  
 16 commission may provide by rule for the waiver of these  
 17 reporting and disclosure requirements in the case of a  
 18 political corporation which is also a candidate's  
 19 committee if the candidate's committee complies with  
 20 all reporting and disclosure provisions set forth in  
 21 this chapter for candidate's committees."

Teaford of Black Hawk offered the following amendment H-5862,  
 to amendment H-5827, filed by her and Halvorson of Webster from  
 the floor and moved its adoption:

H-5862

1 Amend the amendment, H-5827, to Senate File 2206,  
 2 as passed by the Senate, as follows:  
 3 1. Page 1, by inserting after line 21 the  
 4 following:  
 5 "\_\_\_\_\_. Page 1, by inserting after line 32 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. LEGISLATIVE DECLARATION.  
 8 The general assembly declares that the state has an  
 9 interest in shedding the light of publicity on the  
 10 financing of political campaigns, and that the  
 11 reporting and disclosure requirements of this Act are  
 12 enacted as part of the overall scheme of this chapter  
 13 to promote that interest. The general assembly also  
 14 declares that the reporting and disclosure  
 15 requirements are intended to further First Amendment  
 16 values by opening the basic processes of the election  
 17 system to public view in a manner which is reasonable  
 18 and minimally restrictive."  
 19 \_\_\_\_\_. By numbering and renumbering as necessary."  
 20 2. By numbering and renumbering as necessary.

Amendment H-5862 was adopted.

On motion by Teaford of Black Hawk, amendment H-5827, as  
 amended, was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2206)

The ayes were, 87:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Maanen	Wise	Hibbard	
		Presiding	

The nays were, 6:

Maulsby	Pellett	Petersen, D. F.	Renken
Stueland	Trent		

Absent or not voting, 7:

Blanshan	Doderer	Halvorson, R. A.	Hanson, D. R.
Miller	Schneklath	Sherzan	

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

### SENATE AMENDMENTS CONSIDERED

Lundby of Linn called up for consideration **House File 2455**, a bill for an act relating to state chartered legal entities, especially non-profit corporations and cooperative associations, by altering requirements and procedure for filing corporate documents in the office of the secretary of state and by requiring corporations organized under or subject to Iowa Code chapter 504 to convert to chapter 504A within

a certain period of time, amended by the Senate, and moved that the House concur in the following Senate amendment H—5838:

H—5838

- 1 Amend House File 2455 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 8, line 31 through page 9,
- 4 line 4.
- 5 2. Page 10, line 30, by striking the figure
- 6 "1992" and inserting the following: "1995".
- 7 3. Page 10, by striking line 33 and inserting the
- 8 following: "30, 1995, is terminated, effective July
- 9 1, 1995. A".
- 10 4. By renumbering, relettering, or redesignating
- 11 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5838.

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

On the question "Shall the bill pass?" (H.F. 2455)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Hibbard			
Presiding			

The nays were, none.

Absent or not voting, 3:

Doderer                      Halvorson, R. A.                      Shoultz

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

Speaker Avenson in the chair at 4:08 p.m.

Connors of Polk called up for consideration **Senate File 2018**, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5782 to the House amendment:

H-5782

- 1 Amend the House amendment, S-5531, to Senate File
- 2 2018, as passed by the Senate as follows:
- 3 1. Page 1, line 8, by inserting after the figure
- 4 "69.16A" the following: "subject to the
- 5 availability of a sufficient number of males and
- 6 females from among the elected officials who qualify
- 7 for commission membership to comply with the gender
- 8 balanced requirement".

The motion prevailed and the House concurred in the Senate amendment H-5782.

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

On the question "Shall the bill pass?" (S.F. 2018)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam

Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklouth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 1:

Hammond

Absent or not voting, 5:

Chapman	Halvorson, R. A.	Jochum	Kremer
Plasier			

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2412**, by committee on ways and means, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty.

Read first time and referred to committee on **ways and means**.

#### SENATE AMENDMENT CONSIDERED

Koenigs of Mitchell called up for consideration **House File 737**, a bill for an act requiring certain public corporations to pay the interest earned on investments of retained funds to public improvement construction contractors, amended by the Senate and moved that the House concur in the following Senate amendment H-5761:

H-5761

- 1 Amend House File 737, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 573.12, subsection 1,
- 6 unnumbered paragraph 1, Code 1989, is amended to read
- 7 as follows:
- 8 Payments made under contracts for the construction
- 9 of public improvements, unless provided otherwise by
- 10 law, shall be made on the basis of monthly estimates
- 11 of labor performed and material delivered, as

12 determined by the project architect or engineer. The  
 13 public corporation shall retain from each monthly  
 14 payment not more than five percent of that amount  
 15 which is determined to be due according to the  
 16 estimate of the architect or engineer. However,  
 17 institutions governed pursuant to chapter 262 may, on  
 18 contracts where a bond is required under section  
 19 573.2, make payments under this section without  
 20 retention until ninety-five percent of the contract  
 21 amount has been paid and the remaining five percent of  
 22 the contract amount shall be paid as provided under  
 23 section 573.14."

24 2. Page 1, by striking lines 8 through 11 and  
 25 inserting the following:

26 "b. If a public corporation other than a school  
 27 corporation, county, or city retains funds, the  
 28 interest earned on those funds shall be payable at the  
 29 time of final payment on the contract in accordance  
 30 with the schedule and exemptions specified by the  
 31 public corporation in its administrative rules. The  
 32 rate of interest shall be determined by the period of  
 33 time during which interest accrues, and shall be the  
 34 same as the rate of interest that is in effect under  
 35 section 453.6 as of the day interest begins to  
 36 accrue."

37 3. Page 1, by inserting before line 12 the  
 38 following:

39 "Sec. \_\_\_\_\_. Section 573.13, Code 1989, is amended  
 40 to read as follows:

41 573.13 INVIOABILITY AND DISPOSITION OF FUND.

42 ~~No~~ A public corporation shall not be permitted to  
 43 plead noncompliance with section 573.12, and the  
 44 retained percentage of the contract price, which in no  
 45 case shall be less ~~more~~ than five percent, shall  
 46 ~~constitute~~ constitutes a fund for the payment of  
 47 claims for materials furnished and labor performed on  
 48 ~~said~~ the improvement, and shall be held and disposed  
 49 of by the public corporation as hereinafter provided  
 50 in this chapter."

Page 2

1 4. Title page, by striking lines 1 through 3 and  
 2 inserting the following: "An Act relating to  
 3 retentions from payments to contractors on contracts  
 4 for the construction of public improvements."

The motion prevailed and the House concurred in the Senate amendment H—5761.

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

On the question "Shall the bill pass?" (H.F. 737)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Brown	Chapman	Halvorson, R. A.
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Sherzan of Polk called up for consideration **Senate File 2169**, a bill for an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties,

amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5819 to the House amendment:

H—5819

- 1 Amend the House amendment, S—5549, to Senate File
- 2 2169, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 44 the
- 5 following:
- 6 "5. "Farm owner" does not include a person who
- 7 uses cropland for research or experimental purposes,
- 8 testing, developing, or producing seeds or plants for
- 9 sale or resale."

The motion prevailed and the House concurred in the Senate amendment H—5819.

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

On the question "Shall the bill pass?" (S.F. 2169)

The ayes were, 62:

Arnould	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Cohoon	Connors	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poney	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 33:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz

Metcalf  
Royer  
Van Maanen

Miller  
Schnekloth

Pellett  
Stueland

Renken  
Tyrrell

Absent or not voting, 5:

Adams  
Shoultz

Chapman

Halvorson, R. A.

Plasier

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

**MOTIONS TO RECONSIDER**  
(Senate File 2018)

I move to reconsider the vote by which Senate File 2018 passed the House on March 26, 1990.

HANSON of Delaware

(Senate File 2018)

I move to reconsider the vote by which Senate File 2018 passed the House on March 26, 1990.

DODERER of Johnson

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on March 23, 1990. Had I been present, I would have voted "nay" on amendment H-5858, to amendment H-5685, to Senate File 2408 and "aye" on Senate File 2408.

BUHR of Polk

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of March, 1990: House Files 664, 2092, 2119, 2143, 2238, 2250, 2279, 2296, 2307 and 2308.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

**GOVERNOR'S ITEM VETO MESSAGE**

A copy of the following communication was received and placed on file:

March 23, 1990

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

Dear Madam President:

I hereby transmit Senate File 2212, an act relating to and making supplemental appropriations or decreasing appropriations to the department of human services, Iowa department of public health, state board of regents, department of general services, department of inspections and appeals, department of employment services, department of commerce, state department of transportation, department of corrections, department of public safety, department of justice, judicial department, department of elder affairs, department of agriculture and land stewardship, department of natural resources, department of cultural affairs, department of education, and college aid commission for the remainder of the fiscal year ending June 30, 1990, and providing an effective date.

Senate File 2212 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 would appropriate \$1 million to the Department of Human Services for nursing facility reimbursement at the 74th percentile of facility costs as calculated from the March 31, 1990, unaudited compilation of cost and statistical data. This would become effective on April 1, 1990, three months earlier than my recommendation. I cannot approve this earlier increase in reimbursement rates due to fiscal constraints.

I am unable to approve the item designated as Section 5, in its entirety. This provision would require that any funds not spent for enhanced mental health, mental retardation, developmental disabilities services not revert but be deposited in the State Supplementation of Federal Social Services Block Grant Fund, after county expenditures for candidate services are reimbursed. Unexpended funds appropriated for one purpose should not be automatically transferred and, therefore, made available for another purpose, thereby circumventing the appropriation process.

I am unable to approve the item designated as Section 17, in its entirety. This section authorizes the Alcoholic Beverages Division to spend \$375,000 for a new computer for the liquor warehouse. Although it is important that this division have the equipment and facilities necessary to adequately perform the responsibilities with which they have been statutorily charged, I am not convinced that purchasing a new computer is the most efficient or effective way of meeting the Division's data processing needs. This may be a good opportunity for the Division to work with the Information Services Division of the Department of General Services to incorporate its data processing needs in the state's central data processing system. Although this is an expenditure from the Alcoholic Beverages Revolving Fund, any money saved in that fund will benefit the General Fund because any amounts in excess of that agency's expenses are transferred to the General Fund.

I am unable to approve the item designated as Section 24, subsection 6. This calls for up to \$849,000 for the remodeling of administrative offices and the consolidation of certain district operations in the Fifth Judicial District Department of Correctional Services. This project was not recommended by the Board of Corrections and has not

been examined through the normal budgetary channels. Architectural estimates have not been furnished to the Department of Corrections and this project cannot be justified as a high priority when compared to other more pressing needs and with consideration of the state's fiscal condition.

I am unable to approve the item designated as Section 31, in its entirety. This section would appropriate \$25,000 from the general fund to the Department of Public Safety to implement the accreditation for law enforcement agencies. This \$25,000 would only be the beginning of accreditation costs and does not reflect salary costs of personnel who would be assigned to the accreditation project. Nebraska utilized nine officers and Missouri intends to utilize eleven. Other contiguous states are incurring costs as great as \$200,000. Reaccreditation is required every five years, indicating ongoing costs. The quality of Iowa law enforcement will not suffer if this new program is not implemented.

I am unable to approve Section 32, in its entirety. This section appropriates \$220,000 to purchase a new office facility as a law enforcement headquarters for the Department. The Department of Public Safety did not request new headquarters and the current and forecasted fiscal picture requires spending restraint. I can not at this time approve of this item.

I am unable to approve Section 39, in its entirety. This section would partially fund information specialists and support of accounting section positions at the Department of Agriculture and Land Stewardship with a \$44,800 appropriation. Due to fiscal constraints, I can not approve additional administrative expenses at this time.

I am unable to approve Section 46, in its entirety. This section would appropriate \$20,000 to the Department of Education for the lift-up program in the Fifth Judicial District. The Department of Corrections has advised me that funds are now available within the Fifth Judicial District, therefore, a supplemental appropriation is no longer required and I am unable to approve this section.

I find Senate File 2212 to contain many worthwhile provisions including many of my recommendations. Supplementary medical assistance, Capitol restoration, and the beginning of a major expansion in our correctional system are necessary and key portions of this bill. I object to the use of lease-purchase and prefer paying cash for these facilities, however, the legislature has made it clear that lease-purchase is the only method they will consider to finance the expansion of the correctional system.

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 2212 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 23, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2105, an act providing for access to certain vital statistics records which are at least seventy-five years old.

House File 2178, an act relating to state and local substitute medical decision-making boards.

House File 2199, an act relating to agricultural drainage wells and providing an effective date.

House File 2212, an act delaying the repeal of the Iowa boundary commission and providing an effective date.

House File 2233, an act relating to the installation of fire extinguishing systems in open parking garages.

House File 2364, an act relating to increasing the penalty for failure to file a release and satisfaction when a judgment is paid in full.

House File 2368, an act requiring the department of human services to adopt administrative rules which apply a civil penalty to certain health care facilities reimbursed under the medical assistance program.

House File 2401, an act relating to the reporting of a hazardous condition involving a hazardous substance to the department of natural resources, to the local law enforcement agency, and to operators of affected public or private water supply systems.

House File 2405, an act relating to access to personnel employment files by public and private employees.

House File 2421, an act providing authority under certain conditions for the release of information by the child support recovery unit to certain persons and to other units of the department of human services.

House File 2423, an act relating to establishing title where a surviving spouse is a joint tenant of real estate with a deceased spouse.

House File 2425, an act relating to certain trust and estate documents by providing for notice requirements for claims against an estate, the validity of a voluntary trust, and voluntary petitions for conservatorships and their required contents.

House File 2460, an act relating to remedial relief for public employment relations violations and to unfair representation by a bargaining representative of a public employee.

House File 2471, an act relating to the jurisdiction of small claims court over executions of personal property, including garnishments, and providing for the Act's applicability.

House File 2489, an act relating to health care facilities, providing a penalty, and providing an effective date.

Also: That on March 26, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 512, an act relating to the payment of a support obligation out of garnisheed funds.

House File 2045, an act relating to the appointment of an additional district judge for the district which includes the Iowa state penitentiary.

House File 2103, an act relating to missing person reports to law enforcement agencies by amending the definition of missing person to conform with a definition used by the national crime information center.

House File 2104, an act requiring the Iowa department of public health to enter the name of the father on the certificate of birth upon a determination of paternity by a court of competent jurisdiction.

House File 2109, an act relating to computer data storage of records of a criminal justice agency after acquittal or dismissal of charges.

House File 2118, an act relating to vehicle accident reports.

House File 2160, an act relating to mandatory domestic abuse arrests and providing guidelines concerning a primary physical aggressor.

House File 2165, an act relating to indemnification for odometer fraud from a motor vehicle dealer's surety bond and increasing the amount of the bond.

House File 2304, an act relating to notice requirements for sales under execution.

House File 2309, an act relating to schedule II controlled substances.

House File 2369, an act relating to real property by establishing a real property inspection report.

House File 2453, an act relating to arbitration agreements between manufacturers, distributors, or importers of motor vehicles and motor vehicle dealers.

House File 2454, an act relating to the manufacture, distribution, and possession of gambling devices.

House File 2457, an act relating to aircraft registration and special certificate fees.

House File 2458, an act requiring restitution of persons convicted of interfering with a traffic device, sign, or signal.

House File 2485, an act relating to the establishment of the Iowa arts and culture challenge grant foundation and foundation fund.

Senate File 182, an act relating to the commencement in the district court of certain civil rights actions involving administrative closures.

Senate File 460, an act relating to obtaining depositions in a foreign jurisdiction.

Senate File 2137, an act providing for the disposal of forfeited weapons.

Senate File 2139, an act relating to the appeal process for certain postconviction procedures.

Senate File 2155, an act relating to the computation of workers' compensation benefits for elected and appointed officials.

Senate File 2252, an act relating to the Iowa logo program and the use of the logo.

Senate File 2257, an act relating to the distribution of lists of certified ophthalmic dispensers.

Senate File 2290, an act relating to the theft of fish from private fish hatcheries.

Senate File 2322, an act relating to participation in extracurricular interscholastic contests and competitions by certain children.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-seven high school students from Remsen-Union High School, Remsen, accompanied by Judy Meister. By Banks of Plymouth.

Thirty government class students from Rockwell-Swaledale High School, Rockwell, accompanied by Randy Bushbaum. By Clark of Cerro Gordo.

### CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN

Chief Clerk of the House

- |         |  |
|---------|--|
| 1990-71 | Karen Saltzman, Corning — Being named Iowa's Young Mother of the Year.   |
| 1990-72 | Girls Basketball Team, Montezuma — For their fine performance in the Girls State Basketball Tournament of 1990, and outstanding sportsmans-like conduct during the season. |
| 1990-73 | HLV Girls Basketball Team, Victor — For their fine performance in the 1990 Girls State Basketball Tournament, and outstanding sportsmans-like conduct during the season.   |
| 1990-74 | Boys Basketball Team, Independence — For their participation in the 1990 Iowa State Boys Basketball Tournament.  |
| 1990-75 | Hazel E. Cupp, Atlantic — For celebrating her 100th birthday on March 8, 1990.   |
| 1990-76 | Boys Basketball Team, Montezuma — For outstanding performance and success during the 1990 Boys State Basketball Tournament, and for winning the State Championship.        |
| 1990-77 | Western Christian Indians, Hull — For winning 4th place in the 1990 Class 2-A Boys State Basketball Tournament.  |
| 1990-78 | Boyden-Hull Comets, Boyden and Hull — For winning 2nd place in the 1990 Class A Boys State Basketball Tournament.  |
| 1990-79 | Boys Basketball Team, Colo-Nesco High School — For winning the 1990 Class A Boys State Basketball Championship.  |
| 1990-80 | Kim Kruger, George-Little Rock High School — For being selected as All-Northwest Iowa first-team guard all-stater in 1990.   |

- 1990-81 Keri Van Veldhuizen, Central Lyon High School — For being selected as All-Northwest Iowa first-team forward all-stater.
- 1990-82 Leah Breuer, George-Little Rock High School — For being selected as All-Northwest Iowa fourth-team forward all-stater at the 1990 Iowa State Girls Basketball Tournament.
- 1990-83 Julie De Jongh, Boyden-Hull High School — For being selected as All-Northwest Iowa fourth-team forward all-stater at the 1990 Iowa State Girls Basketball Tournament.
- 1990-84 Brad Miller, Colo-Nesco High School — For being named to the All Tournament Team at the 1990 Iowa Boys State Basketball Tournament.
- 1990-85 Brian Wildeboer, Colo-Nesco High School — For being named Captain of the All Tournament Team of the 1990 Iowa Boys State Basketball Tournament.
- 1990-86 Molly Van Diepen, Sibley-Ocheyedan High School — For being selected as All-Northwest Iowa second-team guard all-stater at the 1990 Iowa State Girls Basketball Tournament.
- 1990-87 Dianne Cuttell, George-Little Rock High School — For being selected as All-Northwest Iowa third-team guard all-stater at the 1990 Iowa State Girls Basketball Tournament.
- 1990-88 Girls Basketball Team, Colo-Nesco High School — For participating in the 1990 Girls State Basketball Tournament.
- 1990-89 Inez Wormer, Center Point — Will celebrate her 104th birthday on March 27, 1990, and for being the oldest citizen of Center Point, having resided there her entire life.
- 1990-90 Eddie Dean Morris, Stanton — Received the Boy Scouts of America Eagle Scout Award.
- 1990-91 Loren De Kruyf, Boyden-Hull Community School — Being selected All-Northwest Iowa First-Team All-Stater of the 1990 Iowa State Boys Basketball Tournament.
- 1990-92 Joel Mulder, Hull Western Christian High School — For being selected All-Northwest Iowa First-Team All-Stater of the 1990 Iowa State Boys Basketball Tournament.
- 1990-93 Charles W. Agan, Manilla — For being a 60 year member of the Masons.

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**Senate File 2407**, a bill for an act relating to the premium taxation on certain health maintenance organization payments.

Fiscal Note is required.

Recommended **Do Pass** March 26, 1990.

## AMENDMENTS FILED

H—5861	H.F.	2558	Halvorson of Clayton
H—5863	H.F.	2543	Blanshan of Greene
H—5864	S.F.	2327	Jochum of Dubuque
			Poncy of Wapello
H—5865	H.F.	2543	Blanshan of Greene
H—5866	H.F.	2482	Senate Amendment
H—5867	H.F.	2543	Groninga of Cerro Gordo
H—5868	H.F.	2522	Senate Amendment
H—5869	H.F.	2312	Senate Amendment
H—5870	S.F.	2327	Schnekloth of Scott
H—5871	H.F.	2329	Hanson of Delaware
			Pavich of Pottawattamie
H—5872	S.F.	2049	Fey of Scott

On motion by Arnould of Scott, the House adjourned at 4:22 p.m., until 9:00 a.m., Tuesday, March 27, 1990.

# JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day — Fifty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 27, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Delores Mertz, state representative from Kossuth County.

The Journal of Monday, March 26, 1990 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton on request of Harbor of Mills; Sherzan of Polk, until his arrival, on request of Swartz of Marshall.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2154, a bill for an act relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2320, a bill for an act relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, providing a special effective date, and authorizing civil penalties.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2357, a bill for an act relating to the applicability of school district reorganization incentives and providing an effective date and a retroactive applicability date.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2450, a bill for an act relating to court costs to the city for certain dismissals of parking violations and court costs and fees for certain parking violations.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2496, a bill for an act requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2500, a bill for an act relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2540, a bill for an act relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date.

Also: That the Senate has on March 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2411, a bill for an act providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates.

Also: That the Senate has on March 26, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 128, a concurrent resolution relating to the provision of cable television service.

JOHN F. DWYER, Secretary

## SENATE AMENDMENTS CONSIDERED

Pellett of Cass called up for consideration **House File 2115**, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—5818:

H—5818

- 1 Amend House File 2115 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 6 through 8, and
- 4 inserting the following: "disposal facilities and for
- 5 the disposal of waste from the facilities."
- 6 2. Page 1, by inserting after line 31 the
- 7 following:

- 8 "Sec. \_\_\_\_\_. Section 455B.172, subsection 5, Code  
 9 1989, is amended by adding the following new  
 10 unnumbered paragraph:  
 11 NEW UNNUMBERED PARAGRAPH. The department or a  
 12 county board of health shall not prohibit the  
 13 discharge of wastewater from a septic tank located on  
 14 agricultural land used for farming as defined in  
 15 section 172C.1, and installed before November 19,  
 16 1986."  
 17 3. By renumbering, relettering, or redesignating  
 18 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5818.

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

On the question "Shall the bill pass?" (H.F. 2115)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Halvorson, R. A. Hatch  
Sherzan

Neuhauser

Rosenberg

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

Pavich of Pottawattamie called up for consideration **House File 2329**, a bill for an act relating to elections and election procedures, amended by the Senate amendment H—5701 as follows:

H—5701

- 1 Amend House File 2329, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 30 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 43.49, Code 1989, is amended to
- 6 read as follows:
- 7 43.49 CANVASS BY COUNTY BOARD.
- 8 ~~On the Monday~~ Within ten working days following the
- 9 primary election, the board of supervisors shall meet,
- 10 open and canvass the returns from each voting precinct
- 11 in the county, and make abstracts thereof, stating in
- 12 words written at length:
- 13 1. The number of ballots cast in the county in
- 14 each precinct by each political party, separately, for
- 15 each office.
- 16 2. The name of each person voted for and the
- 17 number of votes given to each person for each
- 18 different office.
- 19 If the day designated by this section for the
- 20 canvass is a public holiday, the provisions of section
- 21 4.1, subsection 22, shall apply."
- 22 2. Page 5, by inserting after line 5 the
- 23 following:
- 24 "Sec. \_\_\_\_\_. Section 46.24, unnumbered paragraph 1,
- 25 Code 1989, is amended to read as follows:
- 26 A judge of the supreme court, court of appeals, or
- 27 district court including a district associate judge,
- 28 or a clerk of the district court must receive more
- 29 affirmative than negative votes to be retained in
- 30 office. When the poll is closed, the election judges
- 31 shall publicly canvass the vote forthwith. The board
- 32 of supervisors shall canvass the returns at its
- 33 meeting on Monday within ten working days after the
- 34 election, and shall promptly certify the number of
- 35 affirmative and negative votes on each judge or clerk
- 36 to the state commissioner of elections."
- 37 3. Page 9, by inserting after line 4 the
- 38 following:

39 "Sec. \_\_\_\_\_. Section 49.99, unnumbered paragraph 1,  
40 Code 1989, is amended to read as follows:

41 The voter may also insert in writing in the proper  
42 place the name of any person for whom the voter  
43 desires to vote and place a cross or check in the  
44 square opposite ~~thereto~~ the name. The If the voter is  
45 using a voting system other than an electronic voting  
46 system as defined in section 52.1, the writing of such  
47 the name shall constitute a valid vote for the person  
48 whose name has been written on the ballot without  
49 regard to whether the voter has made a cross or check  
50 opposite thereto the name. However, the state

**Page 2**

1 commissioner of elections may provide by rule that  
2 when a write-in vote is cast using an electronic  
3 voting system, the ballot must also be marked in the  
4 corresponding space in order to be counted. The  
5 making of a cross or check in a square opposite a  
6 blank without writing a name therein in the blank,  
7 shall not affect the validity of the remainder of the  
8 ballot."

9 4. Page 9, by inserting after line 26 the  
10 following:

11 "Sec. \_\_\_\_\_. Section 50.21, unnumbered paragraph 1,  
12 Code 1989, is amended to read as follows:

13 The commissioner shall reconvene the election board  
14 of the special precinct established by section 53.20  
15 not earlier than noon on the second day following each  
16 election which is required by law to be canvassed on  
17 ~~the Monday~~ within ten working days following the  
18 election. If the second day following such an  
19 election is a legal holiday the special precinct  
20 election board may be convened at noon on the day  
21 following the election, and if the canvass of the  
22 election is ~~required~~ scheduled at any time earlier  
23 than the Monday following the election, the special  
24 precinct election board shall be reconvened at noon on  
25 the day following the election.

26 Sec. \_\_\_\_\_. Section 50.24, unnumbered paragraph 1,  
27 Code Supplement 1989, is amended to read as follows:

28 The county board of supervisors shall meet to  
29 canvass the vote at ~~nine o'clock on the morning of the~~  
30 first Monday within ten working days after the day of  
31 each election to which this chapter is applicable,  
32 unless the law authorizing the election specifies  
33 another date for the canvass. ~~If that Monday is a~~  
34 public holiday, section 4-1, subsection 22 controls.  
35 Upon convening, the board shall open and canvass the  
36 tally lists and shall prepare abstracts stating, in  
37 words written at length, the number of votes cast in

38 the county, or in that portion of the county in which  
 39 the election was held, for each office and on each  
 40 question on the ballot for the election. The board  
 41 shall contact the chairperson of the special precinct  
 42 board before adjourning and include in the canvass any  
 43 absentee ballots which were received after the polls  
 44 closed in accordance with section 53.17 and which were  
 45 canvassed by the special precinct board after election  
 46 day. The abstract shall further indicate the name of  
 47 each person who received votes for each office on the  
 48 ballot, and the number of votes each person named  
 49 received for that office, and the number of votes for  
 50 and against each question submitted to the voters at

**Page 3**

1 the election.

2 Sec. \_\_\_\_\_. Section 50.46, Code 1989, is amended to  
 3 read as follows:

4 50.46 SPECIAL ELECTIONS — CANVASS AND  
 5 CERTIFICATE.

6 When a special election has been held to fill a  
 7 vacancy, pursuant to section 69.14, the board of  
 8 county canvassers shall meet at ~~one o'clock in the~~  
 9 afternoon of the second day thereafter on the date of  
 10 the next regular meeting of the board of supervisors,  
 11 or on another date not more than ten working days  
 12 after the election, and canvass the votes cast thereat  
 13 at the election. The commissioner, as soon as the  
 14 canvass is completed, shall transmit to the state  
 15 commissioner an abstract of the votes so canvassed,  
 16 and the state board, within five days after receiving  
 17 such abstracts, shall canvass the tally lists. A  
 18 certificate of election shall be issued by the county  
 19 or state board of canvassers, as in other cases. All  
 20 the provisions regulating elections, obtaining tally  
 21 lists, and canvass of votes at general elections,  
 22 except as to time, shall apply to special elections."

23 5. Page 9, by inserting before line 27, the  
 24 following:

25 "Sec. \_\_\_\_\_. Section 53.1, Code 1989, is amended by  
 26 adding the following new subsection:

27 NEW SUBSECTION. 3. When the elector expects to be  
 28 unable to go to the polls and vote on election day."

29 6. Page 11, by inserting after line 2 the  
 30 following:

31 "Sec. \_\_\_\_\_. Section 69.14A, subsection 2, Code  
 32 Supplement 1989, is amended to read as follows:

33 2. When a vacancy exists in an elected county  
 34 office, the board of supervisors shall publish notice  
 35 as provided in section 331.305 indicating the method,  
 36 appointment or special election, by which the board

37 intends to fill the vacancy. If appointment is  
 38 selected by the board, the appointment may be made  
 39 before publication of the notice, but the appointment  
 40 shall not be made within earlier than fourteen days or  
 41 more than forty days after the vacancy occurs. The  
 42 board may appoint a prospective appointee to serve as  
 43 a deputy before a vacancy occurs. However, if within  
 44 fourteen days after the date of the notice or within  
 45 fourteen days after the appointment is made, whichever  
 46 date is later, a petition requesting a special  
 47 election to fill the vacancy is filed with the county  
 48 auditor, the appointment is temporary and a special  
 49 election shall be called as provided in subsection 3.  
 50 The petition shall meet the requirements of section

**Page 4**

1 331.306.”  
 2 7. Page 15, by inserting after line 13 the  
 3 following:  
 4 “Sec. 1001. 1990 Iowa Acts, chapter 1007, being  
 5 House File 2001 of the Seventy-third General Assembly,  
 6 is amended by adding the following new section:  
 7 SEC. 3. EFFECTIVE DATE.  
 8 This Act, being deemed of immediate importance,  
 9 takes effect upon the enactment of 1990 Iowa Acts,  
 10 House File 2329, if enacted by the Seventy-third  
 11 General Assembly, and is retroactively applicable to  
 12 voting booths approved or furnished on or after the  
 13 enactment of this Act.  
 14 Sec. 1002. EFFECTIVE DATE.  
 15 1. Section 1001 and this section of this Act,  
 16 being deemed of immediate importance, take effect upon  
 17 enactment.  
 18 2. All other sections of this Act take effect July  
 19 1, 1990.”  
 20 8. Title page, line 1, by inserting after the  
 21 word “procedures” the following: “, and providing  
 22 effective and applicability dates”.  
 23 9. By renumbering, relettering, or redesignating  
 24 and correcting internal references as necessary.

Pavich of Pottawattamie offered the following amendment  
 H—5803, to the Senate amendment H—5701, filed by him and moved  
 its adoption:

H—5803

1 Amend the Senate amendment, H—5701, to House File  
 2 2329, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by striking lines 3 through 36.

- 5 2. Page 1, line 50, by striking the words "the  
6 state".  
7 3. Page 2, by striking line 1.  
8 4. By striking page 2, line 9, through page 3,  
9 line 22.  
10 5. Page 4, by striking line 12 and inserting the  
11 following: "voting booths approved by the board of  
12 examiners for voting machines and electronic voting  
13 systems and furnished before the".

Amendment H—5803 was adopted.

Hanson of Delaware offered the following amendment H—5871, to the Senate amendment H—5701, filed by him and Pavich of Pottawattamie and moved its adoption:

H—5871

- 1 Amend Senate amendment, H—5701, to House File 2329,  
2 as amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 3, by striking lines 41 through 43, and  
5 inserting the following: "more than forty days after  
6 the vacancy occurs. However, if within".

Amendment H—5871 was adopted.

On motion by Pavich of Pottawattamie, the House concurred in the Senate amendment H—5701, as amended.

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

On the question "Shall the bill pass?" (H.F. 2329)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean

McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, 1:

Diemer

Absent or not voting, 5:

Chapman	Halvorson, R. A.	Jay	Sherzan
Teaford			

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

The House stood at ease at 10:14 a.m., until the fall of the gavel.

The House resumed session at 11:12 a.m., Speaker Avenson in the chair.

### PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Schrader of Marion escorted to the front of the Speaker's station and presented to the House Heather Heiting, queen of the 1990 Pella Tulip Festival.

Queen Heather, wearing the Sunday costume typical of West Friesland, in the province of North Holland, presented her attendants (also in costume) Michelle Poortinga, Kelly Pothoven, Jill Dieleman and Holly Gosselink, accompanied by their parents.

Those present from Pella were dressed in native Dutch costume and distributed the famous Pella Dutch cookies. The Pella Tulip Time will be held May 10, 11 and 12, 1990.

The House rose and expressed its welcome.

On motion by Arnould of Scott, the House was recessed at 11:18 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-four members present, sixteen absent.

## SENATE MESSAGE CONSIDERED

**Senate File 2411**, by committee on ways and means, a bill for an act providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates.

Read first time and referred to committee on **ways and means**.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 148, a bill for an act prohibiting certain actions against police service dogs, and providing penalties.

Also: That the Senate has on March 23, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 332, a bill for an act relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

JOHN F. DWYER, Secretary

The House stood at ease at 1:29 p.m., until the fall of the gavel.

The House resumed session at 2:38 p.m., Connors of Polk in the chair.

## IMMEDIATE MESSAGE

(Senate File 2169)

Arnould of Scott asked and received unanimous consent that Senate File 2169 be immediately messaged to the Senate.

CONSIDERATION OF BILLS  
Unfinished Business Calendar

The House resumed consideration of **House File 2543**, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act, previously deferred and placed on the unfinished business calendar.

Blanshan of Greene offered the following amendment H—5860 filed by Blanshan, et al.:

H—5860

- 1 Amend House File 2543 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Sec. 3001. Section 97A.4, unnumbered paragraph 1,
- 5 Code 1989, is amended to read as follows:
- 6 The board of trustees shall fix and determine by
- 7 proper rules how much service in any year shall be
- 8 Service for fewer than six months of a year is not
- 9 creditable as service. Service of six months or more
- 10 of a year is equivalent to one year of service, but in
- 11 no case shall more than one year of service be
- 12 creditable for all service in one calendar year, nor
- 13 shall the board of trustees allow credit as service
- 14 for any period of more than one month duration during
- 15 which the member was absent without pay."
- 16 2. Page 1, line 11, by striking the word
- 17 "disability" and inserting the following: "physical
- 18 impairment".
- 19 3. Page 2, by striking lines 7 through 12 and
- 20 inserting the following: "compensation."
- 21 4. Page 2, by inserting before line 13 the
- 22 following:
- 23 "d. Commencing July 1, 1990, if the member has
- 24 completed more than twenty-two years of creditable
- 25 service, the service retirement allowance shall
- 26 consist of a pension which equals the amount provided
- 27 in paragraphs "b" and "c", plus an additional
- 28 percentage as set forth below:
- 29 (1) For a member who terminates service, other
- 30 than by death or disability, on or after July 1, 1990,
- 31 but before July 1, 1991, and who does not withdraw the
- 32 member's contributions pursuant to section 97A.16,
- 33 upon the member's retirement there shall be added
- 34 three-tenths percent of the member's average final
- 35 compensation for each year of service over twenty-two
- 36 years, excluding years of service after the member's
- 37 fifty-fifth birthday. However, this subparagraph does
- 38 not apply to more than eight additional years of

39 service.

40 (2) For a member who terminates service, other  
 41 than by death or disability, on or after July 1, 1991,  
 42 but before July 1, 1992, and who does not withdraw the  
 43 member's contributions pursuant to section 97A.16,  
 44 upon the member's retirement there shall be added six-  
 45 tenths percent of the member's average final  
 46 compensation for each year of service over twenty-two  
 47 years, excluding years of service after the member's  
 48 fifty-fifth birthday. However, this subparagraph does  
 49 not apply to more than eight additional years of  
 50 service.

Page 2

1 (3) For a member who terminates service, other  
 2 than by death or disability, on or after July 1, 1992,  
 3 but before July 1, 1993, and who does not withdraw the  
 4 member's contributions pursuant to section 97A.16,  
 5 upon the member's retirement there shall be added  
 6 nine-tenths percent of the member's average final  
 7 compensation for each year of service over twenty-two  
 8 years, excluding years of service after the member's  
 9 fifty-fifth birthday. However, this subparagraph does  
 10 not apply to more than eight additional years of  
 11 service.

12 (4) For a member who terminates service, other  
 13 than by death or disability, on or after July 1, 1993,  
 14 but before July 1, 1994, and who does not withdraw the  
 15 member's contributions pursuant to section 97A.16,  
 16 upon the member's retirement there shall be added one  
 17 and two-tenths percent of the member's average final  
 18 compensation for each year of service over twenty-two  
 19 years, excluding years of service after the member's  
 20 fifty-fifth birthday. However, this subparagraph does  
 21 not apply to more than eight additional years of  
 22 service.

23 (5) For a member who terminates service, other  
 24 than by death or disability, on or after July 1, 1994,  
 25 and who does not withdraw the member's contributions  
 26 pursuant to section 97A.16, upon the member's  
 27 retirement there shall be added one and five-tenths  
 28 percent of the member's average final compensation for  
 29 each year of service over twenty-two years, excluding  
 30 years of service after the member's fifty-fifth  
 31 birthday. However, this subparagraph does not apply  
 32 to more than eight additional years of service.

33 Sec. 2001. Section 97A.6, subsection 6, Code 1989,  
 34 is amended to read as follows:

35 6. RETIREMENT AFTER ACCIDENT.

36 a. Upon retirement for accidental disability prior

37 to July 1, 1990, a member shall receive an accidental  
38 disability retirement allowance which shall consist of  
39 a pension equal to sixty-six and two-thirds percent of  
40 the member's average final compensation.

41 b. Upon retirement for accidental disability on or  
42 after July 1, 1990, a member shall receive an  
43 accidental disability retirement allowance which shall  
44 consist of a pension equal to sixty percent of the  
45 member's average final compensation."

46 5. Page 2, by striking line 29 and inserting the  
47 following: "subparagraphs (1), (2), and (3), Code  
48 1989, are amended to read as follows:"

49 6. Page 2, line 30, by striking the words  
50 "Twenty-five Thirty" and inserting the following:

**Page 3**

1 "Twenty-five".

2 7. Page 2, line 32, by inserting after the word  
3 "section." the following: "However, effective July 1,  
4 1990, for members who retired before that date, thirty  
5 percent shall be the applicable percentage for members  
6 and beneficiaries under this subparagraph."

7 8. Page 2, by inserting after line 32 the  
8 following:

9 "(2) Twenty Twenty-five percent for members with  
10 five or more years of membership service who are  
11 receiving an ordinary disability retirement allowance.  
12 However, effective July 1, 1984, for members who  
13 retired before July 1, 1979, and effective July 1,  
14 1988, for members who retire on or after July 1, 1988,  
15 twenty-five percent shall be used for members who are  
16 receiving an ordinary disability retirement allowance.  
17 However, effective July 1, 1990, for members who  
18 retired before that date, thirty percent shall be the  
19 applicable percentage for members under this  
20 subparagraph.

21 (3) Twelve and one-half percent for members with  
22 less than five years of membership service who are  
23 receiving an ordinary disability retirement allowance,  
24 and for beneficiaries receiving a pension under  
25 subsection 8 of this section. However, effective July  
26 1, 1990, for members who retired before that date,  
27 fifteen percent shall be the applicable percentage for  
28 members and beneficiaries under this subparagraph."

29 9. Page 3, line 6, by striking the words  
30 "paragraphs c" and inserting the following:  
31 "paragraphs b, c,".

32 10. Page 3, by inserting after line 7 the  
33 following:

34 "b. On the basis of the rate of interest and of  
35 such the mortality, interest, and other tables as

36 shall be adopted by the board of trustees, the state  
 37 commissioner of insurance shall make each valuation  
 38 required by this chapter and shall immediately after  
 39 making such valuation, determine the "normal  
 40 contribution rate". The normal contribution rate shall  
 41 be the rate percent of the earnable compensation of  
 42 all members obtained by deducting from the total  
 43 liabilities of the fund the sum of the amount of the  
 44 funds in hand to the credit of the fund and dividing  
 45 the remainder by one percent of the present value of  
 46 the prospective future compensation of all members as  
 47 computed on the basis of the rate of interest and of  
 48 mortality and service tables adopted by the board of  
 49 trustees, all reduced by the employee contribution  
 50 made pursuant to paragraph "f" of this subsection.

Page 4

1 However, the normal rate of contribution shall not be  
 2 less than seventeen and five hundredths percent. The  
 3 normal rate of contribution shall be determined by the  
 4 state commissioner of insurance after each valuation."

5 11. Page 3, by inserting after line 17 the  
 6 following:

7 "The system shall develop a financial plan for  
 8 making the system actuarially sound on or before June  
 9 30, 1996. The plan shall be submitted to the general  
 10 assembly on or before January 1, 1991. As used in  
 11 this paragraph, "actuarially sound" means that the  
 12 accrued assets equal the accrued benefits."

13 12. By striking page 3, line 18 through page 4,  
 14 line 6, and inserting the following:

15 "f. Except as otherwise provided in paragraph "h":

16 (1) An amount equal to three and one-tenth percent  
 17 of each member's compensation from the earnable  
 18 compensation of the member shall be paid to the  
 19 pension accumulation fund for the fiscal year  
 20 beginning July 1, 1989.

21 (2) An amount equal to four and four-tenths  
 22 percent of each member's compensation from the  
 23 earnable compensation of the member shall be paid to  
 24 the pension accumulation fund for the fiscal year  
 25 beginning July 1, 1990.

26 (3) An amount equal to five and seven-tenths  
 27 percent of each member's compensation from the  
 28 earnable compensation of the member shall be paid to  
 29 the pension accumulation fund for the fiscal year  
 30 beginning July 1, 1991.

31 (4) An amount equal to seven percent of each  
 32 member's compensation from the earnable compensation  
 33 of the member shall be paid to the pension  
 34 accumulation fund for the fiscal year beginning July

35 1, 1992.

36 (5) An amount equal to eight and three-tenths  
37 percent of each member's compensation from the  
38 earnable compensation of the member shall be paid to  
39 the pension accumulation fund for the fiscal year  
40 beginning July 1, 1993.

41 (6) An amount equal to nine and six-tenths percent  
42 of each member's compensation from the earnable  
43 compensation of the member shall be paid to the  
44 pension accumulation fund for the fiscal year  
45 beginning July 1, 1994.

46 (7) An amount equal to ten and nine-tenths percent  
47 of each member's compensation from the earnable  
48 compensation of the member shall be paid to the  
49 pension accumulation fund for the fiscal year  
50 beginning July 1, 1995, and each fiscal year

**Page 5**

1 thereafter.

2 Sec. 1001. Section 97A.8, subsection 1, Code 1989,  
3 is amended by adding the following new paragraph:  
4 NEW PARAGRAPH. h. Notwithstanding the provisions  
5 of paragraph "f", the following transition percentages  
6 apply to members' contributions as specified:

7 (1) For members who on July 1, 1990, have attained  
8 the age of forty-nine years or more, an amount equal  
9 to ten and nine-tenths percent of each member's  
10 compensation from the earnable compensation of the  
11 member shall be paid to the pension accumulation fund  
12 for the fiscal year beginning July 1, 1990, and each  
13 fiscal year thereafter.

14 (2) For members who on July 1, 1990, have attained  
15 the age of forty-eight years but have not attained the  
16 age of forty-nine years, an amount equal to nine and  
17 six-tenths percent shall be paid for the fiscal year  
18 beginning July 1, 1990, and an amount equal to ten and  
19 nine-tenths percent shall be paid for the fiscal year  
20 beginning July 1, 1991, and each fiscal year  
21 thereafter.

22 (3) For members who on July 1, 1990, have attained  
23 the age of forty-seven years but have not attained the  
24 age of forty-eight years, an amount equal to eight and  
25 three-tenths percent shall be paid for the fiscal year  
26 beginning July 1, 1990, an amount equal to nine and  
27 six-tenths percent shall be paid for the fiscal year  
28 beginning July 1, 1991, and an amount equal to ten and  
29 nine-tenths percent shall be paid for the fiscal year  
30 beginning July 1, 1992, and each fiscal year  
31 thereafter.

32 (4) For members who on July 1, 1990, have attained

33 the age of forty-six years but have not attained the  
 34 age of forty-seven years, an amount equal to seven  
 35 percent shall be paid for the fiscal year beginning  
 36 July 1, 1990, an amount equal to eight and three-  
 37 tenths percent shall be paid for the fiscal year  
 38 beginning July 1, 1991, an amount equal to nine and  
 39 six-tenths percent shall be paid for the fiscal year  
 40 beginning July 1, 1992, and an amount equal to ten and  
 41 nine-tenths percent shall be paid for the fiscal year  
 42 beginning July 1, 1993, and each fiscal year  
 43 thereafter.

44 (5) For members who on July 1, 1990, have attained  
 45 the age of forty-five years but have not attained the  
 46 age of forty-six years, an amount equal to five and  
 47 seven-tenths percent shall be paid for the fiscal year  
 48 beginning July 1, 1990, an amount equal to seven  
 49 percent shall be paid for the fiscal year beginning  
 50 July 1, 1991, an amount equal to eight and three-

#### Page 6

1 tenths percent shall be paid for the fiscal year  
 2 beginning July 1, 1992, an amount equal to nine and  
 3 six-tenths percent shall be paid for the fiscal year  
 4 beginning July 1, 1993, and an amount equal to ten and  
 5 nine-tenths percent shall be paid for the fiscal year  
 6 beginning July 1, 1994, and each fiscal year  
 7 thereafter."

8 13. Page 4, line 14, by striking the words "a  
 9 member" and inserting the following: "an active  
 10 member, in service on or after that date,".

11 14. Page 4, line 17, by striking the words "para-  
 12 graph "f" " and inserting the following: "paragraphs  
 13 "f" and "h" ".

14 15. Page 8, line 30, by striking the figure  
 15 "1989" and inserting the following: "1989 1991".

16 16. Page 9, line 1, by inserting after the word  
 17 "received." the following: "Effective January 1,  
 18 1991, a retired member of any age may receive a  
 19 retirement allowance after return to covered  
 20 employment, regardless of the amount of remuneration  
 21 received, if the covered employment consists of  
 22 holding an elective office."

23 17. Page 15, line 26, by inserting after the word  
 24 "government" the following: "or who was a member of  
 25 another public retirement system in this state."

26 18. Page 18, line 33, by striking the word  
 27 "systems".

28 19. By striking page 18, line 35, through page  
 29 19, line 1, and inserting the following: "consultant  
 30 to assist in developing the information."

31 20. Page 19, by striking lines 2 through 33 and

32 inserting the following:

33 "Sec. 1002. Section 410.6, unnumbered paragraph 2,  
34 Code 1989, is amended to read as follows:

35 Upon the adoption of any increase in pension  
36 benefits effective subsequent to the date of a  
37 member's retirement, the amount payable to each member  
38 as regular pension shall be increased by an amount  
39 equal to ~~fifty~~ sixty percent of any increase in the  
40 pension benefits for the rank at which the member  
41 retired.

42 Sec. 1003. Section 411.1, subsections 1, 4, 5, 14,  
43 16, 17, and 18, Code 1989, are amended to read as  
44 follows:

45 1. "Retirement system" or "system" shall mean  
46 either means the statewide fire or the and police  
47 retirement system established by this chapter for the  
48 fire fighters and police officers of the said cities  
49 as defined described in section 411.2, its board of  
50 trustees, and its appointed representatives.

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1 4. "Member" shall mean means a member of either  
2 the police or fire retirement systems system as  
3 defined by section 411.3.

4 5. "Board of fire trustees" and "board of police  
5 trustees" shall mean means the boards board provided  
6 in section 411.5 created by section 411.36 to  
7 administer direct the establishment and administration  
8 of the fire retirement system and the police  
9 retirement system respectively.

10 14. "Pensions" shall mean means annual payments  
11 for life derived from appropriations provided by the  
12 said participating cities and the state and from  
13 contributions of the members which are deposited in  
14 the pension accumulation fire and police retirement  
15 fund. All pensions shall be paid in equal monthly  
16 installments.

17 16. "Pension reserve" shall mean means the present  
18 value of all payments to be made on account of any  
19 pension, or benefit in lieu of a pension, granted  
20 under the provisions of this chapter, upon the basis  
21 of such mortality tables as shall be adopted by the  
22 boards of trustees system, and interest computed at  
23 rates the rate adopted established by the boards upon  
24 the recommendation of the actuary.

25 17. "Actuarial equivalent" shall mean means a  
26 benefit of equal value, when computed upon the basis  
27 of mortality tables adopted by the boards of trustees  
28 system, and interest computed at rates the rate  
29 adopted established by the boards upon the  
30 recommendation of the actuary.

31 18. "City" or "cities" shall mean means any city  
 32 or cities in which fire or police retirement systems  
 33 are established participating in the statewide fire  
 34 and police retirement system as required by this  
 35 chapter.

36 Sec. 1004. Section 411.2, Code 1989, is amended to  
 37 read as follows:

38 411.2 NAME AND DATE OF ESTABLISHMENT PARTICIPATION  
 39 IN RETIREMENT SYSTEM.

40 1. In any Except as provided in subsections 2  
 41 through 5, each city in which the fire fighters or  
 42 police officers are or shall be appointed under the  
 43 civil service law of this state, there are hereby  
 44 created and established two separate retirement or  
 45 pension systems shall participate in the retirement  
 46 system established by this chapter for the purpose of  
 47 providing retirement allowances only for fire fighters  
 48 or police officers, or both, of said the cities who  
 49 shall be are so appointed after the date this chapter  
 50 takes effect the city comes under the retirement

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1 system, or benefits to their dependents. Each such  
 2 system shall be under the management of a board of  
 3 trustees hereinafter described, and shall be known as  
 4 the "fire retirement system of . . . . (name of  
 5 city)", and the "police retirement system of  
 6 . . . . (name of city)", and by such names all of  
 7 their business shall be transacted, all funds  
 8 invested, and all cash and securities and other  
 9 property held. The retirement systems so created shall  
 10 begin operation as of the first day of the month in  
 11 which said systems are there established by this  
 12 chapter."

13 21. Page 20, by striking line 1 and inserting the  
 14 following: "required to come under the retirement  
 15 system established by this chapter".

16 22. Page 20, by striking lines 4 and 5 and  
 17 inserting the following: "effective date of this Act  
 18 is not required to come under the retirement system  
 19 established by this chapter upon".

20 23. Page 20, by striking lines 8 and 9 and  
 21 inserting the following: "the effective date of this  
 22 Act is not required to come under the retirement  
 23 system established by this chapter upon".

24 24. Page 20, by inserting after line 10 the  
 25 following:

26 "5. If a city's fire fighters or police officers,  
 27 or both, are appointed under the civil service law of  
 28 this state but the city is not operating a city fire

29 or police retirement system, or both, under this  
 30 chapter on the effective date of this Act, the city is  
 31 not required to come under the statewide fire and  
 32 police retirement system established by this chapter."

33 25. Page 20, by striking lines 11 through 26 and  
 34 inserting the following:

35 "Sec. 1005. Section 411.3, subsection 1, Code  
 36 1989, is amended to read as follows:

37 1. All persons who become police officers or fire  
 38 fighters after the date the city is required to come  
 39 under the retirement systems are established by this  
 40 chapter system, shall become members thereof of the  
 41 retirement system as a condition of their employment,  
 42 except that a police chief or a fire chief who would  
 43 not complete twenty-two years of service under this  
 44 chapter by the time the chief attains fifty-five years  
 45 of age shall, upon written request to the board of  
 46 trustees system, be exempt from this chapter.

47 Notwithstanding section 97B.41, a police chief or fire  
 48 chief who is exempt from this chapter is exempt from  
 49 chapter 97B. Members of the system established in  
 50 this chapter shall not be required to make

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1 contributions under any other pension or retirement  
 2 system of a city, county, or the state of Iowa,  
 3 anything to the contrary notwithstanding.

4 Sec. 1006. Section 411.4, Code 1989, is amended to  
 5 read as follows:

6 411.4 SERVICE CREDITABLE.

7 The board of trustees shall fix and determine by  
 8 proper rules and regulations how much service in any  
 9 year shall be service for fewer than six months of a  
 10 year is not creditable as service. Service of six  
 11 months or more of a year is equivalent to one year of  
 12 service, but in no case shall more than one year of  
 13 service be creditable for all service in one calendar  
 14 year, nor shall the board of trustees system allow  
 15 credit as service for any period of more than one  
 16 month duration during which the member was absent  
 17 without pay.

18 The board of trustees system shall credit as  
 19 service for a member of the system a previous period  
 20 of service for which the member had withdrawn the  
 21 member's accumulated contributions, as defined in  
 22 section 411.21.

23 Sec. 1007. Section 411.5, Code 1989, is amended to  
 24 read as follows:

25 411.5 ADMINISTRATION.

26 1. BOARDS BOARD. The general administration and  
 27 the responsibility for the establishment and proper

28 operation of the retirement systems and for making  
 29 effective the provisions of this chapter are hereby  
 30 system is vested in a the board of fire trustees to  
 31 administer the system relating to fire fighters and a  
 32 board of police trustees to administer the system  
 33 relating to police officers created by section 411.36.  
 34 The said boards shall be constituted as follows: The  
 35 system shall be administered under the direction of  
 36 the board.

37 a. The chief officer of the fire department, the  
 38 city treasurer, two fire fighters elected by secret  
 39 ballot by the members of the department who are  
 40 entitled to participate in a fire retirement system  
 41 established by law, and three citizens who do not hold  
 42 another public office, who shall be appointed by the  
 43 mayor with the approval of the city council, shall  
 44 serve as the members of the board of trustees of the  
 45 fire retirement system.

46 b. The chief officer of the police department, the  
 47 city treasurer, two police officers elected by secret  
 48 ballot by the members of the department who are  
 49 entitled to participate in a police retirement system  
 50 established by law, and three citizens who do not hold

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1 another public office, who shall be appointed by the  
 2 mayor with the approval of the city council, shall  
 3 serve as the members of the board of trustees of the  
 4 police retirement system.

5 e. The three citizens appointed by the mayor shall  
 6 serve on both of the boards.

7 d. Upon the taking effect of this chapter, such  
 8 members of each said department in said cities shall  
 9 elect by secret ballot two active members of each such  
 10 department to serve as members of said respective  
 11 boards; one of whom shall serve until the first Monday  
 12 in April of the second year, and one until the first  
 13 Monday in April of the fourth year. Thereafter each  
 14 such department shall, every second year, on such date  
 15 and in such manner as shall be prescribed by said  
 16 board of trustees, elect by ballot one such member to  
 17 serve for a term of four years.

18 e. Beginning July 1, 1986, upon the taking effect  
 19 of this chapter, the mayor, with the approval of the  
 20 city council, shall appoint three citizens who do not  
 21 hold any other public office, to serve as members of  
 22 the boards of trustees; one of whom shall serve until  
 23 the first Monday in April of the second year, one  
 24 until the first Monday in April of the third year, and  
 25 one until the first Monday in April of the fourth

26 year. Thereafter, appointments shall be made for  
27 four-year terms.

28 f. If a vacancy occurs in the office of trustee,  
29 the vacancy shall be filled for the unexpired term in  
30 the same manner as the office was previously filled.

31 2. VOTING. Each trustee shall be entitled to one  
32 vote on each board. Four concurring votes shall be  
33 necessary for a decision by the trustees at any  
34 meeting of either board.

35 3 2. COMPENSATION. The trustees, other than the  
36 secretary, shall serve as such without compensation,  
37 but they shall be reimbursed from the expense fire and  
38 police retirement fund for all necessary expenses  
39 which they may incur through service on the board.

40 4 3. RULES. Subject to the limitations of this  
41 chapter, each the board of trustees shall, from time  
42 to time, establish adopt rules and regulations for the  
43 establishment and administration of funds the system  
44 and the fire and police retirement fund created by  
45 this chapter, and for the transaction of its business.

46 5 4. ORGANIZATION — EMPLOYEES. Each The board of  
47 trustees shall elect from its membership a  
48 chairperson, and shall, by majority vote of its  
49 members, appoint a secretary, who may, but need not,  
50 be, one of its members. It The system shall engage

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1 such actuarial and other services as shall be are  
2 required to transact the business of the retirement  
3 system. The compensation of all persons engaged by  
4 each board of trustees the system and all other  
5 expenses of each the board of trustees necessary for  
6 the operation of the retirement system; shall be paid  
7 at such rates and in such amounts as each the board of  
8 trustees shall approve approves.

9 6 5. DATA. Each board of trustees The system  
10 shall keep in convenient form such data as shall be is  
11 necessary for actuarial valuation of the various funds  
12 of the retirement system fire and police retirement  
13 fund and for checking the experience of the retirement  
14 system.

15 7 6. RECORDS — REPORTS. Each The board of  
16 trustees shall keep a record of all its proceedings,  
17 which record shall be open to public inspection. It  
18 shall annually make a submit an annual report to the  
19 governor, the general assembly, and the city council  
20 showing the fiscal transactions of the retirement  
21 system for the preceding fiscal year, the amount of  
22 the accumulated cash and securities of the system, and  
23 the last balance sheet showing the financial condition  
24 of the system by means of an actuarial valuation of

25 the assets and liabilities of each participating city  
 26 concerning the financial condition of the retirement  
 27 system, its current and future liabilities, and the  
 28 actuarial valuation of the system.

29 8 7. LEGAL ADVISER ADVISOR. The city attorney or  
 30 solicitor of a city shall serve as the legal adviser  
 31 of the board of trustees at the request of the board  
 32 or the board of trustees system may employ or retain  
 33 an attorney on a per diem basis to serve as the  
 34 system's legal advisor and to represent the board of  
 35 trustees when, in the opinion of the board of  
 36 trustees, there is a conflict of interest between the  
 37 board of trustees and the city council system. The  
 38 costs of an attorney employed or retained by the board  
 39 of trustees system shall be paid from the expense fire  
 40 and police retirement fund created in section 411.8.

41 9 8. MEDICAL BOARD. The board of fire trustees  
 42 and the board of police trustees jointly system shall  
 43 designate a medical board to be composed of three  
 44 physicians who shall arrange for and pass upon all  
 45 medical examinations required under the provisions of  
 46 this chapter, except that for examinations required  
 47 because of disability three physicians from the  
 48 University of Iowa hospitals and clinics who shall  
 49 pass upon the medical examinations required for  
 50 disability retirements, and shall report to the system

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1 in writing to each board of trustees, respectively,  
 2 its conclusions and recommendations upon all matters  
 3 duly referred to it. Each report of a medical  
 4 examination under section 411.6, subsections 3 and 5,  
 5 shall include the medical board's rating as to the  
 6 extent of the member's physical impairment.

7 10 9. DUTIES OF ACTUARY. The actuary shall be the  
 8 technical adviser advisor of the board of trustees  
 9 system on matters regarding the operation of the funds  
 10 created by the provisions of this chapter fire and  
 11 police retirement fund and shall perform such other  
 12 duties as are required in connection therewith with  
 13 the operation of the system.

14 11. TABLES — RATES. Immediately after the  
 15 establishment of each retirement system, the The  
 16 actuary shall make such investigation of anticipated  
 17 interest earnings and of the mortality, service, and  
 18 compensation experience of the members of the system  
 19 as the actuary shall recommend recommends and the  
 20 board of trustees shall authorize, and on the basis of  
 21 such the investigation the actuary system shall  
 22 recommend for adoption by the board of trustees adopt  
 23 such tables and such rates as are required in

24 subsection 12 of this section 11. The board of  
 25 trustees shall adopt the rate of interest and tables,  
 26 and certify rates of contribution to be used by the  
 27 system.

28 12 10. ACTUARIAL INVESTIGATION - TABLES - RATES.

29 In the year 1988, and at At least once in each five-  
 30 year period thereafter, the actuary shall make an  
 31 actuarial investigation into the mortality, service,  
 32 and compensation experience of the members and  
 33 beneficiaries of the retirement system, and the  
 34 interest and other earnings on the moneys and other  
 35 assets of the retirement system, and shall make a  
 36 valuation of the assets and liabilities of the funds  
 37 of the system fire and police retirement fund, and  
 38 taking into account on the basis of the results of  
 39 such the investigation and valuation, the board of  
 40 trustees system shall do all of the following:

41 a. Adopt for the retirement system such interest  
 42 rate, mortality and other tables as shall be are  
 43 deemed necessary;

44 b. Certify the rates of contribution payable by  
 45 the said cities in accordance with section 411.8 of  
 46 this chapter.

47 c. Certify the rates of contributions payable by  
 48 the members in accordance with section 411.8.

49 13 11. VALUATION. On the basis of such the rate  
 50 of interest and such tables as the boards of trustees

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1 shall ~~adopt~~ adopted, the actuary shall make an annual  
 2 valuation of the assets and liabilities of the funds  
 3 of the fire and police retirement systems fund created  
 4 by this chapter.

5 14. COMMISSIONER OF INSURANCE. Within five days  
 6 following its submission to the city council, each  
 7 board of trustees shall transmit to the commissioner  
 8 of insurance a copy of the report submitted to the  
 9 city council and the amount of contributions deposited  
 10 in the pension accumulation fund by the city. The  
 11 commissioner of insurance shall review the report and  
 12 the adequacy of the contribution of the city. The  
 13 commissioner of insurance shall inform the city  
 14 council of each city in which the contribution of a  
 15 city is deemed to be inadequate.

16 Sec. 1008. Section 411.6, subsection 1, unnumbered  
 17 paragraph 1 and paragraph a, Code 1989, are amended to  
 18 read as follows:

19 SERVICE RETIREMENT BENEFIT. Retirement of a member  
 20 on a service retirement allowance shall be made by  
 21 each board of trustees the system as follows:

22 a. Any member in service may retire upon written  
 23 application to the ~~board of police or fire trustees as~~  
 24 ~~the case may be system~~, setting forth at what time,  
 25 not less than thirty nor more than ninety days  
 26 subsequent to the execution and filing of the  
 27 application, the member desires to be retired.  
 28 However, the member at the time specified for  
 29 retirement shall have attained the age of fifty-five  
 30 and shall have served twenty-two years or more, and  
 31 notwithstanding that, during the period of  
 32 notification, the member may have separated from the  
 33 service."

34 26. Page 21, line 17, by striking the words  
 35 "given by the city".

36 27. Page 21, line 19, by striking the words "each  
 37 board of trustees" and inserting the following: "the  
 38 system".

39 28. Page 21, by striking lines 23 through 28 and  
 40 inserting the following: "compensation."

41 29. Page 21, by inserting before line 29 the  
 42 following:

43 "d. Commencing July 1, 1990, if the member has  
 44 completed more than twenty-two years of creditable  
 45 service, the service retirement allowance shall  
 46 consist of a pension which equals the amount provided  
 47 in paragraphs "b" and "c", plus an additional  
 48 percentage as set forth below:

49 (1) For a member who terminates service, other  
 50 than by death or disability, on or after July 1, 1990,

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1 but before July 1, 1991, and who does not withdraw the  
 2 member's contributions pursuant to section 411.23,  
 3 upon the member's retirement there shall be added  
 4 three-tenths percent of the member's average final  
 5 compensation for each year of service over twenty-two  
 6 years, excluding years of service after the member's  
 7 fifty-fifth birthday. However, this subparagraph does  
 8 not apply to more than eight additional years of  
 9 service.

10 (2) For a member who terminates service, other  
 11 than by death or disability, on or after July 1, 1991,  
 12 but before July 1, 1992, and who does not withdraw the  
 13 member's contributions pursuant to section 411.23,  
 14 upon the member's retirement there shall be added six-  
 15 tenths percent of the member's average final  
 16 compensation for each year of service over twenty-two  
 17 years, excluding years of service after the member's  
 18 fifty-fifth birthday. However, this subparagraph does  
 19 not apply to more than eight additional years of  
 20 service.

21 (3) For a member who terminates service, other  
22 than by death or disability, on or after after July 1,  
23 1992, but before July 1, 1993, and who does not  
24 withdraw the member's contributions pursuant to  
25 section 411.23, upon the member's retirement there  
26 shall be added nine-tenths percent of the member's  
27 average final compensation for each year of service  
28 over twenty-two years, excluding years of service  
29 after the member's fifty-fifth birthday. However,  
30 this subparagraph does not apply to more than eight  
31 additional years of service.

32 (4) For a member who terminates service, other  
33 than by death or disability, on or after July 1, 1993,  
34 but before July 1, 1994, and who does not withdraw the  
35 member's contributions pursuant to section 411.23,  
36 upon the member's retirement there shall be added one  
37 and two-tenths percent of the member's average final  
38 compensation for each year of service over twenty-two  
39 years, excluding years of service after the member's  
40 fifty-fifth birthday. However, this subparagraph does  
41 not apply to more than eight additional years of  
42 service.

43 (5) For a member who terminates service, other  
44 than by death or disability, on or after July 1, 1994,  
45 and who does not withdraw the member's contributions  
46 pursuant to section 411.23, upon the member's  
47 retirement there shall be added one and five-tenths  
48 percent of the member's average final compensation for  
49 each year of service over twenty-two years, excluding  
50 years of service after the member's fifty-fifth

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1 birthday. However, this subparagraph does not apply  
2 to more than eight additional years of service.

3 Sec. 1009. Section 411.6, subsection 3, Code 1989,  
4 is amended to read as follows:

5 3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon  
6 the application, to the system, of a member in service  
7 or of the chief of the police or fire departments,  
8 respectively, any member shall be retired by the  
9 respective board of trustees system, not less than  
10 thirty and not more than ninety days next following  
11 the date of filing such the application, on an  
12 ordinary disability retirement allowance, provided,  
13 that if the medical board after a medical examination  
14 of such the member shall certify certifies that said  
15 the member is mentally or physically incapacitated for  
16 further performance of duty, that such the incapacity  
17 is likely to be permanent, and that such the member  
18 should be retired.

19 Sec. 1010. Section 411.6, subsection 5, unnumbered  
20 paragraphs 1 and 2, Code 1989, are amended to read as  
21 follows:

22 ACCIDENTAL DISABILITY BENEFIT. Upon application,  
23 to the system, of a member in service or of the chief  
24 of the police or fire departments, respectively, any  
25 member who has become totally and permanently  
26 incapacitated for duty as the natural and proximate  
27 result of an injury or disease incurred in or  
28 aggravated by the actual performance of duty at some  
29 definite time and place, or while acting pursuant to  
30 order, outside of the city by which the member is  
31 regularly employed, shall be retired by the respective  
32 ~~board of trustees system, provided, that if the~~  
33 medical board shall certify certifies that such the  
34 member is mentally or physically incapacitated for  
35 further performance of duty, that such the incapacity  
36 is likely to be permanent, and that such the member  
37 should be retired.

38 ~~Should~~ If a member in service or the chief of the  
39 police or fire departments ~~become~~ becomes  
40 incapacitated for duty as a natural or proximate  
41 result of an injury or disease incurred in or  
42 aggravated by the actual performance of duty at some  
43 definite time or place or while acting, pursuant to  
44 order, outside the city by which the member is  
45 regularly employed, the member ~~shall~~, upon being found  
46 to be temporarily incapacitated following ~~an a~~ a medical  
47 examination by the board of trustees, be as directed  
48 by the system, is entitled to receive the member's  
49 full pay and allowances from the city's general fund  
50 until re-examined by the board as directed by the

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1 system and found to be fully recovered or permanently  
2 disabled.

3 Sec. 2002. Section 411.6, subsection 6, Code 1989,  
4 is amended to read as follows:

5 6. RETIREMENT AFTER ACCIDENT.

6 a. Upon retirement for accidental disability prior  
7 to July 1, 1990, a member shall receive an accidental  
8 disability retirement allowance which shall consist of  
9 a pension equal to sixty-six and two-thirds percent of  
10 the member's average final compensation.

11 b. Upon retirement for accidental disability on or  
12 after July 1, 1990, a member shall receive an  
13 accidental disability retirement allowance which shall  
14 consist of a pension equal to sixty percent of the  
15 member's average final compensation.

16 Sec. 1011. Section 411.6, subsection 7, unnumbered  
17 paragraph 1, Code 1989, is amended to read as follows:

18 RE-EXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT  
19 OF DISABILITY. Once each year during the first five  
20 years following the retirement of a member on a  
21 disability retirement allowance, and once in every  
22 three-year period thereafter, the respective board of  
23 trustees system may, and upon the member's application  
24 shall, require any disability beneficiary who has not  
25 yet attained age fifty-five to undergo a medical  
26 examination at a place designated by the medical  
27 board. ~~Such~~ The examination shall be made by the  
28 medical board or in special cases, by an additional  
29 physician or physicians designated by such board.  
30 ~~Should If~~ any disability beneficiary who has not  
31 attained the age of fifty-five refuse refuses to  
32 submit to ~~such~~ the medical examination, the member's  
33 allowance may be discontinued until withdrawal of such  
34 refusal, and ~~should if~~ the refusal continue continues  
35 for one year all rights in and to the member's pension  
36 may be revoked by the respective board of trustees  
37 system.

38 Sec. 1012. Section 411.6, subsection 7, paragraph  
39 a, unnumbered paragraph 2, Code 1989, is amended to  
40 read as follows:

41 A beneficiary retired under this paragraph, in  
42 order to be eligible for continued receipt of  
43 retirement benefits, shall no later than May 15 of  
44 each year submit to the board of trustees system a  
45 copy of the beneficiary's federal individual income  
46 tax return for the preceding year."

47 30. Page 21, line 35, by striking the words  
48 "board of trustees" and inserting the following:  
49 "board of trustees system".

50 31. Page 22, by inserting after line 8 the

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1 following:

2 "Sec. 1013. Section 411.6, subsection 8, paragraph  
3 c, Code 1989, is amended to read as follows:

4 c. The pension under paragraph "b" may be selected  
5 only by the following beneficiaries:

6 (1) The spouse.

7 (2) If there is no spouse, or if the spouse dies  
8 and there is a child of a member, then the guardian of  
9 the member's child or children, divided as the board  
10 of trustees system determines, to continue as a joint  
11 and survivor pension until every child of the member  
12 dies or attains the age of eighteen, or twenty-two if  
13 applicable.

14 (3) If there is no surviving spouse or child, then  
15 the member's dependent father or mother, or both, as  
16 the board of trustees system determines, to continue  
17 until remarriage or death.

- 18 Sec. 1014. Section 411.6, subsection 9, unnumbered  
 19 paragraph 1, Code 1989, is amended to read as follows:  
 20 ACCIDENTAL DEATH BENEFIT. If, upon the receipt of  
 21 evidence and proof from the chief of the police or  
 22 fire department that the death of a member in service  
 23 ~~or the chief of police or fire departments~~ was the  
 24 natural and proximate result of an injury or disease  
 25 incurred in or aggravated by the actual performance of  
 26 duty at some definite time and place, or while acting  
 27 pursuant to order, outside of the city by which the  
 28 member is regularly employed, the ~~board of trustees~~  
 29 ~~shall decide~~ system decides that death was so caused  
 30 in the performance of duty there shall be paid, in  
 31 lieu of the ordinary death benefit provided in  
 32 ~~subsection 8 of this section~~, to the member's estate  
 33 or to such person having an insurable interest in the  
 34 member's life as the member ~~shall have~~ has nominated  
 35 by written designation duly executed and filed with  
 36 the ~~respective board of trustees~~ system the benefits  
 37 set forth in paragraphs "a" and "b" of this  
 38 subsection:".
- 39 32. Page 22, by striking line 10 and inserting  
 40 the following: "subparagraphs (1), (2), and (3), Code  
 41 1989, are amended to read as follows:".
- 42 33. Page 22, line 11, by striking the words  
 43 "Twenty-five Thirty" and inserting the following:  
 44 "Twenty-five".
- 45 34. Page 22, line 13, by inserting after the word  
 46 "section." the following: "However, effective July 1,  
 47 1990, for members who retired before that date, thirty  
 48 percent shall be the applicable percentage for members  
 49 and beneficiaries under this subparagraph."
- 50 35. Page 22, by inserting after line 13 the

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- 1 following:
- 2 "(2) Twenty-five percent for members with  
 3 five or more years of membership service who are  
 4 receiving an ordinary disability retirement allowance.  
 5 However, effective July 1, 1984, for members who  
 6 retired before July 1, 1979, and effective July 1,  
 7 1988, for members who retire on or after July 1, 1988,  
 8 twenty-five percent shall be used for members who are  
 9 receiving an ordinary disability retirement allowance.  
 10 However, effective July 1, 1990, for members who  
 11 retired before that date, thirty percent shall be the  
 12 applicable percentage for members under this  
 13 subparagraph.
- 14 (3) Twelve and one-half percent for members with  
 15 less than five years of membership service who are  
 16 receiving an ordinary disability retirement allowance,

17 and for beneficiaries receiving a pension under  
 18 subsection 8 of this section. However, effective July  
 19 1, 1990, for members who retired before that date,  
 20 fifteen percent shall be the applicable percentage for  
 21 members and beneficiaries under this subparagraph."

22 36. Page 22, by inserting after line 21, the  
 23 following:

24 "Sec. 1015. Section 411.7, Code 1989, is amended  
 25 to read as follows:

26 411.7 MANAGEMENT OF FUNDS.

27 1. The respective boards board of trustees shall  
 28 be is the trustees trustee of the several funds fire  
 29 and police retirement fund created by this chapter as  
 30 provided in section 411.8 and shall have full power to  
 31 invest and reinvest such funds annually establish an  
 32 investment policy to govern the investment and  
 33 reinvestment of the moneys in the fund, subject to the  
 34 terms, conditions, limitations and restrictions  
 35 imposed by subsection 2 of this section, and subject.  
 36 Subject to like terms, conditions, limitations, and  
 37 restrictions said trustees shall have the system has  
 38 full power to hold, purchase, sell, assign, transfer,  
 39 or dispose of any of the securities and investments in  
 40 which any of the funds created herein shall have fund  
 41 has been invested, as well as of the proceeds of said  
 42 the investments and any moneys belonging to said funds  
 43 the fund.

44 2. The city treasurer may secretary of the board  
 45 of trustees shall invest, at the direction of in  
 46 accordance with the investment policy established by  
 47 the respective boards board of trustees, a the portion  
 48 of the funds fund established in section 411.8 which  
 49 in the judgment of the respective boards are board is  
 50 not needed for current payment of benefits under this

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1 chapter in investments authorized in section 97B.7,  
 2 subsection 2, paragraph "b", for moneys in the Iowa  
 3 public employees' retirement fund.

4 The board of trustees may negotiate a joint  
 5 agreement under chapter 28E with another board of  
 6 trustees, a utility board, a city council, or all of  
 7 these, that provides for the joint investment of  
 8 moneys under the control of the boards of trustees,  
 9 the utility board, and the city council. The  
 10 investment of the moneys is subject to this section  
 11 and section 452.10 and to the limitations stated in  
 12 the joint agreement.

13 3. The treasurer of the said cities shall be  
 14 secretary of the board of trustees is the custodian of  
 15 the several funds fire and police retirement fund.

16 All payments from said funds the fund shall be made by  
17 the treasurer secretary only upon vouchers signed by  
18 two persons designated by the respective board of  
19 trustees. A duly attested copy of the resolution of  
20 the respective board of trustees designating such  
21 persons and bearing on its face specimen signatures of  
22 such persons shall be filed with the treasurer as the  
23 treasurer's authority for making payments upon such  
24 vouchers. No voucher shall be drawn unless it shall  
25 previously have been allowed by resolution of the  
26 respective board of trustees. The system may select  
27 master custodian banks to provide custody of the  
28 assets of the retirement system.

29 4. For the purpose of meeting disbursements for  
30 pensions, annuities, and other payments, there may be  
31 kept available cash not exceeding ten percent of the  
32 total amount in the several funds of the retirement  
33 system on deposit in one or more banks or trust  
34 companies in said cities, organized under the laws of  
35 the state of Iowa, or of the United States, provided,  
36 that the amount on deposit in any one bank or trust  
37 company shall not exceed twenty-five percent of the  
38 paid-up capital and surplus of such bank or trust  
39 company.

40 5 4. No trustee and no A member or employee of  
41 either the board of trustees shall not have any direct  
42 interest in the gains or profits of any investment  
43 made by the respective boards board of trustees. No A  
44 trustee shall not receive any pay or emolument for the  
45 trustee's services except as secretary. No trustee A  
46 member or employee of either the board of trustees  
47 shall not directly or indirectly for the trustee or  
48 employee or as an agent in any manner use the assets  
49 of the retirement system except to make such current  
50 and necessary payments as are authorized by the board

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1 of trustees, nor shall any trustee or employee of the  
2 boards system become an endorser or surety or become  
3 in any manner an obligor for moneys loaned by or  
4 borrowed from the respective board of trustees system.

5 Sec. 1016. Section 411.8, unnumbered paragraph 1,  
6 Code 1989, is amended to read as follows:

7 All the assets of each the retirement system  
8 created and established by this chapter shall be  
9 credited according to the purpose for which they are  
10 held to one of three funds, namely, the pension  
11 accumulation fund, the pension reserve fund, and the  
12 expense fund to the fire and police retirement fund,  
13 which is hereby created. As used in this section,  
14 "fund" means the fire and police retirement fund.

15 Sec. 1017. Section 411.8, subsection 1, unnumbered  
16 paragraph 1 and paragraph a, Code 1989, are amended to  
17 read as follows:

18 PENSION ACCUMULATION FUND. The pension  
19 accumulation fund shall be the fund in which shall be  
20 accumulated all All moneys for the payment of all  
21 pensions and other benefits payable from contributions  
22 made by the said participating cities, the state, and  
23 the members and from which shall be paid the lump-sum  
24 death shall be accumulated in the fund. The refunds  
25 and benefits for all members payable from the said  
26 contributions and beneficiaries shall be payable from  
27 the fund. Contributions to and payments from the  
28 pension accumulation fund shall be as follows:

29 a. On account of each member there shall be paid  
30 annually into the pension accumulation fund by the  
31 said participating cities an amount equal to a certain  
32 percentage of the earnable compensation of the member  
33 to be known as the "normal contribution". The rate  
34 percent of such contribution shall be fixed on the  
35 basis of the liabilities of the retirement system as  
36 shown by annual actuarial valuations.

37 Sec. 1018. Section 411.8, subsection 1, paragraph  
38 b, Code 1989, is amended to read as follows:

39 b. On the basis of the rate of interest and of  
40 such the mortality, interest and other tables as shall  
41 be adopted by the boards of trustees system, the  
42 actuary engaged by the said boards the system to make  
43 each valuation required by this chapter, shall  
44 immediately after making such valuation, determine the  
45 "normal contribution rate". The Except as otherwise  
46 provided in this lettered paragraph, the normal  
47 contribution rate shall be the rate percent of the  
48 earnable compensation of all members obtained by  
49 deducting from the total liabilities of the fund the  
50 amount of the funds in hand to the credit of the fund

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1 and dividing the remainder by one percent of the  
2 present value of the prospective future compensation  
3 of all members as computed on the basis of the rate of  
4 interest and of mortality and service tables adopted  
5 by the boards of trustees, all reduced by the employee  
6 contribution made pursuant to paragraph "f" of this  
7 subsection. However, the normal rate of contribution  
8 shall not be less than seventeen and five hundredths  
9 percent.

10 Beginning July 1, 1996, and each fiscal year  
11 thereafter, the normal contribution rate shall be the  
12 rate percent of the earnable compensation of all  
13 members obtained by deducting from the total

14 liabilities of the fund the amount of the funds in  
 15 hand to the credit of the fund and dividing the  
 16 remainder by one percent of the present value of the  
 17 prospective future compensation of all members as  
 18 computed on the basis of the rate of interest and of  
 19 mortality and service tables adopted, multiplied by  
 20 six-tenths, or seventeen and five hundredths percent,  
 21 whichever is greater.

22 Beginning July 1, 1996, and each fiscal year there-  
 23 after, for the purpose of computing the employer  
 24 contribution under this chapter, the percentage  
 25 contribution rate for medicare payments shall be  
 26 calculated by dividing the total annual medicare  
 27 contribution by one hundredth of the total annual  
 28 earnable compensation and multiplying by six-tenths.  
 29 This percentage shall be added to the normal  
 30 contribution rate and used to determine the total  
 31 amount which the employer contributes.

32 PARAGRAPH DIVIDED. The normal rate of contribution  
 33 total amount to be contributed by the employer shall  
 34 be determined by the actuary after each valuation.

35 Sec. 1019. Section 411.8, subsection 1, paragraphs  
 36 c, d, and e, Code 1989, are amended to read as  
 37 follows:

38 c. The total amount payable in each year to the  
 39 pension accumulation fund shall be not less than the  
 40 rate percent known as the normal contribution rate of  
 41 the total compensation earnable by all members during  
 42 the year, ~~provided, however, that~~ but the aggregate  
 43 payment by the said participating cities shall must be  
 44 sufficient when combined with the amount in the fund  
 45 to provide the pensions and other benefits payable out  
 46 of the fund during the then current year.

47 d. All lump-sum death benefits on account of death  
 48 in active service payable from contributions of the  
 49 said cities shall be paid from the pension  
 50 accumulation fund.

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1 e. Upon the retirement or death of a member an  
 2 amount equal to the pension reserve on any pension  
 3 payable to the member or on account of the member's  
 4 death shall be transferred from the pension  
 5 accumulation fund to the pension reserve fund."

6 37. By striking page 22, line 24 through page 23,  
 7 line 20 and inserting the following:

8 "f. Except as otherwise provided in paragraph "h":  
 9 (1) An amount equal to three and one-tenth percent  
 10 of each member's compensation from the earnable  
 11 compensation of the member shall be paid to the  
 12 pension accumulation fund for the fiscal year

13 beginning July 1, 1989.

14 (2) An amount equal to four and four-tenths  
15 percent of each member's compensation from the  
16 earnable compensation of the member shall be paid to  
17 the fund for the fiscal year beginning July 1, 1990.

18 (3) An amount equal to five and seven-tenths  
19 percent of each member's compensation from the  
20 earnable compensation of the member shall be paid to  
21 the fund for the fiscal year beginning July 1, 1991.

22 (4) An amount equal to seven percent of each  
23 member's compensation from the earnable compensation  
24 of the member shall be paid to the fund for the fiscal  
25 year beginning July 1, 1992.

26 (5) An amount equal to eight and three-tenths  
27 percent of each member's compensation from the  
28 earnable compensation of the member shall be paid to  
29 the fund for the fiscal year beginning July 1, 1993.

30 (6) An amount equal to nine and six-tenths percent  
31 of each member's compensation from the earnable  
32 compensation of the member shall be paid to the fund  
33 for the fiscal year beginning July 1, 1994.

34 (7) An amount equal to ten and nine-tenths percent  
35 of each member's compensation from the earnable  
36 compensation of the member shall be paid to the fund  
37 for the fiscal year beginning July 1, 1995.

38 (8) Beginning July 1, 1996, and each fiscal year  
39 thereafter, the member's contribution rate shall be  
40 the rate percent of the earnable compensation of all  
41 members obtained by deducting from the total  
42 liabilities of the fund the amount of the funds in  
43 hand to the credit of the fund and dividing the  
44 remainder by one percent of the present value of the  
45 prospective future compensation of all members as  
46 computed on the basis of the rate of interest and of  
47 mortality and service tables adopted, multiplied by  
48 four-tenths, or ten and nine-tenths percent, whichever  
49 is greater.

50 Beginning July 1, 1996, and each fiscal year

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1 thereafter, an amount equal to the member's  
2 contribution rate times each member's compensation  
3 shall be paid to the fund from the earnable  
4 compensation of the member. Beginning July 1, 1996,  
5 and each fiscal year thereafter, for the purpose of  
6 computing the employee contribution under this  
7 chapter, the percentage contribution rate for medicare  
8 payments shall be calculated by dividing the total  
9 annual medicare contribution by one hundredth of the  
10 total annual earnable compensation and multiplying by

11 four-tenths. This percentage shall be added to the  
 12 member's contribution rate and used to determine the  
 13 total amount which the member contributes.

14 The total amount to be contributed by the member  
 15 shall be determined by the actuary after each  
 16 valuation.

17 Sec. 1020. Section 411.8, subsection 1, paragraph  
 18 g, Code 1989, is amended to read as follows:

19 g. ~~Each board of trustees~~ The system shall certify  
 20 to the superintendent of public safety as defined in  
 21 this chapter and the superintendent of public safety  
 22 as defined in this chapter shall cause to be deducted  
 23 from the earnable compensation of each member the  
 24 contribution required under ~~paragraph "f"~~ of this  
 25 subsection and shall forward the contributions to the  
 26 ~~board of trustees system~~ for recording and for deposit  
 27 in the pension accumulation fund.

28 The deductions provided for under this subsection  
 29 paragraph shall be made notwithstanding that the  
 30 minimum compensation provided by law for any member is  
 31 reduced. Every member is deemed to consent to the  
 32 deductions made under this ~~section~~ paragraph.

33 Sec. 1021. Section 411.8, subsection 1, Code 1989,  
 34 is amended by adding the following new paragraph:

35 NEW PARAGRAPH. h. Notwithstanding the provisions  
 36 of paragraph "f", the following transition percentages  
 37 apply to members' contributions as specified:

38 (1) For members who on July 1, 1990, have attained  
 39 the age of forty-nine years or more, an amount equal  
 40 to ten and nine-tenths percent of each member's  
 41 compensation from the earnable compensation of the  
 42 member shall be paid to the fund for the fiscal year  
 43 beginning July 1, 1990, and each subsequent fiscal  
 44 year until the fiscal year beginning July 1, 1996,  
 45 when paragraph "f", subparagraph (8), applies.

46 (2) For members who on July 1, 1990, have attained  
 47 the age of forty-eight years but have not attained the  
 48 age of forty-nine years, an amount equal to nine and  
 49 six-tenths percent shall be paid for the fiscal year  
 50 beginning July 1, 1990, and an amount equal to ten and

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1 nine-tenths percent shall be paid for the fiscal year  
 2 beginning July 1, 1991, and each subsequent fiscal  
 3 year thereafter until the fiscal year beginning July  
 4 1, 1996, when paragraph "f", subparagraph (8),  
 5 applies.

6 (3) For members who on July 1, 1990, have attained  
 7 the age of forty-seven years but have not attained the  
 8 age of forty-eight years, an amount equal to eight and  
 9 three-tenths percent shall be paid for the fiscal year

10 beginning July 1, 1990, an amount equal to nine and  
11 six-tenths percent shall be paid for the fiscal year  
12 beginning July 1, 1991, and an amount equal to ten and  
13 nine-tenths percent shall be paid for the fiscal year  
14 beginning July 1, 1992, and each subsequent fiscal  
15 year until the fiscal year beginning July 1, 1996,  
16 when paragraph "f", subparagraph (8), applies.

17 (4) For members who on July 1, 1990, have attained  
18 the age of forty-six years but have not attained the  
19 age of forty-seven years, an amount equal to seven  
20 percent shall be paid for the fiscal year beginning  
21 July 1, 1990, an amount equal to eight and three-  
22 tenths percent shall be paid for the fiscal year  
23 beginning July 1, 1991, an amount equal to nine and  
24 six-tenths percent shall be paid for the fiscal year  
25 beginning July 1, 1992, and an amount equal to ten and  
26 nine-tenths percent shall be paid for the fiscal year  
27 beginning July 1, 1993, and each subsequent fiscal  
28 year until the fiscal year beginning July 1, 1996,  
29 when paragraph "f", subparagraph (8), applies.

30 (5) For members who on July 1, 1990, have attained  
31 the age of forty-five years but have not attained the  
32 age of forty-six years, an amount equal to five and  
33 seven-tenths percent shall be paid for the fiscal year  
34 beginning July 1, 1990, an amount equal to seven  
35 percent shall be paid for the fiscal year beginning  
36 July 1, 1991, an amount equal to eight and three-  
37 tenths percent shall be paid for the fiscal year  
38 beginning July 1, 1992, an amount equal to nine and  
39 six-tenths percent shall be paid for the fiscal year  
40 beginning July 1, 1993, and an amount equal to ten and  
41 nine-tenths percent shall be paid for the fiscal years  
42 beginning July 1, 1994, and July 1, 1995. Beginning  
43 July 1, 1996, paragraph "f", subparagraph (8),  
44 applies.

45 Sec. 1022. Section 411.8, subsection 2, Code 1989,  
46 is amended by striking the subsection."

47 38. Page 23, by inserting before line 21 the  
48 following:

49 "Sec. 1023. Section 411.8, subsection 3, Code  
50 1989, is amended to read as follows:

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1 3. EXPENSE FUND. The expense fund shall be the  
2 fund to which shall be credited all money provided by  
3 the said cities to pay the administration expenses of  
4 the retirement system and from which shall be paid all  
5 the expenses necessary in connection with the  
6 administration and operation of the system. Annually  
7 the boards board of trustees shall estimate budget the  
8 amount of money necessary to be paid into the expense

9 fund during the ensuing year to provide for the  
10 expense of operation of the retirement system. The  
11 operating expenses shall be financed from the income  
12 derived from the system's investments. Investment  
13 management expenses shall be charged directly to the  
14 investment income of the system.

15 Sec. 1024. Section 411.11, Code 1989, is amended  
16 to read as follows:

17 411.11 CONTRIBUTIONS BY THE CITY.

18 On or before January 1 of each year the respective  
19 boards of trustees system shall certify to the  
20 superintendent of public safety of each participating  
21 city the amounts which will become due and payable  
22 during the year next following to the pension  
23 accumulation fire and police retirement fund and the  
24 expense fund. The amounts so certified shall be  
25 included by the superintendent of public safety in the  
26 annual budget estimate. The amounts so certified  
27 shall be appropriated by the respective cities and  
28 transferred to the retirement system for the ensuing  
29 year. The cities shall annually levy a tax sufficient  
30 in amount to cover the appropriations.

31 However, the amounts due and payable for a  
32 retirement system during its first year, or portion of  
33 a year, of operation shall be determined using the  
34 rates of contribution adopted by the board of  
35 trustees.

36 Sec. 1025. Section 411.12, Code 1989, is amended  
37 to read as follows:

38 411.12 GUARANTY.

39 The creation and maintenance of moneys in the  
40 pension accumulation fire and police retirement fund  
41 and the maintenance of pension reserves as provided  
42 for the payment of all pensions and other benefits  
43 granted under the provisions of this chapter and all  
44 expenses in connection with the administration and  
45 operation of the retirement systems system are hereby  
46 made direct liability obligations of the said cities  
47 participating in the retirement system.

48 Sec. 1026. Section 411.13, Code Supplement 1989,  
49 is amended to read as follows:

50 411.13 EXEMPTION FROM EXECUTION.

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1 The right of any person to a pension, annuity, or  
2 retirement allowance, to the return of contributions,  
3 the pension, annuity, or retirement allowance itself,  
4 any optional benefit or death benefit, any other right  
5 accrued or accruing to any person under this chapter,  
6 and the moneys in the various funds fire and police  
7 retirement fund created under this chapter, are not

8 subject to execution, garnishment, attachment, or any  
9 other process whatsoever, and are unassignable except  
10 as in this chapter specifically provided.

11 Sec. 1027. Section 411.14, Code 1989, is amended  
12 to read as follows:

13 411.14 PROTECTION AGAINST FRAUD.

14 Any A person who ~~shall knowingly make any~~ makes a  
15 false statement; or ~~shall falsify falsifies or permit~~  
16 permits to be falsified any record or records of such  
17 the retirement system in any an attempt to defraud  
18 such the system as a result of such act, shall be is  
19 guilty of a fraudulent practice. Should If any change  
20 or errors error in records result results in any a  
21 member or beneficiary receiving from the retirement  
22 system more or less than the member or beneficiary  
23 would have been entitled to receive had the records  
24 been correct, the respective board of trustees system  
25 shall correct such the error, and, as far as  
26 practicable, shall adjust the payments in such a  
27 manner that the actuarial equivalent of the benefit to  
28 which such the member or beneficiary was correctly  
29 entitled, shall be paid.

30 Sec. 1028. Section 411.20, Code 1989, is amended  
31 by striking the section and inserting in lieu thereof  
32 the following:

33 411.20 STATE APPROPRIATION.

34 There is appropriated from the general fund of the  
35 state for each fiscal year an amount necessary to be  
36 distributed to the statewide fire and police  
37 retirement system, or to the cities participating in  
38 the system, to finance the cost of benefits provided  
39 in this chapter by amendments of the Acts of the  
40 Sixty-sixth General Assembly, chapter 1089. The  
41 method of distribution shall be determined by the  
42 board of trustees based on information provided by the  
43 actuary of the statewide retirement system. The total  
44 annual appropriation under this section shall not  
45 exceed the amount appropriated for the fiscal year  
46 beginning July 1, 1990.

47 Moneys appropriated by the state shall not be used  
48 to reduce the normal rate of contribution of any city  
49 below seventeen and five hundredths percent."

50 39. Page 23, line 29, by striking the words "a.

**Page 27**

1 member" and inserting the following: "an active  
2 member, in service on or after that date,".

3 40. Page 23, line 32, by striking the words

4 "paragraph "f" and inserting the following:

5 "paragraphs "f" and "h" ".

6 41. By striking page 24, line 3 through page 25,

7 line 31, and inserting the following:

8 "Sec. 1029. NEW SECTION. 411.35 STATEWIDE SYSTEM  
9 ESTABLISHED — CITY SYSTEMS TERMINATED.

10 1. Effective July 1, 1991, a single statewide fire  
11 and police retirement system is established to replace  
12 the individual city fire retirement systems and police  
13 retirement systems operating under this chapter prior  
14 to that date. Each city fire retirement system and  
15 police retirement system operating under this chapter  
16 prior to July 1, 1991, shall participate in the  
17 statewide system.

18 2. Effective July 1, 1991, each city fire  
19 retirement system and police retirement system  
20 operating under this chapter prior to that date is  
21 terminated, and all membership, benefit rights, and  
22 financial obligations under the terminating systems  
23 shall be assumed by the statewide fire and police  
24 retirement system.

25 Sec. 1030. NEW SECTION. 411.36 BOARD OF TRUSTEES  
26 FOR STATEWIDE SYSTEM.

27 1. A board of trustees for the statewide fire and  
28 police retirement system is created. The board shall  
29 consist of seven members as follows:

30 a. A fire fighter from a participating city who is  
31 a member of the retirement system. The fire fighter  
32 shall be appointed by the governing body of the Iowa  
33 association of professional fire fighters.

34 b. A police officer from a participating city who  
35 is a member of the retirement system. The police  
36 officer shall be appointed by the governing body of  
37 the Iowa state police association.

38 c. The city treasurers of two participating  
39 cities. The city treasurers shall be appointed by the  
40 governing body of the league of Iowa municipalities.

41 d. Three citizens who do not hold another public  
42 office. The citizens shall be appointed by the other  
43 members of the board.

44 2. Except as otherwise provided for the initial  
45 appointments, the members shall be appointed for four-  
46 year terms beginning on May 1 in the year of  
47 appointment and expiring on April 30 in the year of  
48 expiration.

49 3. Vacancies shall be filled in the same manner as  
50 original appointments. A vacancy shall be filled for

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1 the unexpired term.

2 Sec. 1031. NEW SECTION. 411.37 BOARD RESPONSIBLE  
3 FOR TRANSITION.

4 1. The board of trustees for the statewide system  
5 is responsible for effecting the transition from the

6 city fire and police retirement systems to the  
7 statewide fire and police retirement system. The  
8 board shall adopt a transition plan and other  
9 appropriate transition documents it deems necessary to  
10 accomplish the transition in accordance with the  
11 requirements of this chapter. The city fire and  
12 police retirement systems shall comply with orders of  
13 the board issued pursuant to the transition plan or  
14 other transition documents.

15 2. The board shall include in the transition plan  
16 or other transition documents provisions to facilitate  
17 continuity under sections 411.20, 411.21, and 411.30  
18 and a recommendation for an equitable process for  
19 determining earnable compensation changes when  
20 calculating adjustments to pensions under section  
21 411.6, subsection 12, to be submitted to the general  
22 assembly meeting in 1991.

23 3. For the fiscal year beginning July 1, 1990, ten  
24 percent of the amount appropriated for distribution to  
25 cities as provided in section 411.20 shall be made  
26 available to the board of trustees for the statewide  
27 system to cover the administrative costs of the  
28 transition. The amount distributed to each city shall  
29 be reduced accordingly. The moneys remaining  
30 unexpended at the end of the fiscal year shall be  
31 credited to the cities in the same proportion as the  
32 reduction.

33 Sec. 1032. NEW SECTION. 411.38 OBLIGATIONS OF  
34 PARTICIPATING CITIES.

35 Upon the establishment of the statewide system,  
36 each city participating in the statewide fire and  
37 police retirement system shall do all of the  
38 following:

39 1. Pay to the statewide system the normal  
40 contribution rate provided pursuant to section 411.8.

41 2. Transfer from each terminated city fire or  
42 police retirement system to the statewide system  
43 amounts sufficient to cover the accrued liabilities of  
44 that terminated system as determined by the actuary of  
45 the statewide system.

46 3. Contribute additional amounts necessary to  
47 ensure sufficient financial support for the statewide  
48 fire and police retirement system, as determined by  
49 the board of trustees based on information provided by  
50 the actuary of the statewide system."

**Page 29**

1 42. Page 25, by inserting before line 32 the  
2 following:

3 "Sec. 1033. INITIAL STATEWIDE BOARD FOR STATEWIDE  
4 SYSTEM.

5 1. All members of the initial board of trustees  
6 for the statewide fire and police retirement system  
7 shall be appointed from the boards of trustees of the  
8 participating fire and police retirement systems.

9 2. The terms of the initial appointees shall be as  
10 follows:

11 a. The fire fighter and police officer shall be  
12 appointed for terms of four years.

13 b. One city treasurer shall be appointed for a  
14 term of three years and one for a term of two years.

15 c. One citizen member shall be appointed for a  
16 term of three years, one for a term of two years, and  
17 one for a term of one year.

18 3. Notwithstanding section 411.35, subsection 2,  
19 the term of each original appointee commences on the  
20 date of appointment and expires on April 30 in the  
21 year of expiration.

22 4. As soon as possible after the effective date of  
23 this section, the director of the legislative service  
24 bureau shall call a preliminary meeting of the four  
25 board members appointed as provided in section 411.36,  
26 subsection 1, paragraphs "a", "b", and "c" for the  
27 purpose of appointing the remaining board members and  
28 setting a date for the first meeting of the full  
29 board. The preliminary meeting shall be held before  
30 July 1, 1990. The director of the legislative service  
31 bureau shall preside at the preliminary meeting and  
32 also at the first meeting of the full board until the  
33 board elects a chairperson from among its own members.

34 5. The initial board members are entitled to  
35 expenses incurred in the performance of their duties  
36 during the transition period.

37 6. The initial board may engage actuarial and  
38 other services as necessary for transition purposes.

39 **Sec. 1034. DISABILITY DETERMINATIONS — TEMPORARY**  
40 **PROVISIONS.**

41 Notwithstanding section 411.5, subsection 9, Code  
42 1989, all medical examinations required for disability  
43 determinations on or after July 1, 1990, and before  
44 July 1, 1991, shall be conducted by the medical boards  
45 designated by the local boards of fire trustees and  
46 police trustees.

47 **Sec. 1035. REPEALS.**

48 Sections 411.18 and 411.19, Code 1989, are  
49 repealed."

50 43. Page 26, by striking lines 12 through 15.

**Page 30**

1 44. Page 27, by striking lines 8 through 12.

2 45. Page 27, by inserting after line 15 the

3 following:

- 4 "\_\_\_\_\_. Sections 1003 through 1020, 1022 through  
 5 1028, 1035, and 3001 of this Act take effect July 1,  
 6 1991.  
 7 Sec. 1036. IMMEDIATE EFFECTIVENESS.  
 8 Sections 1029 through 1034 and this section, being  
 9 deemed of immediate importance, take effect upon  
 10 enactment."  
 11 46. Title page, line 2, by inserting after the  
 12 word "the" the following: "effective dates and".  
 13 47. By numbering and renumbering as necessary.

Blanshan of Greene offered the following amendment H—5895, to amendment H—5860, filed from the floor by Blanshan, Carpenter and Hanson of Delaware, and moved its adoption:

H—5895

- 1 Amend the amendment, H—5860, to House File 2543, as  
 2 follows:  
 3 1. Page 1, by striking lines 19 and 20 and  
 4 inserting the following:  
 5 "\_\_\_\_\_. Page 2, by striking lines 5 through 12 and  
 6 inserting the following: "final compensation by an  
 7 additional percentage each July 1, which is equivalent  
 8 to the additional percentage, if any, provided by the  
 9 Iowa public employees' retirement system under section  
 10 97B.49, subsection 5, paragraph "b", for the  
 11 succeeding fiscal year, until reaching sixty percent  
 12 of the member's average final compensation.""  
 13 2. Page 13, by striking lines 39 and 40 and  
 14 inserting the following:  
 15 "\_\_\_\_\_. Page 21, by striking lines 21 through 28  
 16 and inserting the following: "final compensation by  
 17 an additional percentage each July 1, which is  
 18 equivalent to the additional percentage, if any,  
 19 provided by the Iowa public employees' retirement  
 20 system under section 97B.49, subsection 5, paragraph  
 21 "b", for the succeeding fiscal year, until reaching  
 22 sixty percent of the member's average final  
 23 compensation.""

Amendment H—5895 was adopted.

Carpenter of Polk asked and received unanimous consent to defer action on amendment H—5894, to amendment H—5860.

Hammond of Story offered amendment H—5883, to amendment H—5860, filed from the floor by Hammond, Hanson of Delaware and Carpenter. Division was requested as follows:

H—5883

- 1 Amend the amendment, H—5860, to House File 2543 as  
 2 follows:

H-5883A

3 1. Page 3, by inserting after line 28 the  
4 following:

5 "\_\_\_\_\_. Page 3, by inserting after line 5 the  
6 following:

7 "Sec. \_\_\_\_\_. Section 97A.6, Code 1989, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 16. Notwithstanding any other  
10 provision of this chapter, a member's average final  
11 compensation shall be computed using only the covered  
12 portion of the member's earnable compensation for each  
13 applicable year as shown in the following paragraphs.  
14 However, the average final compensation of a member in  
15 active service on June 30, 1990, shall not be lower  
16 than it would have been if the computation had been  
17 made as of June 30, 1990, on the basis of the member's  
18 earnable compensation for years ending on or before  
19 that date.

20 a. For each calendar year beginning prior to  
21 January 1, 1990, the covered portion of the member's  
22 earnable compensation is the entire amount of the  
23 member's earnable compensation.

24 b. For the calendar year beginning January 1,  
25 1990, the covered portion of the member's earnable  
26 compensation is the entire amount of the member's  
27 earnable compensation or twenty-eight thousand  
28 dollars, whichever is less.

29 c. For the calendar year beginning January 1,  
30 1991, the covered portion of the member's earnable  
31 compensation is the entire amount of the member's  
32 earnable compensation or thirty-one thousand dollars,  
33 whichever is less.

34 d. For the calendar year beginning January 1,  
35 1992, the covered portion of the member's earnable  
36 compensation is the entire amount of the member's  
37 earnable compensation or thirty-four thousand dollars,  
38 whichever is less.

39 e. For the calendar year beginning January 1,  
40 1993, the covered portion of the member's earnable  
41 compensation is the entire amount of the member's  
42 earnable compensation or thirty-seven thousand  
43 dollars, whichever is less.

44 f. For the calendar year beginning January 1,  
45 1994, and each calendar year thereafter, the covered  
46 portion of the member's earnable compensation is the  
47 entire amount of the member's earnable compensation or  
48 forty thousand dollars, whichever is less." "

49 2. Page 6, by inserting after line 7 the  
50 following:

H-5883A

## Page 2

1 "\_\_\_\_\_. Page 4, by inserting before line 7 the  
2 following:  
3 "Sec. \_\_\_\_\_. Section 97A.8, subsection 1, Code 1989,  
4 is amended by adding the following new paragraph:  
5 NEW PARAGRAPH. i. Notwithstanding any other  
6 provision of this chapter, employer and employee  
7 contributions shall be computed on only the covered  
8 portion of the member's earnable compensation for the  
9 applicable year as shown in the following  
10 subparagraphs:

11 (1) For the calendar year beginning January 1,  
12 1990, the covered portion of the member's earnable  
13 compensation is twenty-eight thousand dollars.

14 (2) For the calendar year beginning January 1,  
15 1991, the covered portion of the member's earnable  
16 compensation is thirty-one thousand dollars.

17 (3) For the calendar year beginning January 1,  
18 1992, the covered portion of the member's earnable  
19 compensation is thirty-four thousand dollars.

20 (4) For the calendar year beginning January 1,  
21 1993, the covered portion of the member's earnable  
22 compensation is thirty-seven thousand dollars.

23 (5) For the calendar year beginning January 1,  
24 1994, and each calendar year thereafter, the covered  
25 portion of the member's earnable compensation is forty  
26 thousand dollars." "

27 3. Page 22, by inserting after line 5 the  
28 following:

29 "\_\_\_\_\_. Page 22, by inserting after line 21 the  
30 following:

31 "Sec. \_\_\_\_\_. Section 411.6, Code 1989, is amended by  
32 adding the following new subsection:

33 NEW SUBSECTION. 14. Notwithstanding any other  
34 provision of this chapter, a member's average final  
35 compensation shall be computed using only the covered  
36 portion of the member's earnable compensation for each  
37 applicable year as shown in the following paragraphs.  
38 However, the average final compensation of a member in  
39 active service on June 30, 1990, shall not be lower  
40 than it would have been if the computation had been  
41 made as of June 30, 1990, on the basis of the member's  
42 earnable compensation for years ending on or before  
43 that date.

44 a. For each calendar year beginning prior to  
45 January 1, 1990, the covered portion of the member's  
46 earnable compensation is the entire amount of the  
47 member's earnable compensation.

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48 b. For the calendar year beginning January 1,  
49 1990, the covered portion of the member's earnable  
50 compensation is the entire amount of the member's

Page 3

1 earnable compensation or twenty-eight thousand  
2 dollars, whichever is less.

3 c. For the calendar year beginning January 1,  
4 1991, the covered portion of the member's earnable  
5 compensation is the entire amount of the member's  
6 earnable compensation or thirty-one thousand dollars,  
7 whichever is less.

8 d. For the calendar year beginning January 1,  
9 1992, the covered portion of the member's earnable  
10 compensation is the entire amount of the member's  
11 earnable compensation or thirty-four thousand dollars,  
12 whichever is less.

13 e. For the calendar year beginning January 1,  
14 1993, the covered portion of the member's earnable  
15 compensation is the entire amount of the member's  
16 earnable compensation or thirty-seven thousand  
17 dollars, whichever is less.

18 f. For the calendar year beginning January 1,  
19 1994, and each calendar year thereafter, the covered  
20 portion of the member's earnable compensation is the  
21 entire amount of the member's earnable compensation or  
22 forty thousand dollars, whichever is less." "

23 4. Page 24, by inserting after line 44 the  
24 following:

25 "Sec. \_\_\_\_\_. Section 411.8, subsection 1, Code 1989,  
26 is amended by adding the following new paragraph:

27 **NEW PARAGRAPH.** i. Notwithstanding any other  
28 provision of this chapter, employer and employee  
29 contributions shall be computed on only the covered  
30 portion of the member's earnable compensation for the  
31 applicable year as shown in the following  
32 subparagraphs:

33 (1) For the calendar year beginning January 1,  
34 1990, the covered portion of the member's earnable  
35 compensation is twenty-eight thousand dollars.

36 (2) For the calendar year beginning January 1,  
37 1991, the covered portion of the member's earnable  
38 compensation is thirty-one thousand dollars.

39 (3) For the calendar year beginning January 1,  
40 1992, the covered portion of the member's earnable  
41 compensation is thirty-four thousand dollars.

42 (4) For the calendar year beginning January 1,  
43 1993, the covered portion of the member's earnable  
44 compensation is thirty-seven thousand dollars.

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45 (5) For the calendar year beginning January 1,  
46 1994, and each calendar year thereafter, the covered  
47 portion of the member's earnable compensation is forty  
48 thousand dollars."

H-5883B

49 5. Page 29, by inserting after line 50 the  
50 following:

Page 4

1 "\_\_\_\_\_. Page 26, by inserting after line 17 the  
2 following:  
3 "\_\_\_\_\_. Revising the system of benefits for members,  
4 spouses, and other beneficiaries so that members would  
5 choose from among five benefit options similar to  
6 those available under the Iowa public employees'  
7 retirement system." "  
8 6. Page 30, by inserting before line 1 the  
9 following:  
10 "\_\_\_\_\_. Page 26, by inserting after line 27 the  
11 following:  
12 "The study shall be conducted in accordance with  
13 the guiding goals and principles set forth in section  
14 97D.1." "  
15 7. By numbering and renumbering as necessary.

On motion by Hammond of Story, amendment H-5883A was adopted.

Neuhauser of Johnson offered the following amendment H-5879, to amendment H-5860, filed by her from the floor and moved its adoption:

H-5879

1 Amend the amendment, H-5860, to House File 2543 as  
2 follows:  
3 1. Page 4, by inserting after line 6 the follow-  
4 ing:  
5 "The state shall pay one hundred percent of the  
6 costs attributable to additional benefits provided by  
7 section 97A.6, subsection 2, paragraph "d"."  
8 2. Page 5, by inserting after line 1 the follow-  
9 ing:  
10 "The employee contribution shall not include the  
11 costs attributable to additional benefits provided by  
12 section 97A.6, subsection 2, paragraph "d"."  
13 3. Page 21, by inserting after line 34 the  
14 following:  
15 "The employer contribution shall not include the

16 costs attributable to additional benefits provided by  
 17 section 411.6, subsection 2, paragraph "d"."

18 4. Page 23, by inserting after line 16 the  
 19 following:

20 "The employee contribution shall not include the  
 21 costs attributable to additional benefits provided by  
 22 section 411.6, subsection 2, paragraph "d"."

23 5. Page 26, by inserting after line 49 the  
 24 following:

25 "Sec. \_\_\_\_\_. NEW SECTION. 411.20A ADDITIONAL STATE  
 26 APPROPRIATION.

27 There is appropriated from the general fund of the  
 28 state for each fiscal year an amount necessary to  
 29 finance one hundred percent of the costs of additional  
 30 benefits provided by section 411.6, subsection 2,  
 31 paragraph "d".

32 6. Page 29, by inserting before line 47 the  
 33 following:

34 "Sec. \_\_\_\_\_. COST OF ADDITIONAL BENEFITS -  
 35 TEMPORARY PROVISIONS.

36 For the fiscal year beginning July 1, 1990, and  
 37 ending June 30, 1991, the boards of trustees of the  
 38 police and fire retirement systems shall not include  
 39 in the employer contribution under section 411.8 the  
 40 costs attributable to additional benefits provided by  
 41 section 411.6, subsection 2, paragraph "d".

42 7. By numbering and renumbering as necessary.

Roll call was requested by Neuhauser of Johnson and Hansen of Woodbury.

Rule 75 was invoked.

On the question "Shall amendment H-5879, to amendment H-5860, be adopted?" (H.F. 2543)

The ayes were, 48:

Adams	Banks	Bennett	Black
Brammer	Buhr	Carpenter	Clark
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Garman	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Hermann
Hester	Jay	Jesse	Johnson
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Neuhauser	Nielsen
Osterberg	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Rosenberg	Schnekloth
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Tyrrell	Van Maanen

The nays were, 49:

Arnould	Avenson, Spkr.	Beaman	Beatty
Bisignano	Blanshan	Brand	Branstad
Brown	Chapman	Cohoon	Daggett
Fey	Fogarty	Fuller	Groninga
Gruhn	Harbor	Harper	Hatch
Haverland	Hibbard	Holveck	Iverson
Jochum	Kistler	Knapp	Koénigs
Lageschulte	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Ollie
Poncy	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Svoboda
Swartz	Tabor	Teaford	Trent
Connors			
Presiding			

Absent or not voting, 3:

Halvorson, R. A. Pavich Wise

Amendment H—5879 lost.

Blanshan of Greene offered the following amendment H—5888, to amendment H—5860, filed by him from the floor and moved its adoption:

H—5888

- 1 Amend the amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 4, by inserting after line 12 the
- 4 following:
- 5 "Notwithstanding any other provision of this
- 6 chapter, beginning July 1, 1996, and each fiscal year
- 7 thereafter, the normal contribution rate shall be
- 8 equivalent to the employer contribution rate provided
- 9 under section 411.8, subsection 1, paragraph "b", for
- 10 the statewide fire and police retirement system for
- 11 the applicable fiscal year."
- 12 2. By striking page 4, line 50, through page 5,
- 13 line 1, and inserting the following: "beginning July
- 14 1, 1995.
- 15 (8) Notwithstanding any other provision of this
- 16 chapter, beginning July 1, 1996, and each fiscal year
- 17 thereafter, the member's contribution rate shall be
- 18 equivalent to the member's contribution rate provided
- 19 under section 411.8, subsection 1, paragraph "F", for
- 20 the statewide fire and police retirement system for
- 21 the applicable fiscal year."

Amendment H—5888 was adopted.

Blanshan of Greene offered the following amendment H—5891, to amendment H—5860, filed by him and Carpenter of Polk from the floor and moved its adoption:

H—5891

1 Amend amendment, H—5860, to House File 2543, as  
2 follows:

3 1. Page 6, by inserting after line 13, the  
4 following:

5 "\_\_\_\_\_. Page 5, by inserting after line 24, the  
6 following:

7 "Sec. \_\_\_\_\_. Section 97B.41, subsection 3, paragraph  
8 b, subparagraph (1), Code 1989, is amended by striking  
9 the subparagraph and inserting in lieu thereof the  
10 following:

11 (1) Elective officials in positions for which the  
12 compensation is on a fee basis, elective officials of  
13 school districts, elective officials of townships, and  
14 elective officials of other political subdivisions who  
15 are in part-time positions, unless the elective  
16 official makes an application to the department to be  
17 covered under this chapter. An elective official who  
18 made an application to the department to be covered  
19 under this chapter may terminate membership under this  
20 chapter by informing the department in writing of the  
21 member's termination. A county attorney is an  
22 employee for purposes of this chapter whether that  
23 county attorney is employed on a full-time or part-  
24 time basis.

25 Graduate medical students while serving as interns  
26 or resident doctors in training at any hospital, or  
27 county medical examiners and deputy county medical  
28 examiners under chapter 331, division V, part 8."

29 2. Page 6, by striking lines 16 through 22.

30 3. By numbering and renumbering as necessary.

Amendment H—5891 was adopted.

Doderer of Johnson offered the following amendment H—5887, to amendment H—5860, filed from the floor by Doderer, Dvorsky, Harbor, Hammond and Hanson of Delaware and moved its adoption:

H—5887

1 Amend amendment, H—5860, to House File 2543, as  
2 follows:

3 1. Page 6, line 31, by striking the word and  
4 figure "2 through" and inserting the following: "14  
5 through".

Amendment H—5887 was adopted.

Blanshan of Greene offered the following amendment H—5863, to amendment H—5860, filed by him and moved its adoption:

H—5863

1 Amend the amendment H—5860 to House File 2543 as  
2 follows:

3 1. Page 7, line 43, by striking the word "state,"  
4 and inserting the following: "state,".

5 2. Page 14, line 22, by striking the words "after  
6 after" and inserting the following: "after".

7 3. Page 18, line 9, by striking the word  
8 "retirement".

9 4. Page 19, line 43, by inserting after the word  
10 "trustees" the following: ", other than as a member  
11 of the system".

12 5. Page 20, line 42, by striking the word "the".

13 6. Page 28, by inserting after line 1 the  
14 following:

15 "\_\_\_\_\_. The board shall elect a chairperson from  
16 among its own members."

17 7. Page 28, line 16, by striking the word  
18 "documents" and inserting the following:  
19 "documents,".

20 8. Page 28, line 17, by striking the figure  
21 "411.21" and inserting the following: "411.21".

22 9. Page 29, line 18, by striking the figure  
23 "411.35" and inserting the following: "411.36".

24 10. Page 30, line 12, by striking the words "word  
25 "the" and inserting the following: "word  
26 "providing"".

Amendment H—5863 was adopted.

Blanshan of Greene offered the following amendment H—5865, to amendment H—5860, filed by him and moved its adoption:

H—5865

1 Amend the amendment H—5860 to House File 2543 as  
2 follows:

3 1. Page 11, by striking lines 45 through 50 and  
4 inserting the following: "medical examinations  
5 required under the provisions of this chapter, except  
6 that for examinations required because of disability  
7 three physicians from the University of Iowa hospitals  
8 and clinics who shall pass upon the medical  
9 examinations required for disability retirements, and  
10 shall report to the system".

11 2. Page 29, by striking lines 39 through 46.

12 3. Page 30, line 8, by striking the figure "1034"  
13 and inserting the following: "1033".

Amendment H—5865 was adopted.

Doderer of Johnson offered the following amendment H—5889, to amendment H—5860, filed from the floor by Doderer, Johnson, Carpenter, Rosenberg, Hanson of Delaware, Hansen of Woodbury, Shoning and Peterson of Carroll and moved its adoption:

H—5889

- 1 Amend amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 26, by striking lines 43 through 46, and
- 4 inserting the following: "actuary of the statewide
- 5 retirement system."

Amendment H—5889 was adopted.

Groninga of Cerro Gordo offered the following amendment H—5867, to amendment H—5860, filed by him and moved its adoption:

H—5867

- 1 Amend amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 27, line 29, by striking the words "seven
- 4 members" and inserting the following: "nine members,
- 5 including seven voting members and two nonvoting
- 6 members. The voting members shall be".
- 7 2. Page 27, by inserting after line 43, the
- 8 following:
- 9 "The nonvoting members of the board shall be one
- 10 state representative appointed by the speaker of the
- 11 house of representatives and one state senator
- 12 appointed by the majority leader of the senate."
- 13 3. Page 29, by inserting after line 17, the
- 14 following:
- 15 "\_\_\_\_\_. The state representative and the state
- 16 senator shall each be appointed for a term of two
- 17 years."

A non-record roll call was requested.

The ayes were 45, nays 14.

Amendment H—5867 was adopted.

The House resumed consideration of amendment H—5883B.

On motion by Hammond of Story, amendment H—5883B, to amendment H—5860, was adopted.

Doderer of Johnson offered the following amendment H—5890, to amendment H—5860, filed from the floor by Doderer, Brown, Jesse, Bisignano, Hansen of Woodbury, Carpenter, Shoning and Peterson of Carroll and moved its adoption:

H—5890

- 1 Amend the amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 29, by striking line 50 and inserting the
- 4 following:
- 5 “\_\_\_\_\_. Page 26, by striking lines 12 through 17
- 6 and inserting the following:
- 7 “\_\_\_\_\_. Determining methods of enhancing benefits
- 8 for current retirees and their survivors and deter-
- 9 mining equity among state and local systems, both as
- 10 to contribution rates and benefit formulas.” ”

Amendment H—5890 was adopted.

Hansen of Woodbury offered the following amendment H—5899, to amendment H—5860, filed from the floor by Hansen of Woodbury, Hammond, Doderer, Carpenter, Hanson of Delaware and Harbor and moved its adoption:

H—5899

- 1 Amend the amendment, H—5860, to House File 2543, as
- 2 follows:
- 3 1. Page 1, by striking line 27 and inserting the
- 4 following: “in paragraphs “b” and “c”, and the member
- 5 shall also be eligible for a social security
- 6 replacement benefit upon attaining the age of sixty-
- 7 five years, which shall consist of an additional”.
- 8 2. Page 1, line 33, by striking the word “retire-
- 9 ment” and inserting the following: “attaining the age
- 10 of sixty-five years”.
- 11 3. Page 1, line 44, by striking the word “retire-
- 12 ment” and inserting the following: “attaining the age
- 13 of sixty-five years”.
- 14 4. Page 2, line 5, by striking the word “retire-
- 15 ment” and inserting the following: “attaining the age
- 16 of sixty-five years”.
- 17 5. Page 2, line 16, by striking the word “retire-
- 18 ment” and inserting the following: “attaining the age
- 19 of sixty-five years”.
- 20 6. Page 2, line 27, by striking the word “retire-
- 21 ment” and inserting the following: “attaining the age
- 22 of sixty-five years”.
- 23 7. Page 13, by striking line 47 and inserting the
- 24 following: “in paragraphs “b” and “c”, and the member
- 25 shall also be eligible for a social security

- 26 replacement benefit upon attaining the age of sixty-  
 27 five years, which shall consist of an additional".  
 28 8. Page 14, line 3, by striking the word "retire-  
 29 ment" and inserting the following: "attaining the age  
 30 of sixty-five years".  
 31 9. Page 14, line 14, by striking the word  
 32 "retirement" and inserting the following: "attaining  
 33 the age of sixty-five years".  
 34 10. Page 14, line 25, by striking the word  
 35 "retirement" and inserting the following: "attaining  
 36 the age of sixty-five years".  
 37 11. Page 14, line 36, by striking the word  
 38 "retirement" and inserting the following: "attaining  
 39 the age of sixty-five years".  
 40 12. Page 14, line 47, by striking the word  
 41 "retirement" and inserting the following: "attaining  
 42 the age of sixty-five years".

Amendment H—5899 was adopted.

Black of Jasper in the chair at 5:30 p.m.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5894, previously deferred, to amendment H—5860, filed from the floor by Carpenter, Hansen of Woodbury and Doderer.

Arnould of Scott asked and received unanimous consent that House File 2543 be deferred and that the bill retain its place on the unfinished business calendar.

(Amendment H—5860, as amended, pending.)

### INTRODUCTION OF BILL

**House File 2563**, by committee on ways and means, a bill for an act relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds.

Read first time and placed on the **ways and means calendar**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spenner of Henry, for the remainder of the day, on request of Van Maanen of Mahaska.

### Appropriations Calendar

**Senate File 2327**, a bill for an act relating to and making appropriations to the department of economic development, INTERNET, Wallace technology transfer foundation, Iowa finance authority, and small

business advocate, and establishing a small business advocate, with report of committee recommending amendment and passage was taken up for consideration.

Poncy of Wapello offered the following amendment H—5831 filed by the committee on appropriations:

H—5831

1 Amend Senate File 2327, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 15 through 23.

4 2. Page 5, by inserting after line 8 the  
5 following:

6 "As a condition, limitation, and qualification, any  
7 official Iowa trade delegation led by the governor  
8 which receives financial or other support from the  
9 appropriation in this subsection shall be represented  
10 by a bipartisan delegation of the executive council or  
11 their designees."

12 3. Page 5, line 10, by striking the figure  
13 "150,000" and inserting the following: "100,000".

14 4. Page 5, by striking lines 11 through 13 and  
15 inserting the following:

16 "The department may contract with private groups or  
17 organizations which are the most appropriate to  
18 administer this program. The groups and organizations  
19 participating".

20 5. Page 5, line 29, by striking the figure  
21 "225,594" and inserting the following: "125,594".

22 6. Page 5, line 30, by striking the figure "4.00"  
23 and inserting the following: "3.00".

24 7. Page 5, by striking lines 31 through 34.

25 8. Page 6, line 15, by striking the figure  
26 "615,838" and inserting the following: "642,838".

27 9. Page 6, line 16, by striking the figure  
28 "11.00" and inserting the following: "12.00".

29 10. Page 6, by inserting after line 16 the  
30 following:

31 "Of the amount appropriated in this subsection, up  
32 to \$27,000, and 1 FTE shall be used to assist  
33 communities or groups of communities to develop and  
34 implement planning efforts for community, business,  
35 and economic development."

36 11. Page 7, line 27, by striking the figure  
37 "1,700,000" and inserting the following: "1,500,000".

38 12. Page 8, by inserting after line 5 the  
39 following:

40 "\_\_\_\_\_. MICROENTERPRISE DEVELOPMENT REVOLVING FUND

41 For deposit in the microenterprise development  
42 revolving fund established pursuant to section 15.248  
43 for the programs and in the amounts listed in this

44 subsection:".

45 13. Page 8, line 6, by striking the figure "22."

46 and inserting the following: "a."

47 14. Page 8, line 8, by striking the figure "23."

48 and inserting the following: "b."

49 15. Page 8, line 10, by striking the figure "24."

50 and inserting the following: "c."

#### Page 2

1 16. Page 9, by striking lines 15 through 18 and  
2 inserting the following:

3 "As a condition, limitation, and qualification of  
4 the appropriations made in this subsection, moneys  
5 appropriated shall be used for implementation of the  
6 recommendations of the statewide long-range plan for  
7 developing and operating welcome centers throughout  
8 the state. In addition, the department shall evaluate  
9 the operation of the pilot project welcome centers  
10 established pursuant to sections 15.271 and 15.272 and  
11 report to the general assembly by January 15, 1991,  
12 its recommendations for long-term operation of the  
13 pilot project welcome centers."

14 17. Page 9, line 20, by striking the figure  
15 "1,845,000" and inserting the following: "1,495,000".

16 18. Page 9, line 21, by striking the figure  
17 "\$700,000" and inserting the following: "\$350,000".

18 19. Page 9, line 25, by striking the words and  
19 figurés "\$40,000 nor more than \$60,000" and inserting  
20 the following: "\$20,000 nor more than \$50,000".

21 20. Page 9, line 27, by inserting after the word  
22 "center." the following: "The department shall  
23 reallocate any unencumbered or unobligated funds  
24 appropriated from previous fiscal years to the  
25 satellite centers for the purposes of this paragraph."

26 21. Page 9, by inserting after line 27 the  
27 following:

28 "If the satellite centers are renamed or replaced  
29 by other regional-based centers as a result of  
30 legislation enacted by the Seventy-third General  
31 Assembly, 1990 Session, the appropriation and  
32 reference in this subsection and other provisions of  
33 this Act shall mean the renamed or replacement  
34 regional-based centers, as applicable."

35 22. Page 9, line 35, by striking the figure  
36 "200,000" and inserting the following: "150,000".

37 23. Page 10, by inserting after line 12 the  
38 following:

39 "As a condition, limitation, and qualification of  
40 the appropriations made in this subsection, the  
41 department shall not require that projects funded by  
42 this program employ additional staff people."

- 43 24. By striking page 11, line 19 through page 12,
- 44 line 23.
- 45 25. Page 12, line 27, by striking the figure
- 46 "300,000" and inserting the following: "200,000".
- 47 26. Page 12, by striking lines 31 and 32 and
- 48 inserting the following: "Iowa state university of
- 49 science and technology."
- 50 27. Page 13, by striking line 9 and inserting the

Page 3

- 1 following: "fund created by the foundation board:".
- 2 28. Page 14, by striking lines 3 and 4 and
- 3 inserting the following: "the following kinds of
- 4 assistance:".
- 5 29. Page 14, by inserting after line 15 the
- 6 following: "So long as at least one of the kinds of
- 7 assistance described in subparagraphs (1) through (5)
- 8 are provided, additional assistance not described in
- 9 subparagraphs (1) through (5) may also be provided."
- 10 30. Page 15, by striking line 4 and inserting the
- 11 following: "created by the INTERNET board:".
- 12 31. Page 15; line 30, by striking the figure
- 13 "1,165,000" and inserting the following: "500,000".
- 14 32. Page 18, line 10, by striking the figure
- 15 "200,000" and inserting the following: "100,000".
- 16 33. Page 18, by inserting after line 14 the
- 17 following:
- 18 "Sec. \_\_\_\_\_.
- 19 There is appropriated from the jobs now account
- 20 within the Iowa plan fund for economic development to
- 21 the department of economic development for the fiscal
- 22 year beginning July 1, 1990, and ending June 30, 1991,
- 23 the following amounts, or so much thereof as is
- 24 necessary, to be used for the purposes designated:
- 25 1. For administration of chapter 280B, including
- 26 salaries, support, maintenance, and miscellaneous
- 27 purposes for not more than the following full-time
- 28 equivalent positions:
- 29 ..... \$125,000
- 30 ..... FTEs 2.50
- 31 2. For a public/private partnership to provide
- 32 information to employers, employees, and educators
- 33 about the changing nature of the workplace and the
- 34 workforce:
- 35 ..... \$30,000
- 36 3. For the applied technology program at the
- 37 university of northern Iowa:
- 38 ..... \$50,000
- 39 4. In addition to moneys provided for in section
- 40 1, subsection 15 of this Act, to assist communities or
- 41 groups of communities to develop and implement

42 planning efforts for community, business, and economic  
 43 development:  
 44 ..... \$7,650  
 45 5. For a riverfront development and restoration  
 46 grant program to be used for construction, renovation,  
 47 or restoration of existing or new structures that  
 48 enhance the historic, educational, or recreational  
 49 value of the riverfront area:  
 50 ..... \$150,000

Page 4

1 As a condition, limitation, and qualification of  
 2 the appropriation, the department shall give priority  
 3 to projects that provide at least a 2-to-1 dollar  
 4 match from private or other sources.

5 6. For the center for community leadership to  
 6 assist leaders from multicommunity clusters or  
 7 individual communities to develop their personal and  
 8 team skills in order to create and implement plans for  
 9 the development of their communities:  
 10 ..... \$50,000

11 Sec. \_\_\_\_\_.

12 There is appropriated from the general fund of the  
 13 state to the following named institutions for the  
 14 fiscal year beginning July 1, 1990, and ending June  
 15 30, 1991, the following amounts, or so much thereof as  
 16 is necessary, to be used for the purposes designated:

17 1. To the university of northern Iowa for the  
 18 decision-making science institute:  
 19 ..... \$750,000

20 2. To the Iowa state university of science and  
 21 technology for funding the small business development  
 22 centers:  
 23 ..... \$1,350,000

24 3. To the Iowa state university of science and  
 25 technology for the institute for physical research and  
 26 technology:  
 27 ..... \$300,000

28 4. To the state university of Iowa for the center  
 29 for biocatalysis:  
 30 ..... \$300,000

31 5. To the Iowa state university of science and  
 32 technology for an intensive effort of technology  
 33 transfer for the livestock industry as provided in  
 34 section 99E.32, subsection 4, paragraph "g":  
 35 ..... \$300,000

36 6. To the university of northern Iowa for the  
 37 applied technology program:  
 38 ..... \$250,000".

39 34. Page 19, by inserting after line 2, the  
 40 following:

41 "Sec. \_\_\_\_\_  
 42 There is appropriated from the general fund of the  
 43 state to the Iowa department of public health for the  
 44 fiscal year beginning July 1, 1990, and ending June  
 45 30, 1991, the following amount, or so much thereof as  
 46 is necessary, to be used for the purposes designated:  
 47 For the acquisition of emergency medical services  
 48 equipment:  
 49 ..... \$750,000  
 50 1. The funds appropriated under this section shall

Page 5

1 be allocated to each county based upon the  
 2 apportionment of funds as follows:  
 3 a. 50 percent of the funds is apportioned based  
 4 upon the area of a county to the total area of all  
 5 counties.  
 6 b. 25 percent of the funds is apportioned based  
 7 upon the population of the county to the total  
 8 population of all counties.  
 9 c. 25 percent of the funds is apportioned based  
 10 upon the rural population of the county to the total  
 11 rural population of all counties.  
 12 2. Each county EMS association shall propose a  
 13 plan for spending the county's allocation and submit  
 14 the plan to the regional EMS council for its review  
 15 and comment. The regional EMS council shall review  
 16 the plan and shall approve, modify, or deny the plan.  
 17 If a request is denied, the county EMS association may  
 18 submit a new proposal. Upon approval by the regional  
 19 EMS council, the Iowa department of public health  
 20 shall remit the amount approved to the award  
 21 recipients. Each award of \$1 to a county shall  
 22 require a \$1 match by the county or EMS provider. The  
 23 Iowa department of public health shall provide  
 24 assistance to the regional EMS council in reviewing  
 25 the proposals.  
 26 3. For the purposes of this section, unless the  
 27 context otherwise requires:  
 28 a. "Area", "county EMS association", "EMS  
 29 provider", "regional EMS council", and "rural  
 30 population" mean the same as defined in 641 I.A.C.,  
 31 ch. 130.  
 32 b. "Emergency medical services equipment" means  
 33 defibrillators, nondisposable essential ambulance  
 34 equipment, as defined by the American college of  
 35 surgeons, communications pagers, radios, and base  
 36 repeaters. "Emergency medical services equipment"  
 37 does not include ambulances, automotive parts, or  
 38 buildings.  
 39 It is the intent of the general assembly to fund an

40 additional \$750,000 in fiscal year 1992 for this  
 41 purpose.  
 42 Sec. \_\_\_\_\_  
 43 There is appropriated from the general fund of the  
 44 state to the Iowa finance authority for the fiscal  
 45 year beginning July 1, 1990, and ending June 30, 1991,  
 46 the following amount, or so much thereof as is  
 47 necessary, to be used for the purposes designated:  
 48 For the rural community 2000 program:  
 49 .....\$ 1,600,000  
 50 Notwithstanding section 15.283, subsection 4, the

Page 6

1 amount appropriated in this section shall be allocated  
 2 for traditional infrastructure under section 15.284  
 3 and for new infrastructure under section 15.285.  
 4 Sec. \_\_\_\_\_  
 5 There is appropriated from the general fund of the  
 6 state to the Iowa finance authority for the fiscal  
 7 year beginning July 1, 1990, and ending June 30, 1991,  
 8 the following amounts, or so much thereof as is  
 9 necessary, to be used for the purposes designated:  
 10 1. To the housing trust fund, for the operation,  
 11 construction, and rehabilitation of homeless shelters  
 12 under section 220.100, subsection 2, paragraph "a":  
 13 .....\$ 1,000,000  
 14 a. Of the amount appropriated in this subsection,  
 15 as nearly as practicable, \$500,000 shall be used for  
 16 operating costs, including utilities, maintenance,  
 17 food, clothing, and other supplies, or staff support  
 18 services for homeless shelters; \$350,000 shall be used  
 19 for construction and rehabilitation of homeless  
 20 shelters; and \$150,000 shall be used for assistance to  
 21 homeless shelters that are facing closure.  
 22 b. As a condition, limitation, and qualification  
 23 of the \$1,000,000 appropriation to the housing trust  
 24 fund in this subsection and notwithstanding section  
 25 220.100, subsection 6, from the moneys available for  
 26 operating costs of and staff support services for  
 27 homeless shelters in paragraph "a", the Iowa finance  
 28 authority shall contract with a nongovernmental entity  
 29 to administer the funds available for operating costs  
 30 of and staff support services for homeless shelters.  
 31 2. To the housing trust fund, to be used for the  
 32 programs provided in section 220.100, subsection 2,  
 33 paragraphs "b" and "c":  
 34 .....\$ 500,000  
 35 The Iowa finance authority may award reimbursement  
 36 for the costs incurred in submitting grant  
 37 applications.  
 38 Sec. \_\_\_\_\_

39 There is appropriated from the general fund of the  
40 state to the department of human services for the  
41 fiscal year beginning July 1, 1990, and ending June  
42 30, 1991, the following amount, or so much thereof as  
43 is necessary, to be used for the purpose designated:

44 For emergency assistance to families with dependent  
45 children under Title IV-A of the federal Social  
46 Security Act to match federal dollars for homeless  
47 prevention programs:

48 ..... \$ 500,000".

49 35. Page 20, by inserting after line 10 the  
50 following:

**Page 7**

1 "Sec. \_\_\_\_\_. NEW SECTION. 15.112 RESTRICTIONS  
2 RELATING TO COUNCILS OF GOVERNMENTS.

3 The department shall not require a city or county  
4 to be a dues paying member of a council of  
5 governments.

6 Sec. \_\_\_\_\_. NEW SECTION. 15.248 MICROENTERPRISE  
7 DEVELOPMENT PROGRAM - MICROENTERPRISE DEVELOPMENT  
8 REVOLVING FUND.

9 The department shall establish, contingent on the  
10 availability of funds authorized for the program, a  
11 microenterprise development program and a  
12 microenterprise development revolving fund to provide  
13 grants, loans, loan guarantees, financial or technical  
14 assistance, or any other necessary support and  
15 assistance to a person beginning or expanding a small  
16 business, as defined in section 220.1, subsection 28.  
17 For the fiscal year beginning July 1, 1990, the  
18 program shall include the following programs:

19 1. The self-employment loan program under section  
20 15.241.

21 2. The case management program under section  
22 15.246.

23 3. The targeted small business financial  
24 assistance program under section 15.247.

25 4. The department shall review the microenterprise  
26 development program and may include different programs  
27 than those designated in subsections 1, 2, and 3 for  
28 fiscal years beginning on or after July 1, 1991.

29 5. Repayments of loans under the programs listed  
30 in subsections 1, 2, and 3 received through June 30,  
31 1991, shall be repaid to the Iowa community  
32 development loan fund created pursuant to section  
33 28.120. Repayments of loans under the programs listed  
34 in subsections 1, 2, and 3 on or after July 1, 1991,  
35 shall be deposited in the revolving loan fund created  
36 in this section."

37 36. Page 20, by inserting after line 20 the

38 following:

39 "Sec. \_\_\_\_\_. Section 28.120, Code 1989, is amended  
40 by adding the following new subsection:  
41 NEW SUBSECTION. 7. Notwithstanding subsections 5  
42 and 6, for the fiscal year beginning July 1, 1990, and  
43 ending June 30, 1991, five hundred thousand dollars is  
44 appropriated from the Iowa community development loan  
45 fund to the Iowa finance authority for an E911  
46 financing program. For the fiscal year beginning July  
47 1, 1991, and for each subsequent fiscal year, all  
48 moneys in the Iowa community development loan fund are  
49 appropriated to the Iowa finance authority for the  
50 E911 financing program.

Page 8

1 Sec. \_\_\_\_\_. Section 28.154, subsection 1, paragraph  
2 a, subparagraphs (5) and (6), Code Supplement 1989,  
3 are amended to read as follows:

4 (5) The chairperson of the Iowa product  
5 development corporation or the chairperson's designee.

6 (6) A shareholder member of the business  
7 development finance corporation elected by the  
8 business development finance corporation board or the  
9 shareholder's designee."

10 37. By striking page 20, line 21 through page 21,  
11 line 20.

12 38. Page 26, by inserting after line 20, the  
13 following:

14 "Sec. \_\_\_\_\_. Section 220.100, subsection 2,  
15 paragraph a, Code 1989, is amended to read as follows:

16 a. A grant program for the homeless for the  
17 construction, rehabilitation, ~~or expansion, or costs~~  
18 of operating of group home shelter for the homeless.

19 Sec. \_\_\_\_\_. Section 220.100, Code 1989, is amended  
20 by adding the following new subsection:

21 NEW SUBSECTION. 7. A homelessness advisory  
22 committee is created consisting of the executive  
23 director or the executive director's designee, the  
24 directors or their designees from the departments of  
25 economic development, human services, and human  
26 rights, and at least one individual from the private  
27 sector to be selected by the executive director. The  
28 advisory committee shall advise the authority in  
29 coordinating programs that provide for the homeless.

30 Sec. \_\_\_\_\_. Section 473B.1, subsection 2, as enacted  
31 by 1990 Iowa Acts, Senate File 2366, section 1, is  
32 amended by striking the subsection.

33 Sec. \_\_\_\_\_. 1990 Iowa Acts, Senate File 2366,  
34 section 7, is amended by striking the section and  
35 inserting in lieu thereof the following:

36 SEC. 7.

37 Any of the following counties of Boone, Dallas,  
 38 Jasper, Marion, Polk, Story, and Warren, or  
 39 combinations of these counties may form councils of  
 40 governments or associate with any existing councils of  
 41 governments."  
 42 39. By renumbering, relettering, or redesignating  
 43 and correcting internal references as necessary.

Trent of Muscatine asked and received unanimous consent to defer action on amendment H—5902, to the committee amendment H—5831.

Jochum of Dubuque offered the following amendment H—5864, to the committee amendment H—5831, filed by him and Poney of Wapello and moved its adoption:

H—5864

1 Amend the amendment, H—5831, to Senate File 2327,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 3 the  
 5 following:  
 6 "\_\_\_\_\_. Page 4, by striking lines 23 through 26."  
 7 2. Page 3, by striking lines 36 through 38 and  
 8 inserting the following:  
 9 "\_\_\_\_\_. To fund a multistate trade office in Canada:  
 10 ..... \$ 50,000".  
 11 3. Page 4, line 38, by striking the figure  
 12 "250,000" and inserting the following: "300,000".

Amendment H—5864 was adopted.

Swartz of Marshall offered the following amendment H—5878, to the committee amendment H—5831, filed by him and moved its adoption:

H—5878

1 Amend the amendment, H—5831, to Senate File 2327 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 3, line 19, by striking the word "There"  
 5 and inserting the following: "Notwithstanding section  
 6 15.251, subsection 2, there".

Amendment H—5878 was adopted.

Metcalf of Polk offered the following amendment H—5836, to the committee amendment H—5831, filed by her and moved its adoption:

H—5836

1 Amend the amendment, H—5831, to Senate File 2327,  
 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. By striking page 3, line 45, through page 4,
- 5 line 4.
- 6 2. By renumbering as necessary.

Amendment H—5836 lost.

Connors of Polk in the chair at 6:00 p.m.

Brand of Benton offered the following amendment H—5876, to the committee amendment H—5831, filed by him from the floor and moved its adoption:

H—5876

1 Amend the amendment H—5831 to Senate File 2327, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

- 4 1. Page 6, line 15, by striking the figure
- 5 "\$500,000" and inserting the following: "\$650,000".
- 6 2. Page 6, line 18, by striking the figure
- 7 "\$350,000" and inserting the following: "\$200,000".
- 8 3. Page 6, line 21, by inserting after the word
- 9 "closure." the following: "If the moneys allocated
- 10 for any of the purposes in this paragraph are not used
- 11 or dedicated by February 1 of the fiscal year, the
- 12 moneys may be reallocated for the other purposes in
- 13 this paragraph that have the most need as determined
- 14 by the Iowa finance authority."

15 4. Page 6, by inserting after line 48 the  
16 following:

17 "The emergency assistance provided for in this  
18 section shall be available only if all other publicly  
19 funded resources have been exhausted. This emergency  
20 assistance includes, but is not limited to, assisting  
21 people who face eviction, potential eviction, or  
22 foreclosure, utility shut-off or fuel shortage, loss  
23 of heating energy supply or equipment, homelessness,  
24 utility or rental deposits, or other unspecified  
25 crisis which threatens family or living arrangements.  
26 This assistance shall be available to migrant families  
27 who would otherwise meet eligibility criteria."

28 5. Page 8, line 25, by inserting after the word  
29 "development," the following: "elder affairs,".

30 6. Page 8, line 26, by striking the words "one  
31 individual" and inserting the following: "three  
32 individuals".

Amendment H—5876 was adopted.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H—5902, previously deferred, to the committee amendment H—5831, filed by him from the floor.

On motion by Poncy of Wapello, the committee amendment H—5831, as amended, was adopted.

Schneklath of Scott offered the following amendment H—5664 filed by him:

H—5664

- 1 Amend Senate File 2327, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the figure
- 4 "815,706" and inserting the following: "1,040,706".
- 5 2. Page 1, line 12, by striking the figure
- 6 "21.00" and inserting the following: "25.50".
- 7 3. Page 17, by striking lines 1 through 11.
- 8 4. By striking page 19, line 3, through page 20,
- 9 line 20.
- 10 5. By striking page 21, line 21, through page 26,
- 11 line 20.
- 12 6. Title page, by striking lines 3 and 4 and
- 13 inserting the following: "foundation, and Iowa
- 14 finance authority."

Schneklath of Scott offered the following amendment H—5870, to amendment H—5664, filed by him and moved its adoption:

H—5870

- 1 Amend amendment, H—5664, to Senate File 2327, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 6 the
- 5 following:
- 6 "\_\_\_\_\_. Page 5, by inserting after line 34, the
- 7 following:
- 8 "As a condition, limitation, and qualification of
- 9 the appropriations made in this subsection, the
- 10 department shall designate a person within the
- 11 department as a business assistance officer. The
- 12 business assistance officer shall maintain in a
- 13 central registry, a current catalog of licenses,
- 14 permits, and other regulatory requirements of the
- 15 agency affecting small business. The business
- 16 assistance officer shall maintain a record of
- 17 complaints received from small business and report to
- 18 the legislative fiscal bureau on a quarterly basis the
- 19 number of complaints received and the number of
- 20 complaints resolved." "

Amendment H—5870 was adopted.

Schneklath of Scott moved the adoption of amendment H—5664, as amended.

Roll call was requested by Schrader of Marion and Wise of Lee.

On the question "Shall amendment H—5664, as amended, be adopted?" (S.F. 2327)

The ayes were, 54:

Banks	Beaman	Bennett	Bisignano
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Doderer
Eddie	Fey	Garman	Gruhn
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Hermann	Hester	Iverson	Jay
Jochum	Johnson	Kistler	Knapp
Kremer	Lageschulte	Lundby	Maulsby
Mertz	Metcalf	Miller	Neuhauser
Pellett	Peters	Petersen, D. F.	Plasier
Poncy	Renaud	Renken	Royer
Schnekloth	Shearer	Sherzan	Shoning
Siegrist	Stueland	Swartz	Tabor
Tyrrell	Van Maanen		

The nays were, 40:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Dvorsky
Fogarty	Fuller	Groninga	Halvorson, R. N.
Hammond	Harper	Haverland	Holveck
Jesse	Koenigs	Lykam	May
McKean	McKinney	Muhlbauer	Murphy
Nielsen	Osterberg	Peterson, M. K.	Rosenberg
Schrader	Shoultz	Spear	Svoboda
Teaford	Trent	Wise	Connors
			Presiding

Absent or not voting, 6:

Avenson, Spkr.	Halvorson, R. A.	Hibbard	Ollie
Pavich	Spenner		

Amendment H—5664, as amended, was adopted.

Groninga of Cerro Gordo offered the following amendment H—5896 filed from the floor by Groninga, Brand, Cphoon, Svoboda, Poncy, Murphy, Jochum, Halvorson of Webster, Dvorsky and Jesse and moved its adoption:

H—5896

- 1 Amend Senate File 2327, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 20, by inserting after the word
- 4 "program." the following: "The conditions, criteria,

5 and limitations referred to or specified in section  
6 99E.32, subsection 2, paragraph "b", apply to the  
7 providing of moneys under the community economic  
8 betterment program from the fund established in this  
9 subsection."

Amendment H—5896 was adopted.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5663 filed by him on March 14, 1990.

Jesse of Jasper offered the following amendment H—5886 filed by him from the floor:

H—5886

1 Amend Senate File 2327, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 17, lines 27 and 28, by striking the  
4 words "moneys are raised to assure participation" and  
5 inserting the following: "private funds are raised to  
6 locate the world food prize foundation at the Iowa  
7 state university of science and technology, and only  
8 if the foundation is structured to include substantial  
9 representation that reflects environmental concerns  
10 and sustainable agriculture".  
11 2. Page 17, lines 33 and 34, by striking the  
12 words "for purposes of the technical assistance  
13 centers" and inserting the following: "and the  
14 department of agriculture and land stewardship for the  
15 purposes of funding a study of preserving native seed  
16 stocks and for the purpose of granting funds to both  
17 public and private activities relating to the  
18 preservation of native seed stocks".

Black of Jasper offered the following amendment H—5900, to amendment H—5886, filed by him and Jesse of Jasper from the floor and moved its adoption:

H—5900

1 Amend amendment, H—5886, to Senate File 2327, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 18, by inserting after the word  
5 "stocks" the following: ". In conducting the study,  
6 the department of agriculture and land stewardship  
7 shall work in cooperation with the department of  
8 natural resources and state department of  
9 transportation".

Amendment H—5900 was adopted.

Division of amendment H—5886, as amended, was requested as follows:

H—5886A, lines 3 through 10.

H—5886B, lines 11 through 18.

Jesse of Jasper moved the adoption of amendment H—5886A.

A non-record roll call was requested.

The ayes were 43, nays 33.

Amendment H—5886A was adopted.

Petersen of Muscatine rose on a point of order that amendment H—5886B was not germane.

The Speaker ruled the point well taken and amendment H—5886B, as amended, not germane.

Neuhauser of Johnson called up for consideration the motion to reconsider amendment H—5664, as amended, filed by her from the floor.

The House stood at ease at 6:43 p.m., until the fall of the gavel.

The House resumed session and consideration of the motion to reconsider amendment H—5664, as amended, to Senate File 2327 at 7:19 p.m., Connors of Polk in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo on request of Van Maanen of Mahaska; Holveck of Polk on request of Hammond of Story, both for the remainder of the day.

Neuhauser of Johnson moved to reconsider the vote by which amendment H—5664, as amended, found on page 1495 of the House Journal, was adopted by the House on March 27, 1990.

A non-record roll call was requested.

The ayes were 52, nays 33.

The motion prevailed and the House reconsidered amendment H—5664, as amended.

On motion by Schneklath of Scott, amendment H—5664, as amended, lost.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 2327)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, 1:

Schnekloth

Absent or not voting, 10:

Avenson, Spkr.	Clark	Halvorson, R. A.	Hibbard
Holveck	Jay	Pavich	Plasier
Rosenberg	Spenner		

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

## IMMEDIATE MESSAGE

(Senate File 2327)

Arnould of Scott asked and received unanimous consent that Senate File 2327 be immediately messaged to the Senate.

## MOTIONS TO RECONSIDER

(House File 2115)

I move to reconsider the vote by which House File 2115 passed the House on March 27, 1990.

PELLETT of Cass

## (House File 2115)

I move to reconsider the vote by which House File 2115 passed the House on March 27, 1990.

JESSE of Jasper

(Amendment H—5879, to amendment H—5860, to House File 2543)

I move to reconsider the vote by which amendment H—5879, to amendment H—5860, to House File 2543 failed to be adopted by the House on March 27, 1990.

TRENT of Muscatine

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2343, a bill for an act relating to the fee charged by an employment agency for the procurement of a position of employment.

Also: That the Senate has on March 27, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2371, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

Also: That the Senate has on March 27, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date.

JOHN F. DWYER, Secretary

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 26, 1990. Had I been present, I would have voted "aye" on House File 2177 and Senate File 2169.

ADAMS of Hamilton

I was necessarily absent from the House chamber on Monday, March 26, 1990. Had I been present, I would have voted "aye" on House File 534.

OLLIE of Clinton

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 27th day of March, 1990: House Files 252, 730, 2131, 2142, 2156, 2437, 2468 and 2531.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 27, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2314, an act relating to property taxes and mobile home taxes by providing for monthly or quarterly payments and providing an applicability date.

House File 2322, an act relating to the duties of the county recorder by imposing a fee for recording and indexing certain instruments, and by providing for the issuance of certain transcripts.

House File 2339, an act relating to costs associated with the Iowa management training revolving fund.

House File 2372, an act relating to anabolic steroids, and providing a criminal penalty concerning the distribution of anabolic steroids to minors.

House File 2381, an act authorizing the conversion of a mutual property and casualty insurance company into a stock company, subject to certain conditions and procedural requirements.

House File 2430, an act relating to the disclosure of certain mental health information to family members.

House File 2451, an act relating to weighing and measuring devices, and establishing fees.

House File 2508, an act relating to the commitment and treatment of chronic substance abusers.

House File 2518, an act relating to licensure and discipline of certain practice professionals and providing a penalty.

House File 2549, an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing a retroactive applicability date.

Senate File 18, an act relating to the time period within which an information or indictment for sexual abuse with a child under the age of twelve shall be found.

Senate File 2059, an act authorizing merged area schools to establish a self-insurance program for the payment of workers' compensation benefits, exempting the self-insurance program from taxation, and exempting the self-insurance program from insurance regulation.

Senate File 2164, an act relating to the date of publication and distribution of the report of state employee salaries.

Senate File 2165, an act abolishing the duty of the treasurer of state to approve increases in the maximum deposit limit of a local government in a depository financial institution.

Senate File 2181, an act altering the penalty for late payment of the solid waste tonnage fee.

Senate File 2187, an act relating to workers' health, safety, and welfare, and effecting funding for the second injury fund.

Senate File 2232, an act relating to indemnification of art exhibitors by the Iowa arts council.

Senate File 2248, an act relating to certain advertising by a hearing aid dealer.

Senate File 2261, an act relating to the filing of uniform commercial code financing statements by permitting a filing officer to accept for filing a copy of a signature and authorizing the adoption of rules to permit electronic filing of financing statements.

Senate File 2268, an act changing the time deadlines for submission of state agency affirmative action plans and annual reports and providing an effective date.

Senate File 2271, an act specifying the required contents of a plan for bank merger or consolidation.

Senate File 2334, an act regulating business relationships between suppliers and dealers of certain equipment and providing dates of applicability.

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF PUBLIC HEALTH

The 1989 Annual Report on Public Health Nursing, pursuant to Chapter 17.3, 1989 Code of Iowa.

## PRESENTATION OF VISITORS

Hanson of Delaware presented to the House the Honorable Doug Ritsema, former member of the House representing Sioux County.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-six fourth and fifth grade students from Amana Community School, Middle Amana, accompanied by Mrs. Merritt. By Dvorsky of Johnson and Tyrrell of Iowa.

Eleven senior students from Sioux Valley Community School, Linn Grove, accompanied by Dean Miller and Jan Tjeerdsma. By Eddie of Buena Vista and Fogarty of Palo Alto.

Forty students from Belmond Community School, Belmond, accompanied by Mr. Claude Post and Mrs. Jerri Hobson. By Iverson of Wright.

Sixty-five fifth grade students from Lohrville Elementary School, Lohrville, accompanied by Brian Schatter and Brad Worth. By Maulsby of Calhoun.

Fifty-eight fifth grade students from Underwood Elementary School, Underwood, accompanied by Patrick Girard. By Pellett of Cass.

## SUBCOMMITTEE ASSIGNMENTS

### House File 2521 (Reassigned)

Appropriations: Knapp, Chair; Harbor and Halvorson of Webster.

### Senate File 2418

Appropriations: Knapp, Chair; Harbor and Peterson of Carroll.

### Senate File 2419

Appropriations: Hansen of Woodbury, Chair; Hatch and Lageschulte.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill**, relating to substance abuse prevention and treatment, enforcement of controlled substance provisions, making appropriations, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 27, 1990.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 823), relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 27, 1990.

#### RESOLUTION FILED

**SCR 128**, by committee on appropriations, a concurrent resolution relating to the provision of cable television service.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-5873	H.F.	2540	Senate Amendment
H-5874	H.F.	2500	Senate Amendment
H-5875	H.F.	2450	Senate Amendment
H-5877	H.F.	2154	Senate Amendment
H-5880	H.F.	2357	Senate Amendment
H-5881	H.F.	2496	Senate Amendment
H-5882	H.F.	2320	Senate Amendment
H-5884	H.F.	2560	Metcalf of Polk Osterberg of Linn
H-5885	H.F.	2543	Brown of Lucas
H-5892	H.F.	2543	Corbett of Linn
H-5893	H.F.	2543	Carpenter of Polk
H-5897	S.F.	2031	Jay of Appanoose
H-5898	S.F.	431	Gruhn of Dickinson
H-5901	H.F.	2558	Jesse of Jasper
H-5903	S.F.	2344	Beatty of Warren Buhr of Polk Hammond of Story Fey of Scott Brown of Lucas
H-5904	S.F.	2403	Shearer of Louisa
H-5905	S.F.	2403	Jay of Appanoose Fogarty of Palo Alto Siegrist of Pottawattamie Lundby of Linn
			Koenigs of Mitchell De Groot of Lyon

H—5906	S.F.	2403	Bisignano of Polk
Jesse of Jasper			Connors of Polk
Haverland of Polk			Shoning of Woodbury
Hansen of Woodbury			Tabor of Jackson
H—5907	H.F.	2543	Hammond of Story
			Blanshan of Greene
H—5908	S.F.	2306	Senate Amendment
H—5909	H.F.	2371	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 7:46 p.m., until 9:00 a.m., Wednesday, March 28, 1990.

# JOURNAL OF THE HOUSE

Eightieth Calendar Day — Fifty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 28, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Sandra Pippert, pastor of the Congregational Church, Rockwell.

The Journal of Tuesday, March 27, 1990 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spenner of Henry, until his arrival, on request of Eddie of Buena Vista.

## INTRODUCTION OF BILL

**House File 2564**, by committee on appropriations, a bill for an act relating to substance abuse prevention and treatment, enforcement of controlled substance provisions, making appropriations, and providing penalties.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1990, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2159, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty.

Also: That the Senate has on March 26, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2163, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date.

Also: That the Senate has on March 26, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2197, a bill for an act relating to violations of an individual's rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor rights violations, and providing a penalty.

Also: That the Senate has on March 26, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2249, a bill for an act relating to workers' health, safety, and welfare, by providing an expedited hearing process for certain contested cases, requiring payment of medical expenses of an injured employee in certain circumstances, staying debt collection proceedings against an employee by a person providing treatment pending resolution of a contested case before the industrial commissioner, altering certain formulas for the calculation of benefits, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, exempting union agents and employees from certain tort liability, and providing applicability and effective dates.

Also: That the Senate has on March 26, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2385, a bill for an act establishing a new agricultural products and processes program and creating a state fund to support the program.

JOHN F. DWYER, Secretary

## SENATE AMENDMENTS CONSIDERED

Peters of Woodbury called up for consideration **House File 2201**, a bill for an act relating to the disclosure of the names and certain contract costs of all subcontractors by bidders on a state procurement contract, amended by the Senate amendment H-5840 as follows:

H-5840

- 1 Amend House File 2201, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 3, by striking the word
- 4 "procurement" and inserting the following:
- 5 "construction".
- 6 2. Page 1, line 8, by striking the word
- 7 "procurement" and inserting the following:
- 8 "construction".
- 9 3. Page 1, line 25, by inserting after the word
- 10 "bid" the following: "or who the bidder anticipates
- 11 will work on the project being bid".
- 12 4. Page 1, by inserting after line 29, the
- 13 following: "If a subcontractor is added by a bidder
- 14 awarded a contract, the bidder shall disclose the name
- 15 of the new subcontractor."
- 16 5. Page 1, by inserting after line 29 the
- 17 following:

- 18 "Sec. \_\_\_\_\_ NEW SECTION. 314.15 DISADVANTAGED  
 19 BUSINESS ENTERPRISES — RULES. The department of  
 20 transportation shall promulgate rules establishing  
 21 affirmative action requirements to encourage and  
 22 increase participation of disadvantaged individuals in  
 23 business enterprises in all federal aid projects made  
 24 available by and through the department.  
 25 6. Title page, line 3, by striking the word  
 26 "procurement" and inserting the following:  
 27 "construction".  
 28 7. By renumbering, relettering, or redesignating  
 29 and correcting internal references as necessary.

Teaford of Black Hawk in the chair at 9:58 a.m.

On motion by Peters of Woodbury, the House concurred in the Senate amendment H—5840.

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

On the question "Shall the bill pass?" (H.F. 2201)

The ayes were, 60:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Chapman	Cphoon	Connors
Corbett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Mertz
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Wise	Teaford
			Presiding

The nays were, 35:

Banks	Bennett	Carpenter	Clark
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer

Schnekloth  
Trent

Shoning  
Tyrrell

Siegrist  
Van Maanen

Stueland

Absent or not voting, 5:

Hatch  
Tabor

Lykam

Neuhauser

Spenner

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

Bisignano of Polk called up for consideration **House File 2431**, a bill for an act allowing a person to purchase insurance through the Iowa comprehensive health association even if the person has coverage under another insurance plan, amended by the Senate, and moved that the House concur in the following Senate amendment H—5844:

H—5844

- 1 Amend House File 2431, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 10, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 514E.7, subsection 5, paragraph
- 6 b, Code 1989, is amended to read as follows:
- 7 b. Medical advice or treatment was recommended or
- 8 received within a period of six months before the
- 9 effective date of coverage.
- 10 These preexisting condition exclusions shall be
- 11 waived to the extent to which similar exclusions have
- 12 been satisfied under any prior health insurance
- 13 coverage which was involuntarily terminated, if the
- 14 application for pool coverage is made not later than
- 15 thirty days following the involuntary termination.
- 16 For purposes of this subsection, involuntary
- 17 termination includes, but is not limited to,
- 18 termination of coverage when a conversion policy is
- 19 not available or where benefits under a state or
- 20 federal law providing for continuation of coverage
- 21 upon termination of employment will cease or have
- 22 ceased. In that case, coverage in the pool shall be
- 23 effective from the date on which the prior coverage
- 24 was terminated.
- 25 This subsection does not prohibit preexisting
- 26 conditions coverage in an association policy that is
- 27 more favorable to the insured than that specified in
- 28 this subsection."

The motion prevailed and the House concurred in the Senate amendment H—5844.

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

On the question "Shall the bill pass?" (H.F. 2431)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Nielsen	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stueland	Svoboda
Trent	Tyrrell	Van Maanen	Wise
Teaford			
Presiding			

The nays were, none.

Absent or not voting, 7:

Hibbard	Neuhauser	Ollie	Schrader
Spenner	Swartz	Tabor	

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

Adams of Hamilton called up for consideration **House File 2357**, a bill for an act relating to the applicability of school district reorganization incentives and providing an effective date and a retroactive applicability date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5880:

H—5880

- 1 Amend House File 2357, as amended and passed by the
- 2 House, as follows:

- 3 1. Page 1, by striking lines 7 through 9, and  
 4 inserting the following: "or dissolved during a  
 5 dissolution and in which action to bring about a  
 6 reorganization or dissolution was approved in an  
 7 election pursuant to sections 275.18 and 275.20 or  
 8 section 275.55 initiated by a vote of the board of  
 9 directors or jointly by the affected boards of  
 10 directors prior to July 1,".
- 11 2. Page 1, by striking lines 22 and 23, and  
 12 inserting the following: "is one in which action to  
 13 bring about a reorganization was approved in an  
 14 election pursuant to sections 275.18 and 275.20  
 15 initiated by a vote of the board of directors or  
 16 jointly by the affected boards of directors prior to  
 17 July 1, 1989".
- 18 3. Page 1, by striking lines 32 and 33, and  
 19 inserting the following: "and the school district has  
 20 approved initiated an action prior to November 30,  
 21 1990, to bring about a reorganization prior to July 1,  
 22 1989, the reorganized school".

The motion prevailed and the House concurred in the Senate amendment H—5880.

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

On the question "Shall the bill pass?" (H.F. 2357)

The ayes were, 75:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lykam	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Stueland	Svoboda
Tabor	Wise	Teaford	
		Presiding	

The nays were, 21:

Bennett	Branstad	Corbett	De Groot
Eddie	Harbor	Hermann	Iverson
Kremer	Lageschulte	Lundby	Maulsby
Miller	Petersen, D. F.	Plasier	Renken
Royer	Siegrist	Trent	Tyrrell
Van Maanen			

Absent or not voting, 4:

Neuhauser	Schnekloth	Spenner	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Wise of Lee called up for consideration **House File 2540**, a bill for an act relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5873:

H—5873

- 1 Amend House File 2540, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 6, by striking the word "board"
- 4 and inserting the following: "assessor".
- 5 2. Page 1, line 6, by striking the word and
- 6 figure "April 15" and inserting the following: "March
- 7 1".
- 8 3. Page 1, line 13, by striking the word "board"
- 9 and inserting the following: "assessor".
- 10 4. Page 1, line 14, by inserting after the word
- 11 "exemption" the following: "and shall forward the
- 12 application to the board".
- 13 5. Page 1, line 27, by inserting after the word
- 14 "receipt" the following: "from the assessor".
- 15 6. Page 1, line 35, by striking the word and
- 16 figure "May 15" and inserting the following: "April
- 17 15".
- 18 7. By renumbering, relettering, or redesignating
- 19 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5873.

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

On the question "Shall the bill pass?" (H.F. 2540)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Teaford			
Presiding			

The nays were, none.

Absent or not voting, 3:

Fuller	Schneklath	Spenner
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Dvorsky of Johnson called up for consideration **House File 2496**, a bill for an act requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims, amended by the Senate, and moved that the House concur in the following Senate amendment H-5881:

H-5881

- 1 Amend House File 2496, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "coverages" the following: "to a group of one hundred
- 5 or more persons".
- 6 2. Page 1, line 6, by inserting after the word
- 7 "request," the following: "once in a twelve-month

- 8 period.”  
 9 3. Page 1, by striking lines 8 through 10 and  
 10 inserting the following:  
 11 “b. Costs of claims submitted to date.”

The motion prevailed and the House concurred in the Senate amendment H—5881.

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

On the question “Shall the bill pass?” (H.F. 2496)

The ayes were, 87:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Swartz	Tabor	Trent
Van Maanen	Wise	Teaford	
		Presiding	

The nays were, 6:

Bennett	Garman	Petersen, D. F.	Renken
Royer	Tyrrell		

Absent or not voting, 7:

Brand	Groninga	Harbor	Jochum
Mertz	Schneklath	Spenner	

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

## Ways and Means Calendar

**House File 2559**, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Teaford			
Presiding			

The nays were, none.

Absent or not voting, 11:

Connors	De Groot	Fey	Harbor
Harper	Hatch	Mertz	Neuhauser
Schneklath	Shoultz	Spenner	

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

## Unfinished Business Calendar

The House resumed consideration of **Senate File 2326**, a bill for an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds, previously deferred and placed on the unfinished business calendar.

Adams of Hamilton offered the following amendment H—5591 filed by the committee on education:

H—5591

- 1 Amend Senate File 2326, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 2, by striking the word
- 4 "subsection" and inserting the following:
- 5 "subsections".
- 6 2. Page 1, line 3, by inserting after the word
- 7 "Develop" the following: "by January 1, 1991,".
- 8 3. Page 1, line 4, by inserting after the word
- 9 "guidelines" the following: "which are consistent
- 10 with the dietary guidelines for Americans recommended
- 11 dietary allowances established by the national
- 12 research council and regulations adopted by the United
- 13 States department of agriculture".
- 14 4. Page 1, line 9, by inserting after the words
- 15 "saturated fat," the following: "sugar, sodium,
- 16 fiber,".
- 17 5. Page 1, line 12, by inserting after the words
- 18 "saturated fat," the following: "sugar, sodium,".
- 19 6. Page 1, line 15, by inserting after the figure
- 20 "1990." the following: "If, however, dietary
- 21 guidelines for children are published by the United
- 22 States department of agriculture and department of
- 23 health and human services, the director shall cause
- 24 the previous Iowa nutrition guidelines to be rescinded
- 25 and the new federal dietary guidelines for children
- 26 shall be adopted in place of the previous guidelines."
- 27 7. Page 1, by inserting after line 15, the
- 28 following:
- 29 "NEW SUBSECTION. 40. Provide educational
- 30 resources and technical assistance to schools relating
- 31 to the implementation of the nutritional guidelines
- 32 for food and beverages sold on public school grounds
- 33 or on the grounds of nonpublic schools receiving funds
- 34 under section 283A.10."
- 35 8. Page 1, by inserting after line 19, the
- 36 following:

37 "1. "Competitive food" or "competitive foods"  
 38 means all food or beverages sold by students, the  
 39 school administration, or other groups or  
 40 organizations, or commercial companies on public  
 41 school grounds or the grounds of a nonpublic school  
 42 which receives funds under section 283A.10, and  
 43 includes those foods or beverages which are sold at  
 44 snack bars, vending machines, or by other similar  
 45 means."

46 9. Page 1, line 20, by striking the figure "1"  
 47 and inserting the following: "2".

48 10. Page 1, line 23, by striking the figure "2"  
 49 and inserting the following: "3".

50 11. Page 1, line 25, by striking the figure "3"

## Page 2

1 and inserting the following: "4".

2 12. Page 1, line 30, by striking the figure "4"

3 and inserting the following: "5".

4 13. Page 3, by striking lines 19 through 29.

Adams of Hamilton offered the following amendment H—5806,  
 to the committee amendment H—5591, filed by her and moved its  
 adoption:

## H—5806

1 Amend the amendment, H—5591, to Senate File 2326,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking lines 6 and 7, and insert-  
 5 ing the following:

6 "\_\_\_\_\_. Page 1, line 3, by striking the word  
 7 "Develop" and inserting the following: "Establish by  
 8 July 1, 1991, a six-month pilot project to develop".

9 2. Page 1, by inserting after line 16 the fol-  
 10 lowing:

11 "\_\_\_\_\_. Page 1, line 10, by striking the word  
 12 "provide" and inserting the following: "encourage".

13 3. Page 1, by striking lines 23 through 26 and  
 14 inserting the following: "health and human services,  
 15 the nutrition guidelines used in the pilot project  
 16 shall conform to the new federal dietary guidelines  
 17 for children. The department shall, through  
 18 establishment of the pilot project, determine the  
 19 feasibility of extending the nutrition guidelines  
 20 established in the project to other schools and school  
 21 districts in the state. In determining the  
 22 feasibility of extending the nutrition guidelines, the  
 23 department shall consult with school food service  
 24 directors in the state. The department shall submit a  
 25 report to the general assembly outlining and

- 26 describing the proposed pilot project, including the  
 27 proposed pilot project guidelines, by January 1, 1991,  
 28 and shall submit, at the conclusion of the pilot  
 29 project, a report, along with any recommendations,  
 30 relating to the modification of those guidelines and  
 31 the feasibility of extending the guidelines to other  
 32 schools and school districts.”
- 33 4. By striking page 1, line 35, through page 2,  
 34 line 3, and inserting the following:  
 35 “\_\_\_\_\_ Page 1, line 22, by striking the words  
 36 “under section 256.9.””
- 37 5. By numbering and renumbering as necessary.

Amendment H—5806 was adopted.

On motion by Adams of Hamilton, the committee amendment H—5591, as amended, was adopted.

Speaker Avenson in the chair at 11:18 a.m.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2326)

The ayes were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Clark
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Koenigs	Lageschulte	Lykam
May	McKinney	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Svoboda
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Iverson	Kistler	Kremer	Lundby
Maulsby	McKean	Mertz	Metcalf

Miller	Muhlbauer	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 2:

Knapp Swartz

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

On motion by Arnould of Scott, the House was recessed at 11:33 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE AMENDMENTS CONSIDERED

Jesse of Jasper called up for consideration **House File 2482**, a bill for an act establishing an entrepreneurship task force, amended by the Senate, and moved that the House concur in the following Senate amendment H—5866:

H—5866

1 Amend House File 2482 as passed by the House, as  
 2 follows:  
 3 1. Page 2, by inserting after line 28, the  
 4 following:

5 "Sec. \_\_\_\_ APPROPRIATION.  
 6 There is appropriated from the general fund of the  
 7 state to the department of economic development for  
 8 the fiscal period beginning July 1, 1990, and ending  
 9 January 15, 1991, the following amount, or so much  
 10 thereof as is necessary, to be used for the purpose  
 11 designated:  
 12 For the entrepreneurship task force for expenses as  
 13 necessary:  
 14 .....\$ 25,000".

15 2. Title, line 1, by inserting after the word "force" the  
 16 following: ", and providing an appropriation".

A non-record roll call was requested.

The ayes were 52, nays 30.

The motion prevailed and the House concurred in the Senate amendment H—5866.

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

On the question "Shall the bill pass?" (H.F. 2482)

The ayes were, 80:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 14:

Banks	Diemer	Eddie	Garman
Hanson, D. R.	Hermann	Iverson	McKean
Metcalf	Pellett	Plasier	Renken
Schnekloth	Stueland		

Absent or not voting, 6:

Beatty	Hibbard	Mertz	Osterberg
Shoultz	Teaford		

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

May of Worth in the chair at 1:58 p.m.

Schrader of Marion called up for consideration **Senate File 2240**, a bill for an act relating to the transfer of racing dogs, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5839 to the House amendment:

H—5839

- 1 Amend the House amendment, S—5583, to Senate File
- 2 2240, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 14 and
- 4 inserting the following: "shall maintain a racing dog
- 5 adoption program. The track shall advertise the
- 6 availability".

The motion prevailed and the House concurred in the Senate amendment H—5839.

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

On the question "Shall the bill pass?" (S.F. 2240)

The ayes were, 88:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Tyrrell	Van Maanen	Wise	May
			Presiding

The nays were, 10:

Branstad	Hatch	Maulsby	McKean
Nielsen	Osterberg	Renken	Schneklott
Stueland	Trent		

Absent or not voting, 2:

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

**MOTION TO RECONSIDER WITHDRAWN**

Pellett of Cass asked and received unanimous consent to withdraw the motion to reconsider House File 2115 filed by him on March 27, 1990.

**MOTION TO RECONSIDER PREVAILED  
(House File 2115)**

Jesse of Jasper called up for consideration the motion to reconsider House File 2115, filed on March 27, 1990, and moved to reconsider the vote by which House File 2115, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates, passed the House and was placed on its last reading on March 27, 1990.

A non-record roll call was requested.

The ayes were 64, nays 5.

The motion prevailed and the House reconsidered House File 2115.

**House Refused to Concur**

Jesse of Jasper moved to reconsider the vote by which the House concurred in the Senate amendment H—5818, found on pages 1434 and 1435 of the House Journal, which motion prevailed.

Pellett of Cass moved that the House concur in the Senate amendment H—5818.

The motion lost and the House refused to concur in the Senate amendment H—5818.

The House stood at ease at 2:43 p.m., until the fall of the gavel.

The House resumed session at 2:47 p.m., May of Worth in the chair.

The House stood at ease at 2:48 p.m., until the fall of the gavel.

The House resumed session at 3:46 p.m., Connors of Polk in the chair.

**QUORUM CALL**

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

## SENATE AMENDMENTS CONSIDERED

Jay of Appanoose called up for consideration **House File 2312**, a bill for an act relating to nonsubstantive Code and Act corrections, amended by the Senate, and moved that the House concur in the following Senate amendment H—5869:

H—5869

1 Amend House File 2312, as passed by the House, as  
2 follows:

3 1. Page 2, by inserting after line 33 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 18B.6, unnumbered paragraph 1,  
6 Code Supplement 1989, is amended to read as follows:

7 The board established pursuant to section ~~18.5~~  
8 18B.5 shall have all the general powers needed to  
9 carry out its mission and duties, including but not  
10 limited to the following powers:"

11 2. Page 13, line 7, by striking the figure  
12 "~~324A.8~~," and inserting the following: "324A.8 or  
13 other tax funds available pursuant to section  
14 307B.26,".

15 3. Page 18, by inserting after line 32, the  
16 following:

17 "Sec. \_\_\_\_\_. Section 570A.2, subsection 2, Code  
18 1989, is amended to read as follows:

19 2. If within ~~two~~ four business days of receipt of  
20 a certified request a financial institution fails to  
21 issue a memorandum upon the request of an agricultural  
22 supply dealer and the request from the agricultural  
23 supply dealer was proper under subsection 1, or if the  
24 memorandum from the financial institution is  
25 incomplete, or if the memorandum from the financial  
26 institution states that the farmer does not have a  
27 sufficient net worth or line of credit to assure  
28 payment of the purchase price, the agricultural supply  
29 dealer may decide to make the sale and secure the lien  
30 provided in section 570A.3."

31 4. Page 18, by inserting after line 32, the  
32 following:

33 "Sec. \_\_\_\_\_. Section 602.6403, subsection 2, Code  
34 Supplement 1989, is amended to read as follows:

35 2. The magistrate appointing commission for each  
36 county shall prescribe the contents of an application,  
37 in addition to any application form provided by the  
38 supreme court, for an appointment pursuant to this  
39 section. The commission shall publicize notice of any  
40 vacancy to be filled in at least two publications in  
41 the all official county newspaper newspapers in the  
42 county. The commission shall accept applications for  
43 a minimum of fifteen days prior to making an  
44 appointment, and shall make available during that

45 period of time any printed application forms the  
 46 commission prescribes."  
 47 5. Page 19, by inserting after line 28 the  
 48 following:  
 49 "Sec. \_\_\_\_\_ Section 910A.9, subsection 5, Code  
 50 Supplement 1989, is amended to read as follows:

**Page 2**

1 5. The date on which the offender is expected to  
 2 be released from an institution or facility pursuant  
 3 to a plan of parole or work release, or upon discharge  
 4 of sentence."  
 5 6. Renumber as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5869.

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

On the question "Shall the bill pass?" (H.F. 2312)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Clark  
Swartz

Gruhn

Hermann

Hibbard

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

Lykam of Scott called up for consideration **House File 2522**, a bill for an act relating to free hunting and fishing licenses for military personnel, amended by the Senate amendment H-5868 as follows:

H-5868

- 1 Amend House File 2522, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 110.24, Code Supplement 1989,
- 6 is amended by adding the following new subsection:
- 7 **NEW SUBSECTION. 16.** Upon payment of the fee for a
- 8 lifetime hunting and fishing combined license, the
- 9 department shall issue a hunting and fishing combined
- 10 license to a veteran who was disabled or a prisoner of
- 11 war during that veteran's military service. The
- 12 department shall prepare an application to be used by
- 13 a person requesting a hunting and fishing combined
- 14 license under this subsection. The veteran affairs
- 15 division of the department of public defense shall
- 16 assist the department in verifying the status or
- 17 claims of applicants under this subsection. As used
- 18 in this subsection, "veteran" means a person who
- 19 served in the armed forces of the United States of
- 20 America at any time during World War I between the
- 21 dates of April 6, 1917, and July 2, 1921, World War II
- 22 between the dates of December 7, 1941, and December
- 23 31, 1946, the Korean conflict between the dates of
- 24 June 27, 1950, and January 31, 1955, or the Vietnam
- 25 conflict between August 5, 1964, and May 7, 1975, all
- 26 dates inclusive, and "disabled" means entitled to
- 27 compensation under the United States Code, title 38,
- 28 chapter 11.
- 29 Sec. \_\_\_\_\_
- 30 This Act takes effect January 1, 1991."
- 31 2. Page 1, by inserting after line 17 the
- 32 following:
- 33 "Sec. \_\_\_\_\_. **NEW SECTION. 110.30 RECIPROCAL**
- 34 **FISHING PRIVILEGES AUTHORIZED.**
- 35 1. Reciprocal fishing privileges are contingent
- 36 upon a grant of similar privileges by another state to
- 37 residents of this state.
- 38 2. The commission may negotiate fishing

39 reciprocity agreements with other states.  
 40 3. When another state confers upon fishing  
 41 licensees of this state reciprocal rights, privileges,  
 42 and immunities, a fishing license issued by that state  
 43 entitles the licensee to all rights, privileges, and  
 44 immunities in the public waters of this state enjoyed  
 45 by the holders of equivalent licenses issued by this  
 46 state, subject to duties, responsibilities, and  
 47 liabilities imposed on its own licensees by the laws  
 48 of this state."  
 49 3. Title page, line 1, by striking the word  
 50 "free".

**Page 2**

1 4. Title page, line 2, by inserting after the  
 2 word "personnel" the following: "and veterans, and  
 3 providing an effective date".  
 4 5. Title page, line 2, by inserting after the  
 5 word "personnel" the following: "and authorizing  
 6 reciprocal fishing agreements".  
 7 6. By renumbering, relettering, or redesignating  
 8 and correcting internal references as necessary.

Lykam of Scott offered the following amendment H—5921, to the Senate amendment H—5868, filed by him from the floor and moved its adoption:

**H—5921**

1 Amend the Senate amendment, H—5868, to House File  
 2 2522, as passed by the House, as follows:  
 3 1. Page 1, line 7, by inserting after the word  
 4 "fee" the following: "of thirty dollars".  
 5 2. Page 1, line 10, by inserting after the word  
 6 "disabled" the following: "in combat".

Amendment H—5921 was adopted.

On motion by Lykam of Scott, the House concurred in the Senate amendment H—5868, as amended.

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

On the question "Shall the bill pass?" (H.F. 2522)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignato
Black	Blanshan	Brammer	Brand

Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklouth	Schrader
Shearer	Shoning	Siegrist	Spear
Spenner	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Groninga	Gruhn	Jochum	Sherzan
Shoultz	Swartz		

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

**MOTION TO RECONSIDER PREVAILED**  
(House File 2057)

Beatty of Warren called up for consideration the motion to reconsider House File 2057, filed on March 22, 1990, and moved to reconsider the vote by which House File 2057, a bill for an act relating to prohibited interests in public contracts, passed the House and was placed on its last reading on March 21, 1990.

A non-record roll call was requested.

The ayes were 51, nays 33.

The motion prevailed and the House reconsidered House File 2057.

Beatty of Warren moved to reconsider the vote by which the House concurred in the Senate amendment H—5667, found on pages 1267 and 1268 of the House Journal, which motion prevailed.

Beatty of Warren offered the following amendment H—5859, to the Senate amendment H—5667, filed by her:

H—5859

1 Amend amendment, H—5667, to House File 2057, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by inserting after line 2, the  
5 following:

6 "\_\_\_\_\_. Page 1, by inserting before line 1, the  
7 following:

8 "Section 1. Section 68B.4, Code 1989, is amended  
9 to read as follows:

10 68B.4 WHEN SALES PROHIBITED.

11 No An official or employee of any regulatory agency  
12 shall not sell, either directly or indirectly, any  
13 goods or services to individuals, associations, or  
14 corporations subject to the regulatory authority of  
15 the agency of which the person is an official or  
16 employee, except when the official or employee has met  
17 all of the following conditions:

18 1. The consent of the regulatory agency for which  
19 the person is an official or employee is obtained and  
20 the person is not the official or employee with the  
21 authority to determine whether agency consent is to be  
22 given under this section.

23 2. The duties or functions performed by the  
24 official or employee for the regulatory agency are not  
25 related to the regulatory authority of the agency over  
26 the individual, association, or corporation, or the  
27 selling of goods or services by the official or  
28 employee to the individuals, associations, or  
29 corporations does not affect the official's or  
30 employee's duties or functions at the regulatory  
31 agency.

32 3. The selling of any goods or services by the  
33 official or employee to an individual, association, or  
34 corporation does not include advocacy on behalf of the  
35 individual, association, or corporation to the  
36 regulatory agency in which the person is an official  
37 or employee.

38 4. The selling of any goods or services by the  
39 official or employee to an individual, association, or  
40 corporation does not cause the official or employee to  
41 sell goods or services to the regulatory agency on  
42 behalf of the individual, association, or corporation.

43 Each regulatory agency shall adopt rules specifying  
44 the method by which agency consent under this section  
45 may be obtained."

46 2. By renumbering as necessary.

Van Maanen of Mahaska rose on a point of order that amendment H—5859 was not germane.

The Speaker ruled the point well taken and amendment H—5859 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5859.

A non-record roll call was requested.

The ayes were 53, nays 34.

The motion prevailed and the rules were suspended to consider amendment H—5859.

Beatty of Warren moved the adoption of amendment H—5859, to the Senate amendment H—5667.

A non-record roll call was requested.

The ayes were 35, nays 28.

Amendment H—5859 was adopted.

On motion by Royer of Page, the House concurred in the Senate amendment H—5667, as amended.

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

On the question "Shall the bill pass?" (H.F. 2057)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie

Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spanner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Banks	Chapman	Doderer	Dvorsky
Hermann	Sherzan		

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

#### IMMEDIATE MESSAGE (House File 2057)

Arnould of Scott asked and received unanimous consent that House File 2057 be immediately messaged to the Senate.

#### SENATE AMENDMENTS CONSIDERED

Jay of Appanoose called up for consideration **House File 2500**, a bill for an act relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties, amended by the Senate amendment H—5874 as follows:

H—5874

- 1 Amend House File 2500, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by striking line 11 and inserting the
- 4 following: "a simple misdemeanor."
- 5 2. Page 1, line 22, by striking the words "is im-
- 6 mediately" and inserting the following: "shall be".
- 7 3. Page 1, line 25, by inserting after the word
- 8 "schedule." the following: "Failure to make a payment
- 9 shall cause the suspension to be renewed."
- 10 4. By striking page 1, line 26, through page 2,
- 11 line 1.
- 12 5. Page 2, line 2, by striking the figure
- 13 "109.135" and inserting the following: "109.134".
- 14 6. Page 2, line 10, by striking the word
- 15 "commits" and inserting the following: "is guilty
- 16 of".

17 7. Page 2, line 17, by striking the word  
18 "commits" and inserting the following: "is guilty  
19 of".

20 8. Page 2, line 24, by striking the word  
21 "commits" and inserting the following: "is guilty  
22 of".

23 9. Page 2, lines 24 and 25, by striking the words  
24 "if the person has two or more violations" and insert-  
25 ing the following: "when the person has had two or  
26 more convictions".

27 10. Page 2, by inserting after line 27 the fol-  
28 lowing:

29 "Sec. \_\_\_\_\_ PLAN FOR SUSPENSION OR REVOCATION OF  
30 LICENSES.

31 The director of the department of natural resources  
32 shall prepare and submit a plan for suspension and  
33 revocation of licenses issued by the department for  
34 violations of chapter 109, 109A, 109B, 110, 110A, or  
35 110B. The suspension and revocation plan shall be  
36 submitted to the president or presiding officer of the  
37 senate and the speaker of the house of representatives  
38 of this state no later than January 15, 1991."

Jay of Appanoose offered the following amendment H—5927, to the Senate amendment H—5874, filed by him from the floor and moved its adoption:

H—5927

- 1 Amend the Senate amendment, H—5874, to House File
- 2 2500, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 10 and 11.
- 5 2. Page 1, by striking lines 27 through 38.
- 6 3. By renumbering as necessary.

Amendment H—5927 was adopted.

On motion by Jay of Appanoose, the House concurred in the Senate amendment H—5874, as amended.

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

On the question "Shall the bill pass?" (H.F. 2500)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand

Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalfe
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellet	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Shearer
Sherzan	Shoning	Siegrist	Spear
Spanner	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Chapman	Hermann	Hibbard	Schrader
Shoultz	Swartz		

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

Hatch of Polk called up for consideration **House File 2154**, a bill for an act relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws, amended by the Senate, and moved that the House concur in the following Senate amendment H—5877:

H—5877

- 1 Amend House File 2154, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 10, the
- 4 following:
- 5 "Sec. \_\_\_\_\_.
- 6 This Act applies only to an agency or commission of
- 7 local government in existence on the effective date of
- 8 this Act.

9 This Act is repealed as of July 1, 1991. The Code  
10 editor shall editorally amend section 601A.19 in this  
11 Act to reflect this repeal by restoring the language  
12 in the section to the language in the section as it  
13 appears in the Code of Iowa 1989."

14 2. Title page, line 5, by inserting after the  
15 word "laws" the following: ", and providing for the  
16 applicability of the Act".

17 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5877.

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

On the question "Shall the bill pass?" (H.F. 2154)

The ayes were, 77:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Shoning
Siegrist	Spear	Spenner	Tabor
Teaford	Trent	Tyrrell	Wise
Connors			
Presiding			

The nays were, 19:

Banks	Bennett	Branstad	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Iverson	Kremer	Lageschulte	Maulsby
McKean	Pellett	Petersen, D. F.	Renken
Schnekloth	Stueland	Van Maanen	

Absent or not voting, 4:

Sherzan	Shoultz	Svoboda	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2048**, a bill for an act to prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties, previously deferred and placed on the unfinished business calendar.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2048)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Beatty	Bennett	Hibbard	Petersen, D. F.
Shoultz	Svoboda		

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

The House resumed consideration of **Senate File 390**, a bill for an act relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability, previously deferred and placed on the unfinished business calendar.

Svoboda of Tama offered the following amendment H—5153 filed by the committee on agriculture and moved its adoption:

H—5153

1 Amend Senate File 390, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,  
4 line 21.

5 2. Page 2, line 31, by striking the words "five  
6 two" and inserting the following: "five".

7 3. By striking page 3, line 18 through page 6,  
8 line 4, and inserting the following:

9 "Sec. \_\_\_\_\_. Section 654.16, Code 1989, is amended  
10 by striking the section and inserting in lieu thereof  
11 the following:

12 **654.16 SEPARATE REDEMPTION OF HOMESTEAD.**

13 If a sheriff's sale is ordered on agricultural land  
14 used for farming, as defined in section 175.2, the  
15 mortgagor may, by a date set by the court but not  
16 later than ten days before the sale, designate to the  
17 court the portion of the land which the mortgagor  
18 claims as a homestead. The homestead may be any  
19 contiguous portion of forty acres or less of the real  
20 estate subject to the sheriff's sale. The homestead  
21 shall contain the residence of the mortgagor and shall  
22 be as compact as practicable.

23 If a homestead is designated, the court shall  
24 determine the fair market value of the designated  
25 homestead before the sheriff's sale. The court may  
26 consult with the county appraisers appointed pursuant  
27 to section 450.24, or with one or more independent  
28 appraisers, to determine the fair market value of the  
29 designated homestead.

30 The mortgagor may redeem the designated homestead  
31 by tendering the lesser of either any amount  
32 separately bid for the designated homestead at the  
33 sheriff's sale pursuant to procedures set forth in  
34 chapter 628, or the fair market value, as determined  
35 pursuant to this section, of the designated homestead  
36 at any time within one year from the date of the  
37 sheriff's sale, pursuant to the procedures set forth  
38 in chapter 628.

39 Sec. \_\_\_\_\_. **NEW SECTION. 654.16A RIGHT OF FIRST**

40 REFUSAL FOLLOWING RECORDING OF SHERIFF'S DEED TO  
41 AGRICULTURAL LAND.

42 1. Not later than the time a sheriff's deed to  
43 agricultural land used for farming, as defined in  
44 section 175.2, is recorded, the grantee recording the  
45 sheriff's deed shall notify the mortgagor of the  
46 mortgagor's right of first refusal. The grantee shall  
47 record the sheriff's deed within one year and sixty  
48 days from the date of the sheriff's sale. A copy of  
49 this section, titled "Notice of Right of First  
50 Refusal" is sufficient notice.

Page 2

1 2. If, after a sheriff's deed is recorded, the  
2 grantee proposes to sell or otherwise dispose of the  
3 agricultural land, in a transaction other than a  
4 public auction, the grantee shall first offer the  
5 mortgagor the opportunity to repurchase the  
6 agricultural land on the same terms and at the same  
7 price that the grantee proposes to sell or dispose of  
8 the agricultural land. If the grantee seeks to sell  
9 or otherwise dispose of the agricultural land by  
10 public auction, the mortgagor must be given sixty  
11 days' notice of all of the following:  
12 a. The date, time, place, and procedures of the  
13 auction sale.  
14 b. Any minimum terms or limitations imposed upon  
15 the auction.  
16 3. The grantee is not required to offer the  
17 mortgagor financing for the purchase of the  
18 agricultural land.  
19 4. The mortgagor has ten business days after being  
20 given notice of the terms and price of the proposed  
21 sale or disposition, other than a public auction, in  
22 which to exercise the right to repurchase the  
23 agricultural land by submitting a binding offer to the  
24 grantee on the same terms as the proposed sale or  
25 other disposition, with closing to occur within thirty  
26 days after the offer unless otherwise agreed by the  
27 grantee. After the expiration of either the period  
28 for offer or the period for closing, without  
29 submission of an offer or a closing occurring, the  
30 grantee may sell or otherwise dispose of the  
31 agricultural land to any other person on the terms  
32 upon which it was offered to the mortgagor.  
33 5. Notice of the mortgagor's right of first  
34 refusal, a proposed sale, auction, or other  
35 disposition, or the submission of a binding offer by  
36 the mortgagor, is considered given on the date that  
37 notice or offer is personally served on the other  
38 party or on the date that notice or offer is mailed to

39 the other party's last known address by registered or  
 40 certified mail, return receipt requested. The right  
 41 of first refusal provided in this section is not  
 42 assignable, but may be exercised by the mortgagor's  
 43 successor in interest, receiver, personal  
 44 representative, executor, or heir only in case of  
 45 bankruptcy, receivership, or death of the mortgagor."  
 46 4. Page 6, by striking lines 7 through 10.  
 47 5. Page 6, lines 11 and 12, by striking the words  
 48 and figure "section 3 of".  
 49 6. Page 6, lines 17 and 18, by striking the words  
 50 and figure "section 4 of".

### Page 3

1 7. Page 6, by inserting after line 21 the  
 2 following:  
 3 "Sec. \_\_\_\_\_  
 4 Section 654.16A applies to all foreclosure actions  
 5 filed on or after the effective date of this Act, and  
 6 is retroactive to all foreclosure actions for which a  
 7 sheriff's sale has not been held on the effective date  
 8 of this Act."

The committee amendment H—5153 was adopted.

Svoboda of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 390)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cphoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud

Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, 1:

Stueland

Absent or not voting, 3:

Chapman

Jochum

Shoultz

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

The House resumed consideration of **Senate File 2049**, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty, previously deferred and placed on the unfinished business calendar.

Fey of Scott offered the following amendment H—5615 filed by the committee on human resources:

H—5615

1 Amend Senate File 2049, as passed by the Senate, as  
 2 foHows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. NEW SECTION. 135.23 LICENSURE OF  
 6 BLOOD COLLECTION, BLOOD PROCESSING, OR PLASMAPHERESIS  
 7 CENTERS.  
 8 A person shall not establish, conduct, manage, or  
 9 operate a blood collection, blood processing, or  
 10 plasmapheresis center without obtaining a license from  
 11 the board of pharmacy examiners. To obtain an Iowa  
 12 license, a blood collection, blood processing, or  
 13 plasmapheresis center shall provide verification of  
 14 current licensure or proper registration with the  
 15 United States food and drug administration and shall  
 16 comply with all applicable federal regulations. Each  
 17 blood collection, blood processing, or plasmapheresis  
 18 center shall submit to the board of pharmacy  
 19 examiners, on an ongoing basis, copies of the center's  
 20 most recent proficiency testing results and on-site  
 21 inspection reports required for licensure,  
 22 registration, or accreditation with the United States  
 23 food and drug administration, the American association

24 of blood banks, the centers for disease control of the  
25 United States department of health and human services,  
26 the college of American pathologists, or the joint  
27 commission on accreditation of health care organi-  
28 zations. The purpose of the reports is to ensure  
29 compliance with the federal licensure, registration,  
30 or accreditation requirements. The department shall  
31 provide technical assistance to blood collection,  
32 blood processing, and plasmapheresis centers to ensure  
33 compliance with the requirements of the organizations  
34 named pursuant to this section."

35 2. Title page, by striking lines 1 through 5, and  
36 inserting the following: "An Act relating to the  
37 licensing of blood collection, blood processing, and  
38 plasmapheresis centers."

Fey of Scott asked and received unanimous consent to withdraw amendment H—5722, to the committee amendment H—5615, filed by him on March 15, 1990.

Spear of Lee offered amendment H—5681, to the committee amendment H—5615, filed by him. Division was requested as follows:

H—5681

- 1 Amend the amendment, H—5615, to Senate File 2049,
- 2 as passed by the Senate, as follows:

H—5681A

- 3 1. Page 1, line 11, by striking the words "board
- 4 of pharmacy examiners" and inserting the following:
- 5 "department".
- 6 2. Page 1, lines 18 and 19, by striking the words
- 7 "board of pharmacy examiners" and inserting the
- 8 following: "department".

H—5681B

- 9 3. Page 1, by inserting after line 34, the
- 10 following:
- 11 "Notwithstanding the responsibilities of the board
- 12 of pharmacy examiners relating to prescriptions for
- 13 human blood, blood plasma, and blood products,
- 14 established under chapter 155A, the department shall
- 15 have exclusive responsibility for the licensing of
- 16 blood collection, blood processing, and plasmapheresis
- 17 centers."

Speaker Avenson in the chair at 4:54 p.m.

On motion by Spear of Lee, amendment H—5681A was adopted.

Fey of Scott offered the following amendment H—5872, to the committee amendment H—5615, filed by him and moved its adoption:

H—5872

- 1 Amend the amendment, H—5615, to Senate File 2049,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "section." the following: "The department may assess
- 5 an annual licensing fee of no more than one hundred
- 6 dollars."

Amendment H—5872 was adopted.

The House resumed consideration of amendment H—5681B.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5681B found on page 1539 of the House Journal.

Plasier of Sioux offered the following amendment H—5713, to the committee amendment H—5615, filed by him and moved its adoption:

H—5713

- 1 Amend amendment, H—5615, to Senate File 2049, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 34, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 1 of this Act is repealed July
- 6 1, 1991."
- 7 2. Page 1, line 38, by inserting after the word
- 8 "centers" the following: ", and providing for a
- 9 repeal".
- 10 3. By renumbering as necessary.

Amendment H—5713 was adopted.

On motion by Fey of Scott, the committee amendment H—5615, as amended, was adopted.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2049)

The ayes were, 66:

Adams	Arnould	Bennett	Bisignano
Black	Blanshan	Brammer	Brown
Carpenter	Cohoon	Connors	Daggett
De Groot	Diemer	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Harbor	Hatch	Haverland

Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schneklath	Schrader
Shearer	Sherzan	Siegrist	Spear
Spenner	Tabor	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, 34:

Banks	Beaman	Beatty	Brand
Branstad	Buhr	Chapman	Clark
Corbett	Doderer	Dvorsky	Garman
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Iverson	Kremer	Lundby
McKean	Neuhauser	Nielsen	Pellett
Peters	Renken	Royer	Shoning
Shoultz	Stueland	Svoboda	Swartz
Teaford	Trent		

Absent or not voting, none.

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

Bennett of Ida in the chair at 5:09 p.m.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Haverland of Polk called up for consideration **House File 2371**, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, amended by the Senate amendment H—5909 as follows:

H-5909

1 Amend House File 2371, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, line 5, by striking the word "For" and  
4 inserting the following: "a. For".

5 2. Page 2, line 8, by striking the figure  
6 "351,000" and inserting the following: "211,000".

7 3. Page 2, by striking lines 10 and 11 and  
8 inserting the following:

9 "b. For the displaced homemaker program:  
10 .....\$ 140,000".

11 4. Page 3, line 24, by striking the figure  
12 "500,000" and inserting the following: "400,000".

13 5. Page 3, line 25, by striking the figure "1.50"  
14 and inserting the following: "1.00".

15 6. Page 3, line 27, by striking the figure  
16 "400,000" and inserting the following: "300,000".

17 7. Page 4, by inserting after line 13, the  
18 following:

19 "(3) Grants awarded under this paragraph shall be  
20 awarded on a competitive basis to fund low-income  
21 youth programs in both urban and rural areas  
22 throughout the state."

23 8. Page 4, by striking line 14, and inserting the  
24 following:

25 "b. Of the amount appropriated under this  
26 subsection, \$100,000".

27 9. Page 4, line 17, by inserting after the word  
28 "state." the following: "Grants awarded under this  
29 paragraph shall be awarded on a competitive basis."

30 10. Page 4, by striking line 18, and inserting  
31 the following:

32 "c. Of the funds appropriated under this  
33 subsection, 8".

34 11. Page 4, by inserting after line 20, the  
35 following:

36 "d. Notwithstanding section 8.33, moneys  
37 appropriated under this subsection for the fiscal year  
38 beginning July 1, 1990, shall not revert to the  
39 general fund of the state at the end of the fiscal  
40 year but shall be available for expenditure during the  
41 fiscal year beginning July 1, 1991, for the purposes  
42 designated.

43 Sec. 200.

44 Notwithstanding section 8.33, moneys appropriated  
45 from the jobs now account for the fiscal year  
46 beginning July 1, 1989, pursuant to section 99E.32,  
47 subsection 5, paragraph "w", which remain unexpended  
48 on June 30, 1990, shall not revert to any fund but  
49 shall be available for expenditure for the purposes  
50 designated during the fiscal year beginning July 1,

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1 1990, and shall be in addition to any other moneys  
2 available for those purposes."

3 12. Page 5, line 24, by striking the words "A  
4 local" and inserting the following: "As a condition,  
5 qualification, and limitation of the funds  
6 appropriated by this subsection, a local".

7 13. By striking page 5, line 31, through page 6,  
8 line 6, and inserting the following:

9 "6. a. For existing retired senior volunteer  
10 program projects:  
11 .....\$ 58,000

12 b. For two additional retired senior volunteer  
13 program projects:  
14 .....\$ 25,000".

15 14. Page 7, line 20, by striking the figure  
16 "838,000" and inserting the following: "829,096".

17 15. Page 7, line 33, by striking the figure  
18 "1,177,000" and inserting the following: "1,171,296".

19 16. Page 9, line 14, by striking the figure  
20 "2,677,000" and inserting the following: "2,484,709".

21 17. Page 9, line 15, by striking the figure  
22 "79.50" and inserting the following: "78.50".

23 18. Page 9, line 32, by striking the figure  
24 "50,000" and inserting the following: "10,000".

25 19. By striking page 11, line 23, through page  
26 12, line 24.

27 20. Page 12, line 29, by striking the figure  
28 "644,000" and inserting the following: "639,748".

29 21. Page 12, by inserting after line 30 the  
30 following:

31 "Sec. \_\_\_\_\_. INSPECTIONS - AUTHORIZATION OF  
32 INVESTIGATOR.

33 As a condition, limitation and qualification of the  
34 appropriation contained in this subsection, the  
35 department of inspections and appeals shall assign an  
36 additional investigator from the department of  
37 inspections and appeals to conduct investigations  
38 under the purview of the boards within the division of  
39 professional licensure of the Iowa department of  
40 public health."

41 22. Page 12, line 35, by striking the figure  
42 "225,000" and inserting the following: "223,428".

43 23. Page 13, line 6, by striking the figure  
44 "980,000" and inserting the following: "971,955".

45 24. Page 13, line 12, by striking the figure  
46 "781,000" and inserting the following: "773,995".

47 25. Page 13, line 18, by striking the figure  
48 "612,000" and inserting the following: "606,268".

49 26. Page 13, line 33, by striking the figure  
50 "519,000" and inserting the following: "514,012".

## Page 3

- 1 27. Page 14, line 6, by striking the figure  
2 "3,957,000" and inserting the following: "3,945,020".  
3 28. Page 14, line 17, by striking the figure  
4 "149,000" and inserting the following: "124,000".  
5 29. Page 15, line 12, by striking the figure  
6 "1,725,000" and inserting the following: "1,750,000".  
7 30. Page 15, line 16, by striking the words "the  
8 areas surrounding" and inserting the following: "and  
9 surrounding the areas of".  
10 31. By striking page 22, line 30, through page  
11 23, line 31.  
12 32. By striking page 24, line 28, through page  
13 25, line 2.  
14 33. Page 25, by inserting before line 3, the  
15 following:  
16 "Sec. 100. 1989 Iowa Acts, chapter 304, section  
17 1108, is amended to read as follows:  
18 SEC. 1108. PRIMARY AND PREVENTIVE HEALTH CARE FOR  
19 CHILDREN. If division II and section 1101 of this Act  
20 are enacted, there is appropriated from the general  
21 fund of the state to the Iowa department of public  
22 health for the fiscal period beginning October 1,  
23 1989, and ending June 30, 1990, \$300,000 and in the  
24 fiscal years beginning July 1, 1990, and July 1, 1991,  
25 \$450,000, or so much thereof as is necessary, to be  
26 used for the purposes designated:  
27 For the public purpose of providing a renewable  
28 grant, following a request for proposals, to a  
29 statewide charitable organization within the meaning  
30 of section 501(c)(3) of the Internal Revenue Code  
31 which was organized prior to April 1, 1989, and has as  
32 one of its purposes the sponsorship or support for  
33 programs designed to improve the quality, awareness,  
34 and availability of health care for the young, to  
35 serve as the funding mechanism for the provision of  
36 primary health care and preventive services to  
37 children in the state who are uninsured and who are  
38 not eligible under any public plan of health  
39 insurance, provided all of the following conditions  
40 are met:  
41 1. The organization shall provide a match in  
42 advance of each state dollar provided as follows:  
43 a. In the fiscal year beginning July 1, 1989, two  
44 dollars.  
45 b. In the fiscal year beginning July 1, 1990,  
46 three dollars.  
47 c. In the fiscal year beginning July 1, 1991, four  
48 dollars.  
49 2. The organization coordinates services with new  
50 or existing public programs and services provided by

**Page 4**

- 1 or funded by appropriate state agencies in an effort  
 2 to avoid inappropriate duplication of services and  
 3 ensure access to care to the extent as is reasonably  
 4 possible. The organization shall work with the Iowa  
 5 department of public health, family and community  
 6 health division, to ensure duplication is minimized.
- 7 3. The organization's governing board includes in  
 8 its membership representatives from the executive and  
 9 legislative branches of state government.
- 10 4. Grant funds are available as needed to provide  
 11 services and shall not be used for administrative  
 12 costs of the department or the grantee.
- 13 5. Notwithstanding section 8.33, funds  
 14 appropriated in this section which are unencumbered or  
 15 unobligated on June 30, 1990, shall not revert to the  
 16 general fund but shall remain available to the  
 17 department for the provision of maternal and child  
 18 health services purposes of this section during the  
 19 fiscal period beginning July 1, 1990."
- 20 34. Page 25, by inserting after line 24, the  
 21 following:  
 22 "Sec. \_\_\_\_\_  
 23 Sections 100 and 200 of this Act, being deemed of  
 24 immediate importance, take effect upon enactment."  
 25 35. Title page, line 4, by inserting after the  
 26 word "health" the following: ", and providing an  
 27 effective date".
- 28 36. By renumbering as necessary.

Haverland of Polk offered the following amendment H—5915, to the Senate amendment H—5909, filed by him from the floor and moved its adoption:

**H—5915**

- 1 Amend the Senate amendment, H—5909, to House File  
 2 2371, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, line 47, by striking the words  
 5 "paragraph "w"" and inserting the following:  
 6 "paragraph "v"".

Amendment H—5915 was adopted.

Carpenter of Pok offered the following amendment H—5930, to the Senate amendment H—5909, filed by her and Halvorson of Clayton from the floor and moved its adoption:

**H—5930**

- 1 Amend the Senate Amendment, H—5909, to House File

2 2371, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. By striking page 1, line 11, through page 2,  
5 line 2, and inserting the following:

6 "\_\_\_\_\_. By striking page 3, line 20, through page  
7 4, line 20."

8 2. Page 2, by inserting after line 14, the  
9 following:

10 "\_\_\_\_\_. By striking page 6, line 35 through page 7,  
11 line 9."

12 3. Page 4, by striking lines 23 and 24, and  
13 inserting the following:

14 "Section 100 of this Act, being deemed of immediate  
15 importance, takes effect upon enactment."

A non-record roll call was requested.

The ayes were 38, nays 44.

Amendment H—5930 lost.

Haverland of Polk offered the following amendment H—5929, to the Senate amendment H—5909, filed by him from the floor and moved its adoption:

H—5929

1 Amend the Senate amendment, H—5909, to House File

2 2371, as amended, passed, and reprinted by the House,

3 as follows:

4 1. Page 2, by striking lines 29 through 40.

Amendment H—5929 was adopted.

On motion by Haverland of Polk, the House concurred in the Senate amendment H—5909, as amended.

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

On the question "Shall the bill pass?" (H.F. 2371)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fuller	Garman

Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabör	Teaford	Trent	Tyrrell
Van Maanen	Wise	Bennett	
		Presiding	

The nays were, 2:

Eddie Plasier

Absent or not voting, 7:

Fogarty	Hatch	Jesse	Muhlbauer
Schrader	Shoultz	Stueland	

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

### MOTIONS TO RECONSIDER (Senate File 2048)

I move to reconsider the vote by which Senate File 2048 passed the House on March 28, 1990.

**BLACK** of Jasper

(Senate File 2049)

I move to reconsider the vote by which Senate File 2049 passed the House on March 28, 1990.

**FEY** of Scott

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 27, 1990. Had I been present, I would have voted "nay" on amendment H—5879 to House File 2543; amendment H—5664 to Senate File 2327; and "aye" on Senate File 2327.

**PAVICH** of Pottawattamie

I was necessarily absent from the House chamber on March 27 and March 28, 1990. Had I been present, I would have voted "aye" on House Files 2357, 2431, 2496, 2540, 2559 and Senate File 2327; "nay" on House File 2201.

SPENNER of Henry

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### IOWA DEPARTMENT OF TRANSPORTATION

The State Aircraft Pool Fiscal Year 1989 Summary Report, pursuant to Chapter 328.56(5), Code of Iowa.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Bruce Willemsen, Mitch Murphy, Carl Heller and Jeff Niehaus. By Avenson of Fayette.

Twenty-two twelfth grade students from Mormon Trail Senior High School, Garden Grove, accompanied by William Shuey. By Daggett of Adams and Brown of Lucas.

Brownie Troops 817 and 720, St. Theresa School, Des Moines, accompanied by Lynn O'Hern. By Holveck of Polk.

Forty-three sixth grade students from Manson Elementary School, Manson, accompanied by Gary L. Mays, Mrs. Scheffler and Mrs. Moeding. By Maulsby of Calhoun.

Twenty-five eighth grade students from Essex Junior High School, Essex. By Royer of Page.

Thirty-one twelfth grade students from Waco High School, Olds, accompanied by Greg Thomas. By Spenner of Henry.

Fifty fifth grade students from Grant Elementary School, Oskaloosa, accompanied by Margaret Mattix and Margaret Stoltzfus. By Van Maanen of Mahaska.

### SUBCOMMITTEE ASSIGNMENTS

Senate File 2411

Ways and Means: Groninga, Chair; Bennett and May.

**Senate File 2412**

Ways and Means: Murphy, Chair; Metcalf and Rosenberg.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**House File 2554**, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5924** March 28, 1990.

**COMMITTEE ON EDUCATION**

**Senate File 2410**, a bill for an act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5914** March 27, 1990.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

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

providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5936** March 28, 1990.

#### COMMITTEE ON TRANSPORTATION

**House File 2562**, a bill for an act relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5923** March 28, 1990.

#### COMMITTEE ON WAYS AND MEANS

**House File 2553**, a bill for an act relating to waste volume reduction and recycling, increasing the solid waste tonnage fee, providing for appropriation of the solid waste tonnage fees collected, and providing applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5928** March 28, 1990.

#### AMENDMENTS FILED

H-5910	H.F.	2558	Halvorson of Clayton
H-5911	S.F.	2163	Senate Amendment
H-5912	S.F.	2114	Hammond of Story
			Metcalf of Polk
			Carpenter of Polk
			Bisignano of Polk
			Teaford of Black Hawk
			Jay of Appanoose
			Osterberg of Linn
			Johnson of Winneshiek
H-5913	S.F.	2403	Peterson of Carroll
			Carpenter of Polk
			Banks of Plymouth
			Knapp of Dubuque
H-5914	S.F.	2410	Committee on Education
H-5916	S.F.	2407	Groninga of Cerro Gordo
H-5917	H.F.	2543	Corbett of Linn
H-5918	H.F.	2543	Bisignano of Polk

H—5919	S.F.	2114	Wise of Lee Tabor of Jackson
H—5920	H.F.	2553	Halvorson of Clayton
H—5922	H.F.	2320	Groninga of Cerro Gordo
H—5923	H.F.	2562	Committee on Transportation
H—5924	H.F.	2554	Committee on Appropriations
H—5925	H.F.	2554	Hammond of Story Tabor of Jackson
H—5926	S.F.	2286	Haverland of Polk Doderer of Johnson Brammer of Linn
H—5928	H.F.	2553	Committee on Ways and Means
H—5931	S.F.	2403	Muhlbauer of Crawford Shearer of Louisa
H—5932	H.F.	2320	Ollie of Clinton
H—5933	S.F.	2286	Halvorson of Webster Brand of Benton Corbett of Linn Daggett of Adams
H—5934	H.F.	156	Senate Amendment
H—5935	H.F.	2320	Groninga of Cerro Gordo
H—5936	S.F.	2413	Committee on Judiciary and Law Enforcement

On motion by Arnould of Scott, the House adjourned at 5:39 p.m., until 9:00 a.m., Thursday, March 29, 1990.

# JOURNAL OF THE HOUSE

Eighty-first Calendar Day — Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 29, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Dean Coffee, pastor of the Hanford Community Church, Hanford.

The Journal of Wednesday, March 28, 1990 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2186, a bill for an act relating to the receipt of assistance under certain economic development programs and providing civil penalties for certain violations.

Also: That the Senate has on March 28, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

Also: That the Senate has on March 28, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2402, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board.

JOHN F. DWYER, Secretary

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 110

Pursuant to House Rule 26, House Concurrent Resolution 110, a concurrent resolution relating to an endorsement by the General

Assembly for full federal funding for the fish and wildlife mitigation on the Missouri River, filed March 21, 1990, was adopted by unanimous consent.

**IMMEDIATE MESSAGE**  
(House File 2371)

Arnould of Scott asked and received unanimous consent that House File 2371 be immediately messaged to the Senate.

**SENATE AMENDMENT CONSIDERED**

Brammer of Linn called up for consideration **House File 2320**, a bill for an act relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, providing a special effective date, and authorizing civil penalties, amended by the Senate amendment H-5882 as follows:

H-5882

- 1 Amend House File 2320, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Sec. 102. Section 296.7, Code Supplement 1989, is
- 6 amended by striking the section and inserting in lieu
- 7 thereof the following:
- 8 296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED - TAX
- 9 LEVY.
- 10 1. A school district or merged area school
- 11 corporation may contract indebtedness and issue
- 12 general obligation bonds or enter into insurance
- 13 agreements obligating the school district or
- 14 corporation to make payments beyond its current budget
- 15 year for one or more of the following mechanisms to
- 16 protect the school district or corporation from tort
- 17 liability, loss of property, environmental hazards, or
- 18 any other risk associated with the operation of the
- 19 school district or corporation:
- 20 a. To procure or provide for a policy of
- 21 insurance.
- 22 b. To provide a self-insurance program.
- 23 c. To establish and maintain a local government
- 24 risk pool.
- 25 However, this subsection does not apply to an
- 26 insurance program described in subsection 3.
- 27 2. For purposes of subsection 1, an employee
- 28 benefit plan which includes a specific or aggregate
- 29 excess loss coverage or a program that self-insures
- 30 only a per-employee or per-family deductible for each

31 year and which transfers the risk remaining beyond  
32 this deductible is not a self-insurance program, but  
33 is instead an insurance program. As used in this  
34 section, an "employee benefit plan" includes, but is  
35 not limited to benefits for hospital and surgical,  
36 medical expense, major medical, dental, prescription  
37 drug, disability, or life insurance costs or benefits.

38 3. A school district, providing an insurance  
39 program as described in subsection 2, shall not  
40 contract indebtedness and issue general obligation  
41 bonds or enter into insurance agreements obligating  
42 the school district or corporation to make payments  
43 beyond its current budget year for that employee  
44 benefit plan. A school district may, however, apply  
45 to the school budget review committee for relief if  
46 necessitated by the expenses in the school district's  
47 insurance program as described in subsection 2.

48 4. Taxes may be levied in excess of any limitation  
49 imposed by statute for payment of one or more of the  
50 following authorized by subsection 1:

**Page 2**

1 a. Principal, premium, or interest on bonds.

2 b. Premium on an insurance policy, including a  
3 stop loss or reinsurance policy, except as limited by  
4 subsection 3.

5 c. Costs of a self-insurance program.

6 d. Costs of a local government risk pool.

7 e. Amounts payable under an insurance agreement.

8 However, for a school district, a tax levied under  
9 this section shall be included in the district  
10 management levy under section 298.4.

11 5. A self-insurance program or local government  
12 risk pool authorized by subsection 1 is not insurance  
13 and is not subject to regulation under chapters 505  
14 through 523C. However, those self-insurance plans  
15 regulated pursuant to section 509A.14 shall remain  
16 subject to the requirements of section 509A.14 and  
17 rules adopted pursuant to that section.

18 6. Notwithstanding the other provisions of this  
19 section or any other statute, the tax levy authorized  
20 by this section shall not be used to pay the costs of  
21 employee benefits, including, but not limited to costs  
22 for hospital and surgical, medical expense, major  
23 medical, dental, prescription drug, disability, or  
24 life insurance benefits.

25 7. If the board by resolution restricts the use of  
26 money in a fund as a reserve for uninsured liability  
27 or a self-insurance program, the use shall be  
28 restricted and unavailable for any other purpose until  
29 the board removes the restriction. The removal is not

30 effective until all obligations of the restricted fund  
31 have been satisfied, or the next fiscal year,  
32 whichever occurs later.

33 Sec. 103. Section 505.8, subsection 2, Code 1989,  
34 is amended to read as follows:

35 2. The commissioner shall, subject to the  
36 ~~provisions of chapter 17A~~, establish, publish, and  
37 enforce rules not inconsistent with the law for the  
38 enforcement of the ~~provisions~~ of this title and for  
39 the enforcement of the laws, the administration and  
40 supervision of which are imposed on the division,  
41 including rules to establish fees sufficient to  
42 administer the laws, where appropriate fees are not  
43 otherwise provided for in rule or statute, and as  
44 necessary to obtain from persons authorized to do  
45 business in the state or regulated by the division  
46 that data required pursuant to section 145.3 by the  
47 state health data commission.

48 Sec. 104. Section 507.14, Code 1989, is amended by  
49 striking the section and inserting in lieu thereof the  
50 following:

**Page 3**

1 507.14 CONFIDENTIAL DOCUMENTS — EXCEPTIONS.

2 A report, preliminary or final, of an examination  
3 of a domestic or foreign insurer, and all notes, work  
4 papers, or other documents related to an examination  
5 of an insurer are not public records under chapter 22  
6 except when sought by the insurer to whom they relate  
7 or an insurance regulator of another state, and shall  
8 be privileged and confidential in any judicial or  
9 administrative proceeding except any of the following:

10 1. An action commenced by the commissioner under  
11 chapter 507C.

12 2. An administrative proceeding brought by the  
13 insurance division under chapter 17A.

14 3. A judicial review proceeding under chapter 17A  
15 brought by an insurer to whom the records relate.

16 4. An action or proceeding which arises out of the  
17 criminal provisions of the laws of this state or the  
18 United States.

19 5. An action brought in a shareholders' derivative  
20 suit against an insurer.

21 6. An action brought to recover moneys or to  
22 recover upon an indemnity bond for embezzlement,  
23 misappropriation, or misuse of insurer funds.

24 Sec. 106. Section 507C.6, subsection 1, paragraph  
25 b, Code 1989, is amended to read as follows:

26 b. To make available to the commissioner any  
27 books, accounts, documents, or other records, or  
28 information, or property of or pertaining to the

29 insurer and in the commissioner's person's possession,  
30 custody, or control.

31 Sec. 107. Section 508.5, Code 1989, is amended to  
32 read as follows:

33 508.5 CAPITAL AND SURPLUS REQUIRED.

34 A stock life insurance company shall not be  
35 authorized to transact business under the provisions  
36 of this chapter with less than one two million five  
37 hundred thousand dollars capital stock fully paid for  
38 in cash and one two million five hundred thousand  
39 dollars of surplus paid in in cash or invested as  
40 provided by law. A stock life insurance company shall  
41 not increase its capital stock unless the amount of  
42 the increase is fully paid in cash. The stock shall  
43 be divided into shares of not less than one dollar par  
44 value each.

45 Sec. 108. Section 508.9, Code 1989, is amended to  
46 read as follows:

47 508.9 MUTUAL COMPANIES - CONDITIONS.

48 Level premium and natural premium life insurance  
49 companies organized under the laws of this state upon  
50 the mutual plan shall, before issuing policies, have

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1 actual applications on at least two hundred and fifty  
2 lives for an average amount of one thousand dollars  
3 each. A list of the applications giving the name,  
4 age, residence, amount of insurance, and annual  
5 premium of each applicant shall be filed with the  
6 commissioner of insurance, and a deposit made with the  
7 commissioner of an amount equal to three-fifths of the  
8 whole annual premium on the applications, in cash or  
9 the securities required by section 508.5. In  
10 addition, a deposit of cash or securities of the  
11 character provided by law for the investment of funds  
12 for life insurance companies in the sum of two five  
13 million dollars shall be made with the commissioner,  
14 which shall constitute a guaranty fund for the  
15 protection of policyholders. In no event shall the  
16 contribution to the guaranty fund shall not give  
17 to contributors to the fund or to other persons any  
18 voting or other power in the management of the affairs  
19 of the company. The guaranty fund may be repaid to  
20 the contributors thereto to the guarantee fund with  
21 interest at six percent from the date of contribution,  
22 at any time, in whole or in part, provided if the  
23 repayment does not reduce the surplus of the company  
24 below the amount of two million dollars and then only  
25 provided if consent in writing for the repayment is  
26 obtained from the commissioner of insurance. Upon  
27 compliance with the provisions of this section, the

28 commissioner shall issue to the mutual company the  
29 certificate prescribed in this chapter.

30 Sec. 109. Section 508B.1, subsection 4, paragraph  
31 a, Code 1989, is amended to read as follows:

32 a. "Plan of conversion" or "conversion plan" means  
33 a plan authorized by section 508B.3 and, in the case  
34 of plans authorized by section 508B.3, subsections 1  
35 and 3, includes a procedure by which the mutual  
36 company's participating policies and contracts in  
37 force on the effective date of the conversion plan are  
38 operated by the reorganized company as a closed block  
39 of participating business for the exclusive benefit of  
40 the policies and contracts included, for dividend  
41 purposes only; to which are allocated assets of the  
42 mutual company in an amount which together with  
43 anticipated revenue from the business is reasonably  
44 expected to be sufficient to support the business;;  
45 and which includes, but is not limited to, provisions  
46 for payment of claims and reasonable expenses, and  
47 provisions for continuation of current payable  
48 dividend scales if the experience underlying the  
49 scales continues, and a procedure for appropriate  
50 adjustments in the scales if the experience changes.

**Page 5**

1 However, at the option of the mutual company, some or  
2 all classes of group policies and contracts shall not  
3 be placed in the closed block but shall continue to be  
4 eligible to receive dividends based on the experience  
5 of such the class or classes.

6 Sec. 110. Section 508B.2, unnumbered paragraph 3,  
7 Code 1989, is amended to read as follows:

8 In lieu of selecting a plan of conversion provided  
9 for in this chapter, a mutual company may convert to a  
10 stock company pursuant to a plan approved by the  
11 commissioner. The commissioner or the mutual company  
12 may use any provisions or combination of provisions  
13 provided for a plan in this chapter and may adopt any  
14 other provisions which are not unfair or inequitable  
15 to the policyholders of the mutual company. If a  
16 mutual company selects this procedure for conversion  
17 purposes, the mutual company shall reimburse the state  
18 for expenses incurred by the division in connection  
19 with the conversion plan except for expenses that are  
20 normal operating expenses of the division.

21 Sec. 111. Section 508B.3, subsection 2, paragraph  
22 a, Code 1989, is amended to read as follows:

23 a. The mutual company's participating business,  
24 comprised of its participating policies and contracts  
25 in force on the effective date of the conversion,  
26 shall be operated by the reorganized insurer as a

27 closed block of participating business. However, at  
 28 the option of the mutual company, group policies and  
 29 group contracts may be omitted from the closed block.

30 Sec. 112. Section 508B.3, subsection 2, paragraph  
 31 e, Code 1989, is amended to read as follows:

32 e. The reorganized company or its parent  
 33 corporation shall issue and sell shares of one or more  
 34 classes having a total price equal to the estimated  
 35 value in the market on the initial offering date of  
 36 such the shares.

37 Sec. 113. Section 508B.3, subsection 2, paragraph  
 38 g, Code 1989, is amended to read as follows:

39 g. If a purchaser or a group of purchasers acting  
 40 in concert is to attain such control in the initial  
 41 offering, the mutual company shall not, directly or  
 42 indirectly, pay for any of the costs or expenses of  
 43 the proposed conversion of the mutual company, whether  
 44 or not the conversion is effected.

45 Sec. 114. Section 508B.3, subsection 3, paragraph  
 46 b, Code 1989, is amended to read as follows:

47 b. The participating policyholders' consideration  
 48 shall be based on the latest annual statement, updated  
 49 to the effective date of the conversion plan, and  
 50 filed prior to the effective date of the adoption by

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1 the board of directors of the plan of conversion and  
 2 The policyholders' consideration shall be equal to the  
 3 excess of both of the following:

4 (1) The total amount of the mutual company's  
 5 assets accumulated from the operations of  
 6 participating policies and contracts in force on the  
 7 date of the statement over the sum of the total amount  
 8 of assets allocated to the participating business.

9 (2) An amount equal to reserves and other  
 10 liabilities attributable to any group participating  
 11 policies and contracts not included in the closed  
 12 block of participating business sum of the total  
 13 amount of assets allocated to the participating  
 14 business and an amount equal to reserves and other  
 15 liabilities attributable to any group participating  
 16 policies and contracts not included in the closed  
 17 block of participating business.

18 Sec. 115. Section 508B.3, subsection 3, paragraph  
 19 j, Code 1989, is amended to read as follows:

20 j. The liquidation account referred to in  
 21 paragraph "c" must be equal to the excess of the total  
 22 amount of the assets of the mutual company as of the  
 23 effective date of the conversion over the sum of the  
 24 total amount of assets allocated to the closed block  
 25 of participating business and the policyholders'

26 consideration and other reserves and liabilities  
27 attributed to policies and contracts not included in  
28 the amount attributable to policies and contracts in  
29 force on that effective date. The determinations  
30 shall be based on the latest annual statement of the  
31 mutual company, updated to the effective date, and  
32 filed before the effective date of the conversion  
33 plan. The function of the liquidation account ~~shall~~  
34 ~~be is~~ solely to establish a priority on liquidation  
35 and its existence ~~shall does not operate to~~ restrict  
36 the use or application of the surplus of the  
37 reorganized company except as specified in paragraph  
38 "j". The liquidation account shall be allocated  
39 equally as of the effective date of conversion among  
40 the then participating policyholders. The amount  
41 allocated to ~~any~~ a policy or contract shall not  
42 increase and shall be reduced to zero when the policy  
43 or contract terminates. In the event of a complete  
44 liquidation of the reorganized company, the  
45 policyholders among which the liquidation account is  
46 allocated ~~shall be~~ are entitled to receive a  
47 liquidation distribution in the then amount of the  
48 liquidation account before any liquidation  
49 distribution is made with respect to shares.  
50 Sec. 116. Section 508B.3, subsection 3, paragraph

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1 k, Code 1989, is amended to read as follows:  
2 k. At the option of the mutual company, the  
3 consideration to be given in exchange for the  
4 policyholders' membership interest ~~or into which the~~  
5 ~~membership is to be converted interests~~ may consist of  
6 cash, securities of the reorganized company,  
7 securities of another institution; a certificate of  
8 contribution, additional life insurance, annuity  
9 benefits, increased dividends, or other consideration  
10 or any combination of forms of consideration. The  
11 consideration, if any, given to ~~any a class or~~  
12 category of ~~policyholder~~ policyholders may differ from  
13 the consideration given to another class or category  
14 of policyholders. The certificate of contribution  
15 shall be repayable in ten years, equal to one hundred  
16 percent of the value of the policyholders' membership  
17 interest, and bear interest at the highest rate  
18 charged by the reorganized company for policy loans on  
19 the effective date of the conversion.  
20 Sec. 117. Section 508B.5, unnumbered paragraph 2,  
21 Code 1989, is amended to read as follows:  
22 The consultant may assist in determining the equity  
23 ~~or value of the policyholders and~~ or value of the  
24 mutual company. The consultant may consider the value

25 of the consideration to be given to the participating  
 26 policyholders in exchange for their membership  
 27 interests or into which the membership interest is to  
 28 be converted and may consider the valuations necessary  
 29 to carry out the plans provided for in section 508B.3.  
 30 Valuations shall be made taking into account the  
 31 latest filed annual statement of the mutual company,  
 32 updated to the effective date of the conversion plan,  
 33 and any significant developments occurring subsequent  
 34 to the date of the statement.

35 Sec. 118. Section 508B.7, Code 1989, is amended to  
 36 read as follows:

37 **508B.7 REVIEW OF PLAN BY COMMISSIONER — HEARING**  
 38 **AUTHORIZED — APPROVAL.**

39 The commissioner of insurance shall review the  
 40 plan. The commissioner shall approve the plan if the  
 41 commissioner finds the plan complies with all  
 42 provisions of law, is not unfair or inequitable to the  
 43 mutual company and its policyholders, and that the  
 44 reorganized company will have the amount of capital  
 45 and surplus deemed by the commissioner to be  
 46 reasonably necessary for its future solvency. The  
 47 commissioner may order a hearing on the fairness and  
 48 equity of the terms of the plan after giving written  
 49 notice of the hearing to the mutual company, its  
 50 policyholders, and other interested persons, all of

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1 whom have the right to appear at the hearing. Costs  
 2 incurred in connection with the notice shall be paid  
 3 by the company.

4 Sec. 119. Section 508B.13, Code 1989, is amended  
 5 to read as follows:

6 **508B.13 PROHIBITIONS ON CERTAIN OFFERS TO ACQUIRE**  
 7 **SHARES.**

8 Prior to and for a period of five years following  
 9 the effective date of the conversion, and in the case  
 10 of the plans of conversion specified in subsections 1  
 11 and 3 of section 508B.3, five years following the date  
 12 of distribution of consideration to the policyholders  
 13 in exchange for their membership interests, an officer  
 14 or director, including family members and their  
 15 spouses, of the mutual company or the reorganized  
 16 company a person, shall not directly or indirectly  
 17 acquire or offer to acquire or acquire the beneficial  
 18 ownership of the reorganized company unless the  
 19 acquisition is made pursuant to a stock option plan  
 20 approved by the commissioner, made pursuant to the  
 21 plan of conversion, or made after the initial public  
 22 offering from a broker or dealer of registered  
 23 securities with the securities and exchange commission

24 at the quoted price on the date of purchase. An  
25 approved plan may include a stock option plan. As  
26 used in this section, "beneficial ownership" means,  
27 with respect to ~~any~~ a security, the sole or shared  
28 power to vote or direct the voting of the security or  
29 the sole power to dispose or direct the disposition of  
30 the security, and "family member" includes a brother,  
31 sister, spouse, parent, grandparent, ancestor, or  
32 descendant of the officer or director.

33 Sec. 120. Section 508B.14, unnumbered paragraph 2,  
34 Code 1989, is amended to read as follows:

35 The reorganized company or ~~any~~ a defendant may  
36 require the plaintiff petition the court in such an  
37 action to give security for the reasonable attorney  
38 fees which may be incurred by any party to the action.  
39 The amount of the security may be increased or  
40 decreased in the discretion of the court having  
41 jurisdiction if a showing is made that the security  
42 provided is or may become inadequate or excessive.

43 Sec. 121. Section 508C.5, subsection 6, unnumbered  
44 paragraph 1, Code 1989, is amended to read as follows:

45 "Impaired insurer" means a member insurer domiciled  
46 in this state which, after July 1, 1987, is either of  
47 the following:

48 Sec. 122. Section 508C.5, subsection 7, Code 1989,  
49 is amended to read as follows:

50 7. "Insolvent insurer" means a member insurer

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1 which, after July 1, 1987, becomes insolvent and is  
2 placed under a final order of liquidation,  
3 rehabilitation, or ~~conservation~~ by a court of  
4 competent jurisdiction.

5 Sec. 123. Section 508C.8, subsection 1, unnumbered  
6 paragraph 1, Code 1989, is amended to read as follows:

7 If a domestic, foreign, or alien insurer is an  
8 impaired insurer, the association, subject to  
9 conditions imposed by the association and approved by  
10 the impaired insurer and the commissioner, may:

11 Sec. 124. Section 508C.8, subsection 2, Code 1989,  
12 is amended by striking the subsection and inserting in  
13 lieu thereof the following:

14 2. a. If a domestic, foreign, or alien insurer is  
15 an impaired insurer and the insurer is not paying  
16 claims timely, then, subject to the approval of the  
17 commissioner and to the preconditions specified in  
18 this subsection, the association may do either or both  
19 of the following:

20 (1) Take any of the actions specified in  
21 subsection 1, subject to the conditions in that  
22 subsection.

23 (2) Provide substitute benefits in lieu of the  
24 contractual obligations of the impaired insurer solely  
25 for health claims, periodic annuity benefits, death  
26 benefits, supplemental benefits, and cash withdrawals  
27 for policy or contract owners who petition for the  
28 benefits under claims of emergency or hardship in  
29 accordance with standards proposed by the association  
30 and approved by the commissioner.

31 b. The association is subject to this subsection  
32 only if all of the following conditions are met:

33 (1) The laws of the state of domicile provide that  
34 until all payments of or on account of the impaired  
35 insurer's contractual obligations by all guaranty  
36 associations, along with all interest on the payments  
37 and expenses have been repaid to the guaranty  
38 associations or a plan of repayment by the impaired  
39 insurer has been approved by the guaranty associations  
40 all of the following apply:

41 (a) The delinquency proceeding shall not be  
42 dismissed.

43 (b) Neither the impaired insurer nor its assets  
44 shall be returned to the control of its shareholders  
45 or private management.

46 (c) The impaired insurer shall not be permitted to  
47 solicit or accept new business or have any suspended  
48 or revoked license restored.

49 (2) If the impaired insurer is a domestic insurer  
50 it has been placed under an order of rehabilitation by

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1 a court of competent jurisdiction in this state; or,  
2 if the impaired insurer is a foreign or alien insurer  
3 it has been prohibited from soliciting or accepting  
4 new business in this state, its certificate of  
5 authority has been suspended or revoked in this state,  
6 and a petition for rehabilitation or liquidation has  
7 been filed in a court of competent jurisdiction in its  
8 state or nation of domicile by the commissioner of  
9 that state or similar authority in an alien nation.

10 Sec. 125. Section 508C.9, subsection 3, paragraph  
11 a, Code 1989, is amended to read as follows:

12 a. The amount of a class A assessment shall be  
13 determined by the board and to the extent that class A  
14 assessments do not exceed one hundred dollars per  
15 company in any one calendar year may be made on a per  
16 capita basis. The assessment shall be credited  
17 against future insolvency assessments. The amount of  
18 a class B assessment shall be allocated for assessment  
19 purposes among the accounts as the liabilities and  
20 expenses of the association, either experienced or  
21 reasonably expected, are attributable to those

22 accounts, all as determined by the association and on  
23 as equitable a basis as is reasonably practical.

24 Sec. 126. Section 508C.9, subsection 3, paragraph

25 b, Code 1989, is amended to read as follows:

26 b. Class A assessments in excess of one hundred  
27 dollars per company per calendar year and class B  
28 assessments against member insurers for each account  
29 shall be in the proportion that the aggregate premiums  
30 received on business in this state by each assessed  
31 member insurer on policies or contracts related to  
32 that account for the three most recent calendar years  
33 for which information is available, preceding the year  
34 of impairment or insolvency in which the insurer  
35 became impaired or insolvent, bear to is to the  
36 aggregate premiums received on business in this state  
37 by all assessed member insurers on policies related to  
38 that account for the three most recent calendar years  
39 for which information is available preceding the  
40 assessment.

41 Sec. 127. Section 508C.9, subsection 5, paragraph

42 a, Code 1989, is amended to read as follows:

43 a. The total of all assessments upon a member  
44 insurer for each account shall not in any one calendar  
45 year exceed two percent of the insurer's premiums  
46 received in this state during the calendar year  
47 preceding the assessment three most recent calendar  
48 years for which information is available, preceding  
49 the year in which the insurer becomes impaired or  
50 insolvent, on the policies related to that account.

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1 If the maximum assessment for any an account, together  
2 with the other assets of the association in the  
3 account, does not provide in any one year in the  
4 account an amount sufficient to carry out the  
5 responsibilities of the association, the necessary  
6 additional funds shall be assessed for the account as  
7 soon thereafter in succeeding years as soon as  
8 permitted by this chapter.

9 Sec. 128. Section 508C.13, subsection 5, paragraph

10 b, Code 1989, is amended to read as follows:

11 b. ~~Stock dividends~~ Distributions are not  
12 recoverable if the insurer shows that when paid the  
13 ~~distribution was~~ distributions were lawful and  
14 reasonable and that the insurer did not know and could  
15 not reasonably have known that the ~~distribution~~  
16 distributions might adversely affect the ability of  
17 the insurer to fulfill its contractual obligations.

18 Sec. 129. Section 509.16, Code 1989, is amended to  
19 read as follows:

20 509.16 PREMIUM RATES APPROVED.

21 No An individual policy of credit life or credit  
22 accident and health insurance or certificate under a  
23 policy of group credit life or credit accident and  
24 health insurance shall not be issued for delivery or  
25 delivered in this state unless the premium rates  
26 charged for the insurance are approved by the  
27 commissioner of insurance.

28 The commissioner of insurance, after notice and  
29 hearing, may adopt rules as are necessary to identify  
30 specific methods of competition or acts or practices  
31 within the business of credit life and credit accident  
32 and health insurance which are unfair or deceptive.

33 Sec. 130. Section 509.17, subsection 2, Code 1989,  
34 is amended to read as follows:

35 2. Due consideration shall be given to past and  
36 prospective loss experience within and outside this  
37 state; to a reasonable margin for underwriting profit  
38 and contingencies, to past and prospective expenses  
39 both countrywide and those especially applicable to  
40 this state, and to all other relevant factors within  
41 and outside this state, but rates shall be deemed  
42 reasonable under this section and section 509.16 if  
43 they reasonably may be expected to produce a ratio of  
44 fifty percent by dividing claims incurred by premiums  
45 earned.

46 Sec. 131. Section 509.17, subsection 3, Code 1989,  
47 is amended to read as follows:

48 3. The commissioner shall, after a public hearing,  
49 approve a reasonable charge or premium for credit  
50 accident and health insurance and for credit life

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1 insurance as the commissioner deems appropriate and  
2 necessary for the implementation of this section. A  
3 charge or premium of not more than sixty-five cents  
4 per annum per one hundred dollars of the initial  
5 amount of decreasing term credit life insurance, or  
6 its actuarial equivalent for credit life insurance  
7 written on other than the decreasing term basis, shall  
8 be conclusively presumed to meet the requirements of  
9 this section.

10 Sec. 132. NEW SECTION. 509.17A SMALL GROUP  
11 RATING.

12 1. The commissioner shall with all due diligence  
13 adopt by rule the recommendations of the national  
14 association of insurance commissioners concerning life  
15 and accident or health insurance rating practices for  
16 small employer groups, provided that the final  
17 recommendations are generally consistent with the  
18 following principles:

- 19 a. Better disclosure to the group of the insurer's  
20 group rating practices.
- 21 b. Limits on the amount of rate increase that can  
22 be based upon the group's own claim experience in the  
23 small group market.
- 24 c. Actuarial certification that the insurer's  
25 rating practices meet the requirements of the national  
26 association of insurance commissioners and meet  
27 generally accepted actuarial practice.
- 28 2. Specific limitations which may be contained in  
29 the rules adopted pursuant to subsection 1 include,  
30 but are not limited to, the following:
- 31 a. The annual rate increase for a group cannot  
32 exceed the change in the block's new business rate  
33 level plus a fixed percentage of the average rate  
34 level for the block.
- 35 b. The maximum renewal rate within a block of  
36 business cannot exceed the average rate for that block  
37 of business by more than a fixed percentage.
- 38 c. The maximum renewal rate in any block of  
39 business of an insurer cannot exceed the lowest new  
40 business rate for any block of business for that  
41 insurer by more than a fixed percentage.
- 42 d. Other limits on tier and duration rating  
43 practices.
- 44 3. Within six months of adopting any rule pursuant  
45 to subsection 1, the commissioner shall prepare a  
46 report to the general assembly regarding the success,  
47 if any, of the rules, and make such recommendations as  
48 necessary, including offering proposed legislation, to  
49 effectuate the general assembly's goals of reducing  
50 the potential for abuse in charging higher than

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- 1 actuarially justified rates for some small groups and  
2 in underpricing for new small group business.
- 3 Sec. 133. Section 514A.3, subsection 1, paragraph  
4 m, unnumbered paragraph 3, Code 1989, is amended to  
5 read as follows:
- 6 ~~(In addition to incorporating the The foregoing~~  
7 ~~provision into the policy, the insurer shall deliver~~  
8 ~~to the insured at the time of delivery of the policy a~~  
9 ~~duplicate statement of the foregoing provision which~~  
10 ~~shall be contained in conspicuous print on a separate~~  
11 ~~and otherwise blank sheet of paper.) shall be~~  
12 prominently printed on the first page of the policy or  
13 attached to the policy.
- 14 Sec. 134. NEW SECTION. 514D.9 REGULATIONS  
15 REGARDING LIMITATION ON COMPENSATION.
- 16 The commissioner shall issue rules to establish  
17 minimum standards to assure fair and reasonable

18 benefits, claim payment, marketing practices, and  
 19 compensation arrangements and reporting practices for  
 20 the following classes of policies:

- 21 1. Medicare supplement insurance.
- 22 2. Nursing home insurance.
- 23 3. Long-term care insurance.

24 Sec. 135. Section 515.8, Code 1989, is amended to  
 25 read as follows:

26 515.8 PAID-UP CAPITAL REQUIRED.

27 An insurance company other than a life insurance  
 28 company shall not be incorporated to transact business  
 29 upon the stock plan with less than one two million  
 30 five hundred thousand dollars capital, the entire  
 31 amount of which shall be fully paid up in cash and  
 32 invested as provided by law. An insurance company  
 33 other than a life insurance company shall not increase  
 34 its capital stock unless the amount of the increase is  
 35 fully paid up in cash. The stock shall be divided  
 36 into shares of not less than one dollar each.

37 Sec. 136. Section 515.10, Code 1989, is amended to  
 38 read as follows:

39 515.10 SURPLUS REQUIRED.

40 An insurance company other than a life insurance  
 41 company shall have, in addition to the required paid-  
 42 up capital, a surplus in cash or invested in  
 43 securities authorized by law of not less than one two  
 44 million five hundred thousand dollars. If the  
 45 commissioner of insurance finds that a company offers  
 46 or plans to offer only one kind of insurance the  
 47 commissioner may reduce the amount of surplus  
 48 required, but in no event shall it be reduced to less  
 49 than three hundred thousand dollars.

50 Sec. 137. Section 515.11, Code 1989, is amended to

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1 read as follows:

2 515.11 PROHIBITED LOANS.

3 No part of the capital referred to Capital,  
 4 surplus, funds, or other assets, or any part of any or  
 5 all of the foregoing, shall not be directly or  
 6 indirectly loaned to any an officer, director,  
 7 stockholder, or employee of the a company or to a  
 8 relative of any an officer or director of the a  
 9 company.

10 Sec. 138. Section 515.12, subsection 5, Code 1989,  
 11 is amended to read as follows:

12 5. The mutual company shall have in cash or in  
 13 securities in which insurance companies are authorized  
 14 to invest, surplus in an amount not less than two five  
 15 million dollars. The surplus so required may be  
 16 advanced in accordance with the provisions of section  
 17 515.19.

18 ~~Provided, however, that such~~ However, the surplus  
19 requirements shall do not apply to a company which  
20 establishes and maintains a guaranty fund as provided  
21 by section 515.20.

22 Sec. 139. Section 515.70, Code 1989, is amended by  
23 adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. An alien insurer, with  
25 the approval of the commissioner, may be treated as a  
26 domestic insurer of this state in whole or in part.  
27 The approval of the commissioner may be based upon  
28 such factors as:

29 1. Maintenance of an appropriate trust account,  
30 surplus account, or other financial mechanism in this  
31 state.

32 2. Maintenance of all books and records of United  
33 States operations in this state.

34 3. Maintenance of a separate financial reporting  
35 system for its United States operations.

36 4. Any other provisions deemed necessary by the  
37 commissioner.

38 Sec. 140. Section 515.80, Code 1989, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 515.80 FORFEITURE OF POLICIES — NOTICE.

42 A policy or contract of insurance, unless otherwise  
43 provided in section 515.81A or 515.81B, provided for  
44 in this chapter shall not be forfeited, suspended, or  
45 canceled except by notice to the insured as provided  
46 in this chapter. A notice of cancellation is not  
47 effective unless mailed or delivered by the insurer to  
48 the named insured at least twenty days before the  
49 effective date of cancellation, or, where cancellation  
50 is for nonpayment of a premium, assessment, or

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1 installment provided for in the policy, or in a note  
2 or contract for the payment thereof, at least ten days  
3 prior to the date of cancellation. The notice may be  
4 made in person, or by sending by mail a letter  
5 addressed to the insured at the insured's address as  
6 given in or upon the policy, anything in the policy,  
7 application, or a separate agreement to the contrary  
8 notwithstanding.

9 An insurer shall not fail to renew a policy except  
10 by notice to the insured as provided in this chapter.  
11 A notice of intention not to renew is not effective  
12 unless mailed or delivered by the insurer to the named  
13 insured at least thirty days prior to the expiration  
14 date of the policy.

15 If the reason does not accompany the notice of  
16 cancellation or nonrenewal, the insurer shall, upon

17 receipt of a timely request by the named insured,  
18 state in writing the reason for cancellation or  
19 nonrenewal.

20 Sec. 141. Section 515.81, Code 1989, is amended to  
21 read as follows:

22 515.81 CANCELLATION OF POLICY – NOTICE TO INSURED  
23 OR MORTGAGEE.

24 Unless otherwise provided in section 515.81A or  
25 515.81B, at any time after the maturity of a premium,  
26 assessment, or installment provided for in the policy,  
27 or ~~any~~ a note or contract for the payment thereof, or  
28 after the suspension, forfeiture, or cancellation of  
29 ~~any~~ a policy or contract of insurance, the insured may  
30 pay to the company the customary short rates and costs  
31 of action, if one has been commenced or judgment  
32 rendered thereon, and may, if the insured so elects,  
33 have the policy and all contracts or obligations  
34 connected therewith with the policy, whether in  
35 judgment or otherwise, canceled, and all such policy  
36 and contracts shall be void; and in case of  
37 suspension, forfeiture, or cancellation of any a  
38 policy or contract of insurance, the insured ~~shall is~~  
39 not be liable for ~~any a~~ greater amount than the short  
40 rates earned at the date of ~~such~~ the suspension,  
41 forfeiture, or cancellation and the costs of action  
42 provided for in this section. ~~The policy may be~~  
43 ~~canceled by the insurance company by service of notice~~  
44 ~~in writing upon the insured which notice shall fix the~~  
45 ~~date of cancellation which shall be not less than ten~~  
46 ~~days after service of the notice. The service of~~  
47 ~~notice may be made in person, or by mailing the notice~~  
48 ~~to the insured at the insured's post office address as~~  
49 ~~given in or upon the policy, or to another address~~  
50 ~~given to the company in writing by the insured. A~~

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1 post office department receipt of certified or  
2 registered mailing shall be deemed proof of receipt of  
3 the notice. If the policy is canceled by the  
4 insurance company, the insurer may retain only the pro  
5 rata premium, and if the initial cash premium, or any  
6 part thereof of the premium, has not been paid, the  
7 policy may be canceled by the insurance company by  
8 giving notice to the insured as provided in section  
9 515.80 and ten days' notice to the mortgagee, or other  
10 person to whom the policy is made payable, if any,  
11 without tendering any part or portion of the premium,  
12 anything to the contrary in the policy  
13 notwithstanding.

14 Sec. 142. NEW SECTION. 515.81C CANCELLATION OR  
15 NONRENEWAL OF COMMERCIAL UMBRELLA OR EXCESS POLICIES  
16 OR CONTRACTS.

17 1. As used in this section, "umbrella or excess  
18 insurance policy" means a commercial line policy or  
19 contract of insurance providing liability or property  
20 coverage over one or more underlying policies or over  
21 a specified amount of self-insured retention.

22 Umbrella or excess insurance policy includes policies  
23 or contracts written over an umbrella or excess  
24 insurance policy or policies.

25 2. An umbrella or excess insurance policy which  
26 has not previously been renewed may be canceled by the  
27 insurer if it has been in effect for less than sixty  
28 days at the time notice of cancellation is mailed or  
29 delivered.

30 3. An umbrella or excess insurance policy which  
31 has been renewed or which has been in effect for sixty  
32 or more days shall not be canceled by the insurer,  
33 except as provided in section 515.81A, subsections 2  
34 and 3, except by notice to the insured as required by  
35 this section or unless at least one of the following  
36 conditions occurs:

37 a. A material change in the limits, scope of  
38 coverage, or exclusions in one or more of the  
39 underlying policies.

40 b. Cancellation or nonrenewal of one or more of  
41 the underlying policies where the policies are not  
42 replaced without lapse.

43 c. A reduction in the financial rating or grade of  
44 one or more of the insurers insuring one or more of  
45 the underlying policies based on an evaluation by a  
46 recognized financial rating organization.

47 4. A notice of cancellation is not effective  
48 unless mailed by certified mail or delivered to the  
49 named insured and any loss payee at least ten days  
50 prior to the effective date of cancellation. A notice

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1 of cancellation shall include the reason for  
2 cancellation of the umbrella or excess insurance  
3 policy. A post office department certificate of  
4 mailing to the named insured at the address shown in  
5 the umbrella or excess policy is proof of receipt of  
6 the mailing; however, such a certificate of mailing is  
7 not required if cancellation is for nonpayment of  
8 premium.

9 5. An insurer shall not fail to renew an umbrella  
10 or excess insurance policy except by notice to the  
11 insured as provided in this section; however, an  
12 insurer may condition renewal of an umbrella or excess

13 insurance policy upon requirements relating to the  
 14 underlying policy or policies. If the requirements  
 15 are not satisfied as of the expiration date of the  
 16 umbrella or excess insurance policy, or thirty days  
 17 after mailing or delivery of the notice, whichever is  
 18 later, the conditional renewal notice shall be deemed  
 19 to be an effective notice of nonrenewal. This  
 20 subsection does not apply if the insurer has offered  
 21 to renew or if the insured fails to pay a premium due  
 22 or any advance premium required by the insurer for  
 23 renewal.

24 6. A notice of nonrenewal is not effective unless  
 25 mailed by certified mail or delivered to the named  
 26 insured and any loss payee at least forty-five days  
 27 prior to the expiration date of the umbrella or excess  
 28 insurance policy. If the insurer fails to meet the  
 29 notice requirements of this subsection the insured has  
 30 the option of continuing the policy for the remainder  
 31 of the notice period plus an additional thirty days at  
 32 the premium rate of the existing umbrella or excess  
 33 policy.

34 7. Section 515.81A and 515.81B are not applicable  
 35 to umbrella or excess insurance policies except as  
 36 provided in subsection 3.

37 Sec. 143. Section 515.147, Code 1989, is amended  
 38 to read as follows:

39 515.147 BUSINESS WITH UNAUTHORIZED INSURERS.

40 Nothing contained in this This chapter shall be  
 41 construed to does not prevent a licensed resident  
 42 agent of this state from procuring insurance in  
 43 certain ~~unauthorized nonadmitted~~ insurers providing  
 44 that if such insurance is restricted to the type and  
 45 kind of insurance authorized by this chapter and the  
 46 agent makes oath to the commissioner of insurance in  
 47 such the form as is prescribed by the commissioner  
 48 that the agent has made diligent effort to place said  
 49 the insurance in authorized insurers and has either  
 50 exhausted the capacity of all authorized insurers or

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1 has been unable to obtain the desired insurance in  
 2 insurers licensed to transact business in this state.  
 3 The procuring of any such contracts a contract of  
 4 insurance in ~~unauthorized insurers a nonadmitted~~  
 5 insurer makes such insurers the insurer liable for,  
 6 and the agent shall pay, the taxes on such the  
 7 premiums as if such the insurer were duly authorized  
 8 to transact business in the state. A sworn report of  
 9 all business transacted by agents of this state in  
 10 such ~~unauthorized nonadmitted~~ insurers shall be made  
 11 to the commissioner of insurance on or before March 1

12 of each year for the preceding calendar year, on such  
13 the form as required by the commissioner of insurance  
14 may require; such. The report shall be accompanied by  
15 a remittance to cover the taxes thereon on the  
16 premiums. Any An agent who makes the oath as above  
17 provided, pays the taxes on the premiums, and files  
18 the report above provided, shall has not be deemed to  
19 have written such contracts of insurance unlawfully,  
20 and such agent shall is not be personally liable for  
21 such the contracts.

22 Sec. 144. Section 515.148, Code 1989, is amended  
23 to read as follows:

24 515.148 BANNED COMPANIES.

25 No An agent shall not knowingly place insurance,  
26 either directly or through an intermediary broker, in  
27 insurers who are insolvent or unsound financially; and  
28 in no event shall an agent not place or renew any  
29 insurance with unauthorized nonadmitted insurers found  
30 by the commissioner of insurance to have failed or  
31 refused to furnish, in such the manner as is provided  
32 in section 515.149, information reasonably showing the  
33 ability or willingness of such the insurers to satisfy  
34 obligations undertaken with respect to insurance  
35 issued by them."

36 2. Page 1, after line 19, by inserting the  
37 following:

38 "Sec. 145. Section 515E.9, Code 1989, is amended  
39 by striking the section and inserting in lieu thereof  
40 the following:

41 515E.9 PURCHASING GROUP RESTRICTIONS.

42 A purchasing group shall not purchase insurance  
43 from an insurer not admitted in this state unless the  
44 purchase is effected through a duly licensed agent or  
45 broker acting pursuant to sections 515.147 through  
46 515.149."

47 3. Page 20, by inserting after line 12, the  
48 following:

49 "Sec. 146. Section 518.10, Code 1989, is amended  
50 by adding the following new unnumbered paragraph:

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1 NEW UNNUMBERED PARAGRAPH. An alien insurer, with  
2 the approval of the commissioner, may be treated as a  
3 domestic insurer of this state in whole or in part.  
4 The approval of the commissioner may be based upon  
5 such factors as:  
6 1. Maintenance of an appropriate trust account,  
7 surplus account, or other financial mechanism in this  
8 state.  
9 2. Maintenance of all books and records of United  
10 States operations in this state.

11 3. Maintenance of a separate financial reporting  
12 system for its United States operations.

13 4. Any other provisions deemed necessary by the  
14 commissioner.

15 Sec. 147. NEW SECTION. 518.25 SURPLUS.

16 An association organized under this chapter shall  
17 at all times maintain a surplus of not less than fifty  
18 thousand dollars or one-tenth of one percent of the  
19 gross property risk in force, whichever is greater.  
20 Reinsurance sufficient to protect the financial  
21 stability of the company is also required. The  
22 insurance commissioner may require additional  
23 reinsurance if necessary to protect the policyholders  
24 of the company. An association authorized to transact  
25 business in this state before July 1, 1990, shall meet  
26 this requirement not later than July 1, 1993.

27 Sec. 148. NEW SECTION. 518A.37 SURPLUS.

28 An association organized under this chapter shall  
29 at all times maintain a surplus of not less than one  
30 hundred thousand dollars. Reinsurance sufficient to  
31 protect the financial stability of the company is also  
32 required. The insurance commissioner may require  
33 additional reinsurance if necessary to protect the  
34 policyholders of the company. An association  
35 authorized to transact business in this state before  
36 July 1, 1990, shall meet this requirement not later  
37 than July 1, 1992.

38 Sec. 149. Section 521A.1, subsection 6, unnumbered  
39 paragraph 1, Code 1989, is amended to read as follows:

40 Insurer shall ~~mean~~ means a company qualified and  
41 licensed by the insurance division to transact the  
42 business of insurance in this state by certificate  
43 issued pursuant to chapters 508, 514B, 515, 518A, and  
44 520, except that it shall not include:

45 Sec. 150.

46 Sections 107, 108, 135, 136, and 138 of this Act do  
47 not affect insurance companies which, on or before the  
48 effective date of this Act, were authorized to  
49 transact business in this state."

50 4. Title page, line 1, by inserting after the

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- 1 word "to" the following: "the regulation of insurers,
- 2 insurance, and annuity contracts, including".
- 3 5. By renumbering as necessary.

Hatch of Polk in the chair at 9:42 a.m.

Groninga of Cerro Gordo offered the following amendment  
H-5922, to the Senate amendment H-5882, filed by him and moved  
its adoption:

H—5922

- 1 Amend the amendment, H—5882, to House File 2320, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 42, by striking the words “or
- 5 corporation”.
- 6 2. Page 19, by inserting after line 49, the
- 7 following:
- 8 “Sec. \_\_\_\_\_.
- 9 Sec. 102 of this Act, being deemed of immediate
- 10 importance, takes effect upon enactment.””
- 11 3. Page 20, by inserting after line 2, the
- 12 following:
- 13 “\_\_\_\_\_ Title page, line 4, by striking the words
- 14 “a special effective date” and inserting the
- 15 following: “special effective dates”.”
- 16 4. By renumbering as necessary.

Amendment H—5922 was adopted.

Groninga of Cerro Gordo moved to reconsider the vote by which amendment H—5922 was adopted, which motion prevailed.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw amendment H—5922.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—5932, to the Senate amendment H—5882, filed by him on March 28, 1990.

Groninga of Cerro Gordo offered the following amendment H—5935, to the Senate amendment H—5882, filed by him and moved its adoption:

H—5935

- 1 Amend the amendment, H—5882, to House File 2320, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 42, by striking the words “or
- 5 corporation”.
- 6 2. Page 19, by inserting after line 49, the
- 7 following:
- 8 “Sec. 103.
- 9 Section 102 of this Act, applies to all
- 10 indebtedness contracted for, general obligation bonds
- 11 issued, or insurance agreements entered into or
- 12 renewed pursuant to section 296.7 on or after the
- 13 effective date of section 102, but shall not apply to
- 14 an act permitted by section 296.7 at any time prior to
- 15 January 1, 1990.

- 16 Sec. \_\_\_\_\_.
- 17 Sections 102 and 103 of this Act, being deemed of  
18 immediate importance, take effect upon enactment." "
- 19 3. Page 20, by inserting after line 2, the  
20 following:
- 21 "\_\_\_\_\_. Title page, line 4, by striking the words  
22 "a special effective date" and inserting the  
23 following: "special effective dates"."
- 24 4. By renumbering as necessary.

Amendment H—5935 was adopted.

On motion by Brammer of Linn, the House concurred in the Senate amendment H—5882, as amended.

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

On the question "Shall the bill pass?" (H.F. 2320)

The ayes were, 99:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Shrader	Shearer	Sheridan
Shoning	Shultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Hatch	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Bisignano

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2286**, a bill for an act relating to satisfaction of a support order by direct payment to a person who is to receive the payment, previously deferred and placed on the unfinished business calendar.

Speaker Avenson in the chair at 9:55 a.m.

Haverland of Polk offered the following amendment H—5614 filed by the committee on human resources:

H—5614

- 1 Amend Senate File 2286, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. **NEW SECTION. 624.37A SATISFACTION OF**
- 6 **SUPPORT PAYMENTS.**
- 7 Notwithstanding sections 252B.14 and 598.22,
- 8 support payments ordered pursuant to any support
- 9 chapter for orders entered on or after July 1, 1985,
- 10 which are not made pursuant to the provisions of
- 11 section 252B.14 or 598.22, shall be credited only as
- 12 provided in this section.
- 13 1. For payment made pursuant to an order entered
- 14 on or after July 1, 1985, the clerk of the district
- 15 court or collection services center shall record a
- 16 satisfaction as a credit on the official support
- 17 payment record if its validity is confirmed by the
- 18 court upon submission of acknowledgement by the person
- 19 entitled to receive the payment, after notice is given
- 20 to all parties.
- 21 2. For purposes of this section, the state is a
- 22 party to which notice shall be given when public funds
- 23 have been expended pursuant to chapter 234, 239, or
- 24 249A, or similar statutes in another state. If proper
- 25 notice is not given to the state when required, any
- 26 order of satisfaction is void.
- 27 3. The court shall not enter an order for
- 28 satisfaction of payments not made through the clerk of
- 29 the district court or collection services center if
- 30 those payments have been assigned as a result of

31 public funds expended pursuant to chapter 234, 239, or  
32 249A, or similar statutes in other states.

33 Sec. 2.

34 This Act applies retroactively to payments under  
35 support orders entered on or after July 1, 1985."

36 2. Title page, line 2, by inserting after the  
37 words "receive the payment" the following: ", and  
38 providing for the Act's applicability".

Haverland of Polk offered the following amendment H-5926, to  
the committee amendment H-5614, filed by Haverland, et al.:

H-5926

1 Amend the amendment, H-5614, to Senate File 2286,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting before line 5, the  
5 following:

6 "Sec. \_\_\_\_\_. Section 252B.5, Code 1989, is amended  
7 by adding the following new subsection:

8 NEW SUBSECTION. 6. At the request of either  
9 parent who is subject to the order of support or upon  
10 its own initiation, review the amount of the support  
11 award in accordance with the guidelines established  
12 pursuant to section 598.21, subsection 4, and the  
13 federal Family Support Act of 1988, and take action to  
14 initiate modification proceedings if the criteria  
15 established pursuant to this section are met.  
16 However, a review of a support award is not required  
17 in those cases for which an assignment ordered  
18 pursuant to chapter 234 or 239 is in effect if the  
19 child support recovery unit determines that such a  
20 review would not be in the best interest of the child  
21 and neither parent has requested such review.

22 The department shall adopt rules no later than  
23 October 13, 1990, setting forth the process for review  
24 of requests for modification of support obligations  
25 and the criteria and process for taking action to  
26 initiate modification proceedings.

27 Sec. \_\_\_\_\_. Section 252B.6, subsection 3, Code 1989,  
28 is amended by striking the subsection and inserting in  
29 lieu thereof the following:

30 3. Appear on behalf of the state for the purpose  
31 of facilitating the modification of support awards  
32 consistent with guidelines established pursuant to  
33 section 598.21, subsection 4 and the federal Family  
34 Support Act of 1988. The unit shall not otherwise  
35 participate in the proceeding.

36 Sec. \_\_\_\_\_. Section 252B.6, subsection 4, paragraph  
37 b, Code 1989, is amended by striking the paragraph.

38 Sec. \_\_\_\_\_. Section 252B.7, Code 1989, is amended by

39 adding the following new subsection:  
 40 **NEW SUBSECTION. 4.** An attorney employed by or  
 41 under contract with the child support recovery unit  
 42 represents and acts on behalf of the state when  
 43 providing child support enforcement services.  
 44 **Sec. \_\_\_\_.** **NEW SECTION. 252B.18 ADVISORY**  
 45 **COMMITTEE ESTABLISHED.**  
 46 The department shall establish a child support  
 47 enforcement program advisory committee which shall  
 48 include representatives of custodial parent groups,  
 49 noncustodial parent groups, the judicial department,  
 50 the office of citizens' aide, the Iowa state bar

**Page 2**

1 association, and representatives of other  
 2 constituencies having an interest in child support  
 3 enforcement issues. The advisory committee shall  
 4 assist the department in reviewing issues related to  
 5 the implementation of the federal Family Support Act  
 6 of 1988 and methods of improving service. With the  
 7 assistance of the advisory committee, the department  
 8 shall review existing policies, practices, and  
 9 procedures of the child support recovery unit to  
 10 identify areas in which administrative appeals  
 11 procedures or other provisions for review of contested  
 12 issues would help to assure fair and impartial  
 13 treatment of persons affected by actions of the unit.  
 14 **Sec. \_\_\_\_.** Section 598.21, Code Supplement 1989, is  
 15 amended by adding the following new subsection:  
 16 **NEW SUBSECTION. 5A.** The court, in entering an  
 17 order or decree of child support, shall require the  
 18 obligor to pay the amount ordered during the time of  
 19 any appeal of the order or decree."  
 20 2. Page 1, line 5, by striking the word and  
 21 figure "Section 1." and inserting the following:  
 22 "Sec. 7."  
 23 3. Page 1, by striking lines 33 and 34, and  
 24 inserting the following:  
 25 "Sec. 8.  
 26 Section 7 of this Act applies retroactively to  
 27 payments under".  
 28 4. Page 1, by striking lines 36 through 38 and  
 29 inserting the following:  
 30 "\_\_\_\_. Title page, by striking lines 1 and 2, and  
 31 inserting the following: "An Act relating to the  
 32 satisfaction and modification of support orders and  
 33 providing for the Act's applicability.""  
 34 5. By renumbering as necessary.

Halvorson of Webster rose on a point of order that amendment  
 H-5926 was not germane.

The Speaker ruled the point well taken and amendment H—5926 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5926.

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed and the rules were suspended to consider amendment H—5926.

Arnould of Scott asked and received unanimous consent that Senate File 2286 be deferred and that the bill retain its place on the calendar.

(Amendment H—5926, to the committee amendment H—5614, pending.)

#### Ways and Means Calendar

**House File 2560**, a bill for an act relating to the formation of community clusters by certain governmental units for the joint exercise of powers, was taken up for consideration.

Metcalf of Polk offered the following amendment H—5884 filed by her and Osterberg of Linn and moved its adoption:

H—5884

- 1 Amend House File 2560 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "facilities," the following: "and".
- 4 2. Page 1, line 16, by striking the words "and
- 5 for revenue sharing".

Amendment H—5884 lost.

Sherzan of Polk in the chair at 10:31 a.m.

Murphy of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2560)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors

Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Sherzan			
Presiding			

The nays were, 5:

Doderer	Garman	Hanson, D. R.	Maulsby
Metcalf			

Absent or not voting, 2:

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

### RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules for the consideration of House Files 2564 and 2554.

Objection was raised.

Arnould of Scott moved to suspend the rules to consider House Files 2564 and 2554.

A non-record roll call was requested.

The ayes were 54, nays 34.

The motion to suspend the rules prevailed.

### IMMEDIATE MESSAGE

(House File 2560)

Arnould of Scott asked and received unanimous consent that House File 2560 be immediately messaged to the Senate.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2366**, a bill for an act establishing councils of governments and providing certain duties, previously deferred and placed on the unfinished business calendar.

Garman of Story asked and received unanimous consent to withdraw amendment H—5684 filed by her on March 14, 1990.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2366)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Sherzan
			Presiding

The nays were, none.

Absent or not voting, 4:

Doderer	Nielsen	Shoning	Teaford
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Jesse of Jasper, until his return, on request of Hibbard of Madison.

**ADOPTION OF SENATE CONCURRENT RESOLUTION 127**

Gruhn of Dickinson called up for consideration Senate Concurrent Resolution 127, to encourage the establishment of the National Association of Swine Records in Des Moines, Iowa, and the support of the Association to increase performance of purebred swine and to assist purebred swine producers, and moved its adoption.

The motion prevailed and the resolution was adopted.

**Ways and Means Calendar**

**Senate File 2114**, a bill for an act relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, increasing the tax credit allowed for certain research activities, providing an effective date, and providing certain retroactive applicability dates, with report of committee recommending passage was taken up for consideration.

Hammond of Story offered the following amendment H—5912 filed by Hammond, et al.:

H—5912

- 1 Amend Senate File 2114, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 15 the
- 4 following:
- 5 "Sec. 100. Section 422.9, subsection 2, paragraph
- 6 f, Code Supplement 1989, is amended by striking the
- 7 paragraph."
- 8 2. Page 2, by inserting after line 6 the
- 9 following:
- 10 "Sec. 101. Section 422.12, subsection 3, Code
- 11 Supplement 1989, is amended by striking the
- 12 subsection."
- 13 3. Page 3, by inserting after line 24 the
- 14 following:
- 15 "Sec. \_\_\_\_\_. Sections 100 and 101 of this Act are
- 16 retroactively applicable to January 1, 1990, for tax
- 17 years beginning on or after that date."

Wise of Lee rose on a point of order that amendment H—5912 was not germane.

The Speaker ruled the point well taken and amendment H—5912 not germane.

Hammond of Story asked for unanimous consent to consider amendment H—5912.

Objection was raised.

Speaker Avenson in the chair at 11:15 a.m.

Wise of Lee offered the following amendment H—5919 filed by him and Tabor of Jackson and moved its adoption:

H—5919

- 1 Amend Senate File 2114, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 20 and 21, by striking the words
- 4 "~~six and one-half~~ six and one-half ~~thirteen percent of the first sixty~~
- 5 thousand dollars" and inserting the following: "six
- 6 and one-half percent".
- 7 2. Page 1, by striking lines 23 through 26 and
- 8 inserting the following: "increasing research
- 9 activities. The state's apportioned share of the
- 10 qualifying".
- 11 3. Page 2, lines 19 and 20, by striking the words
- 12 "~~six and one-half~~ six and one-half ~~thirteen percent of the first sixty~~
- 13 thousand dollars" and inserting the following: "six
- 14 and one-half percent".
- 15 4. Page 2, by striking lines 21 through 24 and
- 16 inserting the following: "qualifying expenditures for
- 17 increasing research activities. The state's
- 18 apportioned".
- 19 5. Title page, lines 3 and 4, by striking the
- 20 words "increasing the tax credit allowed for certain
- 21 research activities,".

Amendment H—5919 was adopted.

Groninga of Cerro offered the following amendment H—5412 filed by him and moved its adoption:

H—5412

- 1 Amend Senate File 2114, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 6, by striking the words and
- 4 figures "in effect on January 1, 1990".
- 5 2. Page 2, lines 32 and 33, by striking the words
- 6 and figures "in effect on January 1, 1990".

Amendment H—5412 lost.

Metcalf of Polk offered the following amendment H—5603 filed by her and moved its adoption:

H—5603

- 1 Amend Senate File 2114, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 7 through 14.
- 4 2. Page 3, line 18, by striking the following:
- 5 “, 4,”
- 6 3. By renumbering as necessary.

Roll call was requested by Tabor of Jackson and Wise of Lee.

Rule 75 was invoked.

On the question “Shall amendment H—5603 be adopted?”  
(S.F. 2114)

The ayes were, 6:

Bennett	Hermann	Metcalf	Pellett
Petersen, D. F.	Van Maanen		

The nays were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 4:

Clark	Eddie	Jesse	Schneklath
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Amendment H—5603 lost.

The House stood at ease at 11:39 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2114 at 12:46 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 2114 be deferred and that the bill retain its place on the calendar.

On motion by Arnould of Scott, the House was recessed at 12:47 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2371, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

Also: That the Senate has on March 29, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2364, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, the department of natural resources, and the state racing commission, and changing the distribution of certain fees.

Also: That the Senate has on March 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2406, a bill for an act relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date.

Also: That the Senate has on March 29, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2421, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters and providing an effective date.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS Ways and Means Calendar

The House resumed consideration of Senate File 2114, a bill for an act relating to the updating of references to the federal Internal

Revenue Code, relating to income tax and the computation of net income, increasing the tax credit allowed for certain research activities, providing an effective date, and providing certain retroactive applicability dates, previously deferred and retained on the ways and means calendar.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2114)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lägeschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schnekloth
Schrader	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Banks	Corbett	Daggett	Fey
Pellett	Rosenberg	Shearer	Shultz

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

**SENATE AMENDMENT CONSIDERED**  
House Refused to Concur

Ollie of Clinton called up for consideration **House File 2068**, a bill for an act providing technical changes to the financing of education

programs of school districts and providing a retroactive effective date, amended by the Senate amendment H—5130 as follows:

H—5130

1 Amend House File 2068, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 32, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 280.4, subsection 4, Code  
6 Supplement 1989, is amended to read as follows:

7 4. In order to provide funds for the excess costs  
8 of instruction of non-English-speaking students above  
9 the costs of instruction of pupils in a regular  
10 curriculum, students identified as non-English-  
11 speaking are assigned an additional weighting that  
12 shall be included in the weighted enrollment of the  
13 school district of residence for a period not  
14 exceeding ~~three~~ five years. However, the school  
15 budget review committee may grant supplemental aid or  
16 modified allowable growth, to a school district to  
17 continue funding a program for students after the  
18 expiration of the ~~three-year~~ five-year period. The  
19 school budget review committee shall calculate the  
20 additional amount for the weighting to the nearest  
21 one-hundredth of one so that, to the extent possible,  
22 the moneys generated by the weighting will be  
23 equivalent to the moneys generated by the two-tenths  
24 weighting provided prior to July 1, 1991."

25 2. By numbering and renumbering sections as  
26 necessary.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—5772, to the Senate amendment H—5130, filed by him on March 20, 1990.

On motion by Ollie of Clinton, the House refused to concur in the Senate amendment H—5130.

#### SENATE AMENDMENTS CONSIDERED

Fuller of Hardin called up for consideration **Senate File 2163**, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5911 to the House amendment:

H—5911

- 1 Amend the House amendment, S—5670, to Senate File
- 2 2163, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 31 and 32 and
- 5 inserting the following: "Sunday or legal holiday."
- 6 2. Page 3, line 2, by striking the word "fifty-
- 7 five" and inserting the following: "sixty-nine".
- 8 3. Page 3, line 8, by striking the words "fifty-
- 9 five" and inserting the following: "sixty-nine".
- 10 4. Page 3, line 23, by striking the word "sixty"
- 11 and inserting the following: "seventy-four".

The motion prevailed and the House concurred in the Senate amendment H—5911.

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

On the question "Shall the bill pass?" (S.F. 2163)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Banks                      Corbett                      Jesse                      Swartz

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

**IMMEDIATE MESSAGE**  
(Senate Concurrent Resolution 127)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 127 be immediately messaged to the Senate.

The House stood at ease at 2:25 p.m., until the fall of the gavel.

The House resumed session at 4:03 p.m., Speaker Avenson in the chair.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2244, a bill for an act relating to parking fines, handicapped parking spaces, and handicapped identification devices.

Also: That the Senate has on March 29, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2328, 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 office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, and providing an effective date.

JOHN F. DWYER, Secretary

**Unfinished Business Calendar**

The House resumed consideration of **House File 2543**, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act, previously deferred and retained on the unfinished business calendar, and amendment H—5860, as amended, found on pages 1443 through 1473 of the House Journal.

Hammond of Story asked and received unanimous consent to withdraw amendment H—5907, to amendment H—5860, filed by her and Blanshan of Greene on March 27, 1990.

Bisignano of Polk in the chair at 4:21 p.m.

Hanson of Delaware offered the following amendment H—5946, to amendment H—5860, filed from the floor by Hanson of Delaware, Hammond, Neuhauser, Carpenter and Doderer and moved its adoption:

H—5946

1 Amend the amendment, H—5860, to House File 2543, as  
2 follows:

3 1. Page 20, line 29, by striking the word "On"  
4 and inserting the following:

5 "(1) On Except as otherwise provided in  
6 subparagraph (2), on".

7 2. Page 20, by inserting after line 36 the  
8 following:

9 "(2) The amount of the "normal contribution" and  
10 other employer contributions to be paid by each  
11 participating city, determined pursuant to  
12 subparagraph (1) and paragraphs "b" and "c", shall be  
13 reduced by the amount distributed to that city for the  
14 applicable fiscal year from the state appropriation  
15 provided pursuant to section 411.20."

16 3. Page 21, by striking lines 20 and 21 and  
17 inserting the following: "six-tenths."

18 4. Page 26, by striking lines 36 and 37 and  
19 inserting the following: "distributed to the cities  
20 participating in".

21 5. Page 26, by striking lines 47 through 49.

A non-record roll call was requested.

The ayes were 34, nays 44.

Amendment H—5946 lost.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—5965, to amendment H—5860, filed by him from the floor.

Trent of Muscatine called up for consideration the motion to reconsider amendment H—5879 filed by him on March 27, 1990 and asked and received unanimous consent to withdraw the motion to reconsider.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott, until his return, on request of Iverson of Wright.

Speaker Avenson in the chair at 4:59 p.m.

Blanshan of Greene moved the adoption of amendment H—5860, as amended.

A non-record roll call was requested.

The ayes were 52, nays 21.

Amendment H—5860, as amended, was adopted.

Carpenter of Polk offered the following amendment H—5893 filed by her and moved its adoption:

H—5893

1 Amend House File 2543 as follows:

- 2 1. Page 1, line 15, by striking the word "four"  
 3 and inserting the following: "ten".  
 4 2. Page 1, line 19, by striking the word "four"  
 5 and inserting the following: "ten".  
 6 3. Page 2, line 17, by striking the word "four"  
 7 and inserting the following: "ten".  
 8 4. Page 4, line 11, by striking the word "four"  
 9 and inserting the following: "ten".  
 10 5. Page 20, line 30, by striking the word "four"  
 11 and inserting the following: "ten".  
 12 6. Page 20, line 34, by striking the word "four"  
 13 and inserting the following: "ten".  
 14 7. Page 21, line 33, by striking the word "four"  
 15 and inserting the following: "ten".  
 16 8. Page 23, line 25, by striking the word "four"  
 17 and inserting the following: "ten".

Amendment H—5893 lost.

Brown of Lucas offered the following amendment H—5885 filed by him and moved its adoption:

H—5885

1 Amend House File 2543, as follows:

- 2 1. Page 14, by inserting after line 25 the  
 3 following:  
 4 "Effective July 1, 1990, for members terminating on  
 5 or after July 4, 1953, a member who terminates covered  
 6 employment due to disability and commences receiving  
 7 disability benefits pursuant to the United States

8 Social Security Act (42 U.S.C.), who has not attained  
 9 the age of fifty-five years, is eligible to receive  
 10 benefits under section 97B.49, reduced by twenty-five  
 11 hundredths of one percent for each month that the  
 12 retirement date precedes the first day of the month in  
 13 which the member attains the age of fifty-five.  
 14 However, the benefits shall be suspended during any  
 15 period in which the member returns to covered  
 16 employment. Eligible members are entitled to receipt  
 17 of retroactive adjustment payments for no more than  
 18 six months immediately preceding the month after July  
 19 1, 1990, in which written notice was submitted to the  
 20 department."

21 2. Page 15, by inserting after line 5 the  
 22 following:

23 "Effective July 1, 1990, for members terminating on  
 24 or after July 4, 1953, a member who terminates covered  
 25 employment due to disability and commences receiving  
 26 disability benefits pursuant to the United States  
 27 Railroad Retirement Act (45 U.S.C. § 231 et seq.), who  
 28 has not attained the age of fifty-five years, is  
 29 eligible to receive benefits under section 97B.49,  
 30 reduced by twenty-five hundredths of one percent for  
 31 each month that the retirement date precedes the first  
 32 day of the month in which the member attains the age  
 33 of fifty-five. However, the benefits shall be  
 34 suspended during any period in which the member  
 35 returns to covered employment. Eligible members are  
 36 entitled to receipt of retroactive adjustment payments  
 37 for no more than six months immediately preceding the  
 38 month after July 1, 1990, in which written notice was  
 39 submitted to the department."

40 3. By numbering and renumbering as necessary.

Amendment H-5885 was adopted.

Peters of Woodbury offered the following amendment H-5330  
 filed by him:

H-5330

1 Amend House File 2543 as follows:

2 1. Page 15, by inserting after line 19 the  
 3 following:

4 "Sec. \_\_\_\_\_ NEW SECTION. 97B.63 GROUP INSURANCE -  
 5 DEDUCTIONS.

6 1. The department shall participate in the  
 7 offering of group medicare supplement insurance  
 8 coverage to retired members who have attained the age  
 9 of sixty-five years and are receiving benefits under  
 10 this chapter. A retired member who elects coverage  
 11 under the group policy or plan shall authorize the

12 department to deduct from the member's monthly benefit  
 13 payment the total amount of the monthly premium for  
 14 the coverage, plus an amount not to exceed two percent  
 15 of the monthly premium to cover the costs incurred in  
 16 administering this subsection. The department's  
 17 participation may be limited to, but shall include,  
 18 deducting the authorized amounts from the members'  
 19 monthly benefit payments. However, any departmental  
 20 participation may be conditioned upon the following:

21 a. The department may require that all costs of  
 22 development, implementation, and administration of the  
 23 group policy or plan be borne by, or reimbursed  
 24 through, the members electing coverage or the entity  
 25 responsible for the issuance of the group policy or  
 26 plan, or a combination of the members and the entity.

27 b. The department may require that the number of  
 28 members who anticipate electing coverage pursuant to  
 29 this subsection reach a specified minimum before the  
 30 department commences the system of deductions from  
 31 monthly benefit payments.

32 2. To assist in the development, implementation,  
 33 and administration of the group medicare supplement  
 34 policy or plan under subsection 1, an advisory  
 35 committee shall be formed whose membership shall  
 36 include, but is not limited to, two or more  
 37 representatives of retired members who anticipate  
 38 electing the coverage and one representative of the  
 39 department.

40 3. The department may request technical assistance  
 41 from the division of insurance of the department of  
 42 commerce in providing services and oversight pursuant  
 43 to this section."

44 2. By numbering and renumbering as necessary.

Blanshan of Greene rose on a point of order that amendment  
 H—5330 was not germane.

The Speaker ruled the point well taken and amendment H—5330  
 not germane.

Corbett of Linn asked and received unanimous consent to with-  
 draw amendment H—5892 filed by him on March 27, 1990.

Corbett of Linn offered the following amendment H—5917 filed  
 by him:

H—5917

- 1 Amend House File 2543 as follows:
- 2 1. Page 15, by inserting after line 19 the
- 3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 97B.53A DUTY OF  
5 DEPARTMENT.  
6 Effective July 1, 1991, upon a member's termination  
7 of covered employment prior to the member's  
8 retirement, the department shall send the member by  
9 certified mail, to the member's last known mailing  
10 address, a notice setting forth the balance and status  
11 of the member's account and an explanation of the  
12 courses of action available to the member under this  
13 chapter."

The following amendment H—5967, to amendment H—5917, filed by Corbett of Linn from the floor was adopted by unanimous consent:

H—5967

1 Amend amendment H—5917 to House File 2543 as  
2 follows:  
3 1. Page 1, line 9, by striking the word  
4 "certified" and inserting the words "first class".

On motion by Corbett of Linn, amendment H—5917, as amended, was adopted.

Bisignano of Polk asked and received unanimous consent to withdraw amendment H—5918 filed by him on March 28, 1990.

De Groot of Lyon offered the following amendment H—5322 filed by De Groot, et al., and moved its adoption:

H—5322

1 Amend House File 2543 as follows:  
2 1. Page 26, by inserting after line 33 the  
3 following:  
4 "Sec. \_\_\_\_\_. STUDY OF DEFINED CONTRIBUTION PLAN.  
5 1. The Iowa public employees' retirement system  
6 shall conduct a study of the feasibility of initiating  
7 an optional, supplemental defined contribution  
8 retirement plan which would be available to all  
9 members in addition to their basic coverage under the  
10 existing system. Under the proposed plan, employees  
11 electing to participate would be eligible to  
12 contribute up to five percent of their total salary  
13 per year at their option and this would accumulate  
14 interest at the rate credited to members' accounts  
15 under basic Iowa public employees' retirement system  
16 coverage, less management expenses and administrative  
17 costs. The funds in the employee's account would be  
18 available to the employee either upon termination of  
19 public employment or at retirement.  
20 2. The Iowa public employees' retirement system  
21 shall provide a preliminary report concerning the

- 22 study on or after November 1, 1990, and a final report  
 23 on or after November 1, 1991. The reports shall be  
 24 transmitted to the chief clerk of the house of  
 25 representatives and the secretary of the senate for  
 26 distribution to the general assembly."  
 27 2. By numbering and renumbering as necessary.

Amendment H—5322 was adopted.

The House stood at ease at 5:43 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2543 at 5:45 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House File 2543 be deferred and that the bill retain its place on the calendar.

### Appropriations Calendar

**House File 2564**, a bill for an act relating to substance abuse prevention and treatment, enforcement of controlled substance provisions, making appropriations, and providing penalties, was taken up for consideration.

Brand of Benton offered the following amendment H—5954 filed by him from the floor and moved its adoption:

H—5954

- 1 Amend House File 2564 as follows:  
 2 1. Page 1, by inserting after line 21 the fol-  
 3 lowing:  
 4 "As a condition, limitation, and qualification of  
 5 this appropriation, grants shall not exceed \$2,500 and  
 6 shall be awarded for collaborative efforts within the  
 7 community receiving the grant."  
 8 2. Page 20, by striking lines 27 and 28, and  
 9 inserting the following: "treasurer of state to  
 10 provide funding for contracting with a nonprofit  
 11 organization to provide technical assistance to  
 12 communities pursuant to section 256.43, and to provide  
 13 grants to communities for the planning and".

Amendment H—5954 was adopted.

McKinney of Dallas offered the following amendment H—5955 filed by him from the floor and moved its adoption:

H—5955

- 1 Amend House File 2564 as follows:  
 2 1. Page 3, line 26, by inserting after the figure

3 "125.15A" the following: ", and for not more than the  
4 following full-time equivalent positions".

5 2. Page 3, by inserting after line 27, the  
6 following:

7 " ..... FTEs 1.50".

8 3. Page 3, by inserting after line 34, the  
9 following:

10 "3. For the state board of pharmacy examiners for  
11 establishing a drug abuse warning network and an Iowa  
12 drug abuse monitoring system:

13 ..... \$ 12,500

14 As a condition, limitation, and qualification of  
15 this appropriation, the board of pharmacy examiners,  
16 in cooperation with the drug enforcement and abuse  
17 prevention coordinator, shall use the amount  
18 appropriated in this subsection to match and obtain  
19 available federal funds, the total amount of these  
20 funds to be used for establishing a drug abuse warning  
21 network and an Iowa drug abuse monitoring system."

22 4. Page 5, line 3, by inserting after the word  
23 "agents" the following: "and additional support  
24 personnel".

25 5. Page 5, line 15, by striking the words "drug  
26 abuse" and inserting the following: "drug".

27 6. Page 5, by striking lines 20 through 27.

28 7. Page 7, by striking lines 2 through 19 and  
29 inserting the following:

30 "~~As a condition, limitation, and qualification of  
31 this appropriation, the law enforcement officers to be  
32 trained under this program shall be selected by the  
33 Iowa narcotics enforcement advisory council in closed  
34 session. The record of the closed session is exempt  
35 from chapter 22. When the council has reached a  
36 decision, it shall convene in open meeting and  
37 announce such decision. No more than four law  
38 enforcement officers participating in this training  
39 shall be employed by law enforcement agencies located  
40 in the same county. The training program shall be for  
41 a period of one year and an officer participating in  
42 this program shall perform, after receiving initial  
43 instruction and training at the law enforcement  
44 academy, duties as directed by the department of  
45 public safety within the narcotics enforcement  
46 division relating to the department's responsibility  
47 for the enforcement of all laws and rules relating to  
48 any controlled substance or counterfeit substance as  
49 provided in sections 80.27 through 80.34.~~"

50 8. Page 8, line 30, by inserting after the figure

Page 2

1 "28E" the following: ", and public agencies which

2 have created multijurisdictional task forces.”

3 9. Page 9, line 1, by inserting after the words  
4 “funding for” the following: “state and”.

5 10. Page 9, by striking lines 4 through 6, and  
6 inserting the following: “operations, funding to  
7 initiate or continue project D.A.R.E. (drug abuse  
8 resistance education) within local communities,  
9 including training for local law enforcement  
10 officials, and funding”.

11 11. Page 9, by striking lines 10 and 11, and  
12 inserting the following: “available through the  
13 alcohol and drug abuse and mental health services  
14 block grant for the federal fiscal year beginning  
15 October 1, 1990, and ending September 30, 1991.”.

16 12. Page 9, by inserting after line 18, the  
17 following:

18 “It is also the intent of the general assembly that  
19 of funds made available through the drug control and  
20 system improvement grant program for the federal  
21 fiscal year beginning October 1, 1990, and ending  
22 September 30, 1991, priority shall be given, to the  
23 extent possible, for funding applications made by  
24 public agencies pursuant to chapter 28E, and public  
25 agencies which have created multijurisdictional task  
26 forces, for the purpose of cooperating jointly in  
27 enforcement efforts related primarily to controlled,  
28 substances, for funding project D.A.R.E. (drug abuse  
29 resistance education), for funding adult and juvenile  
30 treatment programs, for funding drug enforcement  
31 operations to be used for the purchase of illegal  
32 substances in furtherance of these enforcement  
33 operations, for funding for providing progressive  
34 training to law enforcement personnel on all aspects  
35 of drug control, for funding local prosecutors, for  
36 funding efforts at reducing court delays, and for  
37 funding the Iowa substance abuse information center  
38 located in Cedar Rapids.”

39 13. Page 9, by striking lines 20 through 25, and  
40 inserting the following:

41 “The department of education shall survey all  
42 school districts in the state for the purpose of  
43 evaluating and assessing the extent to which substance  
44 abuse education is being provided to students in  
45 grades kindergarten through 12. The department shall  
46 recognize successful programs and provide information  
47 concerning such programs to other districts. The  
48 department shall report the findings of its survey to  
49 the general assembly no later than January 15, 1991.

50 Sec. \_\_\_\_\_.”

Page 3

1 14. Page 13, line 31, by striking the words "a  
2 patient" and inserting the following: "patients".

3 15. Page 22, by inserting after line 15, the  
4 following:

5 "Sec. \_\_\_\_\_. 1989 Iowa Acts, chapter 310, section 4,  
6 subsections 1 and 2, are amended to read as follows:

7 1. There is appropriated from the fund created in  
8 section 8.41 to the Iowa department of public health  
9 office of the governor for the drug enforcement and  
10 abuse prevention coordinator for the federal fiscal

11 year beginning October 1, 1989, the following amount:

12	.....	\$1,553,000
13		<u>4,860,000</u>

14 Funds appropriated by this subsection are the  
15 anticipated funds to be received from the federal  
16 government for the designated fiscal year under Pub.  
17 L. No. 100-690 which provides for the drug control and  
18 system improvement grant program. The department drug  
19 enforcement and abuse prevention coordinator shall  
20 expend the funds appropriated by this section as  
21 provided in the federal law making the funds available  
22 and in conformance with chapter 17A.

23 2. An amount not exceeding ten five percent of the  
24 funds appropriated in subsection 1 shall be used by  
25 the Iowa department of public health drug enforcement  
26 and abuse prevention coordinator for administrative  
27 expenses. From the funds set aside by this subsection  
28 for administrative expenses, the Iowa department of  
29 public health drug enforcement and abuse prevention  
30 coordinator shall pay to the auditor of state an  
31 amount sufficient to pay the cost of auditing the use  
32 and administration of the state's portion of the funds  
33 appropriated in subsection 1. The auditor of state  
34 shall bill the Iowa department of public health drug  
35 enforcement and abuse prevention coordinator for the  
36 cost of the audit.

37 Sec. \_\_\_\_\_. 1989 Iowa Acts, chapter 310, section 14,  
38 subsection 1, is amended to read as follows:

39 1. If funds received from the federal government  
40 in the form of block grants exceed the amounts  
41 appropriated in sections 2, 3, and 4 and 3, and  
42 section 7, subsection 1 of this Act, the excess shall  
43 be prorated to the appropriate programs according to  
44 the percentages specified in those sections, except  
45 additional funds shall not be prorated for  
46 administrative expenses."

47 16. Renumber as necessary.

Amendment H—5955 was adopted.

Adams of Hamilton offered the following amendment H—5943 filed by her from the floor and moved its adoption:

H—5943

1 Amend House File 2564 as follows:

2 1. Page 6, line 4, by inserting after the word  
3 "problems." the following: "The drug enforcement and  
4 abuse prevention coordinator shall monitor the program  
5 and receive reports required to be made concerning the  
6 program. Persons responsible for the program shall  
7 report to the drug enforcement and abuse prevention  
8 coordinator concerning progress in establishing the  
9 program and the expenditures made. The coordinator  
10 shall provide such reports to the general assembly."

11 2. Page 6, by inserting after line 14, the  
12 following:

13 "Persons responsible for the program shall  
14 coordinate and encourage the involvement of other  
15 programs and service providers within the community in  
16 developing this program."

Amendment H—5943 was adopted.

Peters of Woodbury offered amendment H—5942 filed by him from the floor. Division was requested as follows:

H—5942

1 Amend House File 2564 as follows:

H—5942A

2 1. Page 10, by striking lines 10 through 17.

H—5942B

3 2. By striking page 18, line 27, through page 19,  
4 line 11.

5 3. By renumbering as necessary.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—5942A.

Fey of Scott offered the following amendment H—5947 filed by him from the floor and moved its adoption:

H—5947

1 Amend House File 2564 as follows:

2 1. Page 10, by striking lines 10 through 17.

3 2. By renumbering as necessary.

Amendment H—5947 was adopted, placing out of order amendment H—5942A, previously deferred.

Adams of Hamilton offered the following amendment H—5948 filed by her and McKinney of Dallas from the floor:

H—5948

- 1 Amend House File 2564 as follows:
- 2 1. Page 11, by inserting after line 17 the
- 3 following:
- 4 "\_\_\_\_\_. The majority leader of the senate shall
- 5 appoint two members from the membership of the senate
- 6 and the speaker of the house of representatives shall
- 7 appoint two members from the membership of the house
- 8 who shall be ex officio, nonvoting members of the
- 9 council."
- 10 2. Renumber and correct internal references as
- 11 necessary.

The following amendment H—5974, to amendment H—5948, filed by Halvorson of Clayton from the floor was adopted by unanimous consent:

H—5974

- 1 Amend amendment H—5948, to House File 2564 as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "members" the following: ", one member from each
- 5 political party,".
- 6 2. Page 1, line 7, by inserting after the word
- 7 "members" the following: ", one member from each
- 8 political party,".

On motion by Adams of Hamilton, amendment H—5948, as amended, was adopted.

Peters of Woodbury asked and received unanimous consent to defer action on amendment H—5949.

The House resumed consideration of amendment H—5942B.

Arnould of Scott asked and received unanimous consent that House File 2564 be deferred and that the bill retain its place on the calendar.

(Amendment H—5942B pending.)

#### Unfinished Business Calendar

The House resumed consideration of **House File 2543**, a bill for an act relating to the administration and benefits for certain public

retirement systems, and providing for the applicability of the Act, previously deferred and retained on the unfinished business calendar.

Doderer of Johnson offered the following amendment H—5968 filed by her and Carpenter of Polk from the floor and moved its adoption:

H—5968

1 Amend House File 2543 as follows:

2 1. Page 3, by inserting after line 5, the  
3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 97A.6A OPTIONAL  
5 RETIREMENT BENEFITS.

6 In lieu of the retirement benefits and refund of  
7 contributions provided for members of the system and  
8 the members' beneficiaries under sections 97A.6 and  
9 97A.16, members may elect to receive an optional  
10 retirement benefit during the member's lifetime and  
11 have the optional retirement benefit, or a designated  
12 fraction of the optional retirement benefit, continued  
13 and paid to the members beneficiary after the member's  
14 death and during the lifetime of the beneficiary. The  
15 optional retirement benefit shall be determined at the  
16 time of the member's retirement based upon whether the  
17 member retires under service retirement, accidental  
18 disability, or ordinary disability.

19 The member shall make the election request in  
20 writing to the board of trustees prior to retirement.  
21 The election is subject to the approval of the board  
22 of trustees. If the member is married, the election  
23 of an option under this section requires the written  
24 acknowledgement of the member's spouse. The member  
25 may revoke the election prior to retirement by written  
26 request to the board of trustees, but cannot revoke  
27 the election after retirement. The election request  
28 applies to retirement under service retirement,  
29 accidental disability and ordinary disability,  
30 whichever is applicable at the time of the member's  
31 retirement.

32 Optional retirement benefits shall be the actuarial  
33 equivalent of the amounts of the retirement benefits  
34 payable to members and beneficiaries under section  
35 97A.6. The actuarial equivalent shall be based on the  
36 mortality and interest assumptions set out in section  
37 97A.5.

38 If the member dies without a beneficiary prior to  
39 retirement or prior to receipt in benefits of an  
40 amount equal to the total amount remaining to the  
41 member's credit at the time of separation from  
42 service, the election is null and void.

43 If the member dies with a beneficiary prior to  
44 retirement, the election remains valid and the  
45 beneficiary is entitled to receive the retirement  
46 benefit beginning at the death of the member.  
47 If the member dies with a beneficiary and the  
48 beneficiary subsequently dies prior to receipt in  
49 retirement benefits by both the member and the  
50 beneficiary of an amount equal to the total amount

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1 remaining to the member's credit at the time of  
2 separation from service, the election remains valid.

3 For the purpose of this section, "beneficiary"  
4 means a spouse, child, or a dependent parent."

5 2. Page 22, by inserting after line 21, the  
6 following:

7 "Sec. \_\_\_\_\_. NEW SECTION. 411.6A OPTIONAL  
8 RETIREMENT BENEFITS.

9 In lieu of the retirement benefits and refund of  
10 contributions provided for members of the system and  
11 the members' beneficiaries under sections 411.6 and  
12 411.23, members may elect to receive an optional  
13 retirement benefit during the member's lifetime and  
14 have the optional retirement benefit, or a designated  
15 fraction of the optional retirement benefit, continued  
16 and paid to the member's beneficiary after the  
17 member's death and during the lifetime of the  
18 beneficiary. The optional retirement benefit shall be  
19 determined at the time of the member's retirement  
20 based upon whether the member retires under service  
21 retirement, accidental disability, or ordinary  
22 disability.

23 The member shall make the election request in  
24 writing to the board of trustees prior to retirement.  
25 The election is subject to the approval of the board  
26 of trustees. If the member is married, the election  
27 of an option under this section requires the written  
28 acknowledgement of the member's spouse. The member  
29 may revoke the election prior to retirement by written  
30 request to the board of trustees, but cannot revoke  
31 the election after retirement. The election request  
32 applies to retirement under service retirement,  
33 accidental disability and ordinary disability,  
34 whichever is applicable at the time of the member's  
35 retirement.

36 Optional retirement benefits shall be the actuarial  
37 equivalent of the amounts of the retirement benefits  
38 payable to members and beneficiaries under section  
39 411.6. The actuarial equivalent shall be based on the  
40 mortality and interest assumptions set out in section  
41 411.5.

42 If the member dies without a beneficiary prior to  
43 retirement or prior to receipt in benefits of an  
44 amount equal to the total amount remaining to the  
45 member's credit at the time of separation from  
46 service, the election is null and void.

47 If the member dies with a beneficiary prior to  
48 retirement, the election remains valid and the  
49 beneficiary is entitled to receive the retirement  
50 benefit beginning at the death of the member.

**Page 3**

1 If the member dies with a beneficiary and the  
2 beneficiary subsequently dies prior to receipt in  
3 retirement benefits by both the member and the  
4 beneficiary of an amount equal to the total amount  
5 remaining to the member's credit at the time of  
6 separation from service, the election remains valid.

7 For the purpose of this section, "beneficiary"  
8 means a spouse, child, or a dependent parent."

Amendment H—5968 was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2543)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Swartz

Tabor  
Wise

Teaford  
Mr. Speaker  
Avenson

Tyrrell

Van Maanen

The nays were, 9:

Carpenter  
Metcalf  
Trent

Doderer  
Miller

Eddie  
Pellett

Maulsby  
Plasier

Absent or not voting, 1:

Stueland

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day, on request of Eddie of Buena Vista.

### SENATE MESSAGES CONSIDERED

**Senate File 2406**, by committee on ways and means, a bill for an act relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date.

Read first time and referred to committee on **ways and means**.

**Senate File 2421**, by committee on appropriations, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

Read first time and referred to committee on **appropriations**.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

**IMMEDIATE MESSAGE**  
**(House File 2543)**

Arnould of Scott asked and received unanimous consent that House File 2543 be immediately messaged to the Senate.

**Appropriations Calendar**

The House resumed consideration of **House File 2564**, a bill for an act relating to substance abuse prevention and treatment, enforcement of controlled substance provisions, making appropriations, and providing penalties, and amendment H—5942B, found on page 1598 of the House Journal, previously deferred and retained on the appropriations calendar.

Renaud of Polk in the chair at 6:45 p.m.

Peters of Woodbury moved the adoption of amendment H—5942B.

A non-record roll call was requested.

The ayes were 53, nays 40.

Amendment H—5942B was adopted, placing out of order amendment H—5949, previously deferred, filed by Peters of Woodbury from the floor.

Pavich of Pottawattamie offered the following amendment H—5977 filed by him from the floor and moved its adoption:

H—5977

- 1 Amend House File 2564 as follows:
- 2 1. Page 11, line 32, by striking the words "a
- 3 quorum may" and inserting the following: "the voting
- 4 members of the council is necessary to".

Amendment H—5977 was adopted.

McKinney of Dallas offered the following amendment H—5950 filed by him from the floor and moved its adoption:

H—5950

- 1 Amend House File 2564 as follows:
- 2 1. Title page, by striking lines 1 through 3, and
- 3 inserting the following: "An Act relating to making
- 4 appropriations for substance abuse treatment,
- 5 prevention, education, and enforcement programs,
- 6 establishing an evaluation mechanism for substance
- 7 abuse treatment programs, and providing civil
- 8 penalties."

Amendment H—5950 was adopted.

Speaker Avenson in the chair at 7:09 p.m.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2564)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbaüer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklöth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Stueland

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

IMMEDIATE MESSAGE  
(House File 2564)

Arnould of Scott asked and received unanimous consent that House File 2564 be immediately messaged to the Senate.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, March 28, 1990. Had I been present, I would have voted "aye" on House File 2431.

OLLIE of Clinton

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-six eighth grade students from West Central School, Maynard, accompanied by Ron Reusche and Bill Burke. By Avenson of Fayette.

Forty students from Russell Elementary and Russell High School, Russell, accompanied by Mike Harter. By Brown of Lucas.

Thirty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Paul Linn and Stacey Roberts. By Carpenter of Polk.

Forty-five students from Wapello High School, Wapello, accompanied by Tim Jobes. By Shearer of Louisa.

Sixty fifth grade students from Oak Park Elementary School, Des Moines, accompanied by Sue Renaud and Doris Comstock. By Sherzan of Polk.

Forty Junior High School students from Peet Junior High School, Cedar Falls, accompanied by Carolyn Harms. By Teaford of Black Hawk.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON LOCAL GOVERNMENT

House File 2557, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5945 March 28, 1990.

## COMMITTEE ON WAYS AND MEANS

**Senate File 2304**, a bill for an act relating to penalty and interest on cigarette, tobacco, motor fuel, individual income, withholding, corporation income, franchise, sales, use, retailer's use, environmental protection charge, inheritance, generation skipping transfer, and estate taxes, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 1990.

**Senate File 2412**, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5962** March 29, 1990.

## AMENDMENTS FILED

H-5937	S.F.	2402	Senate Amendment
H-5938	S.F.	2280	Senate Amendment
H-5939	H.F.	2554	Svoboda of Tama
			Gruhn of Dickinson
			Peters of Woodbury
			Brown of Lucas
H-5940	S.C.R.	128	Osterberg of Linn
			Carpenter of Polk
			Shearer of Louisa
H-5941	H.F.	2554	Tabor of Jackson
H-5944	S.C.R.	128	Osterberg of Linn
H-5945	H.F.	2557	Committee on
			Local Government
H-5951	H.F.	2554	Maulsby of Calhoun
			Lageschulte of Bremer
H-5952	H.F.	2554	Tabor of Jackson
H-5953	H.F.	2554	Svoboda of Tama
			Petersen of Muscatine
			Gruhn of Dickinson
			De Groot of Lyon
			Fogarty of Palo Alto
			Branstad of Winnebago
			Maulsby of Calhoun
H-5956	H.F.	2554	Tabor of Jackson
H-5957	S.F.	2344	Haverland of Polk
H-5958	S.F.	2093	Tabor of Jackson
			Renaud of Polk
			Blanshan of Greene
H-5959	S.F.	2364	Senate Amendment

H-5960	H.F.	2554	Schnekloth of Scott
H-5961	H.F.	2554	Iverson of Wright
			Hermann of Scott
			Petersen of Muscatine
			Hanson of Delaware
			Hester of Pottawattamie
			Maulsby of Calhoun
			Van Maanen of Mahaska
			Garman of Story
			Royer of Page
			Daggett of Adams
			Trent of Muscatine
			Halvorson of Clayton
H-5962	S.F.	2412	Committee on
			Ways and Means
H-5963	H.F.	2554	Bennett of Ida
H-5964	H.F.	2554	Siegrist of Pottawattamie
			Beaman of Clarke
			Harbor of Mills
H-5966	H.F.	2554	Lageschulte of Bremer
			Maulsby of Calhoun
			Branstad of Winnebago
			De Groot of Lyon
H-5969	H.F.	2554	Kremer of Buchanan
H-5970	S.F.	2412	Murphy of Dubuque
			Bennett of Ida
H-5971	S.F.	2328	Senate Amendment
H-5972	H.F.	2456	Osterberg of Linn
			Jay of Appanoose
H-5973	S.F.	2403	Neuhauser of Johnson
			Dvorsky of Johnson
			Nielsen of Linn
			McKean of Jones
			Johnson of Winneshiek
			Banks of Plymouth
H-5975	H.F.	2554	Lageschulte of Bremer
			Maulsby of Calhoun
			Iverson of Wright
H-5976	H.F.	2554	Siegrist of Pottawattamie
			Renaud of Polk
			Poncy of Wapello
			Beaman of Clarke
H-5978	S.F.	2327	Senate Amendment

H-5979	S.F.	2410	Shoultz of Black Hawk Hatch of Polk
H-5980	S.F.	2410	Shoultz of Black Hawk Hatch of Polk
H-5981	S.F.	2410	Shoultz of Black Hawk Hatch of Polk
H-5982	H.F.	2554	Osterberg of Linn
H-5983	S.F.	2413	Jay of Appanoose

On motion by Arnould of Scott, the House adjourned at 7:26 p.m., until 9:00 a.m., Friday, March 30, 1990.

# JOURNAL OF THE HOUSE

Eighty-second Calendar Day — Fifty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 30, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Don Knapp, state representative from Dubuque County.

The Journal of Thursday, March 29, 1990, was approved.

## SENATE AMENDMENT CONSIDERED

Jay of Appanoose called up for consideration **House File 2450**, a bill for an act relating to court costs to the city for certain dismissals of parking violations and court costs and fees for certain parking violations, amended by the Senate, and moved that the House concur in the following Senate amendment H—5875:

H—5875

- 1 Amend House File 2450, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "violations" the following: "Filing fees".
- 5 2. Page 1, by inserting after line 13 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 321.236, subsection 1, para-
- 8 graph a, Code 1989, is amended to read as follows:
- 9 a. May be charged and collected upon a simple
- 10 notice of a fine not exceeding five dollars payable to
- 11 the city clerk or clerk of the district court, if
- 12 authorized by ordinance. The fine may be increased up
- 13 to ten dollars if the parking violation is not paid
- 14 within thirty days of the date upon which the
- 15 violation occurred, if authorized by ordinance. No
- 16 costs or other charges shall be assessed. All fines
- 17 collected by a city pursuant to this paragraph shall
- 18 be retained by the city and all fines collected by a
- 19 county pursuant to this paragraph shall be retained by
- 20 the county."
- 21 3. Page 1, by striking lines 22 and 23 and
- 22 inserting the following: "information shall not be
- 23 collected in cases of overtime or uniform citation and
- 24 complaint for parking violations under sections
- 25 321.236, 321.239, 321.358, 321.360, and 321.361 is one
- 26 dollar, effective January 1, 1991. The court costs in

27 cases of parking meter and overtime parking violations  
 28 which are denied, and charged and collected pursuant  
 29 to section 321.236, subsection 1, or pursuant to a  
 30 uniform citation and complaint are eight dollars per  
 31 information or complaint or per uniform citation and  
 32 complaint, effective January 1, 1991."

33 4. By striking page 1, line 33, through page 2,  
 34 line 3, and inserting the following: "805.8 to be  
 35 scheduled violations. The filing fees and court costs  
 36 in cases of parking meter and overtime parking  
 37 violations which are denied, and charged and collected  
 38 pursuant to section 321.236, subsection 1, are eight  
 39 dollars per court appearance, regardless of the number  
 40 of parking violations considered at that court  
 41 appearance are as stated in section 602.8106,  
 42 subsection 1. The court costs in scheduled".

43 5. Page 2, by striking lines 22 through 24 and  
 44 inserting the following: "dollars. The scheduled  
 45 fine for a parking violation of section 321.236  
 46 increases in an amount up to ten dollars, as  
 47 authorized by ordinance pursuant to section 321.236,  
 48 subsection 1, paragraph "a", if the parking violation  
 49 is not paid within thirty days of the date upon which  
 50 the violation occurred. For".

The motion prevailed and the House concurred in the Senate amendment H-5875.

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

On the question "Shall the bill pass?" (H.F. 2450)

The ayes were, 91:

- |               |                  |                  |          |
|---------------|------------------|------------------|----------|
| Arnould       | Banks            | Beaman           | Beatty   |
| Bennett       | Bisignano        | Black            | Blanshan |
| Brammer       | Brand            | Branstad         | Buhr     |
| Carpenter     | Chapman          | Clark            | Cphoon   |
| Connors       | Corbett          | Daggett          | De Groot |
| Doderer       | Dvorsky          | Eddie            | Fey      |
| Fogarty       | Fuller           | Garman           | Groninga |
| Gruhn         | Halvorson, R. A. | Halvorson, R. N. | Hammond  |
| Hansen, S. D. | Hanson, D. R.    | Harbor           | Harper   |
| Hatch         | Hermann          | Hester           | Holveck  |
| Iverson       | Jay              | Jesse            | Jochum   |
| Johnson       | Kistler          | Knapp            | Koenigs  |
| Kremer        | Lageschulte      | Lundby           | Lykam    |
| Maulsby       | May              | McKean           | McKinney |
| Mertz         | Metcalf          | Murphy           | Nielsen  |

Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spanner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Adams	Brown	Diemer	Haverland
Hibbard	Miller	Muhlbauer	Neuhauser
Plasier			

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

### Ways and Means Calendar

**House File 2554**, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, with report of committee recommending amendment and passage was taken up for consideration.

Tabor of Jackson offered the following amendment H—5924 filed by the committee on appropriations and moved its adoption:

H—5924

- 1 Amend House File 2554 as follows:
- 2 1. Page 2, line 7, by inserting after the word
- 3 "county" the following: "shall provide services in
- 4 accordance with standards and consistent with the
- 5 guidelines adopted pursuant to section 225C.27 and".
- 6 2. Page 2, line 12, by inserting after the word
- 7 "the" the following: "mental health and mental
- 8 retardation".
- 9 3. Page 3, by inserting after line 11 the
- 10 following:
- 11 "7. Nothing in this section is intended by the
- 12 general assembly to be the provision of a fair and
- 13 equitable funding formula specified in 1985 Iowa Acts,

14 chapter 249, section 9. Nothing in this section shall  
 15 be construed, is intended, or shall imply a claim of  
 16 entitlement to any programs or services specified in  
 17 section 225C.28."

The committee amendment H—5924 was adopted.

Osterberg of Linn offered the following amendment H—5982 filed  
 by him:

H—5982

1 Amend House File 2554 as follows:

2 1. Page 1, line 3, by inserting after the figure  
 3 "2." the following: "a."

4 2. Page 1, by inserting after line 21 the  
 5 following:

6 "b. If the owner of the mobile home is an Iowa  
 7 resident, has attained the age of eighteen years on or  
 8 before December 31 of the base year but has not  
 9 attained the age or disability status described in  
 10 paragraph "a", and has an income when included with  
 11 that of a spouse which is less than fourteen thousand  
 12 dollars, the annual tax shall be computed as follows:

13 <u>If the Household</u>	<u>Annual Tax Per</u>
14 <u>Income is:</u>	<u>Square Foot:</u>
15 \$ 0 — 5,999.99	10.0 cents
16 6,000 — 6,999.99	11.6
17 7,000 — 7,999.99	13.0
18 8,000 — 9,999.99	15.0
19 10,000 — 11,999.99	16.7
20 12,000 — 13,999.99	17.6".

21 3. By striking page 3, line 12, through page 4,  
 22 line 5, and inserting the following:

23 "Sec. 50. Section 425.17, subsections 5 and  
 24 9, Code Supplement 1989, are amended to read as follows:

25 5. "Claimant" means a either one of the following:

26 a. A person filing a claim for credit or  
 27 reimbursement under this division who has attained the  
 28 age of sixty-five years on or before December 31 of  
 29 the base year or who is a surviving spouse having  
 30 attained the age of fifty-five years on or before  
 31 December 31, 1988, or who is totally disabled and was  
 32 totally disabled on or before December 31 of the base  
 33 year, and was domiciled in this state during the  
 34 entire base year and is domiciled in this state at the  
 35 time the claim is filed or at the time of the person's  
 36 death in the case of a claim filed by the executor or  
 37 administrator of the claimant's estate.

38 b. A person filing a claim for credit or  
 39 reimbursement under this division who has attained the  
 40 age of eighteen years on or before December 31 of the

41 base year but has not attained the age or disability  
 42 status described in paragraph "a", and was domiciled  
 43 in this state during the entire base year and is  
 44 domiciled in this state at the time the claim is filed  
 45 or at the time of the person's death in the case of a  
 46 claim filed by the executor or administrator of the  
 47 claimant's estate.

48 "Claimant" under paragraph "a" or "b" includes a  
 49 vendee in possession under a contract for deed and may  
 50 include one or more joint tenants or tenants in

**Page 2**

1 common. In the case of a claim for rent constituting  
 2 property taxes paid, the claimant shall have rented  
 3 the property during any part of the base year. If a  
 4 homestead is occupied by two or more persons, and more  
 5 than one person is able to qualify as a claimant, the  
 6 persons may determine among them who will be the  
 7 claimant. If they are unable to agree, the matter  
 8 shall be referred to the director of revenue and  
 9 finance not later than October 31 of each year and the  
 10 director's decision is final.

11 9. "Property taxes due" means property taxes  
 12 including any special assessments, but exclusive of  
 13 delinquent interest and charges for services, due on a  
 14 claimant's homestead in this state, but includes only  
 15 property taxes for which the claimant is liable and  
 16 which will actually be paid by the claimant. However,  
 17 if the claimant is a person whose property taxes have  
 18 been suspended under sections 427.8 and 427.9,  
 19 "property taxes due" means property taxes including  
 20 any special assessments, but exclusive of delinquent  
 21 interest and charges for services, due on a claimant's  
 22 homestead in this state, but includes only property  
 23 taxes for which the claimant is liable and which would  
 24 have to be paid by the claimant if the payment of the  
 25 taxes has not been suspended pursuant to sections  
 26 427.8 and 427.9. "Property taxes due" shall be  
 27 computed with no deduction for any credit under this  
 28 division or for any homestead credit allowed under  
 29 section 425.1. Each claim shall be based upon the  
 30 taxes due during the fiscal year next following the  
 31 base year. If a homestead is owned by two or more  
 32 persons as joint tenants or tenants in common, and one  
 33 or more persons are not members of claimant's  
 34 household, "property taxes due" is that part of  
 35 property taxes due on the homestead which equals the  
 36 ownership percentage of the claimant and the  
 37 claimant's household. The county treasurer shall  
 38 include with the tax receipt a statement that if the  
 39 owner of the property is sixty five eighteen years of

40 age or over or is totally disabled, or is a surviving  
 41 spouse who was fifty-five years of age on or before  
 42 December 31, 1988, the person may be eligible for the  
 43 credit allowed under this division. If a homestead is  
 44 an integral part of a farm, the claimant may use the  
 45 total property taxes due for the larger unit. If a  
 46 homestead is an integral part of a multidwelling or  
 47 multipurpose building the property taxes due for the  
 48 purpose of this subsection shall be prorated to  
 49 reflect the portion which the value of the property  
 50 that the household occupies as its homestead is to the

Page 3

1 value of the entire structure. For purposes of this  
 2 subsection, "unit" refers to that parcel of property  
 3 covered by a single tax statement of which the  
 4 homestead is a part."

5 4. Page 4, line 8, by inserting after the figure  
 6 "1." the following: "a."

7 5. Page 4, line 8, by inserting after the word  
 8 "reimbursement" the following: "for a claimant  
 9 described in section 425.17, subsection 5, paragraph  
 10 "a"."

11 6. Page 4, by inserting after line 20, the  
 12 following:

13 b. The tentative credit or reimbursement for a  
 14 claimant described in section 425.17, subsection 5,  
 15 paragraph "b", shall be determined in accordance with  
 16 the following schedule:

	<u>Percent of property taxes</u> <u>due or rent constituting</u> <u>property taxes paid</u> <u>allowed as a credit or</u> <u>reimbursement:</u>
17 <u>If the household</u>	
18 <u>income is:</u>	
19 \$ 0 — 5,999.99 .....	50%
20 6,000 — 6,999.99 .....	42
21 7,000 — 7,999.99 .....	35
22 8,000 — 9,999.99 .....	25
23 10,000 — 11,999.99 .....	17
24 12,000 — 13,999.99 .....	12".

25 7. Page 5, line 8, by inserting after the word  
 26 "less." the following: "However, where the claimant is  
 27 an individual described in section 425.17, subsection 5,  
 28 paragraph "b", the claim filed constitutes a claim for  
 29 credit of an amount equal to one-half of the actual amount  
 30 due and payable during the fiscal year or equal to one-half  
 31 of the annual payment, whichever is less."

32 8. Page 12, line 11, by inserting after the figure  
 33 "1," the following: "50,".

34 9. Page 12, line 13, by inserting before the  
 35 figure "4" the following: "50,".

39 10. Page 12, line 17, by striking the word and  
40 figure "3 and".

41 11. Page 12, line 18, by striking the words  
42 "homestead tax credits and".

43 12. Title page, line 5, by striking the words  
44 "the homestead tax credit,".

Hatch of Polk in the chair at 10:08 a.m.

Osterberg of Linn moved the adoption of amendment H—5982.

A non-record roll call was requested.

The ayes were 38, nays 30.

Amendment H—5982 was adopted.

Iverson of Wright asked and received unanimous consent to withdraw amendment H—5961 filed by Iverson, et al., on March 29, 1990.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hibbard of Madison, until his arrival, on request of Brown of Lucas.

Iverson of Wright offered the following amendment H—5991 filed by him from the floor and moved its adoption:

H—5991

1 Amend House File 2554 as follows:

2 1. Page 1, by striking lines 1 through 28.

3 2. Page 2, line 3, by striking the words "five  
4 million" and inserting the following: "seven million  
5 two hundred thousand".

6 3. Page 3, by inserting after line 11, the

7 following:

8 "Sec. \_\_\_\_\_. Section 257.3, subsections 1 and 2,

9 Code Supplement 1989, are amended to read as follows:

10 1. AMOUNT OF TAX. Except as provided in  
11 subsection 2, a school district shall cause to be  
12 levied each year, for the school general fund, a  
13 foundation property tax equal to five dollars and  
14 forty cents per thousand dollars of assessed valuation  
15 on all taxable property in the district. The county  
16 auditor shall spread the foundation levy over all  
17 taxable property in the district.

18 2. AMOUNT FOR REORGANIZED AND DISSOLVED DISTRICTS.

19 Reorganized school districts that met the requirements  
20 of section 442.2, subsection 1, Code 1989, prior to  
21 July 1, 1989, and had reduced property tax rates shall  
22 continue to have the reduced levies that they would  
23 have had under section 442.2, subsection 1, Code 1989,

- 24 and those levies shall continue to increase twenty  
 25 cents per year as provided in that subsection, except  
 26 that those levies shall not increase above five  
 27 dollars per thousand dollars of assessed valuation."  
 28 4. By striking page 3, line 12, through page 11,  
 29 line 26.  
 30 5. Page 12, by striking lines 10 through 20.  
 31 6. Title page, by striking lines 4 through 9 and  
 32 inserting the following: "the school foundation  
 33 property tax levy rate, and providing an effective  
 34 date."

Roll call was requested by Tabor of Jackson and Wise of Lee.

Rule 75 was invoked.

On the question "Shall amendment H—5991 be adopted?"  
 (H.F. 2554)

The ayes were, 35:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Koenigs	Lageschulte
Lundby	Maulsby	McKean	Mertz
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schneklath	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 63:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Haverland	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Kremer	Lykam	May	McKinney
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Hatch	
		Presiding	

Absent or not voting, 2:

Fey                      Hibbard

Amendment H—5991 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello, for the remainder of the day, on request of Koenigs of Mitchell.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H—5953 filed by Svoboda, et al., on March 29, 1990.

Petersen of Muscatine offered the following amendment H—5990 filed by him from the floor:

H—5990

1 Amend House File 2554 as follows:

2 1. Page 3, by inserting after line 11 the  
3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 331.426A MENTAL HEALTH  
5 SERVICES LIMITATION — STATE OBLIGATION.

6 1. The amount that a county may expend to pay the  
7 charges for services under the mental health programs  
8 in existence on July 1, 1990, from the receipts from  
9 property taxes levied under this part of division IV  
10 shall not exceed the amount expended in the fiscal  
11 year beginning July 1, 1991, to pay the charges for  
12 services under the mental health programs in existence  
13 on July 1, 1990, from the receipts from property taxes  
14 levied under this part of division IV.

15 2. For fiscal years beginning on or after July 1,  
16 1992, the state shall pay the charges for services  
17 under the mental health programs in existence on July  
18 1, 1990, to the extent the county is unable to pay the  
19 charges as a result of the limitation imposed under  
20 subsection 1."

21 2. Title page, line 3, by inserting after the  
22 word "ill," the following: "limiting the amount of  
23 property taxes that may be expended for services under  
24 certain mental health programs."

Speaker Avenson in the chair at 11:29 a.m.

Petersen of Muscatine moved the adoption of amendment H—5990.

Roll call was requested by Maulsby of Calhoun and De Groot of Lyon.

On the question "Shall amendment H—5990 be adopted?"  
(H.F. 2554)

The ayes were, 44:

Banks  
Branstad

Beaman  
Brown

Bennett  
Clark

Black  
Corbett

Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Jay	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 51:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Renaud	Rosenberg	Schrader	Shearer
Shoultz	Spear	Svoboda	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 5:

Carpenter	Hibbard	Poney	Sherzan
Swartz			

Amendment H — 5990 lost.

Arnould of Scott asked and received unanimous consent that House File 2554 be deferred and that the bill retain its place on the calendar.

Peters of Woodbury in the chair at 11:47 a.m.

On motion by Arnould of Scott, the House was recessed at 11:50 a.m., until 12:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chapman of Linn, for the remainder of the day, on request of Arnould of Scott.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1990, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on March 30, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2423, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

JOHN F. DWYER, Secretary

### ADOPTION OF SENATE CONCURRENT RESOLUTION 128

Blanshan of Greene called up for consideration Senate Concurrent Resolution 128, relating to the provision of cable television service.

Osterberg of Linn offered the following amendment H—5944 filed by him and moved its adoption:

H—5944

- 1 Amend Senate Concurrent Resolution 128, as passed
- 2 by the Senate, as follows:
- 3 1. Page 3, line 5, by striking the word
- 4 "Regulations" and inserting the following: "State and
- 5 federal regulations".
- 6 2. Page 3, line 8, by inserting after the word
- 7 "operations." the following: "State regulations of
- 8 intrastate fiber optics shall not be preempted by the
- 9 federal government."

Amendment H—5944 was adopted.

Osterberg of Linn offered the following amendment H—5940 filed by Osterberg, et al.:

H—5940

- 1 Amend Senate Concurrent Resolution 128, as passed
- 2 by the Senate, as follows:
- 3 1. Page 3, by inserting after line 12 the fol-
- 4 lowing:
- 5 "d. Regulations are in place to ensure that fiber-
- 6 optic cable deployed to homes is accorded the legal
- 7 status of a common carrier.

8 e. Regulations are in place to prohibit the  
9 delivery of information services or programming  
10 originated by an owner or operator of a fiber optic  
11 cable deployed to homes who provides telephonic or  
12 other regulated communications services, except in  
13 regulated circumstances where the owner or operator is  
14 subject to a penalty for the use of information  
15 concerning a competitor obtained in the course of  
16 providing services, and procedures are in place to  
17 make technological information gained through system  
18 use, operation, or ownership which affect system use  
19 available to competitors using the system."

Osterberg of Linn offered the following amendment H—6000, to amendment H—5940, filed by him and Shearer of Louisa from the floor and moved its adoption:

H—6000

1 Amend amendment, H—5940, to Senate Concurrent  
2 Resolution 128, as passed by the Senate, as follows:  
3 1. Page 1, by striking lines 8 through 19, and  
4 inserting the following:  
5 "e. Regulations are in place to prohibit common  
6 carriers, which provide video transmission facilities  
7 by use of an integrated switched network, from  
8 providing, pursuant to customer desires, individual  
9 customer data accumulated by the carrier in the course  
10 of furnishing regulated common carrier services to the  
11 customer, to all enhanced service providers whether  
12 they are affiliated or unaffiliated with the involved  
13 common carrier. Penalties must be assessed of any  
14 carrier that violates these disclosure rules."

Amendment H—6000 was adopted.

On motion by Osterberg of Linn, amendment H—5940, as amended, was adopted.

On motion by Blanshan of Greene, the resolution, as amended, was adopted.

IMMEDIATE MESSAGE  
(Senate Concurrent Resolution 128)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 128 be immediately messaged to the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2459, a bill for an act relating to the employment of personnel under sharing agreements between school districts.

Also: That the Senate has on March 30, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2415, a bill for an act authorizing an additional tax levy and the creation of a reserve account by a benefited fire district.

Also: That the Senate has on March 30, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2416, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date.

JOHN F. DWYER, Secretary

The House stood at ease at 1:23 p.m., until the fall of the gavel.

The House resumed session at 2:28 p.m., Speaker Avenson in the chair.

### Ways and Means Calendar

The House resumed consideration of **House File 2554**, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, previously deferred and retained on the ways and means calendar.

Siegrist of Pottawattamie offered the following amendment H-5964 filed by Siegrist, et al.:

H-5964

- 1 Amend House File 2554 as follows:
- 2 1. Page 4, by inserting after line 5 the
- 3 following:
- 4 "Sec. 100. Section 425.15, Code 1989, is amended
- 5 to read as follows:

## 6 425.15 DISABLED VETERAN TAX CREDIT.

7 If the owner of the a homestead, allowed a credit  
8 under this chapter, is a veteran of any of the  
9 military forces of the United States, who acquired the  
10 homestead under the provisions of the United States  
11 Code, title 38, chapter 21, sections 801 and 802 38  
12 U.S.C. § 21.801, 21.802, the credit allowed on the  
13 homestead from the homestead credit fund shall be the  
14 entire amount of the tax levied on the homestead. The  
15 credit allowed shall be continued to the estate of the  
16 a veteran who is deceased or the surviving spouse and  
17 any child, as defined in section 234.1, who are the  
18 beneficiaries of the a deceased veteran, so long as  
19 the surviving spouse remains unmarried. This section  
20 is not applicable to the holder of title to any  
21 homestead whose annual income, together with that of  
22 the titleholder's spouse, if any, for the last  
23 preceding twelve-month income tax accounting period  
24 exceeds ten fifty thousand dollars. For the purpose  
25 of this section "income" means taxable income for  
26 federal income tax purposes plus income from  
27 securities of state and other political subdivisions  
28 exempt from federal income tax. Any A veteran or a  
29 beneficiary of the a veteran who elects to secure the  
30 credit provided in this section is not eligible for  
31 any other real property tax exemption provided by law  
32 for veterans of military service. If the a veteran  
33 acquires a different homestead, the credit allowed  
34 under the provisions of this section may be claimed on  
35 a the new homestead unless the veteran fails to meet  
36 the other requirements of this section."

37 2. Page 12, by inserting after line 22 the  
38 following:

39 "Sec. \_\_\_\_\_.

40 Section 100 of this Act is applicable for  
41 assessment years beginning on or after July 1, 1991."

42 3. By renumbering as necessary.

Siegrist of Pottawattamie offered the following amendment  
H-5976, to amendment H-5964, filed by Siegrist, et al., and moved  
its adoption:

H-5976

1 Amend amendment H-5964 to House File 2554 as  
2 follows:

3 1. Page 1, line 24, by striking the word "fifty"  
4 and inserting the word "twenty-five".

Amendment H-5976 was adopted.

On motion by Siegrist of Pottawattamie, amendment H—5964, as amended, was adopted.

Tabor of Jackson offered the following amendment H—5952 filed by him:

H—5952

1 Amend House File 2554 as follows:

2 1. By striking page 6, line 33 through page 7,  
3 line 5, and inserting the following:

4 "3. "Actively engaged in farming" means satisfying  
5 all of the following conditions:

6 a. The person receives or has the right to receive  
7 all of the crop production from more than one-half of  
8 the tract.

9 b. The person materially participated in the  
10 production of the crops, as defined in section 469(h),  
11 except paragraphs (3) and (4), of the Internal Revenue  
12 Code, as defined in section 422.3 and regulations  
13 adopted for the applicable paragraphs of that section.

14 However, a person performing activities in the  
15 capacity of a lessor, whether under a cash or crop  
16 share lease, is not actively engaged in farming on the  
17 area of the tract covered by the lease."

18 2. Page 7, line 33, by striking the words "are  
19 actively engaged in farming" and inserting the  
20 following: "were actively engaged in farming during  
21 the fiscal year preceding the fiscal year in which the  
22 auditor computes the amount of credit under section  
23 425A.5 for which the tract would be eligible, owned  
24 the tract on June 30 of that preceding fiscal year,".

25 3. Page 8, line 1, by striking the words "or  
26 owner's spouse." and inserting the following: ",  
27 owner's spouse, owner's child or stepchild, or the  
28 spouse of the owner's child or stepchild."

29 4. Page 8, line 24, by striking the word  
30 "auditor" and inserting the following: "board of  
31 supervisors".

32 5. Page 8, line 27, by striking the word "is" and  
33 inserting the following: "was, during the fiscal year  
34 specified in subsection 2,".

35 6. Page 8, line 28, by striking the word "is" and  
36 inserting the following: "was".

37 7. Page 8, line 29, by striking the word "is" and  
38 inserting the following: "was".

39 8. Page 8, line 30, by striking the word  
40 "auditor" and inserting the following: "board".

41 9. Page 9, line 3, by striking the word "are" and  
42 inserting the following: "were".

43 10. Page 9, line 7, by striking the words and  
44 figure "March 15 deliver to the county auditor" and

- 45 inserting the following: "October 1 deliver to the  
46 county assessor".  
47 11. Page 9, line 8, by striking the word  
48 "auditor" and inserting the following: "assessor".  
49 12. Page 9, line 12, by striking the word  
50 "auditor" and inserting the following: "assessor".

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- 1 13. Page 9, line 13, by striking the word and  
2 figure "March 16" and inserting the following:  
3 "October 15".  
4 14. Page 9, line 15, by inserting after the word  
5 "disallowance." the following: "However, the deadline  
6 for filing claims in the 1990 calendar year shall be  
7 December 1, 1990, and the assessor shall return the  
8 statements and designations to the county board of  
9 supervisors on December 15, 1990."  
10 15. Page 9, line 17, by striking the word  
11 "auditors" and inserting the following: "assessors".  
12 16. Page 9, by striking lines 21 and 22 and  
13 inserting the following: "the decision of the board  
14 to the district court in which the tract for which the  
15 credit is claimed is situated by giving written notice  
16 of the appeal to the county assessor within twenty  
17 days from the date of the mailing of the notice of the  
18 decision of the board of supervisors."  
19 17. Page 10, by striking lines 6 through 21.  
20 18. Page 12, lines 13 and 14, by striking the  
21 words and figures "Sections 4 and 5 of this Act are"  
22 and inserting the following: "Section 4 of this Act  
23 is".

Arnould of Scott asked and received unanimous consent to temporarily defer action on amendment H—5963, to amendment H—5952.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—5969, to amendment H—5952, filed by him on March 29, 1990.

Lageschulte of Bremer offered the following amendment H—5975, to amendment H—5952, filed by Lageschulte, et al., and moved its adoption:

**H—5975**

- 1 Amend the amendment, H—5952, to House File 2554 as  
2 follows:  
3 1. Page 1, line 27, by striking the words "or  
4 stepchild" and inserting the following: ", stepchild,  
5 or grandchild".  
6 2. Page 1, line 28, by striking the words "or  
7 stepchild" and inserting the following: ", stepchild,  
8 or grandchild".

**Amendment H—5975 lost.**

Bennett of Ida offered the following amendment H—5963, previously deferred, to amendment H—5952, filed by him and moved its adoption:

H—5963

- 1 Amend the amendment, H—5952, to House File 2554 as
- 2 follows:
- 3 1. Page 1, by striking lines 14 through 17.

**Amendment H—5963 lost.**

On motion by Tabor of Jackson, amendment H—5952 was adopted, placing out of order lines 37 and 38, page 3, of amendment H—5982 previously adopted, found on page 1615 of the House Journal.

Svoboda of Tama offered the following amendment H—5939 filed by Svoboda, et al., and moved its adoption:

H—5939

- 1 Amend House File 2554 as follows:
- 2 1. Page 7, by striking lines 10 through 13.
- 3 2. Page 7, lines 33 and 34, by striking the words
- 4 and figure: "have met requirements of subsection 3,".
- 5 3. Page 8, by striking lines 10 through 23.
- 6 4. Page 9, lines 3 and 4, by striking the words
- 7 and figures: "has met the requirements of section
- 8 425A.3, subsection 3,".
- 9 5. Page 9, by striking lines 10 through 12 and
- 10 inserting the following: ". The auditor shall return
- 11 the statement and".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 45.

Amendment H—5939 was adopted, placing out of order lines 49 and 50 of page 1 of amendment H—5952, previously adopted, found on pages 1624 and 1625 of the House Journal.

Schneklath of Scott offered the following amendment H—5960 filed by him and moved its adoption:

H—5960

- 1 Amend House File 2554 as follows:
- 2 1. Page 8, line 1, by inserting after the word
- 3 "spouse" the following: ", but if the owner has
- 4 retired from farming and the owner was eligible for

- 5 the credit at the time of retirement, the individual
- 6 leasing the tract from the owner, if the lessee is a
- 7 beginning farmer as defined in section 175.2".

Roll call was requested by Bennett of Ida and Schnekloth of Scott.

On the question "Shall amendment H—5960 be adopted?"  
(H.F. 2554)

The ayes were, 45:

Banks	Beaman	Bennett	Brand
Branstad	Brown	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Jay	Kistler	Kremer
Lageschulte	Lundby	Maulsby	Mertz
Metcalf	Miller	Muhlbauer	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shearer	Shoning	Siegrist
Spenner	Svoboda	Trent	Tyrrell
Van Maanen			

The nays were, 48:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Cohoon
Connors	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Sherzan	Shoultz	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 7:

Black	Chapman	Jesse	McKean
Poncy	Schrader	Stueland	

Amendment H—5960 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day, on request of Van Maanen of Mahaska.

Lageschulte of Bremer offered the following amendment H—5966 filed by Lageschulte, et al.:

H—5966

- 1 Amend House File 2554 as follows:
- 2 1. Page 8, line 1, by inserting after the word
- 3 "spouse." the following: "If the owner rents all or a
- 4 portion of the tract and shares in the risk and profit
- 5 on a fifty percent-fifty percent basis, the lessee".

Fey of Scott in the chair at 3:21 p.m.

Lageschulte of Bremer moved the adoption of amendment H—5966.

Roll call was requested by Lageschulte of Bremer and Spenner of Henry.

Rule 75 was invoked.

On the question "Shall amendment H—5966 be adopted?" (H.F. 2554)

The ayes were, 40:

Banks	Beaman	Bennett	Black
Branstad	Brown	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fuller	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Jesse	Kistler	Kremer	Lageschulte
Lundby	Maulsby	Mertz	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand
Buhr	Carpenter	Cphoon	Connors
Doderer	Dvorsky	Fogarty	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Metcalf
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Fey			
Presiding			

Absent or not voting, 7:

Chapman	Haverland	Hibbard	McKean
Muhlbauer	Poncy	Stueland	

Amendment H—5966 lost.

Maulsby of Calhoun offered the following amendment H—5951 filed by him and Lageschulte of Bremer and moved its adoption:

H—5951

- 1 Amend House File 2554 as follows:
- 2 1. Page 8, line 8, by striking the word "twenty"
- 3 and inserting the following: "fifty-one".

Amendment H—5951 was adopted.

Tabor of Jackson asked and received unanimous consent to withdraw amendment H—5941 filed by him on March 29, 1990.

Tabor of Jackson asked and received unanimous consent to defer action on amendment H—5956.

Petersen of Muscatine offered the following amendment H—5985 filed by him from the floor and moved its adoption:

H—5985

- 1 Amend House File 2554 as follows:
- 2 1. By striking page 5, line 26 through page 11,
- 3 line 26, and inserting the following:
- 4 "Sec. 100. NEW SECTION. 426B.1 LIVESTOCK VALUE-
- 5 ADDED TAX CREDIT.
- 6 A livestock value-added tax credit is allowed which
- 7 is to be determined and claimed as provided in this
- 8 section.
- 9 The value-added tax credit may be claimed on the
- 10 taxes imposed on any agricultural building valued at
- 11 not more than one hundred thousand dollars which is
- 12 used directly by the farmer in the production of meat,
- 13 milk, or eggs. The amount of the credit equals one
- 14 thousand five hundred dollars. The credit allowed
- 15 under this section does not extend to any other
- 16 agricultural land or building which is used by the
- 17 farmer for machinery or equipment storage or commodity
- 18 storage whose use is only incidental to the production
- 19 of meat, milk, or eggs.
- 20 Application for the credit shall be filed by the
- 21 owner of the agricultural building with the county
- 22 assessor not later than February 1 on forms provided
- 23 by the department of revenue and finance. The credit
- 24 shall be allowed for meat, milk, and eggs sold in the
- 25 preceding calendar year. The credit shall be allowed

26 against taxes due and payable in the fiscal year  
27 beginning in the calendar year in which the credit is  
28 claimed. The application shall describe and locate  
29 the specific agricultural building upon which the  
30 credit is to be applied. The claim filed under this  
31 section is subject to the same procedures provided by  
32 law for other property tax exemption claims.

33 Any amount of the credit claimed which exceeds the  
34 amount of property taxes due and payable on the  
35 agricultural building shall not be carried forward or  
36 backward by the owner and the owner is not entitled to  
37 any refund.

38 **Sec. 101. NEW SECTION. 426B.2 AMOUNT OF CREDITS**  
39 **CERTIFIED — WARRANTS DRAWN BY DIRECTOR.**

40 1. On or before June 1, the county assessor shall  
41 certify the total amount of credits allowed under  
42 section 426B.1 to the director of the department of  
43 revenue and finance.

44 2. After receiving from the county assessors the  
45 certifications provided for in subsection 1, and  
46 during the following fiscal year, the director of  
47 revenue and finance shall draw warrants on the value-  
48 added tax credit fund created in section 426B.3,  
49 payable to the county treasurers in the amount  
50 certified by the county assessors of the respective

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1 counties and mail the warrants to the county auditors  
2 on August 15 of each year taking into consideration  
3 the relative budget and cash position of the state  
4 resources. However, if the value-added tax credit  
5 fund is insufficient to pay in full the total of the  
6 amounts certified to the director of revenue and  
7 finance, the director shall prorate the fund to the  
8 county treasurers and shall notify the county auditors  
9 of the pro rata percentage on or before August 1.

10 3. Upon receiving the pro rata percentage from the  
11 director of revenue and finance, the county auditor  
12 shall determine the amount to be credited to each  
13 agricultural building, and shall enter upon tax lists  
14 as a credit against the tax levied on each  
15 agricultural building on which there has been made an  
16 allowance of credit before delivering the tax lists to  
17 the county treasurer. Upon receipt of the director's  
18 warrant by the county auditor, the auditor shall  
19 deliver the warrant to the county treasurer for  
20 apportionment. The county treasurer shall show on  
21 each tax receipt the amount of tax credit for each  
22 agricultural building. In case of change of ownership  
23 the credit shall follow the title.

24 **Sec. 102. NEW SECTION. 426B.3 VALUE-ADDED TAX**

## 25 CREDIT FUND.

26 The value-added tax credit fund is created in the  
27 office of the treasurer of state. There is  
28 appropriated to the fund from funds in the general  
29 fund not otherwise appropriated the sum of thirteen  
30 million five hundred thousand dollars. Any balance in  
31 the fund on June 30 shall revert to the general fund."

32 2. Page 12, line 17, by striking the word and  
33 figures "6 through 13" and inserting the following:  
34 "100 through 102".

35 3. Page 12, line 18, by striking the words  
36 "family farm" and inserting the following: "value-  
37 added".

38 4. Title page, line 7, by striking the words  
39 "family farm" and inserting the following: "value-  
40 added".

Roll call was requested by Bennett of Ida and Pellett of Cass.

On the question "Shall amendment H—5985 be adopted?"

(H.F. 2554)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Brown	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Iverson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Buhr	Cohoon	Connors
Doderer	Dvorsky	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lykam
McKinney	Mertz	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Peters	Peterson, M. K.	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Fey
			Presiding

Absent or not voting, 6:

Chapman	Hermann	McKean	Pavich
Poncy	Stueland		

Amendment H — 5985 lost.

Hanson of Delaware offered the following amendment H — 5999 filed from the floor by Hanson of Delaware, Osterberg, Lageschulte, Petersen of Muscatine and Halvorson of Webster and moved its adoption:

H — 5999

- 1 Amend House File 2554 as follows:
- 2 1. Page 10, line 1, by striking the words "total
- 3 taxable value" and inserting the following: "taxable
- 4 value, not to exceed three hundred thousand dollars
- 5 per claim,".

Roll call was requested by Lageschulte of Bremer and Halvorson of Webster.

On the question "Shall amendment H — 5999 be adopted?"  
(H.F. 2554)

The ayes were, 43:

Banks	Beaman	Bennett	Black
Brown	Buhr	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hester	Holveck
Iverson	Jesse	Johnson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Nielsen	Osterberg
Pellett	Plasier	Renken	Rosenberg
Royer	Shoning	Siegrist	Spenner
Trent	Tyrrell	Van Maanen	

The nays were, 49:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Brammer	Brand	Branstad
Cohoon	Connors	Doderer	Dvorsky
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Hibbard	Jay	Jochum	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Ollie	Pavich	Peters	Peterson, M. K.
Renaud	Schneklloth	Schrader	Shearer

Sherzan  
Swartz  
Fey

Shoultz  
Tabor

Spear  
Teaford

Svoboda  
Wise

Presiding

Absent or not voting, 8:

Blanshan  
McKean

Chapman  
Petersen, D. F.

Haverland  
Poncy

Hermann  
Stueland

Amendment H—5999 lost.

Speaker Avenson in the chair at 4:14 p.m.

Hammond of Story offered the following amendment H—5925 filed by her and Tabor of Jackson and moved its adoption:

H—5925

- 1 Amend House File 2554 as follows:
- 2 1. Page 12, by inserting after line 9 the
- 3 following:
- 4 "Sec. \_\_\_\_\_.
- 5 The department of human services may adopt
- 6 administrative rules under section 17A.4, subsection
- 7 2, and section 17A.5, subsection 2, paragraph "b", to
- 8 implement section 2 of this Act. Rules adopted
- 9 pursuant to section 2 of this Act relating to
- 10 documentation from the counties shall become effective
- 11 immediately upon filing, unless a later effective date
- 12 is specified in the rules. The rules shall also be
- 13 published as notice of intended action as provided in
- 14 section 17A.4."

Amendment H—5925 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Siegrist of Pottawattamie; Hermann of Scott on request of Miller of Cherokee, both for the remainder of the day.

Tabor of Jackson offered the following amendment H—6004 filed from the floor by Tabor, Wise, Svoboda, Neuhauser, Mertz, Fuller, Harper, Adams, Fogarty and Gruhn:

H—6004

- 1 Amend House File 2554 as follows:
- 2 1. Page 12, by inserting after line 9 the
- 3 following:
- 4 "Sec. \_\_\_\_\_.
- 5 The legislative council is requested to establish
- 6 an interim study committee that would recommend

7 phasing in of a state-county funding formula to be  
8 implemented over a 15-year period. Components of the  
9 formula shall include case management and community-  
10 based facilities and the costs of services for chronic  
11 mental illness and other mental health programs.”

Petersen of Muscatine offered the following amendment H—6015, to amendment H—6004, filed by him from the floor and moved its adoption:

H—6015

1 Amend amendment H—6004 to House File 2554 as  
2 follows:  
3 1. Page 1, by striking lines 6 through 8, and  
4 inserting the following: “an interim study committee  
5 to consider the impact of the state assuming the  
6 cost of mental health programs which are currently  
7 paid for by the counties and that will study the  
8 phasing in of a state-county funding formula to be  
9 implemented over a five-year period. Components of  
10 the”.

Amendment H—6015 lost.

On motion by Tabor of Jackson, amendment H—6004 was adopted.

Tabor of Jackson offered the following amendment H—6019 filed by him and Osterberg of Linn from the floor and moved its adoption:

H—6019

1 Amend House File 2554, as follows:  
2 Page 12, line 15, by inserting after the numerals  
3 “1992.” the following: “Section 50 of this Act  
4 is also applicable to rent reimbursement claims filed  
5 on or after January 1, 1992.”

Amendment H—6019 was adopted.

Schnekloth of Scott asked and received unanimous consent to reconsider the vote by which the committee amendment H—5924, found on pages 1612 and 1613 of the House Journal, was adopted by the House on March 30, 1990.

Schnekloth of Scott offered the following amendment H—6003, to the committee amendment H—5924, filed by him from the floor and moved its adoption:

H-6003

- 1 Amend the amendment, H-5924, to House File 2554 as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the figure
- 4 "225C.27" the following: ", subsections 2 and 3,".

Amendment H-6003 was adopted.

On motion by Schnekloth of Scott, the committee amendment H-5924, as amended, was adopted.

Tabor of Jackson asked and received unanimous consent to withdraw amendment H-5956, previously deferred, filed by him on March 29, 1990.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Doderer

Absent or not voting, 8:

Chapman	Harbor	Hermann	May
McKean	Poney	Stueland	Swartz

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

**IMMEDIATE MESSAGE**  
(House File 2554)

Arnould of Scott asked and received unanimous consent that House File 2554 be immediately messaged to the Senate.

**SENATE AMENDMENTS CONSIDERED**

Spear of Lee called up for consideration **Senate File 2328**, 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 office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5971 to the House amendment:

H-5971

- 1 Amend the amendment, S-5681, to Senate File 2328,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 25, the
- 5 following:
- 6 "\_\_\_\_\_. Page 3, by inserting after line 28, the
- 7 following:
- 8 "As a condition, qualification, and limitation of
- 9 the funds appropriated by this section, the department
- 10 of employment services shall direct the division of
- 11 industrial services to implement, by rule, procedures
- 12 for an informal mediation process to avoid filing
- 13 contested cases and for an expedited workers'
- 14 compensation contested case proceeding." "
- 15 2. Page 1, by inserting after line 48, the
- 16 following:
- 17 "\_\_\_\_\_. Page 8, by inserting after line 29, the
- 18 following:
- 19 "Sec. 300.
- 20 There is appropriated from the administrative
- 21 contribution surcharge fund of the state to the
- 22 department of employment services, the lesser of
- 23 \$200,000 or the remaining balance in the fund at the
- 24 end of the fiscal year beginning July 1, 1989, and
- 25 ending June 30, 1990, to provide services in
- 26 communities where job service offices were located as

27 of July 1, 1989." "

28 3. Page 2, line 23, by striking the figure

29 "10,069,000" and inserting the following:

30 "9,700,000"."

31 4. Page 2, by inserting after line 27, the

32 following:

33 "\_\_\_\_\_. Page 13, line 23, by striking the figure

34 "790,320" and inserting the following: "856,600".

35 \_\_\_\_\_. Page 13, line 24, by striking the figure

36 "10.00" and inserting the following: "11.00".

37 \_\_\_\_\_. Page 13, by inserting after line 32, the

38 following:

39 "Of the amount appropriated in this section, the

40 following amounts, or so much thereof as is necessary,

41 shall be expended for the designated purposes:

42 \$29,000 for 1 administrative assistant FTE, \$20,000 to

43 contract for insurance consulting services, and

44 \$17,280 for support and capital expenses, all in

45 connection with the first year of implementing House

46 File 730, regarding errors and omission insurance for

47 real estate appraisers, if enacted by the 1990 Session

48 of the General Assembly." "

49 5. Page 4, by inserting after line 13, the

50 following:

## Page 2

1 "Sec. \_\_\_\_\_. Section 84A.1, subsection 2, Code 1989,

2 is amended by adding the following new unnumbered

3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. The director shall

5 direct the administrative and compliance functions and

6 control the docket of the division of industrial

7 services.

8 Sec. \_\_\_\_\_. Section 86.2, Code 1989, is amended by

9 adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. The commissioner may

11 appoint one or more chief deputy industrial

12 commissioners and one or more assistant industrial

13 commissioners. A chief deputy industrial commissioner

14 or an assistant industrial commissioner shall perform

15 such additional administrative responsibilities as are

16 deemed reasonably necessary and assigned by the

17 commissioner.

18 Sec. \_\_\_\_\_. Section 86.4, Code 1989, is amended to

19 read as follows:

20 **86.4 POLITICAL ACTIVITY AND CONTRIBUTIONS.**

21 It shall be unlawful for the commissioner, or any

22 appointee of the a chief deputy industrial

23 commissioner while in office, to espouse the election

24 or appointment of any candidate to any political

25 office, and any person violating the provisions of

26 this section shall be guilty of a simple misdemeanor.”

27 6. Page 4, by striking line 39 and inserting the  
28 following:

29 “Sec. \_\_\_\_\_. Section 99D.11, subsection 5, Code  
30 Supplement 1989, is amended to read as follows:

31 5. As each race is run the licensee shall deduct  
32 sixteen percent from the total sum wagered on all  
33 horses or dogs as first winners. The balance, after  
34 deducting breakage, shall be paid to the holders of  
35 certificates on the winning horse or dog in the  
36 proportion that the amount wagered by each certificate  
37 holder bears to the total amount wagered on all horses  
38 or dogs in the race as first winners. The licensee  
39 may pay a larger amount if approved by the commission.  
40 The licensee shall likewise receive other wagers on  
41 horses or dogs selected to run ~~second, third, or both,~~  
42 ~~or in places or combinations~~ the commission may  
43 authorize. The method, procedure, and the authority  
44 and right of the licensee, as well as the deduction  
45 allowed to the licensee, shall be as specified with  
46 respect to wagers upon horses or dogs selected to run  
47 first. However, the commission may authorize the  
48 licensee to deduct a higher percent of the total sum  
49 wagered not to exceed twenty percent on multiple or  
50 exotic wagering involving more than one horse or dog.

**Page 3**

1 Sec. \_\_\_\_\_. Section 99D.13, subsection 2, Code”.

2 7. Page 5, by inserting after line 41, the  
3 following:

4 “Sec. \_\_\_\_\_.

5 Section 300 of this Act, being deemed of immediate  
6 importance, takes effect upon enactment.”

7 \_\_\_\_\_. Title page, line 6, by inserting after the  
8 word “commission,” the following: “allocating certain  
9 standing appropriations subject to certain procedures  
10 and conditions, and affecting certain regulated  
11 entities.””

12 8. By renumbering, relettering, or redesignating  
13 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5971.

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

On the question “Shall the bill pass?” (S.F. 2328)

The ayes were, 82:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Brown	Buhr
Carpenter	Clark	Cohoon	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Renaud	Renken	Rosenberg
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 8:

Branstad	De Groot	Halvorson, R. N.	Kistler
Maulsby	Pellett	Schneklloth	Van Maanen

Absent or not voting, 10:

Brammer	Chapman	Harbor	Hermann
McKean	Poncy	Royer	Schrader
Stueland	Swartz		

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

### SENATE AMENDMENT CONSIDERED

Johnson of Winneshiek called up for consideration **Senate File 2364**, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, the department of natural resources, and the state racing commission, and changing the distribution of certain fees, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5959 to the House amendment:

H—5959

- 1 Amend House amendment, S—5675, to Senate File 2364,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting before line 3 the
- 5 following:

6 "\_\_\_\_\_. Page 1, line 35, by striking the figure  
7 "1,074,748" and inserting the following: "1,097,748".

8 \_\_\_\_\_ Page 2, line 1, by striking the figure  
9 "22.0" and inserting the following: "23.0".

10 2. Page 1, by striking lines 15 and 16 and  
11 inserting the following:

12 "(2) The legislative council is notified of the".

13 3. Page 1, line 20, by inserting after the word  
14 "positions" the following: "recommended by the  
15 legislative council".

16 4. Page 1, by striking lines 38 through 42 and  
17 inserting the following: "may be associated with any  
18 project or improvement upon approval by the Iowa state  
19 fair board."

20 5. Page 2, by striking lines 3 through 14.

21 6. Page 2, by striking lines 21 through 31 and  
22 inserting the following: "line 3."

23 7. By striking page 2, line 44 through page 3,  
24 line 5.

25 8. Page 3, by striking lines 8 through 13.

26 9. Page 3, by striking lines 15 through 38 and  
27 inserting the following:

28 "\_\_\_\_\_. By striking page 12, line 34 through page  
29 13, line 14, and inserting the following:

30 "Sec. \_\_\_\_\_.

31 The department of natural resources, by October 1,  
32 1990, shall conduct a public hearing in Pocahontas  
33 county relating to the possible restoration and  
34 preservation of Lizard Lake.

35 Sec. \_\_\_\_\_. LOWHEAD DAM REPAIR.

36 1. There is appropriated to the department of  
37 natural resources for the fiscal year beginning July  
38 1, 1990, and ending June 30, 1991, the following  
39 amount or so much thereof as is necessary, to be used  
40 for the purpose designated:

41 For use by the department to transfer immediately  
42 to the county board of supervisors of Jones county in  
43 order to enter into an agreement with the department  
44 to restore and repair a lowhead dam in the county:

45 ..... \$ 50,000

46 2. The unencumbered or unobligated balance of the  
47 appropriation made for the fiscal term as provided  
48 under this section shall revert to the state treasury  
49 pursuant to section 8.33."

50 \_\_\_\_\_ Page 16, by inserting after line 4 the

**Page 2**

1 following:

2 "Sec. \_\_\_\_\_. 1989 Iowa Acts, chapter 311, section 9,  
3 subsection 4, unnumbered paragraph 1, is amended to  
4 read as follows:

5 County boards of supervisors of Jones, Lyon,  
6 Jasper, or Buena Vista counties may each enter into an  
7 agreement with the department of natural resources to  
8 restore and repair lowhead dams within their counties.

9 The department shall use moneys appropriated to the  
 10 county conservation account of the Iowa resources  
 11 enhancement and protection fund under section 455A.19,  
 12 subsection 1, paragraph "b", subparagraph (3), as  
 13 provided in 1989 Iowa Acts, House File 769. Under an  
 14 agreement, Jones county is eligible to receive  
 15 \$50,000, Lyon county is eligible to receive \$50,000,  
 16 Jasper county is eligible to receive \$25,000, and  
 17 Buena Vista is eligible to receive \$25,000." "

18 10. Page 4, by striking lines 29 through 43.

19 11. Page 4, by inserting after line 43, the  
 20 following:

21 "Sec. 900. Section 206.33, Code Supplement 1989,  
 22 is amended to read as follows:

23 206.33 DAMINOZIDE — PROHIBITION.

24 A person shall not offer for sale, sell, purchase,  
 25 apply, or use a pesticide containing daminozide in  
 26 this state if the pesticide is sold, purchased,  
 27 applied, or used for purposes of enhancing or  
 28 improving a product produced to be consumed."

29 12. Page 4, by inserting after line 46 the  
 30 following:

31 "Sec. \_\_\_\_\_. Section 455B.304, Code Supplement 1989,  
 32 is amended by adding the following new unnumbered  
 33 paragraph:

34 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
 35 provisions of this chapter regarding the requirement  
 36 of the equipping of a sanitary landfill with a  
 37 leachate control system and the establishment and  
 38 continuation of a postclosure account, the department  
 39 shall adopt rules which provide for an exemption from  
 40 the requirements to equip a sanitary landfill with a  
 41 leachate control system and to establish and maintain  
 42 a postclosure account if the sanitary landfill  
 43 operator is a public agency, if the sanitary landfill  
 44 has closed or will close by July 1, 1992, and will no  
 45 longer accept waste for disposal after that date, and  
 46 if at the time of closure of the sanitary landfill  
 47 monitoring of the groundwater does not reveal the  
 48 presence of leachate. The rules may require  
 49 postclosure groundwater monitoring and shall establish  
 50 the requirements for the implementation of leachate

Page 3

1 collection and control in cases in which leachate is  
 2 found during postclosure monitoring. The rules shall  
 3 provide for a closure completion period following the  
 4 date of closure of a sanitary landfill.  
 5 Notwithstanding the provisions of this paragraph, the  
 6 public agency shall retain financial responsibility  
 7 for closure and postclosure requirements applicable to  
 8 sanitary disposal projects."

9 13. Page 4, line 47, by striking the words and  
 10 figure " "Sec. 800. Section 455A.25" and inserting the  
 11 following:

- 12 "Sec. 800. NEW SECTION. 455B.500".  
 13 14. Page 5, by striking lines 10 and 11 and  
 14 inserting the following: "conduct an evaluation of  
 15 the permit status of the research and may determine  
 16 whether a permit ought to be issued or modified before  
 17 the research continues." "  
 18 15. Page 6, by striking line 30 through page 7,  
 19 line 8.  
 20 16. Page 7, by striking lines 11 through 18.  
 21 17. Page 7, by inserting after line 31 the  
 22 following:  
 23 "\_\_\_\_\_. Page 18, by inserting after line 10 the  
 24 following:  
 25 "Sec. \_\_\_\_\_. Section 900 of this Act, being deemed  
 26 of immediate importance, takes effect upon  
 27 enactment." "  
 28 18. By renumbering, relettering, or redesignating  
 29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5959.

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

On the question "Shall the bill pass?" (S.F. 2364)

The ayes were, 88:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohon
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renaud	Renken	Rosenberg	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 12:

Blanshan	Chapman	Connors	Hanson, D. R.
Harbor	Hermann	Hibbard	McKean
Poney	Royer	Shoultz	Stueland

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the day, on request of Renken of Grundy.

### IMMEDIATE MESSAGES (Senate Files 2328 and 2364)

Arnould of Scott asked and received unanimous consent that Senate Files 2328 and 2364 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules to consider Senate File 2410.

Objection was raised.

Arnould of Scott moved to suspend the rules to consider Senate File 2410, not eligible for debate today.

A non-record roll call was requested.

The ayes were 53, nays 33.

The motion prevailed and the rules were suspended.

### Appropriations Calendar

**Senate File 2410**, a bill for an act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H—5914 filed by the committee on education:

H-5914

- 1 Amend Senate File 2410, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 3, by striking the words "nine  
4 eleven" and inserting the following: "nine".
- 5 2. Page 2, line 13, by striking the words "five  
6 six" and inserting the following: "five".
- 7 3. Page 2, by striking lines 17 through 25 and  
8 inserting the following:  
9 "Three of the state board members shall have  
10 substantial knowledge related to the community college  
11 system. The remaining six members shall be members of  
12 the general public."
- 13 4. Page 3, line 13, by striking the word  
14 "colleges" and inserting the following: "college  
15 programs".
- 16 5. Page 4, line 4, by inserting after the word  
17 "Explore" the following: ", in conjunction with the  
18 state board of regents,".
- 19 6. Page 4, by striking line 12, and inserting the  
20 following: "February 15, 1991."
- 21 7. By striking page 4, line 19, through page 5,  
22 line 8.
- 23 8. Page 5, line 18, by striking the words "five  
24 voting members and three" and inserting the following:  
25 "four voting members and two".
- 26 9. Page 5, by striking lines 19 through 25 and  
27 inserting the following: "ex officio nonvoting  
28 members. The four voting members of the council shall  
29 be members of the state board and shall include the  
30 three members of the state board who have knowledge of  
31 issues and concerns affecting the community college  
32 system and a fourth member of the state board  
33 designated annually by the state board president. Of  
34 the two ex officio nonvoting members, one shall be a  
35 community college president appointed by an  
36 association which".
- 37 10. Page 5, line 27, by inserting after the words  
38 "shall be" the following: "a community college  
39 trustee".
- 40 11. By striking page 5, line 29, through page 6,  
41 line 2, and inserting the following: "college  
42 trustees in the state. The ex officio nonvoting  
43 members shall serve staggered three-year terms  
44 beginning on May 1, of the year of appointment."
- 45 12. By striking page 6, line 25, through page 9,  
46 line 13, and inserting the following:  
47 "Sec. \_\_\_\_\_. NEW SECTION. 260B.1 HIGHER EDUCATION  
48 STRATEGIC PLANNING COUNCIL ESTABLISHED.  
49 The higher education strategic planning council is  
50 established to develop strategic plans for the

## Page 2

1 advancement of higher education institutions in the  
2 state.

3 The higher education council is an independent  
4 public body to be located in the offices of the  
5 college aid commission, which consists of six voting  
6 members and three ex officio members, who are to be  
7 selected in the following manner. Two voting members  
8 shall be selected from each of the following three  
9 education sectors:

10 1. State board for community colleges.

11 2. State board of regents.

12 3. An association which represents the largest  
13 number of independent colleges and universities.

14 Members selected from the association of  
15 independent colleges and universities shall also be  
16 members of a governing board of a college or  
17 university.

18 The director of the department of education, or the  
19 director's designee, the executive director of the  
20 state board of regents, or the executive director's  
21 designee, and the president of the association which  
22 represents the largest number of independent colleges  
23 and universities, or the president's designee, shall  
24 be ex officio members of the council and shall assist  
25 the council in carrying out its duties. All voting  
26 members shall serve staggered two-year terms in the  
27 manner provided in chapter 69.

28 The council shall elect a chairperson on a rotating  
29 basis from the portion of its membership which is  
30 composed of representatives of the three education  
31 sectors. The chairperson shall serve for one year and  
32 until a successor is elected and qualified. Members  
33 shall receive reimbursement for actual expenses and  
34 may receive per diem compensation as provided in  
35 section 7E.6.

36 Sec. \_\_\_\_\_. NEW SECTION. 260B.2 DUTIES OF COUNCIL.

37 The council shall be responsible for developing  
38 strategic plans which address issues relating to  
39 higher education, education intersectoral missions,  
40 and the future direction of postsecondary education in  
41 Iowa.

42 The council shall submit annual reports regarding  
43 its responsibilities and activities to the governor  
44 and general assembly. Reports shall include  
45 information relating to the development of the  
46 strategic plans.

47 Sec. \_\_\_\_\_. NEW SECTION. 260B.3 COUNCIL PLAN  
48 DEVELOPMENT.

49 The council may contract with consultants for  
50 assistance in developing strategic plans."

Page 3.

1 13. By striking page 9, line 35, through page 11,  
2 line 31, and inserting the following:

3 "Sec. \_\_\_\_\_. NEW SECTION. 261.92 DEFINITIONS.

4 When used in this division, unless the context  
5 otherwise requires:

6 1. "Accredited higher education institution" means  
7 a public institution of higher learning located in  
8 Iowa which is accredited by the north central  
9 association of colleges and secondary schools  
10 accrediting agency based on their requirements as of  
11 April 1, 1969.

12 2. "Commission" means the college student aid  
13 commission.

14 3. "Financial need" means the difference between  
15 the student's financial resources available, including  
16 those available from the student's parents as  
17 determined by a completed parents' confidential  
18 statement, and the student's anticipated expenses  
19 while attending the accredited higher education  
20 institution. Financial need shall be redetermined at  
21 least annually.

22 4. "Full-time resident student" means an  
23 individual resident of Iowa who is enrolled at an  
24 accredited higher education institution in a course of  
25 study including at least twelve semester hours or the  
26 trimester equivalent of twelve semester hours or the  
27 quarter equivalent of twelve semester hours. "Course  
28 of study" does not include correspondence courses.

29 5. "Grant" means an award by the state of Iowa to  
30 a qualified resident student under the Iowa grant  
31 program.

32 6. "Part-time resident student" means an  
33 individual resident of Iowa who is enrolled at an  
34 accredited higher education institution in a course of  
35 study including at least three semester hours or the  
36 trimester or quarter equivalent of three semester  
37 hours or the four quarter equivalent of three semester  
38 hours. "Course of study" does not include  
39 correspondence courses.

40 7. "Qualified student" means a resident student  
41 who has established financial need and who is making  
42 satisfactory progress toward graduation.

43 Sec. \_\_\_\_\_. NEW SECTION. 261.93 WHO QUALIFIED.

44 A grant may be awarded to a resident of Iowa who is  
45 admitted and in attendance as a full-time or part-time  
46 resident student at an accredited higher education  
47 institution and who establishes financial need.

48 Sec. \_\_\_\_\_. NEW SECTION. 261.94 EXTENT OF GRANT.

49 A qualified full-time resident student may receive  
50 grants for not more than eight semesters of

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1 undergraduate study or the trimester or quarter  
2 equivalent. A qualified part-time resident student  
3 may receive grants for not more than sixteen semesters  
4 of undergraduate study or the trimester or quarter  
5 equivalent.

6 Sec. \_\_\_\_\_. NEW SECTION. 261.95 AMOUNT OF GRANT.

7 1. The amount of a grant to a qualified full-time  
8 student for an academic year shall be the lesser of  
9 the student's financial need for that period or up to  
10 one thousand dollars.

11 2. The amount of a grant to a qualified part-time  
12 student enrolled in a course of study shall be equal  
13 to the average amount of a grant to a full-time  
14 student times a number which represents twenty-four  
15 semester hours, or the trimester or quarter  
16 equivalent, divided by the number of hours in which  
17 the part-time student is actually enrolled.

18 3. A grant may be made annually for both the fall  
19 and spring semesters or the trimester equivalent.  
20 Payments under the grant shall be allocated equally  
21 among the semesters or trimesters and shall be paid at  
22 the beginning of each semester or trimester, upon  
23 certification by the accredited higher education  
24 institution that the student is admitted and in  
25 attendance. If the student discontinues attendance  
26 before the end of the semester or trimester after  
27 receiving payment under the grant, the entire amount  
28 of any refund due that student, up to the amount of  
29 any payments made under the annual grant, shall be  
30 paid by the accredited higher education institution to  
31 the state.

32 4. If a student receives financial aid under any  
33 other program, the full amount of the other financial  
34 aid shall be considered part of the student's  
35 financial resources available in determining the  
36 amount of the student's financial need for that  
37 period. In no case may the state's total financial  
38 contribution to the student's education, including  
39 financial aid under any other state program, exceed  
40 the tuition and mandatory fees at the institution  
41 which the student attends.

42 Sec. \_\_\_\_\_. NEW SECTION. 261.96 ADMINISTRATION BY  
43 COMMISSION - RULES.

44 The commission shall administer this program and  
45 shall:

46 1. Provide application forms and parents'  
47 confidential statement forms.

48 2. Adopt rules and regulations for determining  
49 financial need, defining tuition and mandatory fees,  
50 defining residence for the purposes of the Iowa grant

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1 program, determining grant award amounts on the basis  
2 of student need, processing and approving applications  
3 for grants, and determining priority of grants. The  
4 commission may provide for proration of funds if the  
5 available funds are insufficient to pay all approved  
6 grants. The proration shall take primary account of  
7 the financial need of the applicant. In determining  
8 who is a resident of Iowa, the commission's rules  
9 shall be at least as restrictive as those of the board  
10 of regents.

11 3. Approve and award grants.

12 4. Make an annual report to the governor and  
13 general assembly, and evaluate the Iowa grant program  
14 for the period. The commission may require the  
15 accredited higher education institution to promptly  
16 furnish any information which the commission may  
17 request in connection with the Iowa grant program.

18 Sec. \_\_\_\_\_. NEW SECTION. 261.97 APPLICATION FOR  
19 GRANTS.

20 Each applicant, in accordance with the rules of the  
21 commission, shall:

22 1. Complete and file an application for a grant.

23 2. Be responsible for the submission of the  
24 parents' confidential statement for processing, the  
25 processed information to be returned both to the  
26 commission and to the accredited higher education  
27 institution in which the applicant is enrolling.

28 3. Report promptly to the commission any  
29 information requested.

30 4. File a new application and parents'  
31 confidential statement annually on the basis of which  
32 the applicant's eligibility for a renewed grant will  
33 be evaluated and determined.

34 Sec. \_\_\_\_\_. NEW SECTION. 261.98 ACCESS TO  
35 EDUCATION PILOT PROJECT.

36 An access to education pilot project is established  
37 for the fiscal year beginning July 1, 1990, and ending  
38 June 30, 1991, for purposes of providing grants to  
39 resident students who attend community colleges in  
40 this state. Students whose financial resources are up  
41 to twenty percent over the eligibility level for a  
42 PELL grant are eligible to receive grants under this  
43 program. Students meeting the eligibility level may  
44 receive a grant of up to two hundred fifty dollars.

45 The pilot project shall be administered by the  
46 college student aid commission. Community colleges  
47 which have students receiving grants under the pilot  
48 project shall provide the commission with information  
49 as to the income levels and age of grant recipients  
50 and the length of time since grant recipients have

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1 enrolled in an educational program. The commission  
2 shall tabulate and submit the information in a report  
3 to the general assembly by January 1, 1991.

4 The commission shall adopt rules for the  
5 administration of this program."

6 14. Page 16, by inserting after line 8, the  
7 following:

8 "NEW SUBSECTION. 26. Explore, in conjunction with  
9 the department of education, the need for coordination  
10 between school districts, state board of regents'  
11 institutions, and community colleges for purposes of  
12 delivery of courses, use of telecommunications,  
13 transportation, and other similar issues.  
14 Coordination may include, but is not limited to,  
15 coordination of calendars, programs, schedules, or  
16 telecommunications emissions. The state board shall  
17 develop recommendations which shall be submitted in a  
18 report to the general assembly by February 15, 1991."

19 15. Page 22, by inserting after line 7, the  
20 following:

21 "Sec. \_\_\_\_\_. NEW SECTION. 280A.22A STATE BOARD FOR  
22 COMMUNITY COLLEGES.

23 The state board of education shall constitute the  
24 state board for community colleges.

25 Sec. \_\_\_\_\_. NEW SECTION. 280A.22B DUTIES OF STATE  
26 BOARD.

27 The state board for community colleges shall:

28 1. Adopt and establish policies for programs and  
29 services of the department which relate to community  
30 colleges.

31 2. Prescribe standards and procedures for the  
32 approval of practitioner preparation programs and  
33 professional development programs under section 256.7,  
34 subsection 3.

35 3. Review and make recommendations that relate to  
36 community colleges in the five-year plan for the  
37 achievement of educational goals."

38 16. Page 22, by striking line 24, and inserting  
39 the following: "services in the college and develop a  
40 plan to".

41 17. Page 22, line 25, by inserting after the word  
42 "meet" the following: "those".

43 18. Page 38, by inserting after line 19, the  
44 following:

45 "A community college with an approved quality  
46 instructional center shall annually submit a report  
47 indicating how funds received during the past year  
48 were spent and the projections of the next year's  
49 funding needs. The department shall review the  
50 reports to determine which centers will continue to be

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- 1 identified as quality instructional centers and the
- 2 next year's funding levels for each approved center."
- 3 19. Page 39, by striking line 4, and inserting
- 4 the following: "COLLEGE PROGRAMS."
- 5 20. Page 39, line 6, by striking the word
- 6 "colleges" and inserting the following: "college
- 7 programs".
- 8 21. Page 39, line 11, by striking the word
- 9 "colleges" and inserting the following: "college
- 10 programs".
- 11 22. Page 39, line 14, by inserting after the
- 12 words "compliance with" the following: "program".
- 13 23. Page 39, line 25, by striking the word
- 14 "being" and inserting the following: "which conducts
- 15 the programs being".
- 16 24. Page 39, line 29, by inserting after the word
- 17 "associations" the following: ", which are designed
- 18 to avoid duplication in the accreditation process".
- 19 25. Page 39, line 34, by inserting after the word
- 20 "standards" the following: "for a program".
- 21 26. Page 40, by striking line 2 and inserting the
- 22 following: "program of the community college".
- 23 27. Page 40, line 4, by inserting after the word
- 24 "each" the following: "program".
- 25 28. Page 40, line 9, by striking the word "the"
- 26 and inserting the following: "a program of a".
- 27 29. Page 40, by striking lines 11 through 13, and
- 28 inserting the following: "determines that a program
- 29 of a community college does not meet accreditation
- 30 standards, the director of".
- 31 30. Page 40, line 17, by inserting after the word
- 32 "the" the following: "program".
- 33 31. Page 40, line 23, by striking the words "or
- 34 college".
- 35 32. Page 40, line 24, by striking the word
- 36 "programs" and inserting the following: "specific
- 37 programs or courses of study".
- 38 33. Page 40, line 26, by inserting after the
- 39 words "meet the" the following: "program".
- 40 34. Page 40, lines 28 and 29, by striking the
- 41 words "remains accredited or the".
- 42 35. Page 40, line 31, by inserting after the word
- 43 "standards" the following: "for the program".
- 44 36. Page 40, line 35, by inserting after the word
- 45 "deficiencies" the following: "in the program".
- 46 37. Page 41, line 2, by striking the words
- 47 "offered by" and inserting the following: "of".
- 48 38. Page 41, by striking lines 7 and 8.
- 49 39. Page 41, line 9, by striking the letter "c"
- 50 and inserting the following: "b".

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- 1 40. Page 41, line 12, by inserting after the word
- 2 "which" the following: "has a program which".
- 3 41. Page 41, line 14, by inserting after the word
- 4 "accreditation" the following: "of the program".
- 5 42. Page 41, line 17, by inserting after the word
- 6 "accreditation" the following: "of the program".
- 7 43. Page 41, line 23, by inserting after the word
- 8 "accreditation" the following: "of the program".
- 9 44. Page 41, line 24, by inserting after the word
- 10 "standards" the following: "for that program".
- 11 45. Page 41, line 25, by inserting after the word
- 12 "accreditation" the following: "of the program".
- 13 46. Page 41, line 30, by inserting after the word
- 14 "accreditation" the following: "of the program".
- 15 47. Page 42, line 6, by inserting after the word
- 16 "accreditation" the following: "of the program".
- 17 48. Page 42, by striking line 9, and inserting
- 18 the following: "COMMUNITY COLLEGE PROGRAMS."
- 19 1. The state board shall develop standards for the
- 20 accreditation of each of the following community
- 21 college programs:
- 22 a. Administration.
- 23 b. Faculty.
- 24 c. Curriculum and evaluation.
- 25 d. Library or learning resource center.
- 26 e. Student services.
- 27 f. Laboratories, shops, equipment, and supplies.
- 28 g. Physical plant.
- 29 h. Building and site approval."
- 30 49. Page 42, line 10, by striking the word "In"
- 31 and inserting the following: "2. In".
- 32 50. Page 42, by striking line 11, and inserting
- 33 the following: "college programs, the state board of
- 34 education shall adhere to the provisions of section
- 35 280A.23 and review the".
- 36 51. Page 42, line 21, by inserting after the word
- 37 "standards" the following: "for the programs".
- 38 52. Page 42, line 23, by striking the figure "1"
- 39 and inserting the following: "a".
- 40 53. Page 43, line 1, by striking the figure "2"
- 41 and inserting the following: "b".
- 42 54. Page 43, line 9, by striking the figure "3"
- 43 and inserting the following: "c".
- 44 55. Page 44, line 16, by inserting after the word
- 45 "development." the following: "Any items of a staff
- 46 development plan which are mandatory items of
- 47 bargaining under chapter 20 shall be negotiated with
- 48 the appropriate certified bargaining agent."
- 49 56. Page 46, line 5, by inserting after the word
- 50 "plan." the following: "Plans submitted to the

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1 department shall contain an affirmation by each  
2 certified faculty or staff organization with which the  
3 board negotiates for collective bargaining purposes  
4 that the procedures of chapter 20 have been met for  
5 items which are mandatory subjects of bargaining.”

6 57. Page 57, line 10, by inserting after the word  
7 “assembly.” the following: “Before a board of  
8 trustees can proceed with a project in the building  
9 program, the project must be approved by the state  
10 board for community colleges, and be a project  
11 designed for special programs, special needs of  
12 special students, and to meet needs for which  
13 privately owned housing is not available.”

14 58. Page 57, by striking lines 11 through 13, and  
15 inserting the following: “buildings and facilities  
16 which are designed to meet the special needs of  
17 students attending special programs. The list shall  
18 be revised annually, but”.

19 59. Page 58, by inserting after line 9, the  
20 following:

21 “Sec. \_\_\_\_\_. NEW SECTION. 220.162 AUTHORITY TO  
22 ISSUE COMMUNITY COLLEGE DORMITORY BONDS AND NOTES.

23 The authority shall assist a community college or  
24 the state board for community colleges as provided in  
25 chapter 280A, and the authority shall have all of the  
26 powers delegated to it in a chapter 28E agreement by a  
27 community college board of directors, the state board  
28 for community colleges, or a private developer  
29 contracting with a community college to develop a  
30 self-liquidating housing facility, such as a  
31 dormitory, for the community college, with respect to  
32 the issuance or securing of bonds or notes and the  
33 carrying out of the purposes of chapter 280A.

34 Sec. \_\_\_\_\_. NEW SECTION. 280A.71 COMMUNITY COLLEGE  
35 BOND PROGRAM — DEFINITIONS — FUNDING — BONDS AND  
36 NOTES.

37 1. As used in this section and section 280A.72,  
38 unless the context otherwise requires, “authority”  
39 means the Iowa finance authority.

40 2. The authority shall cooperate with the state  
41 board for community colleges, individual community  
42 colleges, and private developers, acting in  
43 conjunction with a community colleges to build self-  
44 liquidating housing facilities in connection with the  
45 community college, in the creation, administration,  
46 and funding of a community college bond program to  
47 finance self-liquidating facilities, such as  
48 dormitories, in connection with a community college.

49 3. The authority may issue its bonds and notes for  
50 the purpose of funding the nonrecurring cost of

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1 acquiring or constructing a community college related  
2 facility, such as a dormitory.

3 4. The authority may issue its bonds and notes for  
4 the purposes of this chapter and may enter into one or  
5 more lending agreements or purchase agreements with  
6 one or more bondholders or noteholders containing the  
7 terms and conditions of the repayment of and the  
8 security for the bonds or notes. The authority and  
9 the bondholders or noteholders or a trustee agent  
10 designated by the authority may enter into agreements  
11 to provide for any of the following:

12 a. That the proceeds of the bonds and notes and  
13 the investments of the proceeds may be received, held,  
14 and disbursed by the authority or by a trustee or  
15 agent designated by the authority.

16 b. That the bondholders or noteholders or a  
17 trustee or agent designated by the authority may  
18 collect, invest, and apply the amount payable under  
19 the loan agreements or any other instruments securing  
20 the debt obligations under the loan agreements.

21 c. That the bondholders or noteholders may enforce  
22 the remedies provided in the loan agreements or other  
23 instruments on their own behalf without the  
24 appointment or designation of a trustee. If there is  
25 a default in the principal of or interest on the bonds  
26 or notes or in the performance of any agreement  
27 contained in the loan agreements or other instruments,  
28 the payment or performance may be enforced in  
29 accordance with the loan agreement or other  
30 instrument.

31 d. Other terms and conditions as deemed necessary  
32 or appropriate by the authority.

33 5. The powers granted the authority under this  
34 section are in addition to other powers contained in  
35 chapter 220. All other provisions of chapter 220,  
36 except section 220.28, subsection 4, apply to bonds or  
37 notes issued and powers granted to the authority under  
38 this section, except to the extent they are  
39 inconsistent with this section.

40 6. All bonds or notes issued by the authority in  
41 connection with the program are exempt from taxation  
42 by this state and the interest on the bonds or notes  
43 is exempt from state income tax, both personal and  
44 corporate.

45 Sec. \_\_\_\_\_. NEW SECTION. 280A.72 SECURITY -  
46 RESERVE FUNDS - PLEDGES - NONLIABILITY - IRREVOCABLE  
47 CONTRACTS.

48 1. The authority may provide in the resolution,  
49 trust agreement, or other instrument authorizing the  
50 issuance of its bonds or notes pursuant to section

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1 280A.71 that the principal of, premium, and interest  
2 on the bonds or notes are payable from any of the  
3 following and may pledge the same to its bonds and  
4 notes:

5 a. The income and receipts or other moneys derived  
6 from the projects financed with the proceeds of the  
7 bonds or notes.

8 b. The income and receipts or other money derived  
9 from designated projects whether or not the projects  
10 are financed in whole or in part with the proceeds of  
11 the bonds or notes.

12 c. The amounts on deposit in the name of a  
13 community college or a private developer or operator  
14 of a community college facility, including but not  
15 limited to revenues from a purchase, rental, or lease  
16 agreement, or dormitory charges.

17 d. The amounts payable to the authority, the  
18 community college board of directors, the state board  
19 for community colleges, or a private developer or  
20 operator, pursuant to a loan agreement.

21 e. Any other funds or accounts established by the  
22 authority in connection with the program or the sale  
23 and issuance of its bonds or notes.

24 2. The authority may establish reserve funds to  
25 secure one or more issues of its bonds or notes. The  
26 authority may deposit in a reserve fund established  
27 under this subsection, the proceeds of the sale of its  
28 bonds or notes and other money which is made available  
29 from any other source.

30 3. A pledge made in respect of bonds or notes is  
31 valid and binding from the time the pledge is made.  
32 The money or property so pledged and received after  
33 the pledge by the authority is immediately subject to  
34 the lien of the pledge without physical delivery or  
35 further act. The lien of the pledge is valid and  
36 binding as against all persons having claims of any  
37 kind in tort, contract, or otherwise against the  
38 authority whether or not the parties have notice of  
39 the lien. Neither the resolution, trust agreement, or  
40 any other instrument by which a pledge is created  
41 needs to be recorded, filed, or perfected under  
42 chapter 554, to be valid, binding, or effective  
43 against all persons.

44 4. The members of the authority or persons  
45 executing the bonds or notes are not personally liable  
46 on the bonds or notes and are not subject to personal  
47 liability or accountability by reason of the issuance  
48 of the bonds or notes.

49 5. The bonds or notes issued by the authority are  
50 not an indebtedness or other liability of the state or

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1 of a political subdivision of the state within the  
2 meaning of any constitutional or statutory debt  
3 limitations, but are special obligations of the  
4 authority and are payable solely from the income and  
5 receipts or other funds or property of the community  
6 college or private developer, and the amounts on  
7 deposit in a community college bond fund, and the  
8 amounts payable to the authority under its loan  
9 agreements with a community college or private  
10 developer to the extent that the amounts are  
11 designated in the resolution, trust agreement, or  
12 other instrument of the authority authorizing the  
13 issuance of the bonds or notes as being available as  
14 security for the bonds or notes. The authority shall  
15 not pledge the faith or credit of the state or of a  
16 political subdivision of the state to the payment of  
17 any bonds or notes. The issuance of any bonds or  
18 notes by the authority does not directly, indirectly,  
19 or contingently obligate the state or a political  
20 subdivision of the state to apply money from, or levy,  
21 or pledge any form of taxation whatever to the payment  
22 of the bonds or notes.

23 6. The state pledges to and agrees with the  
24 holders of bonds or notes issued under this subchapter  
25 that the state will not limit or alter the rights and  
26 powers vested in the authority to fulfill the terms of  
27 a contract made by the authority with respect to the  
28 bonds or notes, or in any way impair the rights and  
29 remedies of the holders until the bonds or notes,  
30 together with the interest on them including interest  
31 on unpaid installments or interest, and all costs and  
32 expenses in connection with an action or proceeding by  
33 or on behalf of the holders, are fully met and  
34 discharged. The authority is authorized to include  
35 this pledge and agreement of the state, as it refers  
36 to holders of bonds or notes of the authority, in a  
37 contract with the holders.

38 Sec. \_\_\_\_\_. NEW SECTION. 280A.73 RULES.

39 The authority shall adopt rules pursuant to chapter  
40 17A to implement sections 280A.71 and 280A.72."

41 60. Page 74, line 14, by striking the word "The"  
42 and inserting the following: "If funds are  
43 appropriated for that purpose, the".

44 61. Page 74, line 26, by striking the word "The  
45 department of education" and inserting the following:  
46 "If funds are appropriated for that purpose, the  
47 department of education, in consultation with the  
48 state board of regents,".

49 62. Page 75, line 5, by striking the word "The"  
50 and inserting the following: "If funds are

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1 appropriated for that purpose, the".

2 63. Page 75, line 15, by striking the word "The"  
3 and inserting the following: "If funds are  
4 appropriated for that purpose, the".

5 64. Page 75, line 32, by striking the word "The"  
6 and inserting the following: "If funds are  
7 appropriated for that purpose, the".

8 65. Page 76, line 4, by striking the word "The"  
9 and inserting the following: "If funds are  
10 appropriated for that purpose, the".

11 66. Page 76, by striking lines 10 through 15.

12 67. Page 76, line 17, by striking the word "The"  
13 and inserting the following: "If funds are  
14 appropriated for that purpose, the".

15 68. Page 76, line 22, by striking the word "The"  
16 and inserting the following: "If funds are  
17 appropriated for that purpose, the".

18 69. Page 76, line 27, by striking the words  
19 "needs and" and inserting the following: "needs,".

20 70. Page 76, line 29, by inserting after the word  
21 "states" the following: ", and evaluation of the  
22 educational requirements for nursing educators under  
23 655 Iowa Administrative Code, Rule 2.3 (2)(d)(2), Rule  
24 2.6 (1)(a)(1)(1.), and Rule 2.6 (2)(c), as the  
25 requirements relate to community colleges. In  
26 addition, this study, done in cooperation with the  
27 board of nursing, shall include an assessment of the  
28 state's supply of nursing educators who possess the  
29 educational qualifications identified in the  
30 administrative rules. The board of nursing shall by  
31 rule delay enforcement of the nursing educator  
32 administrative rules being studied until completion of  
33 the study, submission of any findings, and a review of  
34 the rules and the completed study by the  
35 administrative rules review committee."

36 71. By striking page 78, line 1, through page 79,  
37 line 2, and inserting the following:

38 Sec. \_\_\_\_\_. APPOINTMENT OF STATE BOARD.

39 Notwithstanding the composition of the state board  
40 of education established in section 256.3, for the  
41 period commencing July 1, 1990, and ending April 30,  
42 1992, the state board of education shall consist of  
43 eleven members including the nine members appointed  
44 under section 256.3 and two additional members who  
45 have substantial knowledge related to the community  
46 college and who shall have full voting rights. The  
47 two additional members shall be appointed in the  
48 manner specified in section 256.3 for members of the  
49 state board of education. One of the two additional  
50 members shall be appointed to a term ending April 30,

**Page 14**

- 1 1992, and the other additional member to a term ending
- 2 on April 30, 1996. Of the positions of membership for
- 3 which terms expire under section 256.3 on April 30,
- 4 1992, two positions are eliminated and shall not be
- 5 filled."
- 6 72. Page 79, by striking lines 9 through 12.
- 7 73. By numbering and renumbering as necessary.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Branstad of Winnebago, for the remainder of the day, on request of Maulsby of Calhoun.

Shoultz of Black Hawk offered the following amendment H—5986, to the committee amendment H—5914, filed by him from the floor and moved its adoption:

H—5986

- 1 Amend the amendment, H—5914, to Senate File 2410,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 3, line 1, through page 6,
- 5 line 5, and inserting the following:
- 6 "\_\_\_\_\_. By striking page 9, line 35, through page
- 7 11, line 31."
- 8 2. Page 6, line 10, by inserting after the word
- 9 "districts," the following: "area education
- 10 agencies,".
- 11 3. By renumbering as necessary.

Amendment H—5986 was adopted, placing out of order amendment H—5981 filed by Shoultz of Black Hawk and Hatch of Polk on March 29, 1990.

On motion by Shoultz of Black Hawk, the committee amendment H—5914, as amended, was adopted.

Halvorson of Clayton offered the following amendment H—6021 filed by him from the floor and moved its adoption:

H—6021

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 2 through 7.
- 4 2. Page 4, by striking lines 13 through 18.
- 5 3. By striking page 35, line 23 through page 36,
- 6 line 8.
- 7 4. By striking page 38, line 20 through page 39,

- 8 line 2.  
 9 5. Page 72, by striking lines 12 and 13, and  
 10 inserting the following: "instructional centers under  
 11 section 280A.45. There is".  
 12 6. Page 72, by striking line 16 and inserting the  
 13 following: "1991, and in succeeding years, an amount  
 14 equal to one and twenty-five hundredths percent of  
 15 the".  
 16 7. By striking page 72, line 24 through page 73,  
 17 line 1.  
 18 8. By renumbering as necessary.

Roll call was requested by Shultz of Black Hawk and Fey of Scott.

On the question "Shall amendment H—6021 be adopted?"  
 (S.F. 2410)

The ayes were, 22:

Banks	Bennett	Carpenter	Clark
Diemer	Eddie	Halvorson, R. A.	Hester
Iverson	Kistler	Kremer	Lundby
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Siegrist	Spenner
Tyrrell	Van Maanen		

The nays were, 63:

Adams	Arnould	Beaman,	Beatty
Bisignano	Black	Brammer	Brand
Brown	Buhr	Cohoon	Connors
Daggett	De Groot	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shultz	Spear	Svoboda	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 15:

Blanshan	Branstad	Chapman	Corbett
Hanson, D. R.	Harbor	Hermann	McKean
Plasier	Poney	Royer	Schneklath
Stueland	Swartz	Trent	

Amendment H—6021 lost.

Shoultz of Black Hawk offered the following amendment H—5979 filed by him and Hatch of Polk and moved its adoption:

H—5979

- 1 Amend Senate File 2410, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, line 5, by inserting after the word
- 4 "districts," the following: "area education
- 5 agencies,".
- 6 2. Page 37, line 31, by inserting after the word
- 7 "vocational-technical" the following: "and
- 8 occupational".
- 9 3. Page 48, line 30, by inserting after the word
- 10 "division" the following: "and to insure that no
- 11 property tax revenues will be needed to retire the
- 12 bonds or notes".

Amendment H—5979 was adopted.

Siegrist of Pottawattamie offered the following amendment H—6016 filed from the floor by Siegrist, Diemer, Corbett, Lundby, Van Maanen, Iverson, Halvorson of Clayton, Harbor and Garman and moved its adoption:

H—6016

- 1 Amend Senate File 2410, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 15, line 31, by striking the word and
- 4 figures "January 1, 1992" and inserting the following:
- 5 "July 1, 1991".
- 6 2. Page 16, line 3, by striking the word and
- 7 figures "January 1, 1992" and inserting the following
- 8 "July 1, 1991".
- 9 3. Page 27, line 18, by striking the word and
- 10 figures "January 1, 1992" and inserting the following:
- 11 "July 1, 1991".
- 12 4. Page 27, line 25, by striking the word and
- 13 figures "January 1, 1992" and inserting the following:
- 14 "July 1, 1991".

Amendment H—6016 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schnekloth of Scott, for the remainder of the day, on request of Van Maanen of Mahaska.

Halvorson of Clayton offered the following amendment H—6020 filed by him from the floor and moved its adoption:

H-6020

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 67, line 33, by striking the figure
- 4 "1991" and inserting the following: "1992".

A non-record roll call was requested.

The ayes were 22, nays 54.

Amendment H-6020 lost.

Shultz of Black Hawk offered the following amendment H-5980 filed by him and Hatch of Polk and moved its adoption:

H-5980

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 68, by inserting after line 2 the
- 4 following:
- 5 "Sec. 100. Section 286A.2, subsection 7, Code
- 6 Supplement 1989, is amended by adding the following
- 7 new paragraph:
- 8 NEW PARAGRAPH. e. Equipment purchase function."
- 9 2. Page 71, by inserting after line 25 the
- 10 following:
- 11 "Sec. \_\_\_\_\_. NEW SECTION. 286A.8A EQUIPMENT
- 12 PURCHASE FUNCTION COST.
- 13 Commencing July 1, 1991, the equipment purchase
- 14 function cost for a budget year is determined by the
- 15 department of education by multiplying the sum of all
- 16 of the area schools' support for the five
- 17 instructional cost centers, for the general
- 18 institutional support function, for the student
- 19 services function, and for the physical plant function
- 20 for that year by .194 percent for equipment purchases
- 21 for the arts and sciences cost center and by .776
- 22 percent for equipment purchases for the vocational-
- 23 technical preparatory cost center. The department
- 24 shall allocate the equipment purchase function cost
- 25 among the area schools based upon each area school's
- 26 proportion of arts and sciences contact hours and
- 27 vocational-technical preparatory contact hours
- 28 compared to the total arts and sciences and
- 29 vocational-technical preparatory contact hours, and
- 30 shall notify the department of management.
- 31 The foundation support level for the equipment
- 32 purchase function cost for an area school for a base
- 33 year is sixty-five percent of the area school's
- 34 equipment purchase function cost for that year.
- 35 Commencing July 1, 1991, and on July 1 of each

36 succeeding year, the percent multiplier of the area  
 37 school's equipment purchase function cost shall be  
 38 increased by an additional one percent until the  
 39 foundation support level for the equipment purchase  
 40 function reaches seventy-five percent of the area  
 41 school's equipment purchase function cost."

42 3. Page 79, by inserting after line 19 the  
 43 following:

44 "Sec. \_\_\_\_\_.

45 The Code editor is directed to correct the sections  
 46 of chapter 286A that refer to the numbers of  
 47 instructional cost centers and noninstructional cost  
 48 functions that have been created upon the effective  
 49 dates of the creation of the adult remedial cost  
 50 center and the equipment purchase function.

**Page 2**

- 1 Sec. \_\_\_\_\_.
- 2 Section 87 of this Act takes effect July 1, 1992.
- 3 Sec. \_\_\_\_\_.
- 4 Section 100 of this Act takes effect July 1, 1991."

Amendment H—5980 was adopted.

Shultz of Black Hawk offered the following amendment H—6018  
 filed by him from the floor and moved its adoption:

H—6018

- 1 Amend Senate File 2410 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 71, line 14, by striking the figure
- 4 "1994" and inserting the following: "1995".

Amendment H—6018 was adopted.

Shultz of Black Hawk moved that the bill be read a last time now  
 and placed upon its passage which motion prevailed and the bill was  
 read a last time.

On the question "Shall the bill pass?" (S.F. 2410)

The ayes were, 83:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brand	Brown	Buhr	Carpenter
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler

Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renaud	Renken
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Swartz	Tabor	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 5:

Knapp	Maulsby	Spenner	Tyrrell
Van Maanen			

Absent or not voting, 12:

Bisignano	Brammer	Branstad	Chapman
Hanson, D. R.	Harbor	Hermann	McKean
Poncy	Royer	Schnekloth	Stueland

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

### IMMEDIATE MESSAGE (Senate File 2410)

Arnould of Scott asked and received unanimous consent that Senate File 2410 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 489, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

Also: That the Senate has on March 30, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on March 30, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act.

Also: That the Senate has on March 30, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2552, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund.

Also: That the Senate has on March 30, 1990, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 128, a concurrent resolution relating to the provision of cable television service.

JOHN F. DWYER, Secretary

### EXPLANATION OF VOTE

I was temporarily absent from the House chamber on March 30, 1990. Had I been present, I would have voted "aye" on House File 2554.

MAY of Worth

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of March, 1990: House Files 2177, 2338, 2371, 2436, 2461 and 2465.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 29, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 664, an act relating to the fine for certain violations regarding motor vehicles of excessive size or weight.

House File 2092, an act relating to debt management services.

House File 2119, an act relating to violations involving disobedience of the warning lamps, signal lamps, and stop arms of school buses.

House File 2143, an act regulating the parking of motor vehicles on snow routes, and providing a penalty.

House File 2238, an act eliminating the requirement of zero balancing of automatic adjustments in the rates and charges of public utility service.

House File 2250, an act relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties.

House File 2279, an act permitting the department of natural resources to accept credit cards for payment of certain fees and other permitted purposes.

House File 2296, an act relating to the regulation and operation of dams.

House File 2307, an act relating to the concurrent holding of the offices of city council member and fire chief of the volunteer fire department.

House File 2308, an act relating to freestanding hospice facilities.

Senate File 2015, an act relating to training requirements for reserve peace officers and providing for the Act's applicability.

Senate File 2291, an act relating to the interest rate charged in connection with a renewal or extension of time under a retail motor vehicle installment contract.

Senate File 2309, an act relating to the issuance of class "A" liquor licenses to veterans organizations.

Senate File 2311, an act relating to unclaimed fees to conform with the uniform disposition of unclaimed property Act.

Senate File 2315, an act relating to a pseudorabies control program, and making penalties applicable.

Senate File 2317, an act relating to issuing permits for regulated uses of water by the department of natural resources.

Senate File 2340, an act relating to the disposition of unclaimed property.

Senate File 2343, an act relating to clinical privileges of certain health practitioners.

Senate File 2350, an act relating to the uniform management of institutional funds Act.

Senate File 2369, an act relating to the historic resource development program.

Senate File 2388, an act relating to administrative procedures for the establishment, determination, and collection of certain spousal support debts.

Also: That on March 30, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 252, an act relating to leave for a chief deputy sheriff, second deputy sheriff, or other officer or employee subject to civil service who becomes a candidate for elective office.

House File 730, an act relating to the adoption of rules by the real estate commission imposing certain requirements on real estate brokers and salespersons, and providing an effective date.

House File 2131, an act relating to housing cooperatives by authorizing the creation of local housing authorities to encourage and organize sweat equity housing cooperative associations with state financial assistance as available, and providing procedures and requirements.

House File 2142, an act relating to reporting requirements for certain cities receiving road use tax funds, and providing an effective date.

House File 2156, an act relating to membership of members and part-time employees of the general assembly in the state group insurance plan, and providing effective and retroactive applicability dates.

House File 2437, an act relating to child support payments by providing for immediate withholding of an obligor's income and providing a penalty.

House File 2468, an act relating to the establishment of the division of criminal justice planning and providing an effective date.

House File 2531, an act to require a business, as a condition of the receipt of state financial assistance for economic development purposes, to meet certain requirements relating to federal and state environmental protection laws and the disposal of solid and hazardous waste.

Senate Joint Resolution 2003, a joint resolution proposing the establishment of disability prevention activities coordination by certain state agencies, and requiring preparation of a report relating to coordination of disability prevention programs.

Senate File 57, an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

Senate File 2052, an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date.

Senate File 2080, an act providing for the sale, offer for sale, or distribution of sterile varieties of purple loosestrife.

Senate File 2097, an act relating to the mediation of disputes between licensees and patients by the board of dental examiners.

Senate File 2158, an act permitting the shared ownership, operation, or cooperative use of publicly owned petroleum storage facilities by more than one public agency or political subdivision and providing for the applicability of the Act.

Senate File 2201, an act relating to the family support subsidy program.

Senate File 2227, an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities or within cities for certain public improvements, to assess the cost of the improvements to the benefited property within the districts, to establish and collect rates and charges to maintain and operate the improvements, and by providing an effective date.

Senate File 2235, an act relating to reassignment of certificates of title and providing an effective date.

Senate File 2262, an act relating to licensure to practice veterinary medicine.

Senate File 2263, an act authorizing a board of trustees of certain public hospitals to establish a separate fund for depreciation and providing properly related matters.

**GOVERNOR'S VETO MESSAGE**

A copy of the following communication was received and placed on file:

March 29, 1990

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

Dear Madam President:

Senate File 2296, an act relating to informal dispute resolution, establishing a council for dispute resolution, and relieving the office of prosecuting attorneys training coordinator of the department of justice of responsibility for the dispute resolution program, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2296 substantially alters the informal dispute resolution program. Currently, the program is administered in the Office of Prosecuting Attorneys Training Coordinator of the Department of Justice. This bill transfers the dispute resolution duties from that office to the Iowa Council for Dispute Resolution, an independent, nonprofit, quasi-public corporate body created in the bill.

The bill also would provide for the appointment of an executive director, support staff and a several member council. While funding to pay the salaries of the executive director and staff, and the expenses of the council members would be necessary to make this program work, no appropriation for these purposes is made in the bill and I am not aware of any in other legislation this session. Given our current difficult fiscal situation and spending restraints imposed on state agencies, approval of this bill would not be prudent at this time.

For the above reason, I hereby respectfully disapprove Senate File 2296.

Sincerely,  
Terry E. Branstad  
Governor

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Thirty fifth grade students from Crossroads Park Elementary School, West Des Moines, accompanied by Mrs. Gray. By Carpenter of Polk.

Thirty eighth grade students Mar-Mac Middle School, McGregor. By Halvorson of Clayton.

Forty second and fifth grade students from Glenwood Northeast Elementary School, Glenwood, accompanied by Ms. Uehling. By Harbor of Mills.

Six Boy Scouts from Clarion, accompanied by Arlan Tonderum and Dan Eikenberry. By Iverson of Wright.

### COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Committee Resolution**, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 1990.

### RESOLUTION FILED

**HCR 112**, by committee on appropriations, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects.

Placed on the **appropriations calendar**.

### AMENDMENTS FILED

H-5987	S.F.	2413	Bennett of Ida Maulsby of Calhoun
H-5988	S.F.	2413	Bennett of Ida Siegrist of Pottawattamie Spenner of Henry Lageschulte of Bremer
H-5989	S.F.	2413	Halvorson of Clayton Sherzan of Polk Knapp of Dubuque
H-5992	S.F.	2413	Beaman of Clarke
H-5993	S.F.	2413	Trent of Muscatine
H-5994	H.F.	2562	Shearer of Louisa

H-5995	S.F.	2413	Trent of Muscatine Spenner of Henry Shoning of Woodbury
H-5996	S.F.	2413	Kistler of Jefferson Iverson of Wright Spenner of Henry Tyrrell of Iowa
H-5997	S.F.	2413	Kistler of Jefferson Siegrist of Pottawattamie Bennett of Ida Hester of Pottawattamie
			Shoning of Woodbury
			Rosenberg of Story
H-5998	S.F.	2413	Trent of Muscatine
H-6001	S.F.	2413	Garman of Story Clark of Cerro Gordo
H-6002	S.F.	431	Gruhn of Dickinson
H-6005	S.F.	2413	Kistler of Jefferson Garman of Story
H-6006	S.F.	2413	Clark of Cerro Gordo
H-6007	S.F.	2403	Johnson of Winneshiek
H-6008	S.F.	2413	Maulsby of Calhoun
H-6009	S.F.	2413	McKean of Jones Hermann of Scott
H-6010	S.F.	2413	Tyrrell of Iowa
H-6011	S.F.	2413	Kremer of Buchanan
H-6012	S.F.	2413	Black of Jasper
H-6013	S.F.	2413	Garman of Story Clark of Cerro Gordo
			Trent of Muscatine
H-6014	H.F.	2534	Jesse of Jasper Dvorsky of Johnson Brown of Lucas Lykam of Scott Shearer of Louisa
H-6017	H.F.	2557	Spear of Lee Connors of Polk
H-6023	S.F.	2011	Teaford of Black Hawk
H-6024	S.F.	2413	Trent of Muscatine
H-6025	S.F.	2413	Rosenberg of Story
H-6026	H.F.	2543	Senate Amendment
H-6027	H.F.	677	Senate Amendment
H-6028	H.F.	2552	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 5:50 p.m., until 10:00 a.m., Monday, April 2, 1990.

# JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day — Fifty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 2, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Joel Brown, state representative from Lucas County.

The Journal of Friday, March 30, 1990 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of Van Maanen of Mahaska; Fuller of Hardin, until his arrival, on request of Ollie of Clinton; Svoboda of Tama, until her arrival, on request of Peterson of Carroll.

## SENATE MESSAGES CONSIDERED

**Senate File 2415**, by committee on ways and means, a bill for an act authorizing an additional tax levy and the creation of a reserve account by a benefited fire district.

Read first time and referred to committee on **ways and means**.

**Senate File 2416**, by committee on ways and means, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date.

Read first time and referred to committee on **ways and means**.

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

Read first time and referred to committee on **appropriations**.

**Senate File 2423**, by committee on appropriations, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

Read first time and referred to committee on **appropriations**.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 2562**, a bill for an act relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Shearer of Louisa offered the following amendment H—5923 filed by the committee on transportation:

H—5923

1 Amend House File 2562 as follows:

2 1. Page 1, by inserting after line 12, the  
3 following:

4 "Sec. \_\_\_\_\_. Section 321.423, subsection 1, Code  
5 1989, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. e. "Hazard lights" are lights  
8 which flash yellow or amber to the front of the  
9 vehicle and red to the rear of the vehicle  
10 simultaneously."

11 2. Page 2, by striking lines 11 through 14 and  
12 inserting the following:

13 "NEW SUBSECTION. 7. FLASHING WHITE LIGHT. A  
14 flashing white light shall only be used on a vehicle  
15 when used in conjunction with hazard lights and a  
16 flashing white light shall not be used on a vehicle  
17 except in any of the following circumstances:"

18 3. Page 2, line 15, by striking the letter "b."  
19 and inserting the following: "a."

20 4. Page 2, line 17, by striking the letter "c."  
21 and inserting the following: "b."

22 5. Page 2, line 28, by striking the letter "d."  
23 and inserting the following: "c."

Shearer of Louisa offered the following amendment H—5994, to the committee amendment H—5923, filed by him and moved its adoption:

H—5994

1 Amend the amendment, H—5923, to House File 2562 as  
2 follows:

3 1. Page 1, by inserting after line 10 the fol-  
4 lowing:

5 "\_\_\_\_\_. Page 1, line 14, by striking the word  
6 "paragraph" and inserting the following:

- 7 "paragraphs".  
 8 \_\_\_\_\_. Page 1, by inserting after line 17 the  
 9 following:  
 10 "NEW PARAGRAPH. g. A white flashing strobe light  
 11 mounted on a school bus as permitted under section  
 12 321.373, subsection 7." "  
 13 2. Page 1, line 13, by striking the word "A" and  
 14 inserting the following: "Except as provided in  
 15 section 321.373, subsection 7, and subsection 2,  
 16 paragraph "c" of this section, a".  
 17 3. Renumbering as necessary.

Amendment H—5994 was adopted.

On motion by Shearer of Louisa, the committee amendment H—5923, as amended, was adopted.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2562)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Eddie
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 4:

Dvorsky	Fey	Halvorson, R. N.	Neuhauser
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Absent or not voting, 4:

Daggett Fuller Jay Svoboda

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

### Ways and Means Calendar

**Senate File 2407**, a bill for an act relating to the premium taxation on certain health maintenance organization payments, was taken up for consideration.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw amendment H—5916 filed by him on March 28, 1990.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2407)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Beatty	Daggett	Fuller	Jay
Sherzan	Svoboda		

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

**Senate File 2304**, a bill for an act relating to penalty and interest on cigarette, tobacco, motor fuel, individual income, withholding, corporation income, franchise, sales, use, retailer's use, environmental protection charge, inheritance, generation skipping transfer, and estate taxes, and providing effective and applicability dates, with report of committee recommending passage was taken up for consideration.

Van Maanen of Mahaska rose on a point of order that Senate File 2304 was not eligible for debate.

The Speaker ruled the point well taken.

Arnould of Scott asked for unanimous consent to consider Senate File 2304.

Objection was raised.

Arnould of Scott moved to suspend the rules to consider Senate File 2304.

A non-record roll call was requested.

The ayes were 52, nays 34.

The motion prevailed and the rules were suspended to consider Senate File 2304.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2304)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.

Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Daggett	Fuller	Jay	Johnson
Svoboda			

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

### SENATE AMENDMENT CONSIDERED

Poncy of Wapello called up for consideration **Senate File 2327**, a bill for an act relating to and making appropriations to the department of economic development, INTERNET, Wallace technology transfer foundation, Iowa finance authority, and small business advocate, and establishing a small business advocate, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5978 to the House amendment:

H-5978

- 1 Amend the House amendment, S-5726, to Senate File
- 2 2327, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 8, by inserting after the word
- 5 "governor," the following: "or any executive council
- 6 member".
- 7 2. Page 3, by striking lines 25 through 27 and
- 8 inserting the following: "locate the world food prize
- 9 foundation in Iowa and the foundation is structured to
- 10 include".

11 3. Page 8, by inserting after line 18 the fol-  
 12 lowing:  
 13 "\_\_\_\_\_. Page 20, by inserting before line 11 the  
 14 following:  
 15 "Sec. \_\_\_\_\_. Section 15.284, Code Supplement 1989,  
 16 is amended to read as follows:  
 17 15.284 TRADITIONAL INFRASTRUCTURE.  
 18 1. The traditional infrastructure category  
 19 contains projects that include, but are not limited  
 20 to, sewer, water, roads, bridges, airports, and other  
 21 projects described in section 384.24, subsection 3.  
 22 2. Any Iowa city, ~~or county~~, rural water district  
 23 created under chapter 357A, or nonprofit corporation  
 24 created for the purpose of operating a rural water  
 25 system is eligible to apply for loans or grants from  
 26 this category. Along with the application, the ~~city~~  
 27 ~~or county~~ applicant shall submit the following:  
 28 a. A needs assessment study.  
 29 b. A capital improvement program.  
 30 c. Evidence of matching contribution of at least  
 31 twenty-five percent of the total project cost.  
 32 3. Applications must be seeking funds to improve  
 33 the physical assets of the traditional infrastructure  
 34 of the ~~political subdivision~~ applicant in aid of  
 35 development.  
 36 4. The finance division of the department shall  
 37 rank the applicants according to financial need, cost-  
 38 benefit of the project, percent of match, impact, and  
 39 ability to administer project.  
 40 5. The interest rate for a loan, if assessed, may  
 41 range from zero to five percent. The department may  
 42 charge applicants an administration fee, not to exceed  
 43 one percent of the principal amount of the loan or  
 44 grant, to be paid as a lump sum.  
 45 6. The department may coordinate with the  
 46 department of natural resources to assist ~~political~~  
 47 ~~subdivisions~~ applicants receiving federal or other  
 48 state aid for waste water treatment facilities.  
 49 However, the department shall not allocate more than  
 50 fifty percent of the moneys available to this category

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1 for this purpose.  
 2 Sec. \_\_\_\_\_. Section 15.288, Code Supplement 1989, is  
 3 amended by adding the following new unnumbered  
 4 paragraph:  
 5 NEW UNNUMBERED PARAGRAPH. For purposes of this  
 6 section as it relates to the traditional  
 7 infrastructure category under section 15.284,  
 8 "political subdivision" includes a rural water  
 9 district created under chapter 357A or a nonprofit

- 10 corporation created for the purpose of operating a  
 11 rural water system." "
- 12 4. By renumbering, relettering, or redesignating  
 13 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5978.

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

On the question "Shall the bill pass?" (S.F. 2327)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 6:

Eddie	Hanson, D. R.	Maulsby	Renken
Schnekloth	Trent		

Absent or not voting, 5:

Daggett	Fuller	Jay	Johnson
Svoboda			

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

**IMMEDIATE MESSAGE**  
(Senate File 2327)

Groning of Cerro Gordo asked and received unanimous consent that Senate File 2327 be immediately messaged to the Senate.

Swartz of Marshall in the chair at 11:28 a.m.

**SENATE AMENDMENTS CONSIDERED**  
**House Refused To Concur**

Cohon of Des Moines called up for consideration **Senate File 2402**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5937 to the House amendment:

H—5937

- 1 Amend the House amendment, S—5680, to Senate File
- 2 2402, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 6 through 8 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 1, by striking lines 33 and 34."
- 7 2. Page 1, by striking lines 22 and 23.
- 8 3. Page 1, line 25, by striking the figure
- 9 "6,587,943" and inserting the following: "6,534,828".
- 10 4. Page 1, by striking lines 31 through 38.
- 11 5. Page 1, by inserting after line 40 the
- 12 following:
- 13 "\_\_\_\_\_. Page 4, by striking lines 15 through 17."
- 14 6. Page 1, by striking lines 41 through 44.
- 15 7. Page 2, by striking lines 4 through 8.
- 16 8. Page 2, by striking line 15 and inserting the
- 17 following:
- 18 "\_\_\_\_\_. Page 6, line 25, by striking the word
- 19 "purchase" and inserting the following:
- 20 "lease/purchase".
- 21 "\_\_\_\_\_. Page 6, line 28, by striking the figure
- 22 "300,000" and inserting the following: "350,000"."
- 23 9. Page 2, by striking line 43.
- 24 10. Page 2, by inserting before line 44 the
- 25 following:

- 26 "\_\_\_\_\_. Page 9, by inserting before line 13 the  
 27 following:  
 28 "The funds appropriated in this subsection shall  
 29 remain available for obligation until June 30, 1992,  
 30 and once obligated shall remain available until  
 31 expended. Public or private entities willing to  
 32 donate land for scenic highway projects shall be given  
 33 a higher consideration." "
- 34 11. Page 2, by inserting before line 44 the  
 35 following:  
 36 "\_\_\_\_\_. Page 10, line 33, by striking the figure  
 37 "2,883" and inserting the following: "2,889".  
 38 \_\_\_\_\_. Page 11, by striking lines 5 through 8 and  
 39 inserting the following:  
 40 "(3) For parcel acquisition:  
 41 ..... \$ 306,000".  
 42 12. Page 3, by striking lines 15 and 16.  
 43 13. Page 3, line 20, by striking the word "shall"  
 44 and inserting the following: "may".  
 45 14. Page 3, by striking lines 24 through 28 and  
 46 inserting the following: "recycled tire rubber."  
 47 15. Page 3, by inserting after line 34 the  
 48 following:  
 49 "Sec. \_\_\_\_\_.  
 50 The state department of transportation shall

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- 1 contact other states' transportation departments for  
 2 the purpose of initiating a lawsuit in conjunction  
 3 with the other states, to seek an injunction to  
 4 prevent the United States department of transportation  
 5 from impounding the states' portions of the federal  
 6 gas tax." "
- 7 16. Page 4, by striking lines 2 through 16.  
 8 17. By striking page 4, line 43, through page 5,  
 9 line 10.  
 10 18. By renumbering, relettering, or redesignating  
 11 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5937.

Renaud of Polk called up for consideration **Senate File 2280**, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees,

changing the procurement program, and providing for repeals of certain provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5938 to the House amendment:

H—5938

1 Amend House amendment, S—5672, to Senate File 2280,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by inserting after line 1 the  
5 following:

6 “ \_\_\_\_\_. Page 7, by inserting after line 7 the  
7 following:

8 “11. In carrying out the requirements of 1990 Iowa  
9 Acts, Senate File 2212, section 24, relating to the  
10 acquisition or construction of expanded prison  
11 facilities, the department of general services may  
12 include the architectural and engineering costs of the  
13 project as a part of the total costs of the project to  
14 be financed by lease-purchase arrangements.

15 12. If personnel reductions are required in the  
16 department of general services resulting from budget  
17 reductions, the layoffs shall be made only after  
18 service contracts with private parties have been  
19 reviewed and reduced or canceled where possible.” ”

20 2. Page 2, line 11, by striking the figure  
21 “1,224,000” and inserting the following: “1,331,000”.

22 3. Page 2, by striking lines 32 and 33, and  
23 inserting the following:

24 “ \_\_\_\_\_. Page 12, by striking lines 10 through 22.”

25 4. Page 2, by striking lines 36 and 37.

26 5. Page 2, line 39, by striking the figure  
27 “6,259,000” and inserting the following: “6,047,156”.

28 6. Page 2, line 41, by striking the figure  
29 “1,712,000” and inserting the following: “1,654,000”.

30 7. Page 2, line 43, by striking the figure  
31 “1,304,000” and inserting the following: “1,260,000”.

32 8. Page 2, line 45, by striking the figure  
33 “1,878,000” and inserting the following: “1,814,000”.

34 9. Page 2, line 47, by striking the figure  
35 “740,000” and inserting the following: “715,000”.

36 10. Page 3, by striking lines 16 through 22 and  
37 inserting the following:

38 “Sec. \_\_\_\_\_. LAYOFF AND RECALL PROCEDURES.

39 The department of personnel in consultation with  
40 the department of management, the department of  
41 revenue and finance, and the department of general  
42 services, shall establish a program for employees of  
43 those departments whose positions are terminated as a  
44 result of this Act. The departments shall give a

45 preference to qualified persons previously employed  
 46 whose jobs were terminated as a result of this Act  
 47 when hiring to fill vacant positions according to  
 48 existing outplacement procedures established by the  
 49 department of personnel and recall procedures  
 50 established by public employee collective bargaining

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- 1 agreements."  
 2 11. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5938.

**IMMEDIATE MESSAGES**  
 (Senate Files 2402 and 2280)

Groninga of Cerro Gordo asked and received unanimous consent that Senate Files 2402 and 2280 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House was recessed at 11:30 a.m., until 2:00 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1990, insisted on its amendment to House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Palmer, Chair; the Senator from Polk, Senator Mann; the Senator from Monroe, Senator Peterson; the Senator from Buena Vista, Senator Fuhrman; the Senator from Osceola, Senator Vande Hoef.

Also: That the Senate has on April 2, 1990, insisted on its amendment to House File 2416, a bill for an act relating to corporal punishment, and the members of the Conference Committee on the part of the Senate are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Linn, Senator Horn; the Senator from Black Hawk, Senator Corning; the Senator from Scott, Senator Tinsman.

Also: That the Senate has on April 2, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2475, a bill for an act relating to the surcharge for dishonored instruments.

JOHN F. DWYER, Secretary

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

**House File 2563**, a bill for an act relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds, was taken up for consideration.

Brand of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2563)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Daggett

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

**SENATE AMENDMENT CONSIDERED**  
**House Refused to Concur**

Ollie of Clinton called up for consideration **Senate File 2306**, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5908 to the House amendment:

H—5908

1 Amend the amendment, S—5534, to Senate File 2306,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by inserting after line 7, the  
 5 following:

6 "\_\_\_\_\_. Page 1, line 29, by inserting after the  
 7 word "deadline" the following: "or if the request is  
 8 to enroll a child in kindergarten in a public school  
 9 in another district"."

10 2. Page 1, by striking lines 17 and 18, and  
 11 inserting the following:

12 "\_\_\_\_\_. Page 3, by striking lines 15 and 16, and  
 13 inserting the following: "permitted to appeal the  
 14 decision of the board either directly to the director  
 15 of the department of education or to the state board  
 16 under chapter 290, but not to both. If the matter is  
 17 to be heard by the director, or the director's  
 18 designee, the matter shall be heard de".

19 \_\_\_\_\_ Page 3, line 18, by striking the words "by  
 20 the director, or the director's designee"."

21 3. Page 1, by inserting after line 34, the  
 22 following:

23 "\_\_\_\_\_. Page 5, line 7, by inserting after the word  
 24 "years." the following: "If a request to transfer is  
 25 due to a change in family residence, change in the  
 26 state in which the family residence is located, a  
 27 change in a child's parents' marital status, a  
 28 guardianship proceeding, placement in foster care,  
 29 adoption, participation in a foreign exchange program,  
 30 or participation in a substance abuse or mental health  
 31 treatment program, and the child, who is the subject  
 32 of the request, is not currently using any provision  
 33 of open enrollment, the parent or guardian of the  
 34 child shall have the option to have the child remain  
 35 in the child's original district of residence under  
 36 open enrollment with no interruption in the child's  
 37 educational program. If a parent or guardian

38 exercises this option, the child's new district of  
 39 residence is not required to pay the lower of the two  
 40 district costs per pupil or other costs to the  
 41 receiving district until the start of the first full  
 42 year of enrollment of the child."

43 4. Page 1, by striking lines 37 through 43, and  
 44 inserting the following:

45 "If a child, for which a request to transfer has  
 46 been filed with a district, has been suspended or  
 47 expelled in the district, the receiving district named  
 48 in the request may refuse the request the child shall  
 49 not be permitted to transfer until the child has been  
 50 reinstated in the sending district. Once the child

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1 has been reinstated, however, the child shall be  
 2 permitted to transfer in the same manner as if the  
 3 child had not been suspended by the sending district  
 4 and no record of the disciplinary action shall be  
 5 forwarded from the sending district to the receiving  
 6 district upon the child's transfer. If a child, for  
 7 whom a request to transfer has been filed with a  
 8 district, has been expelled in the district, the child  
 9 shall be permitted to transfer to a receiving district  
 10 under this section. However, before being permitted  
 11 to transfer, the child shall apply for reinstatement  
 12 in the sending district. If the child is reinstated  
 13 in the sending district, no record of the disciplinary  
 14 action may be forwarded to the receiving district. If  
 15 the child is not reinstated in the sending district,  
 16 the receiving district shall be permitted to petition  
 17 the director of the department of education for  
 18 permission to refuse the transfer of the student to  
 19 the receiving district."

20 5. Page 1, by striking lines 46 and 47, and  
 21 inserting the following:

22 "\_\_\_\_\_. Page 8, line 11, by inserting after the  
 23 word "circumstances" the following: "consistent with  
 24 the definition of good cause."

25 6. By striking page 1, line 49 through page 2,  
 26 line 19, and inserting the following: "inserting the  
 27 following: "reorganization plan, or a similar set of  
 28 circumstances consistent with the definition of good  
 29 cause. If the good cause relates to a change."

30 7. Page 2, line 22, by inserting after the word  
 31 "provisions" the following: "and, if a district has a  
 32 minority enrollment of less than ten percent of the  
 33 total district student population, the desegregation  
 34 provisions".

35 8. By renumbering, relettering, or redesignating  
 36 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 12, nays 38.

The motion lost and the House refused to concur in the Senate amendment H—5908.

**IMMEDIATE MESSAGES**  
(House File 2563 and Senate File 2306)

Arnould of Scott asked and received unanimous consent that House File 2563 and Senate File 2306 be immediately messaged to the Senate.

**MOTION TO RECONSIDER WITHDRAWN**  
(Senate File 2408)

Peterson of Carroll asked and received unanimous consent to withdraw the motion to reconsider Senate File 2408, a bill for an act relating to and making appropriations to the justice system, filed by him on March 23, 1990.

**IMMEDIATE MESSAGE**  
(Senate File 2408)

Arnould of Scott asked and received unanimous consent that Senate File 2408 be immediately messaged to the Senate.

**RULES SUSPENDED**

Arnould of Scott asked for unanimous consent to immediately consider House Concurrent Resolution 112.

Objection was raised.

Arnould of Scott moved to suspend the rules to immediately consider House Concurrent Resolution 112, not eligible for debate.

A non-record roll call was requested.

The ayes were 54, nays 35.

The motion prevailed and the rules were suspended.

**ADOPTION OF HOUSE CONCURRENT RESOLUTION 112**

McKinney of Dallas called up for consideration House Concurrent Resolution 112 as follows:

- 1 House Concurrent Resolution 112
- 2 By Committee On Appropriations
- 3 A Concurrent Resolution relating to the board of re-
- 4 gents' ten-year building program and providing for
- 5 the financing of fire and life safety and deferred
- 6 maintenance projects.

7       *Whereas*, pursuant to section 262A.3, the state  
8 board of regents prepared and within seven days after  
9 the convening of the Seventy-third General Assembly of  
10 the State of Iowa, Second Session, submitted to the  
11 Seventy-third General Assembly, Second Session, for  
12 approval the proposed ten-year building program for  
13 each institution of higher learning under the  
14 jurisdiction of the board, containing a list of the  
15 buildings and facilities which the board deems  
16 necessary to further the educational objectives of the  
17 institutions, together with an estimate of the cost of  
18 each of the buildings and facilities and an estimate  
19 of the maximum amount of bonds which the board expects  
20 to issue under chapter 262A for the fiscal period  
21 beginning July 1, 1990, and ending December 31, 1992;  
22 and

23       *Whereas*, the projects contained in the building  
24 program are deemed necessary for the proper  
25 performance of the instructional, research, and  
26 service functions of the institutions; and

27       *Whereas*, section 262A.4 provides that the state  
28 board of regents, after authorization by a  
29 constitutional majority of each house of the general  
30 assembly and approval by the governor, may undertake

**Page 2**

1 and carry out at the institutions of higher learning  
2 under the jurisdiction of the board any project as  
3 defined in chapter 262A; and

4       *Whereas*, chapter 262A authorizes the state board of  
5 regents to borrow money and to issue and sell  
6 negotiable revenue bonds to pay all or any part of the  
7 cost of carrying out projects at any institution  
8 payable solely from and secured by an irrevocable  
9 pledge of a sufficient portion of the student fees and  
10 charges and institutional income received by the  
11 particular institution; and

12       *Whereas*, to further the educational objectives of  
13 the institutions, the state board of regents requests  
14 authorization to undertake and carry out certain  
15 projects at this time and to finance their cost by  
16 borrowing money and issuing negotiable bonds under  
17 chapter 262A in a total amount not to exceed  
18 \$18,898,000, the remaining cost of the projects to be  
19 financed by capital appropriations or by federal or  
20 other funds lawfully available; *Now Therefore*,

21       *Be It Resolved By The House Of Representatives, The*  
22 *Senate Concurring*, That the proposed ten-year building  
23 program submitted by the state board of regents for  
24 each institution of higher learning under its  
25 jurisdiction is approved.

26 *Be It Further Resolved*, That no commitment is  
 27 implied or intended by approval to fund any portion of  
 28 the proposed ten-year building program submitted by  
 29 the state board of regents beyond the portion that is  
 30 approved by the Seventy-third General Assembly, Second

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1 Session, and the governor.

2 *Be It Further Resolved*, That during the fiscal  
 3 period which commences July 1, 1990, and which ends  
 4 December 31, 1992, the maximum amount of bonds which  
 5 the state board of regents expects to issue under  
 6 chapter 262A unless additional bonding is authorized  
 7 is \$18,898,000, all or any part of which may be issued  
 8 during the fiscal year ending June 30, 1991, and if  
 9 all that amount should not be issued during the fiscal  
 10 year ending June 30, 1991, any remaining balance may  
 11 be issued during the fiscal period ending December 31,  
 12 1992, and this plan of financing is approved.

13 *Be It Further Resolved*, That the state board of  
 14 regents is authorized to undertake and carry out the  
 15 following projects and to pay all or any part of the  
 16 cost of carrying out the projects by borrowing money  
 17 and issuing negotiable revenue bonds under chapter  
 18 262A in a total amount not to exceed \$18,898,000:

19 State University of Iowa

20 Fire and life safety deficiency corrections and  
 21 related deferred maintenance approved by the legis-  
 22 lative capital projects committee of the legislative  
 23 council on March 27, 1990

24 Cost of issuance of bonds  
 25 ..... \$ 5,000,000

26 Iowa State University of Science and Technology

27 Fire and life safety deficiency corrections and  
 28 related deferred maintenance approved by the legis-  
 29 lative capital projects committee of the legislative  
 30 council on March 27, 1990

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1 Cost of issuance of bonds  
 2 ..... \$ 9,644,000

3 University of Northern Iowa

4 Fire and life safety deficiency corrections and  
 5 related deferred maintenance approved by the legis-  
 6 lative capital projects committee of the legislative  
 7 council on March 27, 1990, and high priority deferred  
 8 maintenance projects approved by the state board of  
 9 regents

10 Cost of issuance of bonds  
 11 ..... \$ 4,254,000

12 Total \$18,898,000

Tabor of Jackson in the chair at 3:35 p.m.

Speaker Avenson in the chair at 3:57 p.m.

McKinney of Dallas moved the adoption of the resolution.

Roll call was requested by McKinney of Dallas and Sherzan of Polk.

On the question "Shall the resolution be adopted?" (H.C.R. 112)

The ayes were, 71:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 27:

Banks	Beaman	Bennett	Branstad
Clark	De Groot	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Schnekloth	Trent	Van Maanen	

Absent or not voting, 2:

Daggett                      Halvorson, R. N.

The motion prevailed and the resolution was adopted.

CONFERENCE COMMITTEES APPOINTED  
(House File 2287)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2287: Ollie of Clinton, Chair; Harper of Black Hawk, Tyrrell of Iowa, Plasier of Sioux and Lykam of Scott.

(House File 2416)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2416: Harper of Black Hawk, Chair; Haverland of Polk, Corbett of Linn, Ollie of Clinton and Iverson of Wright.

SENATE AMENDMENT CONSIDERED  
House Refused to Concur

Blanshan of Greene called up for consideration **House File 2543**, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act, amended by the Senate amendment H - 6026 as follows:

H - 6026

- 1 Amend House File 2543, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 97A.6, subsections 2 and 6,
- 6 Code 1989, are amended to read as follows:
- 7 2. ALLOWANCE ON SERVICE RETIREMENT.
- 8 a. Upon retirement from service prior to July 1,
- 9 1990, a member shall receive a service retirement
- 10 allowance which shall consist of a pension which shall
- 11 equal ~~one-half~~ equals fifty percent of the member's
- 12 average final compensation.
- 13 b. Upon retirement from service on or after July
- 14 1, 1990, a member shall receive a service retirement
- 15 allowance which shall consist of a pension which
- 16 equals fifty-two percent of the member's average final
- 17 compensation.
- 18 c. Commencing July 1, 1991, the board of trustees
- 19 shall increase the percentage multiplier of the
- 20 member's average final compensation by an additional
- 21 two percent each July 1 until reaching sixty percent
- 22 of the member's average final compensation if the
- 23 annual actuarial valuation of the retirement system
- 24 indicates for that year that the cost of this increase
- 25 in the percentage of the member's average final

26 compensation used in computing retirement benefits can  
 27 be absorbed within the employer and employee  
 28 contribution rates in effect pursuant to section  
 29 97A.8.

30 d. Commencing July 1, 1990, if the member has  
 31 completed more than twenty-two years of creditable  
 32 service, the service retirement allowance shall  
 33 consist of a pension which equals the amount provided  
 34 in paragraphs "b" and "c", plus an additional one  
 35 percent of the member's average final compensation for  
 36 each year of service over twenty-two years, excluding  
 37 years of service after the member's fifty-fifth  
 38 birthday. However, this paragraph does not apply to  
 39 more than eight additional years of service.

40 6. RETIREMENT AFTER ACCIDENT.

41 a. Upon retirement for accidental disability prior  
 42 to July 1, 1990, a member shall receive an accidental  
 43 disability retirement allowance which shall consist of  
 44 a pension equal to sixty-six and two-thirds percent of  
 45 the member's average final compensation.

46 b. Upon retirement for accidental disability on or  
 47 after July 1, 1990, a member shall receive an  
 48 accidental disability retirement allowance which shall  
 49 consist of a pension equal to sixty percent of the  
 50 member's average final compensation.

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1 Sec. 2. Section 97A.6, subsection 14, paragraph a,  
 2 subparagraphs (1), (2), (3), and (4), Code 1989, are  
 3 amended to read as follows:

4 (1) Twenty-five percent for members receiving a  
 5 service retirement allowance and for beneficiaries  
 6 receiving a pension under subsection 9 of this  
 7 section. However, effective July 1, 1990, for members  
 8 who retired before that date, thirty percent shall be  
 9 the applicable percentage for members and  
 10 beneficiaries under this subparagraph.

11 (2) Twenty ~~Twenty~~-five percent for members with  
 12 five or more years of membership service who are  
 13 receiving an ordinary disability retirement allowance.  
 14 However, effective July 1, 1984, for members who  
 15 retired before July 1, 1979, and effective July 1,  
 16 1988, for members who retire on or after July 1, 1988,  
 17 twenty-five percent shall be used for members who are  
 18 receiving an ordinary disability retirement allowance.  
 19 However, effective July 1, 1990, for members who  
 20 retired before that date, thirty percent shall be the  
 21 applicable percentage for members under this  
 22 subparagraph.

23 (3) Twelve and one-half percent for members with  
 24 less than five years of membership service who are

25 receiving an ordinary disability retirement allowance,  
 26 and for beneficiaries receiving a pension under  
 27 subsection 8 of this section. However, effective July  
 28 1, 1990, for members who retired before that date,  
 29 fifteen percent shall be the applicable percentage for  
 30 members and beneficiaries under this subparagraph.

31 (4) Thirty-three and one-third percent for members  
 32 receiving an accidental disability allowance.  
 33 However, effective July 1, 1990, for members who  
 34 retired before that date, thirty percent shall be the  
 35 applicable percentage for members under this  
 36 subparagraph.

37 Sec. 3. Section 97A.6, Code 1989, is amended by  
 38 adding the following new subsection:

39 NEW SUBSECTION. 15. REMARRIAGE OF SURVIVING  
 40 SPOUSE. Effective July 1, 1990, for a member who died  
 41 prior to July 1, 1988, if the member's surviving  
 42 spouse remarried prior to July 1, 1988, the remarriage  
 43 does not make the spouse ineligible under subsection  
 44 8, paragraph "c", subparagraphs (1) and (2), to  
 45 receive benefits under subsections 8, 9, 12, and 14.

46 Sec. 4. Section 97A.8, subsection 1, paragraph f,  
 47 Code 1989, is amended to read as follows:

48 f. Except as otherwise provided in paragraph "h":

49 (1) An amount equal to three and one-tenth percent  
 50 of each member's compensation from the earnable

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1 compensation of the member shall be paid to the  
 2 pension accumulation fund for the fiscal year begin-  
 3 ning July 1, 1989.

4 (2) An amount equal to four and forty-six  
 5 hundredths percent of each member's compensation from  
 6 the earnable compensation of the member shall be paid  
 7 to the pension accumulation fund for the fiscal year  
 8 beginning July 1, 1990.

9 (3) An amount equal to five and eighty-two  
 10 hundredths percent of each member's compensation from  
 11 the earnable compensation of the member shall be paid  
 12 to the pension accumulation fund for the fiscal year  
 13 beginning July 1, 1991.

14 (4) An amount equal to seven and eighteen  
 15 hundredths percent of each member's compensation from  
 16 the earnable compensation of the member shall be paid  
 17 to the pension accumulation fund for the fiscal year  
 18 beginning July 1, 1992.

19 (5) An amount equal to eight and fifty-four  
 20 hundredths percent of each member's compensation from  
 21 the earnable compensation of the member shall be paid  
 22 to the pension accumulation fund for the fiscal year  
 23 beginning July 1, 1993.

24 (6) An amount equal to nine and nine-tenths  
25 percent of each member's compensation from the  
26 earnable compensation of the member shall be paid to  
27 the pension accumulation fund for the fiscal year  
28 beginning July 1, 1994, and each fiscal year  
29 thereafter.

30 Sec. 5. Section 97A.8, subsection 1, Code 1989, is  
31 amended by adding the following new paragraph:

32 **NEW PARAGRAPH. h.** Notwithstanding the provisions  
33 of paragraph "f", the following transition percentages  
34 apply to members' contributions as specified:

35 (1) For members who on July 1, 1990, have attained  
36 the age of forty-nine years or more, an amount equal  
37 to nine and nine-tenths percent of each member's  
38 compensation from the earnable compensation of the  
39 member shall be paid to the pension accumulation fund  
40 for the fiscal year beginning July 1, 1990, and each  
41 fiscal year thereafter.

42 (2) For members who on July 1, 1990, have attained  
43 the age of forty-eight years but have not attained the  
44 age of forty-nine years, an amount equal to eight and  
45 fifty-four hundredths percent shall be paid for the  
46 fiscal year beginning July 1, 1990, and an amount  
47 equal to nine and nine-tenths percent shall be paid  
48 for the fiscal year beginning July 1, 1991, and each  
49 fiscal year thereafter.

50 (3) For members who on July 1, 1990, have attained

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1 the age of forty-seven years but have not attained the  
2 age of forty-eight years, an amount equal to seven and  
3 eighteen hundredths percent shall be paid for the  
4 fiscal year beginning July 1, 1990, an amount equal to  
5 eight and fifty-four hundredths percent shall be paid  
6 for the fiscal year beginning July 1, 1991, and an  
7 amount equal to nine and nine-tenths percent shall be  
8 paid for the fiscal year beginning July 1, 1992, and  
9 each fiscal year thereafter.

10 (4) For members who on July 1, 1990, have attained  
11 the age of forty-six years but have not attained the  
12 age of forty-seven years, an amount equal to five and  
13 eighty-two hundredths percent shall be paid for the  
14 fiscal year beginning July 1, 1990, an amount equal to  
15 seven and eighteen hundredths percent shall be paid  
16 for the fiscal year beginning July 1, 1991, an amount  
17 equal to eight and fifty-four hundredths percent shall  
18 be paid for the fiscal year beginning July 1, 1992,  
19 and an amount equal to nine and nine-tenths percent  
20 shall be paid for the fiscal year beginning July 1,  
21 1993, and each fiscal year thereafter.

22 (5) For members who on July 1, 1990, have attained

23 the age of forty-five years but have not attained the  
 24 age of forty-six years, an amount equal to four and  
 25 forty-six hundredths percent shall be paid for the  
 26 fiscal year beginning July 1, 1990, an amount equal to  
 27 five and eighty-two hundredths percent shall be paid  
 28 for the fiscal year beginning July 1, 1991, an amount  
 29 equal to seven and eighteen hundredths percent shall  
 30 be paid for the fiscal year beginning July 1, 1992, an  
 31 amount equal to eight and fifty-four hundredths  
 32 percent shall be paid for the fiscal year beginning  
 33 July 1, 1993, and an amount equal to nine and nine-  
 34 tenths percent shall be paid for the fiscal year  
 35 beginning July 1, 1994, and each fiscal year  
 36 thereafter.

37 Sec. 6. Section 97B.15, Code 1989, is amended to  
 38 read as follows:

39 97B.15 RULES.

40 The department may ~~make~~ adopt rules under chapter  
 41 17A and establish procedures, not inconsistent with  
 42 this chapter, which are necessary or appropriate to  
 43 implement this chapter and shall adopt reasonable and  
 44 proper rules to regulate and provide for the nature  
 45 and extent of the proofs and evidence and the method  
 46 of taking and furnishing the proofs and evidence in  
 47 order to establish the right to benefits under this  
 48 chapter. The department may adopt rules to conform  
 49 the requirements for receipt of retirement benefits  
 50 under this chapter to the mandates of applicable

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1 federal statutes and regulations governing age  
 2 ~~discrimination or the taxation of distributions.~~

3 Sec. 7. Section 97B.41, subsection 1, paragraph a,  
 4 unnumbered paragraph 2, Code 1989, is amended to read  
 5 as follows:

6 Wages for a member of the general assembly means  
 7 the total compensation received by a member of the  
 8 general assembly, whether paid in the form of per diem  
 9 or annual salary, exclusive of expense and travel  
 10 allowances paid to a member of the general assembly  
 11 except as otherwise provided in this paragraph. Wages  
 12 includes per diem payments paid to members of the  
 13 general assembly during interim periods between  
 14 sessions of the general assembly. Wages also includes  
 15 the daily allowance to members of the general assembly  
 16 for nontravel expenses of office during a session of  
 17 the general assembly.

18 Sec. 8. Section 97B.41, subsection 1, paragraph b,  
 19 subparagraph (9), Code 1989, is amended by striking  
 20 the subparagraph and inserting in lieu thereof the  
 21 following:

22 (9) For the calendar year beginning January 1,  
23 1989, and ending December 31, 1989, wages not in  
24 excess of twenty-six thousand dollars.

25 Sec. 9. Section 97B.41, subsection 1, paragraph b,  
26 Code 1989, is amended by adding the following new  
27 subparagraphs after subparagraph (9) and renumbering  
28 the subsequent subparagraphs:

29 NEW SUBPARAGRAPH. (10) For the calendar year  
30 beginning January 1, 1990, and ending December 31,  
31 1990, wages not in excess of twenty-eight thousand  
32 dollars.

33 NEW SUBPARAGRAPH. (11) Commencing January 1,  
34 1991, for each calendar year, the department shall  
35 increase the covered wages limitation from the  
36 previous calendar year by three thousand dollars if  
37 the annual actuarial valuation of the assets and  
38 liabilities of the retirement system indicates that  
39 the cost of the increase in covered wages can be  
40 absorbed within the employer and employee contribution  
41 rates in effect under section 97B.11. However,  
42 covered wages shall not exceed forty thousand dollars  
43 for a calendar year.

44 Sec. 10. Section 97B.41, subsection 3, paragraph  
45 b, Code 1989, is amended by adding the following new  
46 subparagraph:

47 NEW SUBPARAGRAPH. (15) Employees appointed by the  
48 state board of regents who, at the discretion of the  
49 state board of regents, elect coverage in a retirement  
50 system qualified by the state board of regents that

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1 meets the criteria of section 97B.2.

2 Sec. 11. Section 97B.41, subsection 10, Code 1989,  
3 is amended to read as follows:

4 10. a. "Vested member" means a member who  
5 ~~terminated employment in accordance with one of the~~  
6 ~~following paragraphs meets one of the following~~  
7 ~~requirements:~~

8 a. (1) Prior to July 1, 1965, after having had  
9 attained the age of forty-eight and completed at least  
10 eight years of service.

11 b. (2) Between July 1, 1965 and June 30, 1973,  
12 after having had completed at least eight years of  
13 service.

14 e. (3) On or after July 1, 1973, after having has  
15 completed at least four years of service.

16 d. (4) After having Has attained the age of fifty-  
17 five.

18 e. (5) On or after July 1, 1988, an inactive  
19 member who had accumulated, as of the date of the  
20 member's last termination of employment, years of

21 membership service equal to or exceeding the years of  
22 membership service specified in this subsection for  
23 qualifying as a vested member on that date of  
24 termination.

25 b. "Active vested member" means an active member  
26 who has attained sufficient membership service to  
27 achieve vested status.

28 c. "Inactive vested member" means an inactive  
29 member who was a vested member at the time of  
30 termination of employment.

31 Sec. 12. Section 97B.41, subsection 15, Code 1989,  
32 is amended to read as follows:

33 15. "Years of prior service" means the total of  
34 all periods of prior service of a member. In the  
35 determination of such total years of prior service any  
36 fraction of the total in excess of an integral number  
37 of years which is at least six months shall be deemed  
38 to be a complete year and any smaller fraction shall  
39 be disregarded. In computing credit for prior  
40 service, service of less than a full quarter shall be  
41 rounded up to a full quarter. Where a member had  
42 prior service as a teacher, a full year of service  
43 shall be granted that member if the member had three  
44 quarters of service and a contract for employment the  
45 following school year.

46 Sec. 13. Section 97B.41, subsection 21, Code 1989,  
47 is amended by striking the subsection.

48 Sec. 14. Section 97B.42, Code 1989, is amended by  
49 adding the following new unnumbered paragraphs:

50 NEW UNNUMBERED PARAGRAPH. Notwithstanding any

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1 other provision of this section, a member who is  
2 employed by an area vocational school or an area  
3 community college may elect coverage under an  
4 alternative retirement benefits system, which is  
5 issued by or through a nonprofit corporation issuing  
6 retirement annuities exclusively to educational  
7 institutions and their employees, in lieu of  
8 continuing contributions to the Iowa public employees'  
9 retirement system, if the board of directors of the  
10 area vocational school or area community college has  
11 approved the alternative system pursuant to section  
12 280A.23. However, a vested member who elects to  
13 participate in the alternative benefits system does  
14 not have a right to withdraw funds from the member's  
15 Iowa public employees' retirement system account prior  
16 to retirement or termination of covered employment.  
17 The department shall cooperate with the boards of  
18 directors of the area vocational schools and area  
19 community colleges to facilitate the implementation of

20 this paragraph.

21 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding any  
22 other provision of this section, a person newly  
23 entering permanent, full-time employment with an area  
24 vocational school or area community college on or  
25 after the effective date of this Act may elect  
26 coverage under an alternative retirement benefits  
27 system, which is issued by or through a nonprofit  
28 corporation issuing retirement annuities exclusively  
29 to educational institutions and their employees, in  
30 lieu of coverage under the Iowa public employees'  
31 retirement system, but only if the person has no  
32 membership service credits under the Iowa public  
33 employees' retirement system. An election to  
34 participate in the alternative retirement benefits  
35 system is irrevocable as to the person's employment  
36 with that area vocational school or area community  
37 college and any other area vocational school or area  
38 community college in this state. If the person elects  
39 coverage under the alternative retirement benefits  
40 system, the person shall become a member of that  
41 system upon the first day of employment with the area  
42 vocational school or area community college.

43 Sec. 15. Section 97B.43, unnumbered paragraph 3,  
44 Code 1989, is amended to read as follows:

45 Each individual who as of ~~on~~ or after July 1, 1978,  
46 was an active, vested, or retired member and who (1)  
47 made application for and received a refund of  
48 contributions made under the abolished system or (2)  
49 has on deposit with the retirement fund contributions  
50 made under the abolished system shall be entitled to

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1 credit for years of prior service in the determination  
2 of retirement allowance payments by filing a written  
3 election with the department on or after July 1, 1978,  
4 and by redepositing any withdrawn contributions under  
5 the abolished system together with interest as stated  
6 in this paragraph. Any individual who as of on or  
7 after July 1, 1978, is a retired member and who made  
8 application for and received a refund of contributions  
9 made under the abolished system, may, by filing a  
10 written election with the department on or after July  
11 1, 1978, have the department retain fifty percent of  
12 the monthly increase in retiree benefits that will  
13 accrue to the individual because of prior service. If  
14 the monthly increase in retirement benefits is less  
15 than ten dollars, the department shall retain five  
16 dollars of the scheduled increase, and if the monthly  
17 increase is less than five dollars, the provisions of  
18 this paragraph shall not apply. The department shall

19 continue to retain such funds until the withdrawn  
20 contributions, together with interest accrued to the  
21 month in which the written election is filed, have  
22 been repaid. Due notice of this provision shall be  
23 sent to all retired members as of on or after July 1,  
24 1978. However, this paragraph shall not apply to any  
25 person who received a refund of any membership service  
26 contributions unless the person repaid the membership  
27 service contributions pursuant to section 97B.74;  
28 ~~provided, however, that but~~ a refund of contributions  
29 remitted for the calendar quarter ending September 30,  
30 1953 which was based entirely upon employment which  
31 terminated prior to July 4, 1953 shall not be  
32 considered as a refund of membership service  
33 contributions. The interest to be paid into the fund  
34 shall be compounded at the rates credited to member  
35 accounts from the date of payment of the refund of  
36 contributions under the abolished system to the date  
37 the member redeposits the refunded amount. The  
38 provisions of the first paragraph of this section  
39 relating to the consideration given to credited  
40 amounts shall apply to the redeposited amounts or to  
41 amounts left on deposit. Effective July 1, 1978, the  
42 provisions of this paragraph shall apply to each  
43 individual who as of on or after July 1, 1978, was an  
44 active, vested, or retired member, but who was not in  
45 service on July 4, 1953. The period for filing the  
46 written election with the department and redepositing  
47 any withdrawn contributions together with interest  
48 accrued shall commence July 1, 1978. A member who is  
49 a retired member as of on or after July 1, 1978 may  
50 file written election with the department on or after

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1 July 1, 1978 to have the department retain fifty  
2 percent of the monthly increase as provided in this  
3 paragraph.

4 Sec. 16. Section 97B.48, subsection 1, Code 1989,  
5 is amended to read as follows:

6 1. Retirement allowances shall be paid monthly,  
7 except that an allowance of less than one hundred  
8 twenty two hundred forty dollars a year shall be paid  
9 as a lump sum in an actuarial equivalent amount.  
10 Receipt of the lump-sum payment by a member shall  
11 terminate any and all entitlement for the period of  
12 service covered of the said member under this chapter.

13 Sec. 17. Section 97B.48, subsection 3, Code 1989,  
14 is amended to read as follows:

15 3. If, after the first day of the month in which  
16 the member attains the age of fifty-five years and  
17 until the member's sixty-fifth birthday, a member who

18 is retired under this chapter is in regular full-time  
19 employment, the member's retirement allowance shall be  
20 suspended for as long as the member remains in  
21 employment. However, effective January 1, ~~1989~~ 1990,  
22 employment is not full-time employment until the  
23 member receives remuneration in an amount in excess of  
24 six thousand ~~one hundred twenty eight hundred forty~~  
25 dollars for a calendar year. Effective the first of  
26 the month in which a member attains the age of sixty-  
27 five years, a retired member may receive a retirement  
28 allowance after return to covered employment  
29 regardless of the amount of remuneration received.  
30 Effective January 1, 1991, a retired member of any age  
31 may receive a retirement allowance after return to  
32 covered employment, regardless of the amount of  
33 remuneration received, if the covered employment  
34 consists of holding an elective office. As of the  
35 first of the month in which the member attains the age  
36 of seventy years, the member may receive a retirement  
37 allowance determined under section 97B.49, regardless  
38 of the amount of remuneration received. Upon a  
39 retirement after reemployment, a retired member may  
40 have the retired member's retirement allowance  
41 redetermined under this section or section 97B.49 or  
42 97B.50, whichever is applicable, based upon the  
43 addition of credit for the years of membership service  
44 of the employee after reemployment, the covered wage  
45 during reemployment, and the age of the employee after  
46 reemployment. The retired member shall not receive a  
47 retirement allowance based upon more than a total of  
48 thirty years of service.

49 Sec. 18. Section 97B.49, subsection 5, Code 1989,  
50 is amended to read as follows:

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1 5. a. For each active member retiring on or after  
2 July 1, 1986, and before July 1, 1990, with four or  
3 more complete years of service, a monthly benefit  
4 shall be computed which is equal to one-twelfth of an  
5 amount equal to fifty percent of the three-year  
6 average covered wage multiplied by a fraction of years  
7 of service.

8 b. For each active member retiring on or after  
9 July 1, 1990, with four or more complete years of  
10 service, a monthly benefit shall be computed which is  
11 equal to one-twelfth of an amount equal to fifty-two  
12 percent of the three-year average covered wage  
13 multiplied by a fraction of years of service.

14 Commencing July 1, 1991, the department shall  
15 increase the percentage multiplier of the three-year  
16 average covered wage by an additional two percent each

17 July 1 until reaching sixty percent of the three-year  
 18 average covered wage if the annual actuarial valuation  
 19 of the retirement system indicates for that year that  
 20 the cost of this increase in the percentage of the  
 21 three-year average covered wage used in computing  
 22 retirement benefits can be absorbed within the  
 23 employer and employee contribution rates in effect  
 24 under section 97B.11.

25 c. For the purposes of this subsection, "fraction  
 26 of years of service" means a number, not to exceed  
 27 one, equal to the sum of the years of membership  
 28 service and the number of years of prior service  
 29 divided by thirty years.

30 d. If benefits under this subsection commence on  
 31 an early retirement date, the amount of benefit shall  
 32 be reduced in accordance with section 97B.50.

33 Sec. 19. Section 97B.49, subsection 13, paragraphs  
 34 a and b, Code 1989, are amended to read as follows:

35 a. A member who retired from the system between  
 36 January 1, 1976, and June 30, 1982, or a contingent  
 37 annuitant or beneficiary of such a member, shall  
 38 receive with the November 1988 1990 and the November  
 39 1989 1991 monthly benefit payments a retirement  
 40 dividend equal to ~~eighty~~ one hundred forty percent of  
 41 the monthly benefit payment the member received for  
 42 the preceding June, or the most recently received  
 43 benefit payment, whichever is greater. The retirement  
 44 dividend does not affect the amount of a monthly  
 45 benefit payment.

46 b. Each member who retired from the system between  
 47 July 4, 1953, and December 31, 1975, or a contingent  
 48 annuitant or beneficiary of such a member, shall  
 49 receive with the November 1988 1990 and the November  
 50 1989 1991 monthly benefit payments a retirement

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1 dividend equal to one hundred ~~twenty eight~~ percent of  
 2 the monthly benefit payment the member received for  
 3 the preceding June, or the most recently received  
 4 benefit payment, whichever is greater. The retirement  
 5 dividend does not affect the amount of a monthly  
 6 benefit payment.

7 Sec. 20. Section 97B.49, subsection 13, paragraph  
 8 c, Code 1989, is amended to read as follows:

9 c. Notwithstanding the determination of the amount  
 10 of a retirement dividend under paragraph "a", or "b",  
 11 or "d", a retirement dividend shall not be less than  
 12 twenty-five dollars.

13 Sec. 21. Section 97B.49, subsection 13, Code 1989,  
 14 is amended by adding the following new paragraph after  
 15 paragraph c and relettering the subsequent paragraphs:

16 NEW PARAGRAPH. d. A member who retired from the  
17 system between July 1, 1982, and June 30, 1986, or a  
18 contingent annuitant or beneficiary of such a member,  
19 shall receive with the November 1990 and the November  
20 1991 monthly benefit payments a retirement dividend  
21 equal to twenty-four percent of the monthly benefit  
22 payment the member received for the preceding June, or  
23 the most recently received benefit payment, whichever  
24 is greater. The retirement dividend does not affect  
25 the amount of a monthly benefit payment.

26 Sec. 22. Section 97B.49, subsection 15, Code 1989,  
27 is amended to read as follows:

28 15. In lieu of the monthly benefit computed under  
29 subsections 1 and 3 as applicable, or subsection 5,  
30 for:

31 a. For each active member retiring on or after  
32 July 1, 1988, and before July 1, 1990, who is at least  
33 fifty-five years of age and has completed at least  
34 thirty years of membership service and prior service,  
35 and for which the sum of the number of years of  
36 membership service and prior service and the member's  
37 age in years as of the member's last birthday equals  
38 or exceeds ninety-two, a monthly benefit shall be  
39 computed which is equal to one-twelfth of fifty  
40 percent of the three-year average covered wage of the  
41 member.

42 b. For each active member retiring on or after  
43 July 1, 1990, who is at least fifty-five years of age  
44 and for which the sum of the number of years of  
45 membership service and prior service and the member's  
46 age in years as of the member's last birthday exceeds  
47 ninety-two, a monthly benefit shall be computed which  
48 is equal to one-twelfth of the same percentage of the  
49 three-year average covered wage of the member as is  
50 provided in subsection 5.

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1 Sec. 23. Section 97B.49, subsection 16, paragraphs  
2 a, b, and c, Code 1989, are amended to read as  
3 follows:

4 a. Notwithstanding other provisions of this  
5 chapter, a:

6 (1) A member who is or has been employed in a  
7 protection occupation who retires on or after July 1,  
8 1988, and before July 1, 1990, and at the time of  
9 retirement is at least fifty-five years of age and has  
10 completed at least twenty-five years of membership  
11 service in a protection occupation, may elect to  
12 receive in lieu of the receipt of any benefits under  
13 subsection 5 or 15, a monthly retirement allowance  
14 equal to one-twelfth of fifty percent of the member's

15 three-year average covered wage as a member who has  
16 been employed in a protection occupation, with  
17 benefits payable during the member's lifetime.

18 (2) A member who is or has been employed in a  
19 protection occupation who retires on or after July 1,  
20 1990, and at the time of retirement is at least fifty-  
21 five years of age and has completed at least twenty-  
22 five years of membership service in a protection  
23 occupation, may elect to receive in lieu of the  
24 receipt of any benefits under subsection 5 or 15, a  
25 monthly retirement allowance equal to one-twelfth of  
26 fifty-two percent of the member's three-year average  
27 covered wage as a member who has been employed in a  
28 protection occupation, with benefits payable during  
29 the member's lifetime.

30 (3) Commencing July 1, 1991, the department shall  
31 increase the percentage multiplier of the three-year  
32 average covered wage by an additional two percent each  
33 July 1 until reaching sixty percent of the three-year  
34 average covered wage if the annual actuarial valuation  
35 of the retirement system indicates for that year that  
36 the cost of this increase in the percentage of the  
37 three-year average covered wage used in computing  
38 retirement benefits can be absorbed within the  
39 employer and employee contribution rates in effect  
40 under section 97B.11 and this section.

41 b. Notwithstanding other provisions of this  
42 chapter, a:

43 (1) A member who retires from employment as a  
44 county sheriff or deputy sheriff who retires on or  
45 after July 1, 1988, and before July 1, 1990, and at  
46 the time of retirement is at least fifty-five years of  
47 age and has completed at least twenty-two years of  
48 membership service, may elect to receive in lieu of  
49 the receipt of any benefits under subsection 5 or 15,  
50 a monthly retirement allowance equal to one-twelfth of

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1 fifty percent of the member's three-year average  
2 covered wage as a member, with benefits payable during  
3 the member's lifetime.

4 (2) A member who retires from employment as a  
5 county sheriff or deputy sheriff who retires on or  
6 after July 1, 1990, and at the time of retirement is  
7 at least fifty-five years of age and has completed at  
8 least twenty-two years of membership service, may  
9 elect to receive in lieu of the receipt of any  
10 benefits under subsection 5 or 15, a monthly  
11 retirement allowance equal to one-twelfth of the same  
12 percentage of the member's three-year average covered  
13 wage as is provided in paragraph "a", with benefits

14 payable during the member's lifetime.

15 (3) The years of membership service required under  
16 this paragraph shall include membership service as a  
17 sheriff or deputy sheriff and membership service under  
18 employment in a protection occupation included in  
19 paragraph "d", subparagraph (2).

20 (4) For the purposes of this subsection, sheriff  
21 means a county sheriff as defined in section 39.17 and  
22 deputy sheriff means a deputy sheriff appointed  
23 pursuant to section 341.1 prior to July 1, 1981, or  
24 section 331.903 on or after July 1, 1981.

25 c. A member covered under this subsection who  
26 retires on or after July 1, 1988, and before July 1,  
27 1990, and has not completed the twenty-five years of  
28 membership service required under paragraph "a", or  
29 twenty-two years of membership service required under  
30 paragraph "b", is eligible to receive a monthly  
31 retirement allowance equal to one-twelfth of fifty  
32 percent of the member's three-year average covered  
33 wage as a member employed in a protection occupation,  
34 or as a sheriff or deputy sheriff, multiplied by a  
35 fraction of years of service.

36 A member covered under this subsection who retires  
37 on or after July 1, 1990, and has not completed the  
38 twenty-five years of membership service required under  
39 paragraph "a", or twenty-two years of membership  
40 service required under paragraph "b", is eligible to  
41 receive a monthly retirement allowance equal to one-  
42 twelfth of the same percentage of the member's three-  
43 year average covered wage as is provided in paragraph  
44 "a", multiplied by a fraction of years of service.

45 PARAGRAPH DIVIDED. For the purpose of this  
46 subsection, "fraction of years of service" means a  
47 number, not to exceed one, equal to the sum of the  
48 years of membership service for a member retiring in a  
49 protection occupation, divided by twenty-five years,  
50 or the sum of the years of membership service for a

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1 member retiring as a sheriff or deputy sheriff divided  
2 by twenty-two years.

3 Sec. 24. Section 97B.49, subsection 16, paragraph  
4 d, subparagraph (3), Code 1989, is amended to read as  
5 follows:

6 (3) A correctional officer or correctional  
7 supervisor employed by the Iowa department of  
8 corrections, in an applicable job classification and  
9 any other employee of that department who has ongoing,  
10 direct contact with inmates. The department of  
11 corrections and the department of personnel shall  
12 jointly determine the applicable merit system job

13 classifications of correctional officers.

14 Sec. 25. Section 97B.49, subsection 16, paragraph  
15 d, Code 1989, is amended by adding the following new  
16 subparagraph:

17 NEW SUBPARAGRAPH. (7) An employee of the state  
18 department of transportation who is designated as a  
19 "peace officer" by resolution under section 321.477,  
20 but only if the employee retires on or after July 1,  
21 1990. For purposes of this subparagraph, service as a  
22 traffic weight officer employed by the highway  
23 commission prior to the creation of the state  
24 department of transportation or as a peace officer  
25 employed by the Iowa state commerce commission prior  
26 to the creation of the state department of  
27 transportation shall be included in computing the  
28 employee's years of membership service.

29 Sec. 26. Section 97B.49, subsection 16, Code 1989,  
30 is amended by adding the following new paragraph:

31 NEW PARAGRAPH. k. For the fiscal year commencing  
32 July 1, 1990, and each succeeding fiscal year, the  
33 state department of transportation shall pay to the  
34 department of personnel, from funds appropriated to  
35 the state department of transportation from the road  
36 use tax fund and the primary road fund, the amount  
37 necessary to pay the employer share of the cost of the  
38 additional benefits provided to employees covered  
39 under paragraph "d", subparagraph (7).

40 Sec. 27. Section 97B.50, subsection 2, Code 1989,  
41 is amended to read as follows:

42 2. a. A member who retires from the system due to  
43 disability and commences receiving disability benefits  
44 pursuant to the United States Social Security Act (42  
45 U.S.C.), as amended to July 1, 1978, who is eligible  
46 for early retirement, but has not reached the normal  
47 retirement date, shall receive full benefits under  
48 section 97B.49 and shall not have benefits reduced  
49 upon retirement as required under subsection 1  
50 regardless of whether the member has completed thirty

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1 or more years of membership service. This section  
2 takes effect July 1, 1987 for a member meeting the  
3 requirements of this subsection paragraph who retired  
4 from the system at any time between July 4, 1953 and  
5 June 30, 1987.

6 b. A member who retires from the system due to  
7 disability and commences receiving disability benefits  
8 pursuant to the United States Railroad Retirement Act  
9 (45 U.S.C. § 231 et seq.) who is eligible for early  
10 retirement but has not reached the normal retirement  
11 date, shall receive full benefits under section 97B.49

12 and shall not have benefits reduced upon retirement as  
13 required under subsection 1 regardless of whether the  
14 member has completed thirty or more years of  
15 membership service. This section takes effect July 1,  
16 1990, for a member meeting the requirements of this  
17 paragraph who retired from the system at any time  
18 since July 4, 1953. However, eligible members are  
19 entitled to receipt of retroactive adjustment payments  
20 for no more than six months immediately preceding the  
21 month after July 1, 1990, in which written notice was  
22 submitted to the department.

23 Sec. 28. Section 97B.52, subsection 3, Code 1989,  
24 is amended to read as follows:

25 3. a. Other than as provided above in subsections  
26 1 and 2 of this section, or section 97B.51, all rights  
27 to any benefits under the retirement system will shall  
28 cease upon the death of a member.

29 b. If a death benefit is due and payable, interest  
30 shall continue to accumulate through the month  
31 preceding the month in which payment is made to the  
32 designated beneficiary, heirs at law, or to the estate  
33 unless the payment of the death benefit is delayed  
34 because of a dispute between alleged heirs, in which  
35 case the benefit due and payable shall be placed in a  
36 noninterest bearing escrow account until the  
37 beneficiary is determined in accordance with this  
38 section.

39 Sec. 29. Section 97B.73, Code 1989, is amended to  
40 read as follows:

41 97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS.

42 A vested or retired member who was a member of a  
43 public retirement system in public employment in  
44 another state but was not vested or retired under that  
45 system may or in the federal government, or who was a  
46 member of another public retirement system in this  
47 state, including but not limited to the teachers  
48 insurance annuity association-college retirement  
49 equities fund, but who was not retired under that  
50 system, upon submitting verification of membership and

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1 service in the other public retirement system to the  
2 department, including proof that the member has no  
3 further claim upon a retirement benefit from that  
4 other public system, may make employer and employee  
5 contributions to the system for the period of service  
6 in the other public retirement system and receive  
7 credit for membership service in this system  
8 equivalent to the number of years of service in the  
9 other public retirement system. The contributions  
10 paid by the vested or retired member for service in

11 the other public retirement system shall be equal to  
12 the accumulated contributions as defined in section  
13 97B.41, subsection 12, by the member for that period  
14 of service and the employer contribution for that  
15 period of service that would have been contributed by  
16 the vested or retired member and the employer plus  
17 interest on the contributions that would have accrued  
18 if the member had been a member of this system earning  
19 the same wages earned under the other system for the  
20 period from the date of service of the member in the  
21 other public retirement system to the date of payment  
22 of the contributions by the member equal to two  
23 percent plus the interest dividend rate applicable for  
24 each year contribution payable shall be based upon the  
25 member's covered wages for the most recent full  
26 calendar year at the applicable rates in effect for  
27 that calendar year under sections 97B.11 and 97B.49  
28 and multiplied by the member's years of service in  
29 other public employment.

30 This section is applicable to a vested or retired  
31 member who was a member of a public retirement system  
32 established in sections 294.8, 294.9, and 294.10 but  
33 was not vested or retired under that system.

34 A member vested under another public system must  
35 wave, on a form provided by the Iowa public  
36 employees' retirement system, all rights to a  
37 retirement benefit under that other public system  
38 before receiving credit in this system for those years  
39 of service in the other public system.

40 Effective July 1, 1988, a member eligible for an  
41 increased retirement allowance because of the payment  
42 of contributions under this section is entitled to  
43 receipt of retroactive adjustment payments for no more  
44 than six months immediately preceding the month in  
45 which written notice was submitted to the department.

46 Sec. 30. Section 97B.74, unnumbered paragraphs 1  
47 and 2, Code 1989, are amended to read as follows:

48 An Effective January 1, 1991, an active, vested, or  
49 retired member who at any time between July 4, 1953  
50 and July 1, 1973 was a member of the system at any

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1 time on or after July 4, 1953, but who did not meet  
2 the requirements to be a vested member for that period  
3 of membership service, and who received a refund of  
4 the member's contributions for that period of  
5 membership service, may elect in writing to the  
6 department to make contributions to the system for  
7 that period of membership service for which a refund  
8 of contributions was made. The contributions repaid

9 by the member for such service shall be equal to the  
10 accumulated contributions, as defined in section  
11 97B.41, subsection 12, received by the member for that  
12 period of membership service plus interest on the  
13 accumulated contributions for the period from the date  
14 of receipt by the member to the date of repayment  
15 equal to two percent plus the interest dividend rate  
16 applicable for each year compounded annually.

17 The provisions of this section are only available  
18 to a member if that member's total years of membership  
19 and prior service, with the addition of service for  
20 that period of membership service for which  
21 contributions are repaid, equals or exceeds fifteen  
22 years. An active member must have at least one  
23 quarter's reportable wages on file and have membership  
24 service, including that period of membership service  
25 for which a refund of contributions was made,  
26 sufficient to give the member vested status.

27 Sec. 31. Section 97B.80, Code 1989, is amended to  
28 read as follows:

29 97B.80 VETERAN'S CREDIT.

30 An active member in service on July 1, 1988, who at  
31 any time served on active duty in the armed forces of  
32 the United States, upon submitting verification of the  
33 dates of the active duty service in the armed forces  
34 to the department, may make employer and employee  
35 contributions to the system based upon the member's  
36 covered wages for the calendar year beginning January  
37 1, 1987, at the rates in effect under section 97B.11  
38 on January 1, 1987, for the period of time of the  
39 active duty service, not to exceed four years, and  
40 receive credit for membership service and prior  
41 service for the period of time for which the  
42 contributions are made. Effective July 1, 1990, a  
43 vested or retired member with reportable wages in the  
44 most recent calendar year, who at any time served on  
45 active duty in the armed forces of the United States,  
46 upon submitting verification of the dates of the  
47 active duty service, may make employer and employee  
48 contributions to the system based upon the member's  
49 covered wages for the most recent full calendar year  
50 at the applicable rates in effect for that year under

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1 sections 97B.11 and 97B.49, for the period of time of  
2 the active duty service, in one-year increments but  
3 not to exceed four years, and receive credit for  
4 membership service and prior service for the period of  
5 time for which the contributions are made.  
6 Verification of active duty service and payment of  
7 contributions shall be made to the department.

8 However, a member is not eligible to make  
9 contributions under this section if the member is  
10 receiving or is eligible to receive retirement pay  
11 from the United States government for active duty in  
12 the armed forces.

13 Sec. 32. NEW SECTION. 97B.81 WAIVER RIGHTS.

14 A person receiving, or eligible to receive, an  
15 allowance or benefit, or an increase to an allowance  
16 or benefit, under this chapter, may at any time waive  
17 the person's rights to all or part of the allowance or  
18 benefit, by filing a written and notarized notice of  
19 waiver with the public employees' retirement system on  
20 a form provided by the system. The waiver shall  
21 remain in effect until the first day of the month  
22 following the person's death or the filing of a  
23 written and notarized cancellation of the waiver with  
24 the retirement system. The amount waived is forever  
25 forfeited.

26 Sec. 33. NEW SECTION. 97D.1 GUIDING GOALS FOR  
27 FUTURE CHANGES IN PUBLIC RETIREMENT SYSTEMS – SOCIAL  
28 SECURITY – PORTABILITY.

29 1. The general assembly declares that legislative  
30 proposals for changes in specific public retirement  
31 systems should be considered within the context of all  
32 public retirement systems within the state, with  
33 emphasis on equity and equality between and among the  
34 systems. The following list of guiding goals shall  
35 apply to the consideration of proposed changes:

36 a. Select those benefit enhancement options which  
37 most successfully deliver the greatest good to the  
38 greatest number of employees.

39 b. Choose those options which best correct  
40 existing inequities between and among the various  
41 retirement groups in the state.

42 c. Determine those options which most ably serve  
43 the twin objectives of attracting and retaining  
44 quality employees.

45 d. Avoid enacting further incentives toward  
46 earlier retirement with full benefits.

47 e. Avoid further splintering of benefits by  
48 disproportionate enhancement of benefits for one group  
49 over and beyond those available to the other.

50 2. The public retirement systems committee

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1 established by section 97B.76 shall periodically weigh  
2 the advantages and disadvantages of establishing  
3 participation in the federal social security system  
4 for the members of public retirement systems operating  
5 under chapters 97A and 411 and the impact of such a  
6 change on total contributions and benefits.

7 3. The public retirement systems committee estab-  
8 lished by section 97B.76 shall consider proposals to  
9 achieve greater portability of pension benefits  
10 between the various public retirement systems in the  
11 state. Special attention should be given to the  
12 actuarial cost of transfers of value from one system  
13 to another.

14 Sec. 34. NEW SECTION. 97D.2 ANALYSIS OF COST OF  
15 PROPOSED CHANGES.

16 When the public retirement systems committee estab-  
17 lished by section 97B.76 or a standing committee of  
18 the senate or house of representatives receives a  
19 proposal for a change in a public retirement system  
20 within this state, the committee may require the  
21 development of actuarial information concerning the  
22 costs of the proposed change. If the proposal affects  
23 police and fire retirement systems under chapter 411,  
24 the committee may arrange for the services of an  
25 actuarial consultant to assist in developing the  
26 information on a consolidated basis for all the  
27 systems.

28 Sec. 35. Section 280A.23, Code 1989, is amended by  
29 adding the following new subsections:

30 NEW SUBSECTION. 15. Provide for an alternative  
31 retirement benefits system, which is issued by or  
32 through a nonprofit corporation issuing retirement  
33 annuities exclusively to educational institutions and  
34 their employees, for persons employed by the area  
35 vocational school or area community college who are  
36 members of the Iowa public employees' retirement  
37 system on the effective date of this Act and who elect  
38 coverage under the alternative retirement benefits  
39 system pursuant to section 97B.42, in lieu of  
40 continuing contributions to the Iowa public employees'  
41 retirement system. The system for employee and  
42 employer contributions under the alternative system  
43 shall be substantially the same as provided by the  
44 state board of regents under the teachers insurance  
45 annuity association-college retirement equities fund,  
46 and the employer's contribution shall not exceed the  
47 employer's contribution rate established for employees  
48 of the state board of regents who are under that  
49 system.

50 NEW SUBSECTION. 16. Provide for an alternative

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1 retirement benefits system, which is issued by or  
2 through a nonprofit corporation issuing retirement  
3 annuities exclusively to educational institutions and  
4 their employees, for persons newly employed after the  
5 effective date of this Act who elect coverage under

6 that system pursuant to section 97B.42, in lieu of  
7 coverage under the Iowa public employees' retirement  
8 system. The system for employee and employer  
9 contributions under the alternative system shall be  
10 substantially the same as provided by the state board  
11 of regents under the teachers insurance annuity  
12 association-college retirement equities fund, and the  
13 employer's contribution rate shall not exceed the  
14 employer's contribution rate established for employees  
15 of the state board of regents who are under that  
16 system.

17 Sec. 36. Section 411.5, subsection 9, Code 1989,  
18 is amended to read as follows:

19 9. MEDICAL BOARD. The board of fire trustees and  
20 the board of police trustees jointly shall designate a  
21 medical board to be composed of three physicians who  
22 shall arrange for and pass upon all medical  
23 examinations required under the provisions of this  
24 chapter, ~~except that for examinations required because~~  
25 ~~of disability three physicians from the University of~~  
26 ~~Iowa hospitals and clinics who shall pass upon the~~  
27 ~~medical examinations required for disability~~  
28 ~~retirements, and shall report in writing to each board~~  
29 ~~of trustees, respectively, its conclusions and~~  
30 ~~recommendations upon all matters duly referred to it.~~

31 Sec. 37. Section 411.6, subsections 2 and 6, Code  
32 1989, are amended to read as follows:

33 2. ALLOWANCE ON SERVICE RETIREMENT.

34 a. Upon retirement from service, prior to July 1,  
35 1990, a member shall receive a service retirement  
36 allowance which shall consist of a pension given by  
37 the city which ~~shall equal one-half equals fifty~~  
38 percent of the member's average final compensation.

39 b. Upon retirement from service on or after July  
40 1, 1990, a member shall receive a service retirement  
41 allowance which shall consist of a pension given by  
42 the city which equals fifty-two percent of the  
43 member's average final compensation.

44 c. Commencing July 1, 1991, each board of trustees  
45 shall increase the percentage multiplier of the  
46 member's average final compensation by an additional  
47 two percent each July 1 until reaching sixty percent  
48 of the member's average final compensation if the  
49 annual actuarial valuation of the board's retirement  
50 system indicates for that year that the cost of this

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1 increase in the percentage of the member's average  
2 final compensation used in computing retirement  
3 benefits can be absorbed within the employer and  
4 employee contribution rates in effect pursuant to

5 section 411.8.

6 d. Commencing July 1, 1990, if the member has  
7 completed more than twenty-two years of creditable  
8 service, the service retirement allowance shall  
9 consist of a pension which equals the amount provided  
10 in paragraphs "b" and "c", plus an additional  
11 percentage as set forth below:

12 (1) For a member who terminates service, other  
13 than by death or disability, on or after July 1, 1990,  
14 but before July 1, 1991, and who does not withdraw the  
15 member's contributions pursuant to section 411.23,  
16 upon the member's retirement there shall be added  
17 three-tenths percent of the member's average final  
18 compensation for each year of service over twenty-two  
19 years, excluding years of service after the member's  
20 fifty-fifth birthday. However, this subparagraph does  
21 not apply to more than eight additional years of  
22 service.

23 (2) For a member who terminates service, other  
24 than by death or disability, on or after July 1, 1991,  
25 but before July 1, 1992, and who does not withdraw the  
26 member's contributions pursuant to section 411.23,  
27 upon the member's retirement there shall be added six-  
28 tenths percent of the member's average final  
29 compensation for each year of service over twenty-two  
30 years, excluding years of service after the member's  
31 fifty-fifth birthday. However, this subparagraph does  
32 not apply to more than eight additional years of  
33 service.

34 (3) For a member who terminates service, other  
35 than by death or disability, on or after July 1, 1992,  
36 but before July 1, 1993, and who does not withdraw the  
37 member's contributions pursuant to section 411.23,  
38 upon the member's retirement there shall be added  
39 nine-tenths percent of the member's average final  
40 compensation for each year of service over twenty-two  
41 years, excluding years of service after the member's  
42 fifty-fifth birthday. However, this subparagraph does  
43 not apply to more than eight additional years of  
44 service.

45 (4) For a member who terminates service, other  
46 than by death or disability, on or after July 1, 1993,  
47 but before July 1, 1994, and who does not withdraw the  
48 member's contributions pursuant to section 411.23,  
49 upon the member's retirement there shall be added one  
50 and two-tenths percent of the member's average final

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1 compensation for each year of service over twenty-two  
2 years, excluding years of service after the member's  
3 fifty-fifth birthday. However, this subparagraph does

4 not apply to more than eight additional years of  
5 service.

6 (5) For a member who terminates service, other  
7 than by death or disability, on or after July 1, 1994,  
8 and who does not withdraw the member's contributions  
9 pursuant to section 411.23, upon the member's  
10 retirement there shall be added one and five-tenths  
11 percent of the member's average final compensation for  
12 each year of service over twenty-two years, excluding  
13 years of service after the member's fifty-fifth  
14 birthday. However, this subparagraph does not apply  
15 to more than eight additional years of service.

16 6. RETIREMENT AFTER ACCIDENT.

17 a. Upon retirement for accidental disability prior  
18 to July 1, 1990, a member shall receive an accidental  
19 disability retirement allowance which shall consist of  
20 a pension equal to  $66 \frac{2}{3}$  sixty-six and two-thirds  
21 percent of the member's average final compensation.

22 b. Upon retirement for accidental disability on or  
23 after July 1, 1990, a member shall receive an  
24 accidental disability retirement allowance which shall  
25 consist of a pension equal to sixty percent of the  
26 member's average final compensation.

27 Sec. 38. Section 411.6, subsection 12, paragraph  
28 a, subparagraphs (1) through (4), Code 1989, are  
29 amended to read as follows:

30 (1) Twenty-five percent for members receiving a  
31 service retirement allowance and for beneficiaries  
32 receiving a pension under subsection 9 of this  
33 section. However, effective July 1, 1990, for members  
34 who retired before that date, thirty percent shall be  
35 the applicable percentage for members and  
36 beneficiaries under this subparagraph.

37 (2) Twenty-five percent for members with  
38 five or more years of membership service who are  
39 receiving an ordinary disability retirement allowance.  
40 However, effective July 1, 1984, for members who  
41 retired before July 1, 1970, and effective July 1,  
42 1988, for members who retire on or after July 1, 1988,  
43 twenty-five percent shall be used for members who are  
44 receiving an ordinary disability allowance. However,  
45 effective July 1, 1990, for members who retired before  
46 that date, thirty percent shall be the applicable  
47 percentage for members under this subparagraph.

48 (3) Twelve and one-half percent for members with  
49 less than five years of membership service who are  
50 receiving an ordinary disability retirement allowance.

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1 and for beneficiaries receiving a pension under  
2 subsection 8 of this section. However, effective July

3 1, 1990, for members who retired before that date,  
4 fifteen percent shall be the applicable percentage for  
5 members and beneficiaries under this subparagraph.

6 (4) Thirty-three and one-third percent for members  
7 receiving an accidental disability allowance.

8 However, effective July 1, 1990, for members who  
9 retired before that date, thirty percent shall be the  
10 applicable percentage for members under this  
11 subparagraph.

12 Sec. 39. Section 411.6, Code 1989, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. 13. REMARRIAGE OF SURVIVING  
15 SPOUSE. Effective July 1, 1990, for a member who died  
16 prior to July 1, 1988, if the member's surviving  
17 spouse remarried prior to July 1, 1988, the remarriage  
18 does not make the spouse ineligible under subsection  
19 8, paragraph "c", subparagraphs (1) and (2), to  
20 receive benefits under subsections 8, 9, 11, and 12.

21 Sec. 40. Section 411.8, subsection 1, paragraph f,  
22 Code 1989, is amended to read as follows:

23 f. Except as otherwise provided in paragraph "h":

24 (1) An amount equal to three and one-tenth percent  
25 of each member's compensation from the earnable  
26 compensation of the member shall be paid to the  
27 pension accumulation fund for the fiscal year  
28 beginning July 1, 1989.

29 (2) An amount equal to four and forty-six  
30 hundredths percent of each member's compensation from  
31 the earnable compensation of the member shall be paid  
32 to the pension accumulation fund for the fiscal year  
33 beginning July 1, 1990.

34 (3) An amount equal to five and eighty-two  
35 hundredths percent of each member's compensation from  
36 the earnable compensation of the member shall be paid  
37 to the pension accumulation fund for the fiscal year  
38 beginning July 1, 1991.

39 (4) An amount equal to seven and eighteen  
40 hundredths percent of each member's compensation from  
41 the earnable compensation of the member shall be paid  
42 to the pension accumulation fund for the fiscal year  
43 beginning July 1, 1992.

44 (5) An amount equal to eight and fifty-four  
45 hundredths percent of each member's compensation from  
46 the earnable compensation of the member shall be paid  
47 to the pension accumulation fund for the fiscal year  
48 beginning July 1, 1993.

49 (6) An amount equal to nine and nine-tenths  
50 percent of each member's compensation from the

2 the pension accumulation fund for the fiscal year  
3 beginning July 1, 1994, and each fiscal year  
4 thereafter.

5 Sec. 41. Section 411.8, subsection 1, Code 1989,  
6 is amended by adding the following new paragraph:  
7 NEW PARAGRAPH. h. Notwithstanding the provisions  
8 of paragraph "f", the following transition percentages  
9 apply to members' contributions as specified:

10 (1) For members who on July 1, 1990, have attained  
11 the age of forty-nine years or more, an amount equal  
12 to nine and nine-tenths percent of each member's  
13 compensation from the earnable compensation of the  
14 member shall be paid to the fund for the fiscal year  
15 beginning July 1, 1990, and each subsequent fiscal  
16 year.

17 (2) For members who on July 1, 1990, have attained  
18 the age of forty-eight years but have not attained the  
19 age of forty-nine years, an amount equal to eight and  
20 fifty-four hundredths percent shall be paid for the  
21 fiscal year beginning July 1, 1990, and an amount  
22 equal to nine and nine-tenths percent shall be paid  
23 for the fiscal year beginning July 1, 1991, and each  
24 subsequent fiscal year thereafter.

25 (3) For members who on July 1, 1990, have attained  
26 the age of forty-seven years but have not attained the  
27 age of forty-eight years, an amount equal to seven and  
28 eighteen hundredths percent shall be paid for the  
29 fiscal year beginning July 1, 1990, an amount equal to  
30 eight and fifty-four hundredths percent shall be paid  
31 for the fiscal year beginning July 1, 1991, and an  
32 amount equal to nine and nine-tenths percent shall be  
33 paid for the fiscal year beginning July 1, 1992, and  
34 each subsequent fiscal year.

35 (4) For members who on July 1, 1990, have attained  
36 the age of forty-six years but have not attained the  
37 age of forty-seven years, an amount equal to five and  
38 eighty-two hundredths percent shall be paid for the  
39 fiscal year beginning July 1, 1990, an amount equal to  
40 seven and eighteen hundredths percent shall be paid  
41 for the fiscal year beginning July 1, 1991, an amount  
42 equal to eight and fifty-four hundredths percent shall  
43 be paid for the fiscal year beginning July 1, 1992,  
44 and an amount equal to nine and nine-tenths percent  
45 shall be paid for the fiscal year beginning July 1,  
46 1993, and each subsequent fiscal year:

47 (5) For members who on July 1, 1990, have attained  
48 the age of forty-five years but have not attained the  
49 age of forty-six years, an amount equal to four and  
50 forty-six hundredths percent shall be paid for the

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1 fiscal year beginning July 1, 1990, an amount equal to  
2 five and eighty-two hundredths percent shall be paid  
3 for the fiscal year beginning July 1, 1991, an amount  
4 equal to seven and eighteen hundredths percent shall  
5 be paid for the fiscal year beginning July 1, 1992, an  
6 amount equal to eight and fifty-four hundredths  
7 percent shall be paid for the fiscal year beginning  
8 July 1, 1993, and an amount equal to nine and nine-  
9 tenths percent shall be paid for the fiscal year  
10 beginning July 1, 1994, and each subsequent fiscal  
11 year.

12 Sec. 42. NEW SECTION. 411.31 REPORTING.

13 Each board of trustees shall submit annually to the  
14 auditor of state its most recent actuarial valuation  
15 and a pension status report, which shall be in the  
16 form prescribed by the auditor of state and shall  
17 provide statistical and financial information as  
18 required by the auditor of state, including  
19 information about benefits, contribution rates,  
20 assets, liabilities, and social security coverage.  
21 The auditor of state shall consult with the director  
22 of the legislative fiscal bureau for the purpose of  
23 determining the information to be included in the  
24 pension status reports.

25 Sec. 43. NEW SECTION. 411.32 EVALUATION OF  
26 FINANCIAL STATUS OF SYSTEMS.

27 The legislative fiscal bureau shall review the  
28 actuarial reports and pension status reports submitted  
29 in accordance with section 411.31 and shall  
30 periodically prepare an evaluation of the financial  
31 status of police and fire retirement systems operating  
32 under this chapter. The evaluation shall be submitted  
33 to the secretary of the senate and the chief clerk of  
34 the house of representatives for distribution to the  
35 members of the general assembly.

36 The legislative fiscal bureau may arrange for the  
37 services of an actuarial consultant to assist in  
38 performing the duties assigned by this section.

39 Sec. 44. NEW SECTION. 411.33 FUNDING REQUIRE-  
40 MENTS.

41 Each retirement system operating under this chapter  
42 shall have sufficient assets, evaluated at cost, to  
43 cover the system's currently accrued liabilities. A  
44 retirement system whose assets are not sufficient to  
45 provide this coverage on the effective date of this  
46 Act shall establish the necessary asset level on or  
47 before June 30, 1995. The system shall report to the  
48 auditor of state in the annual pension status report  
49 its plan for and progress toward achieving the  
50 required coverage.

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1 Sec. 45. STUDY.

2 1. The Iowa public employees' retirement system  
3 shall conduct a study of the feasibility of initiating  
4 an optional, supplemental defined contribution  
5 retirement plan which would be available to all  
6 members in addition to their basic coverage under the  
7 existing system. Under the proposed plan, employees  
8 electing to participate would be eligible to  
9 contribute up to five percent of their total salary  
10 per year at their option and this would accumulate  
11 interest at the rate credited to members' accounts  
12 under basic Iowa public employees' retirement system  
13 coverage, less management expenses and administrative  
14 costs. The funds in the employee's account would be  
15 available to the employee either upon termination of  
16 public employment or at retirement.

17 2. The Iowa public employees' retirement system  
18 shall provide a preliminary report concerning the  
19 study on or after November 1, 1990, and a final report  
20 on or after November 1, 1991. The reports shall be  
21 transmitted to the chief clerk of the house of  
22 representatives and the secretary of the senate for  
23 distribution to the general assembly.

24 Sec. 46. TRANSFER OF SECTION.

25 The Code editor shall transfer section 97B.76 to  
26 chapter 97D, created by this Act.

27 Sec. 47. APPLICABILITY.

28 Section 12 of this Act is applicable to  
29 computations of years of prior service made on or  
30 after the effective date of this Act."

Neuhauser of Johnson in the chair at 4:09 p.m.

Blanshan of Greene moved that the House concur in the Senate amendment H—6026.

The motion lost and the House refused to concur in the Senate amendment H—6026.

The House stood at ease at 4:16 p.m., until the fall of the gavel.

The House resumed session at 4:25 p.m., Neuhauser of Johnson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2003, a bill for an act permitting a refund of unexpired motor vehicle registration fees to persons who sell their motor vehicles and who will no longer be driving.

Also: That the Senate has, on April 2, 1990, insisted on its amendment to Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions, and the members of the Conference Committee on the part of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Marion, Senator Dieleman; the Senator from Palo Alto, Senator Kibble; the Senator from Bremer, Senator Jensen; the Senator from Montgomery, Senator Hultman.

Also: That the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2326, a bill for an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

Also: That the Senate has, on April 2, 1990, insisted on its amendment to Senate File 2402, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board, and the members of the Conference Committee on the part of the Senate are: The Senator from Wapello, Senator Gettings, Chair; the Senator from Tama, Senator Husak; the Senator from Dubuque, Senator Welsh; the Senator from Black hawk, Senator Lind; the Senator from Muscatine, Senator Drake.

JOHN F. DWYER, Secretary

## SENATE AMENDMENT CONSIDERED House Refused to Concur

Ollie of Clinton called up for consideration **House File 156**, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts, amended by the Senate, and moved that the House concur in the following Senate amendment H—5934:

H—5934

- 1 Amend House File 156, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 3 through 10, and
- 4 inserting the following:
- 5 "1. To encourage loss control and increase
- 6 workplace safety for construction risk
- 7 classifications, a workers' compensation rating
- 8 organization licensed under chapter 515A shall file
- 9 with the insurance division, a construction

10 contracting classification premium adjustment program.  
 11 The program shall define eligible construction  
 12 contracting classifications, prescribe the experience  
 13 rating necessary for participation in the program,  
 14 establish a credit from manual rates for selected  
 15 categories of average hourly wages, and initiate a  
 16 required procedure and approved form by which insurers  
 17 shall notify all insureds, who have one or more  
 18 construction contracting classifications on their  
 19 policy, that they may be eligible for a premium  
 20 adjustment credit.

21 2. If the rating organization fails to file a  
 22 premium adjustment program within thirty days  
 23 following the effective date of this Act, the  
 24 commissioner of insurance shall adopt administrative  
 25 rules which, at a minimum, prescribe the construction  
 26 contracting classifications eligible for premium  
 27 adjustment."

28 2. Title page, by striking lines 1 and 2, and  
 29 inserting the following: "An Act relating to workers'  
 30 compensation insurance premiums for construction  
 31 contractors."

Roll call was requested by Halvorson of Clayton and Tyrrell of Iowa.

On the question "Shall the House concur in the Senate amendment H—5934?" (H.F. 156)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 60:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May

McKinney	Mertz	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Neuhauser Presiding

Absent or not voting, 2:

Daggett                      Halvorson, R. N.

The motion lost and the House refused to concur in the Senate amendment H—5934.

### IMMEDIATE MESSAGES

Groninga of Cerro Gordo asked and received unanimous consent that House Files 156 and 2543 and House Concurrent Resolution 112 be immediately messaged to the Senate.

Speaker Avenson in the chair at 4:46 p.m.

### HOUSE INSISTS

Blanshan of Greene called up for consideration **Senate File 2057**, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED

(Senate File 2057)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2057: Blanshan of Greene, Chair; Garman of Story, Renken of Grundy, Connors of Polk and Bisignano of Polk.

### IMMEDIATE MESSAGE

(Senate File 2057)

Arnould of Scott asked and received unanimous consent that Senate File 2057 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott moved to suspend the rules to consider Senate File 2421, not eligible for debate today.

A non-record roll call was requested.

The ayes were 52, nays 36.

The motion prevailed and the rules were suspended.

### COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Senate File 2421**, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1990.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

**Mr. Speaker:** I am directed to inform your honorable body that the Senate has on April 2, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2522, a bill for an act relating to free hunting and fishing licenses for military personnel.

Also: That the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 390, a bill for an act relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability.

Also: That the Senate has on April 2, 1990, insisted on its amendment to Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Linn, Senator Horn; the Senator from Webster, Senator Coleman; the Senator from Clayton, Senator Tieden; the Senator from Hardin, Senator Taylor.

Also: That the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2379, a bill for an act relating to anaerobic lagoons, making penalties applicable, and providing for applicability of the Act.

Also: That the Senate has on April 2, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on April 2, 1990, passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

The House stood at ease at 4:58 p.m., until the fall of the gavel.

The House resumed session at 5:42 p.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago, until his return, on request of Maulsby of Calhoun.

### CONSIDERATION OF BILLS Appropriations Calendar

**Senate File 2421**, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—6036 filed by him and Hester of Pottawattamie from the floor and moved its adoption:

H—6036

- 1 Amend Senate File 2421, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, line 10, by striking the figure
- 4 "224,050,000" and inserting the following:
- 5 "223,622,270".
- 6 2. Page 6, line 31, by striking the figure
- 7 "18,160,000" and inserting the following:
- 8 "17,952,669".
- 9 3. Page 7, line 20, by striking the figure
- 10 "6,833,000" and inserting the following: "6,748,280".

- 11 4. Page 7, line 22, by striking the figure  
 12 "2,587,000" and inserting the following: "2,557,598".  
 13 5. Page 7, line 25, by striking the figure  
 14 "4,246,000" and inserting the following: "4,190,682".  
 15 6. Page 12, line 19, by striking the figure  
 16 "48,787,000" and inserting the following:  
 17 "47,917,347".  
 18 7. Page 19, line 23, by striking the figure  
 19 "11,290,000" and inserting the following:  
 20 "11,190,112".  
 21 8. Page 20, line 33, by striking the figure  
 22 "3,324,000" and inserting the following: "3,307,492".  
 23 9. Page 23, line 17, by striking the figure  
 24 "4,733,000" and inserting the following: "4,598,645".  
 25 10. Page 23, line 35, by striking the figure  
 26 "5,385,000" and inserting the following: "5,331,542".  
 27 11. Page 42, line 18, by striking the figure  
 28 "95,000" and inserting the following: "93,836".  
 29 12. Page 42, line 24, by striking the figure "4"  
 30 and inserting the following: "5".  
 31 13. Page 43, line 20, by striking the figure "4"  
 32 and inserting the following: "5".  
 33 14. Page 45, line 16, by striking the figure  
 34 "1.48" and inserting the following: ".93".  
 35 15. Page 45, line 19, by striking the figure  
 36 "1.06" and inserting the following: ".66".  
 37 16. Page 45, line 23, by striking the figure "8"  
 38 and inserting the following: "5".  
 39 17. Page 45, by striking lines 24 through 26 and  
 40 inserting the following: "over the rates in effect on  
 41 June 30, 1990."  
 42 18. Page 45, line 29, by striking the figure "8"  
 43 and inserting the following: "5".  
 44 19. Page 45, line 32, by striking the figure "12"  
 45 and inserting the following: "5".  
 46 20. Page 45, line 33, by striking the figure  
 47 "5.67" and inserting the following: "3.54".  
 48 21. Page 46, by striking lines 4 through 6.

Roll call was requested by Jochum of Dubuque and Hansen of Woodbury.

On the question "Shall amendment H—6036 be adopted?"  
 (S.F. 2421)

The ayes were, 36:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby

Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Royer
Schneklath	Shoning	Siegrist	Spenner
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 7:

Branstad	Daggett	Hatch	Haverland
Hibbard	Ollie	Shoultz	

Amendment H — 6036 lost.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2421)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
De Groot	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz

Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 27:

Banks	Bennett	Corbett	Diemer
Eddie	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Siegrist	Trent	Van Maanen	

Absent or not voting, 3:

Branstad	Daggett	Hatch
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### CONFERENCE COMMITTEE APPOINTED (Senate File 2306)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2306: Ollie of Clinton, Chair; Adams of Hamilton, Maulsby of Calhoun, Wise of Lee and Daggett of Adams.

#### IMMEDIATE MESSAGE (Senate File 2421)

Arnould of Scott asked and received unanimous consent that Senate File 2421 be immediately messaged to the Senate.

#### Unfinished Business Calendar

The House resumed consideration of **Senate File 2329**, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semi-annual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable, reconsidered and deferred on the unfinished business calendar.

McKean of Jones offered the following amendment H—5794 filed by him:

H-5794

1 Amend Senate File 2329, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 23, by striking line 16 and inserting the  
 4 following:  
 5 "7. CLASS "M" LICENSE SPECIAL REQUIREMENTS.  
 6 a. EDUCATION REQUIREMENT. A person".  
 7 2. Page 23, by inserting after line 25 the  
 8 following:  
 9 "b. PUBLIC SAFETY REQUIREMENT. A person issued a  
 10 class "M" driver's license shall not operate a  
 11 motorcycle on a highway while the person has an  
 12 alcohol concentration as defined in section 321J.1 of  
 13 0.08 or more. A person who violates this paragraph  
 14 for the first offense is subject to the penalty  
 15 provided under section 321J.2, subsection 2, paragraph  
 16 "a"; for the second offense is subject to the penalty  
 17 provided under section 321J.2, subsection 2, paragraph  
 18 "b"; and for third and each subsequent offense is  
 19 subject to the penalty provided under section 321J.2,  
 20 subsection 2, paragraph "c". Section 321J.2,  
 21 subsections 3, 4, 5, 7, 8, and 9 apply to violations  
 22 of this paragraph."

Koenigs of Mitchell rose on a point of order that amendment H-5794 was not germane.

The Speaker ruled the point well taken and amendment H-5794 not germane.

McKean of Jones moved that the rules be suspended to consider amendment H-5794.

Roll call was requested by McKean of Jones and Spenner of Henry.

On the question "Shall the rules be suspended to consider amendment H-5794?" (S.F. 2329)

The ayes were, 38:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 6:

Branstad	Daggett	Hatch	Lykam
Ollie	Sherzan		

The motion to suspend the rules lost.

Koenigs of Mitchell offered the following amendment H—6042 filed by him from the floor and moved its adoption:

H—6042

- 1 Amend Senate File 2329, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 21, by striking lines 6 and 7 and insert-
- 4 ing the following: "provided the towing vehicle has a
- 5 gross vehicle weight rating of twenty-six thousand one
- 6 or more pounds and each towed vehicle has a gross
- 7 vehicle weight rating of less than".

Amendment H—6042 was adopted.

Jay of Appanoose offered the following amendment H—5804 filed by him:

H—5804

- 1 Amend Senate File 2329, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 45, line 34, by inserting after the word
- 4 "vehicle" the following: "and the person is
- 5 disqualified to operate a commercial motor vehicle
- 6 under section 321.208, subsections 1, 2, 3, or 4".
- 7 2. Page 52, by striking lines 31 through 35 and
- 8 inserting the following:
- 9 "The driver of every a school bus shall have a
- 10 regular or special chauffeur's hold a school bus

11 driver's permit issued by the department of education  
 12 and a driver's license issued by the department, and  
 13 in addition thereto, must hold a school bus driver's  
 14 permit issued by the department of education valid for  
 15 the operation of the school bus."

16 3. Page 59, line 12, by inserting after the word  
 17 "vehicle." the following: "However, this subsection  
 18 does not apply if the temporary restricted license was  
 19 issued as a result of a violation of this chapter  
 20 while the person was operating a vehicle other than a  
 21 commercial motor vehicle."

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—5807, to amendment H—5804, filed by him and Black of Jasper on March 22, 1990.

Hanson of Delaware offered the following amendment H—5848, to amendment H—5804, filed by him and Black of Jasper and moved its adoption:

H—5848

1 Amend the amendment, H—5804, to Senate File 2329,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, line 15, by inserting after the word  
 5 "bus." the following: "A person holding a temporary  
 6 restricted license issued under chapter 321J shall be  
 7 prohibited from operating a school bus."

8 2. Page 1, by inserting after line 21 the  
 9 following:

10 "\_\_\_\_\_. Page 59, by inserting after line 12 the  
 11 following:

12 "Sec. \_\_\_\_\_. Section 321J.20, Code 1989, is amended  
 13 by adding the following new subsection:

14 NEW SUBSECTION. 5. A person holding a temporary  
 15 license issued by the department under this chapter  
 16 shall be prohibited from operating a school bus."

17 3. By renumbering as necessary.

Amendment H—5848 was adopted.

Jay of Appanoose moved the adoption of amendment H—5804, as amended.

A non-record roll call was requested.

The ayes were 47, nays 27.

Amendment H—5804, as amended, was adopted, placing out of order amendment H—5679, previously adopted, found on page 1252 of the House Journal.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2329)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 3:

Hanson, D. R.	McKean	Metcalf
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Absent or not voting, 5:

Branstad	Clark	Daggett	Hatch
Teaford			

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

### IMMEDIATE MESSAGE

(Senate File 2329)

Arnould of Scott asked and received unanimous consent that Senate File 2329 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1990, insisted on its amendment to House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts, and the members of the Conference Committee on the part of the Senate are: The Senator from Linn, Senator Running, Chair; the Senator from Wapello, Senator Gettings; the Senator from Polk, Senator Palmer; the Senator from Buena Vista, Senator Fuhrman; the Senator from Osceola, Senator Vande Hoef.

Also: That the Senate has on April 2, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2488, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act.

Also: That the Senate has on April 2, 1990, insisted on its amendment to House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act, and the members of the Conference Committee on the part of the Senate are: The Senator from Palo Alto, Senator Kibbie, Chair; the Senator from Audubon, Senator Hutchins; the Senator from Linn, Senator Horn; the Senator from Boone, Senator Nystrom; the Senator from Muscatine, Senator Rife.

Also: That the Senate has on April 2, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 2, 1990, appointed the conference committee to Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast, and the members of the Senate are: The Senator from Polk, Senator Kinley, Chair; the Senator from Lee, Senator Fraise; the Senator from Linn, Senator Running; the Senator from Black Hawk, Senator Lind; the Senator from Polk, Senator Gentleman.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday morning, March 30, 1990. Had I been present, I would have voted "aye" on House File 2450.

BROWN of Lucas

I was necessarily absent from the House chamber on the morning of April 2, 1990. Had I been present, I would have voted "aye" on House File 2562; Senate Files 2304, 2327 and 2407.

FULLER of Hardin

I was necessarily absent from the House chamber on Friday, March 30, 1990. Had I been present, I would have voted "aye" on House File 2554; Senate Files 2328 and 2410; and amendment H-6021 to Senate File 2410.

PONCY of Wapello

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of April, 1990: House Files 705, 2271, 2321, 2355, 2404, 2512 and 2516.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

## PRESENTATION OF VISITORS

Brown of Lucas presented to the House the Honorable Jim Cooper, former member of the House representing Lucas County.

The Speaker announced that the following visitors were present in the House chamber:

Eighteen sixth grade students from Meservey-Thornton Elementary School, Thornton, accompanied by Alice Hertland. By May of Worth.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN  
Chief Clerk of the House

- |         |   |
|---------|---|
| 1990-94 | Varsity Boys Basketball Team, Washington Community High School — For winning 3rd place in Class 2A in the 1990 Iowa State Boys Basketball Tournament. |
| 1990-95 | Bruce De Groot, Doon — For being named STAR GREENHAND of the Central Lyon FFA chapter, and for his outstanding performance in all projects.           |
| 1990-96 | Dr. William P. Johnson, Council Bluffs — For being inducted into the Abraham Lincoln High School Alumni Hall of Fame.                                 |

- 1990-97 Girls Basketball Team, English Valley High School — For becoming South Iowa Cedar League Champions for 1990 and for outstanding sportsmanlike conduct on and off the court.
- 1990-98 The Waukee Warriors, Waukee — For their outstanding seasons and for participation in the 1990 Boys State High School Basketball Tournament.
- 1990-99 Mount Mercy College, Cedar Rapids — For receiving the Small Employer Award from the Commission of Persons with Disabilities and the Iowa Department of Human Rights.
- 1990-100 Alice Noffsinger, Kingsley — For celebrating her 104th birthday.
- 1990-101 Joe Malecek, Osage — For earning All-American Honors at the 1990 NCAA Wrestling Tournament in the heavyweight class.
- 1990-102 Jason Kelber, Albion — For being the 1990 NCAA Wrestling Runner-up in the 126 lb. weight class.
- 1990-103 Wapello High School Band, Wapello — For their excellent performance at the Capitol on March 29, 1990, commemorating the band's 40th consecutive division I rating in state competition.
- 1990-104 Esther Carter, Sioux City — For receiving her American citizenship on March 30, 1990.
- 1990-105 Brian Buelow, Highland Community High School — For being the first graduate in the history of Highland Community High School to be honored as a National Merit Scholarship Finalist.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 828 Ways and Means**

Relating to the payments of employee contributions under certain public retirement systems for federal and state tax purposes.

#### **H.S.B. 829 Ways and Means**

Relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of state income tax and providing a retroactive applicability date.

#### SUBCOMMITTEE ASSIGNMENT

##### **Senate File 2406**

Ways and Means: Metcalf, Chair; Chapman and Groninga.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### **House Study Bill 828**

Ways and Means: Brand, Chair; Hanson of Delaware, May, Schnekloth and Wise.

## House Study Bill 829

Ways and Means: Tabor, Chair; Schneklloth and Wise.

## COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

Senate File 2411, a bill for an act providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended Do Pass April 2, 1990.

## AMENDMENTS FILED

H-6029	S.F.	2412	Murphy of Dubuque
H-6030	S.F.	2093	Halvorson of Webster
H-6031	S.F.	2423	Spear of Lee
H-6032	S.F.	2093	Halvorson of Webster
H-6033	S.F.	2413	McKean of Jones
H-6034	S.F.	2423	Swartz of Marshall
H-6035	S.F.	2413	Diemer of Black Hawk
			Kremer of Buchanan
			Corbett of Linn
			Royer of Page
H-6037	S.F.	2423	Iverson of Wright
H-6038	S.F.	2423	Iverson of Wright
H-6039	S.F.	2413	Trent of Muscatine
H-6040	S.F.	2413	Jay of Appanoose
			Sherzan of Polk
H-6041	S.F.	2412	Murphy of Dubuque
H-6043	S.F.	2413	Trent of Muscatine
			Rosenberg of Story
H-6044	S.F.	2413	Svoboda of Tama
H-6045	H.F.	2488	Senate Amendment
H-6046	H.F.	2551	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 7:06 p.m., until 9:00 a.m., Tuesday, April 3, 1990.

# JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day — Fifty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 3, 1990

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Honorable Linda Beatty, state representative from Warren County.

The Journal of Monday, April 2, 1990 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his arrival, on request of Van Maanen of Mahaska.

## SENATE MESSAGE CONSIDERED

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

Read first time and referred to committee on **appropriations**.

## CONSIDERATION OF BILLS

### Unfinished Business Calendar

The House resumed consideration of **Senate File 205**, a bill for an act relating to the credentialing and regulation of respiratory care practitioners, previously deferred and placed on the unfinished business calendar.

Hanson of Delaware offered the following amendment H—3851 filed by the committee on state government:

H—3851

- 1 Amend Senate File 205, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 8 and 9 and
- 4 inserting the following:
- 5 "Persons who are not certified under this chapter
- 6 but who perform respiratory care as defined by
- 7 sections 135F.2 and 135F.3 shall comply with the".

- 8 2. Page 3, by inserting after line 12 the  
 9 following:  
 10 "This section does not apply to persons who are  
 11 licensed to practice a health profession covered by  
 12 chapter 147 or to any person who performs respiratory  
 13 care procedures as a first responder, emergency rescue  
 14 technician, emergency medical technician-ambulance,  
 15 advanced emergency medical care provider, or other  
 16 person functioning as part of a rescue unit or in a  
 17 hospital as authorized by chapter 147A."  
 18 3. Page 3, by striking lines 13 through 32.  
 19 4. By renumbering as necessary.

Beatty of Warren asked and received unanimous consent to withdraw amendment H-3888, to the committee amendment H-3851, filed by her on April 6, 1989.

Hanson of Delaware offered the following amendment H-5760, to the committee amendment H-3851, filed by him and Beatty of Warren and moved its adoption:

H-5760

- 1 Amend the amendment, H-3851, to Senate File 205, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting before line 3, the  
 5 following:  
 6 "\_\_\_\_\_. Page 1, line 14, by striking the word  
 7 "certification" and inserting the following:  
 8 "~~certification~~ licensure".  
 9 \_\_\_\_\_. Page 1, line 24, by striking the word  
 10 "certification" and inserting the following:  
 11 "~~certification~~ licensure".  
 12 \_\_\_\_\_. By striking page 1, line 30, through page 2,  
 13 line 3.  
 14 \_\_\_\_\_. Page 2, by inserting before line 4 the  
 15 following:  
 16 "Sec. \_\_\_\_\_. Section 135F.2, Code 1989, is amended  
 17 by adding the following new unnumbered paragraph after  
 18 subsection 5:  
 19 **NEW UNNUMBERED PARAGRAPH.** "Respiratory care as a  
 20 practice" does not include the delivery, assembly,  
 21 setup, testing, or demonstration of respiratory care  
 22 equipment in the home upon the order of a licensed  
 23 physician. As used in this paragraph, "demonstration"  
 24 does not include the actual teaching, administration,  
 25 or performance of the respiratory care procedures.  
 26 Sec. \_\_\_\_\_. Section 135F.5, unnumbered paragraph 3,  
 27 Code 1989, is amended to read as follows:

28 A graduate of an approved respiratory care training  
 29 program employed in an organized health care system  
 30 may render services as defined in sections 135F.2 and  
 31 135F.3 under the direct and immediate supervision of a  
 32 respiratory care practitioner for one year. The  
 33 graduate shall be identified as a "respiratory care  
 34 practitioner ~~certification~~ licensure applicant".

35 \_\_\_\_\_. Page 2, by striking line 4, and inserting  
 36 the following:

37 "Sec. \_\_\_\_\_. Section 135F.6, subsections 2 and 3,  
 38 Code 1989, are".

39 \_\_\_\_\_. Page 2, line 7, by striking the word  
 40 "certification" and inserting the following:

41 "licensure".

42 \_\_\_\_\_. Page 2, line 9, by striking the word  
 43 "certification" and inserting the following:

44 "licensure".

45 \_\_\_\_\_. Page 2, by inserting after line 12 the  
 46 following:

47 "3. The designation of ~~certification~~ licensure  
 48 examinations for respiratory care practitioners."

49 \_\_\_\_\_. Page 2, line 17, by striking the word  
 50 "certified" and inserting the following: "licensed".

## Page 2

1 \_\_\_\_\_. Page 2, line 21, by striking the word  
 2 "certified" and inserting the following: "licensed".

3 \_\_\_\_\_. Page 2, line 26, by striking the word  
 4 "certified" and inserting the following: "licensed".

5 \_\_\_\_\_. Page 3, line 1, by striking the figure  
 6 "1990" and inserting the following: "1991".

7 \_\_\_\_\_. Page 3, line 3, by striking the word  
 8 "certification" and inserting the following:

9 "certification licensure".

10 \_\_\_\_\_. Page 3, line 7, by striking the word  
 11 "certification" and inserting the following:

12 "certification licensure".

13 2. Page 1, line 5, by striking the word  
 14 "certified" and inserting the following: "licensed".

15 3. Page 1, line 17, by inserting after the figure  
 16 "147A" the following: ", or to persons whose function  
 17 with respect to respiratory care is limited to the  
 18 home delivery and connection of oxygen tanks".

19 4. Page 1, by inserting after line 17, the  
 20 following:

21 "Sec. \_\_\_\_\_. Section 135F.12, Code 1989, is amended  
 22 to read as follows:

23 135F.12 SUSPENSION AND REVOCATION OF CERTIFICATES  
 24 LICENSES.

25 The department may suspend, revoke or impose  
 26 probationary conditions upon a certificate license

27 issued pursuant to rules adopted in accordance with  
28 section 135F.6."

29 5. Page 1, by inserting after line 18, the  
30 following:

31 "\_\_\_\_\_. Page 3, line 33, by striking the words  
32 "subsection 1, Code" and inserting the following:  
33 "subsection 6, Code Supplement".

34 \_\_\_\_\_. Page 4, line 1, by striking the word  
35 "certifying" and inserting the following:  
36 "licensing".

Amendment H—5760 was adopted.

On motion by Hanson of Delaware, the committee amendment  
H—3851, as amended, was adopted.

Hammond of Story offered the following amendment H—5759  
filed by her and moved its adoption:

H—5759

1 Amend Senate File 205, 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 135F.1, subsections 1, 3, and  
6 4, Code 1989, are amended to read as follows:

7 1. "Respiratory care practitioner" or  
8 "practitioner" means a person who has qualified  
9 qualifies as a respiratory therapist or respiratory  
10 therapy technician. Neither term refers to a person  
11 currently working in the field of respiratory care who  
12 does not become certified under this chapter.

13 3. "Respiratory therapist" means a respiratory  
14 care practitioner person who has successfully  
15 completed a respiratory therapy training program; and  
16 has passed the registry examination for respiratory  
17 therapists administered by the national board for  
18 respiratory care and passed or a respiratory therapy  
19 certification examination approved by the department.  
20 Two years of supervised clinical experience in an  
21 acceptable location for the practice of respiratory  
22 care, as described in section 135F.4, may be  
23 substituted for the completion of a respiratory  
24 therapy training program.

25 4. "Respiratory therapy technician" means a  
26 respiratory care practitioner person who has  
27 successfully completed a respiratory therapy training  
28 program; and has passed the certification examination  
29 for respiratory therapy technicians administered by  
30 the national board for respiratory care and passed or  
31 a respiratory therapy technicians' certification

32 examination approved by the department. Two years of  
33 supervised clinical experience in an acceptable  
34 location for the practice of respiratory care, as  
35 described in section 135F.4, may be substituted for  
36 the completion of a respiratory therapy training  
37 program.

38 Sec. 2. Section 135F.2, unnumbered paragraph 1,  
39 Code 1989, is amended to read as follows:

40 "Respiratory care as a practice" means a health  
41 care profession, under ~~medical direction~~ a medical  
42 director, employed in the therapy, management,  
43 rehabilitation, diagnostic evaluation, and care of  
44 patients with deficiencies and abnormalities which  
45 affect the pulmonary system and associated aspects of  
46 cardiopulmonary and other systems' functions, and  
47 includes all of the following:

48 Sec. 3. Section 135F.2, Code 1989, is amended by  
49 adding the following new unnumbered paragraph after  
50 subsection 5:

**Page 2**

1 NEW UNNUMBERED PARAGRAPH. "Respiratory care as a  
2 practice" does not include the delivery, assembly,  
3 setup, testing, or demonstration of respiratory care  
4 equipment in the home upon the order of a licensed  
5 physician. As used in this paragraph, "demonstration"  
6 does not include the actual teaching, administration,  
7 or performance of the respiratory care procedures.

8 Sec. 4. Section 135F.6, subsection 2, Code 1989,  
9 is amended to read as follows:

10 2. The establishment and collection of fees of a  
11 system for the registration certification of  
12 respiratory care practitioners and the establishment  
13 and collection of certification fees. The fees  
14 charged shall be sufficient to defray the costs of  
15 administration of this chapter and all fees collected  
16 shall be deposited with the treasurer of state who  
17 shall deposit them in the general fund of the state.

18 Sec. 5. Section 135F.7, Code 1989, is amended to  
19 read as follows:

20 135F.7 REPRESENTATION.

21 A person who is qualified as a respiratory care  
22 practitioner and is ~~registered with~~ certified by the  
23 department may use the title "respiratory care  
24 practitioner" or the letters R.C.P. after the person's  
25 name to indicate that the person is a qualified  
26 respiratory care practitioner ~~registered with~~  
27 certified by the department. No other person is  
28 entitled to use the title or letters or any other  
29 title or letters that indicate or imply that the  
30 person is a respiratory care practitioner, nor may a

31 person make any representation, orally or in writing,  
 32 expressly or by implication, that the person is a  
 33 registered certified respiratory care practitioner. A  
 34 person working in the field of respiratory care on  
 35 July 1, 1985 shall be permitted to continue to do so  
 36 except that the person shall not be entitled to  
 37 designate or refer to themselves as a "respiratory  
 38 care practitioner" or use the letters R.C.P. after the  
 39 person's name.

40 Sec. 6. Section 135F.11, Code 1989, is amended to  
 41 read as follows:

42 135F.11 CONTINUING EDUCATION.

43 After July 1, 1988 1991, a respiratory care  
 44 practitioner shall submit evidence satisfactory to the  
 45 department that during the year preceding renewal of  
 46 certification the practitioner has completed  
 47 continuing education courses as prescribed by the  
 48 department. In lieu of the continuing education, a  
 49 person may successfully complete the most current  
 50 version of the certification examination.

Page 3

1 Persons who are not certified under this chapter  
 2 but who perform respiratory care as defined by  
 3 sections 135F.2 and 135F.3 shall comply with the  
 4 continuing education requirements of this section.  
 5 The department shall adopt rules for the  
 6 administration of this requirement.

7 This section does not apply to persons who are  
 8 licensed to practice a health profession covered by  
 9 chapter 147 or to any person who performs respiratory  
 10 care procedures as a first responder, emergency rescue  
 11 technician, emergency medical technician-ambulance,  
 12 advanced emergency medical care provider, or other  
 13 person functioning as part of a rescue unit or in a  
 14 hospital as authorized by chapter 147A.

15 Sec. 7. NEW SECTION. 135F.14 CERTIFICATION  
 16 REQUIRED - EXCEPTIONS.

17 1. Except as otherwise provided in this section  
 18 and section 135F.5, a person shall not engage in the  
 19 practice of respiratory care unless the person has  
 20 obtained a certificate from the department.

21 2. This chapter does not prohibit the performance  
 22 of respiratory care procedures by a person who is  
 23 licensed to practice a health profession covered by  
 24 chapter 147.

25 3. This chapter does not prohibit the performance  
 26 of respiratory care procedures by a first responder,  
 27 emergency rescue technician, emergency medical  
 28 technician-ambulance, advanced emergency medical care  
 29 provider, or other person functioning as part of an

30 ambulance, rescue, or first response service or in a  
31 hospital as authorized by chapter 147A.

32 4. A person working in the field of respiratory  
33 care on July 1, 1990, may continue to do so without  
34 meeting the certification requirements of this  
35 chapter, but the person shall not claim to be a  
36 "respiratory care practitioner" or use the letters  
37 R.C.P. after the person's name.

38 Sec. 8. Section 258A.1, subsection 6, Code  
39 Supplement 1989, is amended by adding the following  
40 new paragraph:

41 NEW PARAGRAPH. aa. The Iowa department of public  
42 health in certifying respiratory care practitioners  
43 pursuant to chapter 135F."

Amendment H—5759 lost.

Beatty of Warren asked and received unanimous consent to with-  
draw the following amendments:

H—3954 filed by Beatty of Warren on April 10, 1989.

H—3966 filed by Beatty of Warren and Hanson of Delaware on  
April 11, 1989, placing out of order amendment H—3973 (to amend-  
ment H—3966) filed by Hanson of Delaware on April 12, 1989.

Hanson of Delaware asked and received unanimous consent to  
withdraw amendment H—5002 filed by him on January 15, 1990.

Hanson of Delaware moved that the bill be read a last time now  
and placed upon its passage which motion prevailed and the bill was  
read a last time.

On the question "Shall the bill pass?" (S.F. 205)

The ayes were, 97:

- |          |               |                  |                  |
|----------|---------------|------------------|------------------|
| Adams    | Arnould       | Banks            | Beaman           |
| Beatty   | Bennett       | Bisignano        | Black            |
| Blanshan | Brammer       | Brand            | Branstad         |
| Brown    | Buhr          | Carpenter        | Chapman          |
| Clark    | Cohoon        | Corbett          | De Groot         |
| Diemer   | Doderer       | Dvorsky          | Eddie            |
| Fey      | Fogarty       | Fuller           | Garman           |
| Groninga | Gruhn         | Halvorson, R. A. | Halvorson, R. N. |
| Hammond  | Hansen, S. D. | Hanson, D. R.    | Harbor           |
| Harper   | Hatch         | Haverland        | Hermann          |
| Hester   | Holveck       | Iverson          | Jay              |
| Jesse    | Jochum        | Johnson          | Kistler          |
| Knapp    | Koenigs       | Kremer           | Lageschulte      |
| Lundby   | Lykam         | Maulsby          | May              |
| McKean   | McKinney      | Mertz            | Metcalf          |
| Miller   | Muhlbauer     | Murphy           | Neuhauser        |

Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 3:

Avenson, Spkr.      Daggett                      Hibbard

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

The House resumed consideration of **Senate File 2011**, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public, previously deferred and placed on the unfinished business calendar.

Teaford of Black Hawk offered the following amendment H—6023 filed by her and moved its adoption:

H—6023

- 1 Amend Senate File 2011, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 104B.1 MINIMUM TOILET
- 6 FACILITY STANDARD.
- 7 1. Places of assembly for public use including but
- 8 not limited to theaters, auditoriums, and convention
- 9 halls, constructed on or after January 1, 1991, shall
- 10 conform to the standards for minimum plumbing
- 11 facilities as provided in the uniform plumbing code.
- 12 2. Restaurants, pubs, and lounges constructed on
- 13 or after January 1, 1991, shall conform to the
- 14 standards for minimum plumbing facilities as provided
- 15 in the uniform plumbing code, except that if the
- 16 restaurant, pub, or lounge has a capacity of one
- 17 hundred fifty-one or more, there shall be twice the

18 number of women's toilets as the minimum number of  
19 men's toilets required by the uniform plumbing code.

20 3. All toilets installed pursuant to this section  
21 shall be water efficient toilets which use three  
22 gallons or less of water per flush.

23 4. The state building code commissioner, with the  
24 approval of the state building code advisory council  
25 established pursuant to section 103A.14, shall adopt  
26 rules to enforce this chapter. Any ruling of the  
27 building code commissioner made pursuant to this  
28 chapter is subject to administrative review and appeal  
29 as provided in chapter 17A."

Amendment H—6023 was adopted, placing out of order the following amendments:

H—5709 filed by Garman of Story on March 15, 1990.

H—5711 filed by Corbett of Linn on March 15, 1990.

H—5748 (to amendment H—5711) filed by Bisignano of Polk on March 19, 1990.

H—5708 filed by Banks of Plymouth on March 15, 1990.

H—5747 filed by Bisignano of Polk on March 19, 1990.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2011)

The ayes were, 61:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Blanshan	Brammer
Branstad	Brown	Carpenter	Chapman
Clark	Cohoon	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Harper	Hatch	Hester	Holveck
Jesse	Johnson	Kistler	Koenigs
Kremer	Lageschulte	Lykam	May
McKinney	Mertz	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Shoning	Shultz	Spear	Stueland
Swartz	Tabor	Teaford	Wise
Connors			
Presiding			

The nays were, 32:

Banks	Bennett	Black	Brand
Buhr	Corbett	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Hermann	Iverson	Jay
Knapp	Lundby	Maulsby	McKean
Metcalf	Miller	Petersen, D. F.	Renken
Royer	Schneklloth	Siegrist	Spenner
Svoboda	Trent	Tyrrell	Van Maanen

Absent or not voting, 7:

Daggett	Haverland	Hibbard	Jochum
Muhlbauer	Ollie	Sherzan	

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

#### CONFERENCE COMMITTEES APPOINTED (Senate File 2402)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2402: Cohoon of Des Moines, Chair; Muhlbauer of Crawford, Beaman of Clarke, Shoning of Woodbury and Koenigs of Mitchell.

(Senate File 2280)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2280: Renaud of Polk, Chair; Kremer of Buchanan, McKean of Jones, Adams of Hamilton and Fuller of Hardin.

Speaker Avenson in the chair at 10:23 a.m.

#### SENATE AMENDMENT CONSIDERED

Trent of Muscatine called up for consideration **House File 2488**, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act, amended by the Senate, and moved that the House concur in the following Senate amendment H-6045:

H-6045

1 Amend House File 2488, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Section 1. Section 15.262, subsections 2 and 6,  
6 Code 1989, are amended to read as follows:

7 2. "Corporation" or "development corporation"  
8 means a private sector small business economic  
9 development corporation organized under chapter 504A  
10 or organized for pecuniary profit under chapter ~~496A~~  
11 490 and includes development corporations organized  
12 under chapter 496B.

13 6. "Investor" means a private entity which invests  
14 money in a corporation organized for pecuniary profit  
15 under chapter ~~496A~~ 490.

16 Sec. \_\_\_\_\_. Section 28.107, unnumbered paragraph 1,  
17 Code 1989, is amended to read as follows:

18 There may be incorporated under chapter ~~496A~~ 490 a  
19 corporation which shall be known as the Iowa export  
20 trading company. If incorporated, this corporation  
21 shall be established by the director of the Iowa  
22 department of economic development. The initial board  
23 of directors shall consist of the director and six  
24 additional members appointed by the director. The six  
25 members appointed by the director shall be  
26 knowledgeable in the area of farming, exporting, or  
27 marketing finance. The department may expend an  
28 amount not to exceed one hundred thousand dollars  
29 necessary to establish and operate the export trading  
30 company until the completion of the public offering of  
31 stock. The funds used shall be repaid to the  
32 department upon completion of its public offering of  
33 stock. Financing for the export trading company shall  
34 initially come from its public offering of stock to  
35 residents of this state. In preparation for this  
36 sale, a detailed marketing study shall be conducted  
37 which will serve as the basis for the company work  
38 plan and the company prospectus. After the sale of  
39 stock, provision shall be made for the election of a  
40 board of directors by the stockholders to replace the  
41 initial board of directors. However, the director of  
42 the department shall be an ex officio member of the  
43 board representing the state of Iowa. The director of  
44 the department shall also serve as an agent for the  
45 company.

46 Sec. \_\_\_\_\_. Section 28.108, subsection 2, Code 1989,  
47 is amended to read as follows:

48 2. The Iowa export trading company has the powers  
49 necessary to fulfill the purposes of this division and  
50 those provided in chapter ~~496A~~ 490 and the Export

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1 Trading Company Act of 1982, Pub. L. No. 97-290 which  
2 are not inconsistent with or limited by this  
3 division.”

4 2. Page 1, by inserting before line 1, the  
5 following:

6 “Sec. 100. **NEW SECTION. 77A.10A NOTARIAL ACTS IN**  
7 **OTHER JURISDICTIONS OF THE UNITED STATES.**

8 1. A notarial act has the same effect under the  
9 law of this state as if performed by a notarial  
10 officer of this state, if the notarial act is  
11 performed in another state, commonwealth, territory,  
12 district, or possession of the United States by any of  
13 the following persons:

14 a. A notary public of that jurisdiction.  
15 b. A judge, clerk, or deputy clerk of a court of  
16 that jurisdiction.  
17 c. Any other person authorized by the law of that  
18 jurisdiction to perform notarial acts.

19 2. Notarial acts performed in other jurisdictions  
20 of the United States under federal authority as  
21 provided in section 77A.10B have the same effect as if  
22 performed by a notarial officer of this state.

23 3. The signature and title of a person performing  
24 a notarial act are prima facie evidence that the  
25 signature is genuine and that the person holds the  
26 designated title.

27 4. The signature and indicated title of an officer  
28 listed in subsection 1, paragraph “a” or “b”  
29 conclusively establish the authority of a holder of  
30 that title to perform a notarial act.

31 **Sec. 101. NEW SECTION. 77A.10B NOTARIAL ACTS**  
32 **UNDER FEDERAL AUTHORITY.**

33 1. A notarial act has the same effect under the  
34 law of this state as if performed by a notarial  
35 officer of this state, if the notarial act is  
36 performed anywhere by any of the following persons  
37 under authority granted by the law of the United  
38 States:

39 a. A judge, clerk, or deputy clerk of a court.  
40 b. A commissioned officer on active duty in the  
41 military service of the United States.  
42 c. An officer of the foreign service or consular  
43 officer of the United States.

44 d. Any other person authorized by federal law to  
45 perform notarial acts.

46 2. The signature and title of a person performing  
47 a notarial act are prima facie evidence that the  
48 signature is genuine and that the person holds the  
49 designated title.

50 3. The signature and indicated title of an officer

Page 3

1 listed in subsection 1, paragraph "a", "b", or "c",  
2 conclusively establish the authority of a holder of  
3 that title to perform a notarial act.

4 4. A certificate of a notarial act on an  
5 instrument to be recorded must also comply with the  
6 requirements of section 331.602, subsection 1.

7 Sec. 102. NEW SECTION. 77A.10C FOREIGN NOTARIAL  
8 ACTS.

9 1. A notarial act has the same effect under the  
10 law of this state as if performed by a notarial  
11 officer of this state, if the notarial act is  
12 performed within the jurisdiction of and under  
13 authority of a foreign nation or its constituent units  
14 or a multinational or international organization by  
15 any of the following persons:

- 16 a. A notary public or notary.
- 17 b. A judge, clerk, or deputy clerk of a court of  
18 record.
- 19 c. Any other person authorized by the law of that  
20 jurisdiction to perform notarial acts.

21 2. An "apostille" in the form prescribed by the  
22 Hague convention of October 5, 1961, conclusively  
23 establishes that the signature of the notarial officer  
24 is genuine and that the officer holds the indicated  
25 office.

26 3. A certificate by a foreign service or consular  
27 officer of the United States stationed in the nation  
28 under the jurisdiction of which the notarial act was  
29 performed, or a certificate by a foreign service or  
30 consular officer of that nation stationed in the  
31 United States, conclusively establishes any matter  
32 relating to the authenticity or validity of the  
33 notarial act set forth in the certificate.

34 4. An official stamp or seal of the person  
35 performing the notarial act is prima facie evidence  
36 that the signature is genuine and that the person  
37 holds the indicated title.

38 5. An official stamp or seal of an officer listed  
39 in subsection 1, paragraph "a" or "b", is prima facie  
40 evidence that a person with the indicated title has  
41 authority to perform notarial acts.

42 6. If the title of office and indication of  
43 authority to perform notarial acts appears either in a  
44 digest of foreign law or in a list customarily used as  
45 a source for that information, the authority of an  
46 officer with that title to perform notarial acts is  
47 conclusively established.

48 Sec. 103. NEW SECTION. 77A.10D CERTIFICATE OF  
49 NOTARIAL ACTS.

50 1. A notarial act must be evidenced by a

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1 certificate signed and dated by a notarial officer.  
 2 The certificate must include identification of the  
 3 jurisdiction in which the notarial act is performed  
 4 and the title of the office of the notarial officer  
 5 and may include the official stamp or seal of the  
 6 office. If the officer is a notary public, the  
 7 certificate may, but need not indicate the date of  
 8 expiration, if any, of the commission of office. If  
 9 the notarial officer is a commissioned officer on  
 10 active duty in the military service of the United  
 11 States, it must also include the officer's rank.

12 2. A certificate of a notarial act is sufficient  
 13 if it meets the requirements of subsection 1, and is  
 14 in any of the following forms:

- 15 a. The short form set forth in section 77A.10E.
- 16 b. A form otherwise prescribed by the law of this  
 17 state, including those forms set out in chapter 558.
- 18 c. A form prescribed by the laws or regulations  
 19 applicable in the place in which the notarial act was  
 20 performed.
- 21 d. A form which sets forth the actions of the  
 22 notarial officer and those are sufficient to meet the  
 23 requirements of the designated notarial act.

24 3. By executing a certificate of a notarial act,  
 25 the notarial officer certifies that the officer has  
 26 made the determinations required by section 77A.9.

27 Sec. 104. NEW SECTION. 77A.10E SHORT FORMS.

28 The following short form certificates of notarial  
 29 acts are sufficient for the purposes indicated, if  
 30 completed with the information required by section  
 31 77A.10D, subsection 1.

32 1. For an acknowledgment in an individual  
 33 capacity:

34 State of \_\_\_\_\_  
 35 (County) of \_\_\_\_\_

36 This instrument was acknowledged before me on  
 37 \_\_\_\_\_ by \_\_\_\_\_  
 38 (date) (name(s) of person(s))

39 \_\_\_\_\_  
 40 (signature of notarial  
 41 officer)

42 (Seal, if any)

43 \_\_\_\_\_  
 44 Title (and Rank)  
 45 [My commission expires: \_\_\_\_]

46 2. For an acknowledgment in a representative  
 47 capacity:

48 State of \_\_\_\_\_  
 49 (County) of \_\_\_\_\_

50 This instrument was acknowledged before me on (date) by

Page 5

1 (name(s) of person(s)) as (type of authority, e.g., officer,  
2 trustee, etc.) of (name of party on behalf of whom instrument  
3 was executed).

4 \_\_\_\_\_  
5 (signature of notarial  
6 officer)

7 (Seal, if any)

8 \_\_\_\_\_  
9 Title (and Rank)  
10 [My commission expires: \_\_\_\_]

11 3. For a verification upon oath or affirmation:

12 State of \_\_\_\_\_

13 (County) of \_\_\_\_\_

14 Signed and sworn to (or affirmed) before me on

15 \_\_\_\_\_ by \_\_\_\_\_

16 (date) (name(s) of person(s) making statement)

17 \_\_\_\_\_  
18 (signature of notarial  
19 officer)

20 (Seal, if any)

21 \_\_\_\_\_  
22 Title (and Rank)  
23 [My commission expires: \_\_\_\_]

24 4. For witnessing or attesting a signature:

25 State of \_\_\_\_\_

26 (County) of \_\_\_\_\_

27 Signed or attested before me on \_\_\_\_\_ by

28 \_\_\_\_\_ (date)

29 \_\_\_\_\_

30 (name(s) of person(s))

31 \_\_\_\_\_  
32 (signature of notarial  
33 officer)

34 (Seal, if any)

35 \_\_\_\_\_  
36 Title (and Rank)  
37 [My commission expires: \_\_\_\_]

38 5. For attestation of a copy of a document:

39 State of \_\_\_\_\_

40 (County) of \_\_\_\_\_

41 I certify that this is a true and correct copy of a  
42 document in the possession of \_\_\_\_\_

43 Dated \_\_\_\_\_

44 \_\_\_\_\_  
45 (signature of notarial  
46 officer)

47 (Seal, if any)

48 \_\_\_\_\_  
49 Title (and Rank)  
50 [My commission expires: \_\_\_\_].

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1 3. Page 1, by inserting before line 1, the  
2 following:

3 "Sec. \_\_\_\_\_. Section 86.36, subsection 5, Code 1989,  
4 is amended to read as follows:

5 5. The term nonresident employer "Nonresident  
6 employer", as used in section 85.3 and this section  
7 shall not be construed to does not mean foreign  
8 corporations lawfully qualified to transact business  
9 within the state of Iowa under chapter 494 or chapter  
10 496A 490."

11 4. Page 1, by inserting after line 23, the  
12 following:

13 "Sec. \_\_\_\_\_. Section 331.602, subsection 27, Code  
14 1989, is amended to read as follows:

15 27. Carry out duties relating to the recordation  
16 of articles of incorporation and other instruments for  
17 business corporations as provided in section 496A.53  
18 490.130.

19 Sec. \_\_\_\_\_. Section 455B.397, Code 1989, is amended  
20 to read as follows:

21 455B.397 FINANCIAL DISCLOSURE.

22 Immediately upon the incurrence of any liability to  
23 the state under this part, the debtor shall submit to  
24 the director a report consisting of documentation of  
25 the debtor's liabilities and assets, including if  
26 filed, a copy of the annual report submitted to the  
27 secretary of state pursuant to chapter 496 490. A  
28 subsequent report pursuant to this section shall be  
29 submitted annually on April 15 for the life of the  
30 debt. These reports shall be kept confidential and  
31 shall not be available to the public.

32 Sec. \_\_\_\_\_. Section 455B.430, subsection 5, Code  
33 1989, is amended to read as follows:

34 5. Immediately upon the listing of real property  
35 in the registry of abandoned or uncontrolled disposal  
36 sites, a person liable for cleanup costs shall submit  
37 to the director a report consisting of documentation  
38 of the responsible person's liabilities and assets,  
39 including if filed, a copy of the annual report  
40 submitted to the secretary of state pursuant to  
41 chapter 496 490. A subsequent report pursuant to this  
42 section shall be submitted annually on April 15 for  
43 the period the site remains on the registry.

44 Sec. \_\_\_\_\_. Section 468.327, Code Supplement 1989,  
45 is amended to read as follows:

46 468.327 TRUSTEE CONTROL.

47 A district formed pursuant to this part, under the  
48 control of a city council, may be placed under the  
49 control and management of a board of trustees as  
50 provided in subchapter III of this chapter. Each

## Page 7

1 trustee shall be a citizen of the United States not  
2 less than eighteen years of age and a bona fide owner  
3 of benefited land in the district for which the  
4 trustee is elected. If the owner is a family farm  
5 corporation as defined by section 172C.1, subsection  
6 8, a business corporation organized and existing under  
7 chapter 490, 491, or 494, or 496A, or a partnership, a  
8 stockholder or officer authorized by the corporation  
9 or a general partner may be elected as a trustee of  
10 the district.

11 Sec. \_\_\_\_\_. Section 468.506, subsection 4, Code  
12 Supplement 1989, is amended to read as follows:

13 4. In a district which is a levee and drainage  
14 district which has eighty-five percent of its acreage  
15 within the corporate limits of a city and has been  
16 under the control of a city under subchapter II, part  
17 3, a bona fide owner of benefited land in the  
18 district. If the owner is a family farm corporation  
19 as defined by section 172C.1, subsection 8, a business  
20 corporation organized and existing under chapter 490,  
21 491, or 494, or 496A, or a partnership, a stockholder  
22 or officer authorized by the corporation or a general  
23 partner may be elected as a trustee of the district.

24 Sec. \_\_\_\_\_. Section 490.120, Code Supplement 1989,  
25 is amended by adding the following new subsection:

26 NEW SUBSECTION. 10. The secretary of state may  
27 adopt rules for the electronic filing of documents and  
28 the certification of electronically filed documents.

29 Sec. \_\_\_\_\_. Section 490.122, subsection 3, paragraph  
30 a, Code Supplement 1989, is amended to read as  
31 follows:

32 a. \$ ~~.50~~ 1.00 a page for copying.

33 Sec. \_\_\_\_\_. Section 490.127, Code Supplement 1989,  
34 is amended to read as follows:

35 **490.127 EVIDENTIARY EFFECT OF COPY OF FILED**  
36 **DOCUMENT.**

37 A certificate attached to a copy of a document  
38 filed by the secretary of state, bearing the secretary  
39 of state's signature, which may be in facsimile, and  
40 the seal of ~~this~~ the secretary of state, is conclusive  
41 evidence that the original document is on file with  
42 the secretary of state.

43 Sec. \_\_\_\_\_. Section 490.128, subsection 2, paragraph  
44 e, Code Supplement 1989, is amended to read as  
45 follows:

46 e. That If it is a domestic corporation, that  
47 articles of dissolution have not been filed.

48 Sec. \_\_\_\_\_. Section 490.401, subsection 2, paragraph  
49 b, Code Supplement 1989, is amended to read as  
50 follows:

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1 b. A corporate name reserved or registered under  
2 section 490.402, or 490.403, or 504A.7.

3 Sec. \_\_\_\_\_. Section 490.401, subsection 2, paragraph  
4 c, Code Supplement 1989, is amended to read as  
5 follows:

6 c. The fictitious name adopted by a foreign  
7 corporation or a not-for-profit foreign corporation  
8 authorized to transact business in this state because  
9 its real name is unavailable.

10 Sec. \_\_\_\_\_. Section 490.401, subsection 5, Code  
11 Supplement 1989, is amended to read as follows:

12 5. This chapter does not control the use of  
13 fictitious names; however, if a corporation or a  
14 foreign corporation uses a fictitious name in this  
15 state it shall deliver to the secretary of state for  
16 filing a copy of the resolution of its board of  
17 directors, certified by its secretary, adopting the  
18 fictitious name."

19 5. By striking page 1, line 31, through page 2,  
20 line 22, and inserting the following:

21 "1. A corporation which, as of December 30, 1989,  
22 treated any of its shares which it had reacquired as  
23 issued but not outstanding shares may continue to  
24 treat those shares as issued but not outstanding  
25 shares.

26 2. When a corporation reacquires its own shares  
27 after December 30, 1989, but prior to January 1, 1991,  
28 those shares shall constitute issued but not  
29 outstanding shares as of and after their reacquisition  
30 if either of the following is applicable:

31 a. If the shares are reacquired, the articles of  
32 incorporation contain a provision specifying that  
33 reacquired shares constitute issued but not  
34 outstanding shares.

35 b. Prior to January 1, 1991, the board of  
36 directors adopts a resolution specifying that shares  
37 reacquired after December 30, 1989, and prior to  
38 January 1, 1991, constitute issued but not outstanding  
39 shares.

40 3. If a corporation reacquires its own shares  
41 after December 31, 1990, those shares constitute  
42 issued but not outstanding shares if, at the time they  
43 are reacquired by the corporation, either of the  
44 following is applicable:

45 a. The articles of incorporation contain a  
46 provision specifying that reacquired shares constitute  
47 issued but not outstanding shares.

48 b. The board of directors has adopted a resolution  
49 specifying that reacquired shares constitute issued  
50 but not outstanding shares.

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1 4. Unless otherwise provided in its articles of  
2 incorporation, a corporation may at any time, by  
3 resolution adopted by its board of directors, cancel  
4 or otherwise restore to the status of authorized but  
5 unissued shares any of its shares which it has  
6 previously reacquired and treated as issued but not  
7 outstanding shares."

8 6. Page 2, by inserting before line 23, the  
9 following:

10 "Sec. \_\_\_\_\_. Section 490.728, subsection 1, Code  
11 Supplement 1989, is amended to read as follows:

12 1. Unless otherwise provided in the articles of  
13 incorporation, directors are elected by a plurality  
14 majority of the votes cast by the shares entitled to  
15 vote in the election at a meeting at which a quorum is  
16 present.

17 Sec. \_\_\_\_\_. Section 490.832, Code Supplement 1989,  
18 is amended to read as follows:

19 490.832 INDEMNIFICATION OF PERSONAL LIABILITY -  
20 DIRECTORS.

21 The articles of incorporation may contain a  
22 provision eliminating or limiting the personal  
23 liability of a director to the corporation or its  
24 shareholders for monetary damages for breach of  
25 fiduciary duty as a director, provided that the  
26 provision does not eliminate or limit the liability of  
27 a director for a breach of the director's duty of  
28 loyalty to the corporation or its shareholders, for  
29 acts or omissions not in good faith or which involve  
30 intentional misconduct or a knowing violation of law,  
31 for a transaction from which the director derives an  
32 improper personal benefit, or under section 490.833.  
33 A provision shall not eliminate or limit the liability  
34 of a director for an act or omission occurring prior  
35 to the date when the provision in the articles of  
36 incorporation becomes effective.

37 Sec. \_\_\_\_\_. Section 490.1530, subsection 1, Code  
38 Supplement 1989, is amended to read as follows:

39 1. The foreign corporation does not deliver its  
40 annual report to the secretary of state in a form that  
41 meets the requirements of section 490.1622 within  
42 sixty days after it is due.

43 Sec. \_\_\_\_\_. NEW SECTION. 490.1705 REINSTATEMENT OF  
44 CORPORATIONS EXISTING PRIOR TO DECEMBER 31, 1989.

45 1. A corporation subject to this chapter, whose  
46 certificate of incorporation was canceled pursuant to  
47 former section 496A.130 after December 30, 1981, and  
48 before December 31, 1989, may apply to the secretary  
49 of state for reinstatement pursuant to section  
50 490.1422 on or before December 31, 1991.

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1 2. A corporation whose certificate of  
2 incorporation was canceled pursuant to former section  
3 496A.130 after December 30, 1979, and before December  
4 31, 1981, may apply to the secretary of state for  
5 reinstatement pursuant to section 490.1422 at any time  
6 within ten years of the date of the issuance of the  
7 certificate of cancellation.

8 3. A corporation whose corporate rights have been  
9 canceled and forfeited in the manner provided in  
10 section 496.9 prior to December 31, 1989, or which has  
11 a right to renew pursuant to sections 491.25 through  
12 491.28, may apply to the secretary of state for  
13 reinstatement pursuant to section 490.1422 on or  
14 before December 31, 1991.

15 4. This section applies to all reinstatements  
16 delivered to the office of the secretary of state for  
17 filing on or after December 31, 1989.

18 Sec. \_\_\_\_\_. Section 491.3, subsection 8, Code 1989,  
19 is amended to read as follows:

20 8. A corporation organized under or subject to  
21 this chapter may make indemnification as provided in  
22 section ~~496A.4A~~ sections 490.850 through 490.858.

23 Sec. \_\_\_\_\_. Section 491.16, Code 1989, is amended to  
24 read as follows:

25 491.16 INDEMNIFICATION OF OFFICERS, DIRECTORS,  
26 EMPLOYEES, AND AGENTS — INSURANCE.

27 ~~The provisions of section 496A.4A shall Sections~~  
28 490.850 through 490.858 apply to corporations  
29 organized under or subject to this chapter.

30 Sec. \_\_\_\_\_. Section 496C.2, unnumbered paragraph 1,  
31 Code 1989, is amended to read as follows:

32 As For words used in this chapter, unless the  
33 context otherwise requires, the definitions contained  
34 in the Iowa business corporation Act [~~chapter 496A~~],  
35 chapter 490, apply, and:

36 Sec. \_\_\_\_\_. Section 496C.5, Code 1989, is amended to  
37 read as follows:

38 496C.5 CORPORATE NAME.

39 The corporate name of a professional corporation,  
40 the corporate name of a foreign professional  
41 corporation or its name as modified for use in this  
42 state, and any assumed fictitious name or trade name  
43 adopted by a professional corporation or foreign  
44 professional corporation shall contain the words  
45 "professional corporation" or the abbreviation "P.C.",  
46 and except for the addition of such words or  
47 abbreviation, shall be a name which could lawfully be  
48 used by a licensed individual or by a partnership of  
49 licensed individuals in the practice in this state of  
50 a profession which the corporation is authorized to

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1 practice. Each regulating board may by rule or  
2 regulation adopt additional requirements as to the  
3 corporate names and assumed fictitious or trade names  
4 of professional corporations and foreign professional  
5 corporations which are authorized to practice a  
6 profession which is within the jurisdiction of the  
7 regulating board.

8 Sec. \_\_\_\_\_. Section 504A.4, subsection 14, Code  
9 1989, is amended to read as follows:

10 14. A corporation operating under this chapter may  
11 indemnify any present or former director, officer,  
12 employee, member, or volunteer in the manner and in  
13 the instances authorized in section 496A.4A sections  
14 490.850 through 490.858.

15 Sec. \_\_\_\_\_. Section 504A.6, subsection 5, Code  
16 Supplement 1989, is amended to read as follows:

17 5. This chapter does not control the use of  
18 fictitious names; however, if a corporation or a  
19 foreign corporation uses a fictitious name in this  
20 state it shall deliver to the secretary of state for  
21 filing a copy of the resolution of its board of  
22 directors, certified by its secretary, adopting the  
23 fictitious name.

24 Sec. \_\_\_\_\_. Section 508B.2, unnumbered paragraph 2,  
25 Code 1989, is amended to read as follows:

26 A plan of conversion may provide that a mutual  
27 company may convert into a domestic stock company,  
28 convert and merge, or convert and consolidate with a  
29 domestic stock company, as provided in chapter 490 or  
30 491 or 496A, whichever is applicable. However, the  
31 mutual company is not required to comply with sections  
32 491.102 through 491.105 or sections 496A.68 through  
33 496A.70 490.1101 and 490.1103 relating to approval of  
34 merger or consolidation plans by boards of directors  
35 and shareholders, if at the time of approval of the  
36 plan of conversion the board of directors approves the  
37 merger or consolidation and if at the time of approval  
38 of the plan by policyholders as provided in section  
39 508B.6, the policyholders approve the merger or  
40 consolidation. This chapter supersedes any  
41 conflicting provisions of chapters 521 and 521A. A  
42 mutual company may convert, merge, or consolidate as  
43 part of a plan of conversion in which a majority or  
44 all of the common shares of the stock company are  
45 acquired by another corporation, which may be a  
46 corporation organized for that purpose, or in which  
47 the new stock company consolidates with a stock  
48 company to form another stock company.

49 Sec. \_\_\_\_\_. Section 514.23, subsection 1, unnumbered  
50 paragraph 1, Code 1989, is amended to read as follows:

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1 A corporation organized and governed by this  
2 chapter may become a mutual insurer under a plan which  
3 is approved by the commissioner of insurance. The  
4 plan shall state whether the insurer will be organized  
5 as a for-profit corporation pursuant to chapter 490 or  
6 491 or 496A or a nonprofit corporation pursuant to  
7 chapter 504A. Upon consummation of the plan, the  
8 corporation shall ~~thereafter~~ fully comply with the  
9 requirements of the law that apply to a mutual  
10 insurance company. If the insurer is to be organized  
11 under chapter 504A, then at least seventy-five percent  
12 of the initial board of directors of the mutual  
13 insurer so formed shall be policyholders who are also  
14 nonproviders of health care. All directors comprising  
15 this initial board of directors shall be selected by  
16 an independent committee appointed by the state  
17 commissioner of insurance. This independent committee  
18 shall consist of seven to eleven persons who are  
19 current policyholders, who are nonproviders of health  
20 care, and who are not directors of ~~any~~ a corporation  
21 subject to this chapter. For purposes of this  
22 subsection, a "nonprovider of health care" is an  
23 individual who is not any of the following:

24 Sec. \_\_\_\_\_. Section 524.303, subsection 2, Code  
25 1989, is amended to read as follows:

26 2. Applicable fees, payable to the secretary of  
27 state as specified in section ~~496A.124~~ 490.122, for  
28 the filing and recording of the articles of  
29 incorporation.

30 Sec. \_\_\_\_\_. Section 524.306, Code 1989, is amended  
31 to read as follows:

32 524.306 ISSUANCE OF CERTIFICATE OF INCORPORATION.

33 The receipt of the approved articles of  
34 incorporation of a state bank by the secretary of  
35 state ~~shall constitute~~ ~~constitutes~~ filing thereof with  
36 that office. The secretary of state shall record the  
37 articles of incorporation and forward a copy thereof  
38 of them to the county recorder of the county in which  
39 the state bank is to have its principal place of  
40 business ~~who~~. The county recorder shall record same  
41 the articles, all as required provided by section  
42 496A.53 section 490.130. The secretary of state upon  
43 the filing of ~~such~~ the articles of incorporation shall  
44 issue a certificate of incorporation and send the ~~same~~  
45 certificate to the incorporators.

46 Sec. \_\_\_\_\_. Section 524.801, subsection 8, Code  
47 1989, is amended to read as follows:

48 8. To indemnify ~~any~~ a director, officer, or  
49 employee, or a former director, officer, or employee  
50 of the state bank in the manner and in the instances

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1 authorized by section ~~496A.4A~~ sections 490.850 through  
2 490.858.

3 Sec. \_\_\_\_\_. Section 524.1301, subsection 1, Code  
4 1989, is amended to read as follows:

5 1. Subsequent to the issuance of the certificate  
6 of incorporation and prior to the issuance of the  
7 authorization to do business, a state bank which has  
8 not issued any shares may be voluntarily dissolved by  
9 its incorporators. In such case the articles of  
10 dissolution shall be prepared and filed in the manner  
11 provided in section ~~496A.79~~ 490.1401. The articles of  
12 dissolution shall be delivered to the superintendent,  
13 together with the applicable filing and recording  
14 fees, who shall deliver the same to the secretary of  
15 state for filing and recording in the office of the  
16 county recorder.

17 Sec. \_\_\_\_\_. Section 524.1305, subsections 5 and 6,  
18 Code 1989, are amended to read as follows:

19 5. Safe-deposit boxes, the contents of which have  
20 not been removed by the owners after the date  
21 specified in the notice given under paragraph "b" of  
22 subsection 2 of this section, shall be opened under  
23 the supervision of the superintendent and the contents  
24 placed in sealed packages which, together with  
25 unclaimed property held by the state bank in  
26 safekeeping, shall be transmitted to the treasurer of  
27 state. Amounts due to depositors who are unknown, or  
28 who are under a disability and there is no person  
29 legally competent to receive such the amount, or who  
30 cannot be found after the exercise of reasonable  
31 diligence, shall be transmitted to the treasurer of  
32 state, together with a statement giving the name of  
33 the person, if known, entitled to such the amount, the  
34 person's last known address, the amount due such the  
35 person, and such other information about such the  
36 person as the treasurer of state may reasonably  
37 require. All property transmitted to the treasurer of  
38 state pursuant to this subsection shall be treated as  
39 abandoned, retained by the treasurer of state, and  
40 subject to claim, in the manner provided for in  
41 sections 556.14 to 556.21. All amounts due creditors  
42 described in section ~~496A.101~~ 490.1440 shall be  
43 deposited with the treasurer of state in accordance  
44 with the provisions of that section. Such amounts  
45 shall be retained by the treasurer of state and are  
46 subject to claim in the manner provided for in said  
47 section ~~496A.101~~ 490.1440.

48 6. Upon approval by the superintendent, assets  
49 remaining after the performance of all obligations of  
50 the state bank under subsections 3, 4, and 5 of this

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1 section shall be distributed to its shareholders  
2 according to their respective rights and preferences.  
3 Partial distributions to shareholders may be made  
4 prior to such time only if, and to the extent,  
5 approved by the superintendent. All amounts due  
6 shareholders described in section ~~496A.101~~ 490.1440  
7 shall be deposited with the treasurer of state in  
8 accordance with the provisions of that section. Such  
9 amounts shall be retained by the treasurer of state  
10 and are subject to claim in the manner provided for in  
11 said section ~~496A.101~~ 490.1440.

12 Sec. \_\_\_\_\_. Section 524.1306, subsection 1, Code  
13 1989, is amended to read as follows:

14 1. A state bank may, at any time prior to the  
15 issuance of the approved copy of the statement of  
16 intent to dissolve by the secretary of state, revoke  
17 voluntary dissolution proceedings by consent of the  
18 shareholders in the manner as provided for in section  
19 ~~496A.85~~ or by act of the state bank as provided for in  
20 section ~~496A.86~~, except that the vote taken on the  
21 resolution referred to in subsection 3 of section  
22 ~~496A.86~~ shall be adopted only upon the affirmative  
23 vote of the holders of at least three-fourths of the  
24 shares entitled to vote thereon 490.1404.

25 Sec. \_\_\_\_\_. Section 524.1309, Code 1989, is amended  
26 to read as follows:

27 524.1309 BECOMING SUBJECT TO CHAPTER ~~496A~~ 490.

28 In lieu of the dissolution procedure prescribed in  
29 sections 524.1303 to 524.1308, a state bank may cease  
30 to carry on the business of banking and, after  
31 compliance with the provisions of this section,  
32 continue as a corporation subject to the provisions of  
33 chapter ~~496A~~ 490.

34 1. A state bank which has commenced business may  
35 propose to voluntarily cease to carry on the business  
36 of banking and become a corporation subject to the  
37 provisions of chapter ~~496A~~ 490 upon the affirmative  
38 vote of the holders of at least three-fourths of the  
39 shares entitled to vote thereon, adopting a plan  
40 involving both a provision for acquisition of its  
41 assets and assumption of its liabilities by another  
42 state bank or national bank and a provision for  
43 continuance of its business if acquisition of its  
44 assets and assumption of its liabilities is not  
45 effected, or any other plan providing for the  
46 cessation of banking business and the payment of its  
47 liabilities.

48 2. The application to the superintendent for  
49 approval of a plan described in subsection 1 of this  
50 section shall be treated by the superintendent in the

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1 same manner as an application for approval of a plan  
2 of dissolution under subsection 2 of section 524.1303,  
3 and shall be subject to the provisions of subsection 3  
4 of section 524.1303.

5 3. Immediately upon adoption and approval of a  
6 plan to voluntarily cease to carry on the business of  
7 banking and become a corporation subject to the  
8 provisions of chapter ~~496A~~ 490, the state bank shall  
9 deliver to the superintendent a statement of its  
10 intent to cease to carry on the business of banking  
11 and become a corporation subject to the provisions of  
12 said chapter 490, which shall be signed by two of its  
13 duly authorized officers and shall contain the name of  
14 the state bank, the post-office address of its  
15 principal place of business, the name and address of  
16 its officers and directors, the number of shares  
17 entitled to vote on the plan and the number of shares  
18 voted for or against the plan, respectively, the  
19 nature of the business to be conducted by the  
20 corporation under the provisions of said chapter 490,  
21 and the general nature of the assets to be held by  
22 such the corporation.

23 4. If the statement of intent to cease to carry on  
24 the business of banking and become a corporation  
25 subject to the provisions of chapter ~~496A~~ 490  
26 satisfies the requirements of this section, the  
27 superintendent shall deliver the statement with  
28 written approval to the secretary of state who shall  
29 issue to the state bank an approved copy of such the  
30 statement. Upon the issuance of an approved copy of  
31 the statement of intent, the state bank shall  
32 immediately surrender to the superintendent its  
33 authorization to do business as a bank and shall cease  
34 to accept deposits or carry on the banking business  
35 except insofar as may be necessary for it to complete  
36 the settlement of its affairs as a state bank in  
37 accordance with subsection 5.

38 5. The board of directors shall have full power to  
39 complete the settlement of the affairs of the state  
40 bank. Within thirty days after the issuance of an  
41 approved copy of the statement of intent to cease to  
42 carry on the business of banking and become a  
43 corporation subject to the provisions of chapter ~~496A~~  
44 490, the state bank shall give notice of its intent to  
45 persons described in subsection 2 of section 524.1305  
46 and in the manner provided for in that subsection. In  
47 completing the settlement of its affairs as a state  
48 bank the state bank shall also follow the procedure  
49 prescribed in subsections 3, 4 and 5 of section  
50 524.1305.

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1 6. Upon approval by the superintendent, assets  
2 remaining after the performance of all obligations  
3 described in this section, except those which the  
4 state bank wishes to retain when it becomes a  
5 corporation subject to the provisions of chapter 496A  
6 490, shall be distributed to its shareholders  
7 according to their respective rights and preferences.

8 7. Upon completion of all the requirements of this  
9 section, the state bank shall deliver to the  
10 superintendent articles of intent to be subject to  
11 chapter 496A 490, together with the applicable filing  
12 and recording fees, which shall set forth that the  
13 state bank has complied with the provisions of this  
14 section, that it has ceased to carry on the business  
15 of banking, and the information required by section  
16 496A.49 490.202 relative to the contents of articles  
17 of incorporation under chapter 496A 490. If the  
18 superintendent finds that the state bank has complied  
19 with the provisions of this section and that the  
20 articles of intent to be subject to said chapter 490  
21 satisfy the requirements of this section, the  
22 superintendent shall deliver them to the secretary of  
23 state for filing and recording in the secretary of  
24 state's office, and the same they shall be filed and  
25 recorded in the office of the county recorder.

26 8. Upon the filing of the articles of intent to be  
27 subject to chapter 496A 490, the state bank shall  
28 cease to be a state bank subject to the provisions of  
29 this chapter, and shall cease to have the powers of a  
30 state bank subject to this chapter and shall become a  
31 corporation subject to the provisions of chapter 496A  
32 490. The secretary of state shall issue a certificate  
33 as to the filing of the articles of intent to be  
34 subject to the provisions of chapter 496A 490, and  
35 send the same certificate to the corporation or its  
36 representative. The articles of intent to be subject  
37 to chapter 496A 490 shall be the articles of  
38 incorporation of the corporation. The provisions of  
39 chapter 496A 490 becoming applicable to a corporation  
40 formerly doing business as a state bank shall not  
41 affect any right accrued or established, or liability  
42 or penalty incurred under the provisions of this  
43 chapter prior to the filing with the secretary of  
44 state of the articles of intent to be subject to  
45 chapter 496A 490.

46 9. A shareholder of a state bank who objects, in  
47 the manner prescribed by section 496A.78, to adoption  
48 by the state bank of a plan to cease to carry on the  
49 business of banking and to continue as a corporation  
50 subject to the provisions of chapter 496A 490, shall

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1 be is entitled to the rights and remedies of a  
2 dissenting shareholder provided for in that section  
3 chapter 490, division XIII.

4 10. A state bank may, at any time prior to the  
5 issuance of the approved copy of the statement of  
6 intent to cease to carry on the business of banking  
7 and become a corporation subject to the provisions of  
8 chapter ~~496A~~ 490, revoke ~~such~~ the proceedings in the  
9 manner prescribed by section 524.1306.

10 Sec. \_\_\_\_\_. Section 524.1310, Code 1989, is amended  
11 to read as follows:

12 524.1310 INVOLUNTARY DISSOLUTION AFTER  
13 COMMENCEMENT OF BUSINESS – SUPERINTENDENT AS  
14 RECEIVER.

15 In a situation in which the superintendent has  
16 required, in accordance with the provisions of section  
17 524.226, that the state bank cease to carry on its  
18 business, the superintendent shall apply to the  
19 district court for the county in which the state bank  
20 is located for appointment as receiver for the state  
21 bank. The district court shall appoint the  
22 superintendent as receiver unless the superintendent  
23 has tendered ~~such~~ the appointment to the federal  
24 deposit insurance corporation as provided for in  
25 section 524.1313, in which case the district court  
26 shall appoint the federal deposit insurance  
27 corporation as receiver. The affairs of the state  
28 bank shall thereafter be under the direction of the  
29 district court, and the assets thereof of the state  
30 bank shall be distributed in accordance with the  
31 provisions of section 524.1312. All amounts due  
32 creditors and shareholders described in section  
33 ~~496A.101~~ 490.1440 shall be deposited with the  
34 treasurer of state in accordance with the provisions  
35 of that section. Such amounts shall be retained by  
36 the treasurer of state and subject to claim in the  
37 manner provided for in section ~~496A.101~~ 490.1440.  
38 Amounts due to depositors who are unknown, or who are  
39 under a disability and there is no person legally  
40 competent to receive ~~such~~ the amount, or who cannot be  
41 found after the exercise of reasonable diligence,  
42 shall be transmitted to the treasurer of state in the  
43 manner required by section 524.1305, subsection 5.  
44 Such property shall be treated as abandoned, retained  
45 by the treasurer of state, and is subject to claim, in  
46 the manner provided for in sections 556.14 to 556.21.  
47 The attorney general, or ~~such~~ assistants as shall be  
48 appointed by the court, shall represent the  
49 superintendent in all proceedings connected with ~~such~~  
50 the receivership.

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1 Sec. \_\_\_\_\_. Section 524.1402, subsection 2, Code  
2 1989, is amended to read as follows:

3 2. In the case of a state bank which is a party to  
4 the plan, if the proposed merger or consolidation will  
5 result in a state bank subject to this chapter,  
6 adoption of the plan by such state bank shall require  
7 the affirmative vote of at least a majority of the  
8 directors and approval by the shareholders, in the  
9 manner and according to the procedures prescribed in  
10 section ~~496A.70~~ 490.1103, at a meeting called in  
11 accordance with the terms of that section. In the  
12 case of a national bank, or if the proposed merger or  
13 consolidation will result in a national bank, adoption  
14 of the plan by each party thereto shall require the  
15 affirmative vote of at least such directors and  
16 shareholders whose affirmative vote thereon is  
17 required under the laws of the United States. Subject  
18 to applicable requirements of the laws of the United  
19 States in a case in which a national bank is a party  
20 to a plan, any modification of a plan which has been  
21 adopted shall be made by any method provided therein,  
22 or in the absence of such provision, by the same vote  
23 as required for adoption.

24 Sec. \_\_\_\_\_. Section 524.1402, subsection 3,  
25 paragraph b, Code 1989, is amended to read as follows:

26 b. Applicable fees payable to the secretary of  
27 state, as specified in section ~~496A.124~~ 490.122, for  
28 the filing and recording of the articles of merger or  
29 consolidation.

30 Sec. \_\_\_\_\_. Section 524.1406, subsection 1, Code  
31 1989, is amended to read as follows:

32 1. A shareholder of a state bank, which is a party  
33 to a proposed merger or consolidation plan which will  
34 result in a state bank subject to this chapter, who  
35 objects to the plan in the manner prescribed by  
36 section ~~496A.78~~, shall be is entitled to the rights  
37 and remedies of a dissenting shareholder as provided  
38 in ~~that section~~ chapter 490, division XIII. Shares  
39 acquired by a state bank pursuant to payment of the  
40 ~~their~~ agreed value ~~therefor~~ or to payment of the  
41 judgment entered ~~therefor~~, pursuant to section ~~496A.78~~  
42 ~~chapter 490, division XIII~~, shall be sold at public or  
43 private sale, within one year from the time of their  
44 purchase or acquisition, unless the time is extended  
45 by the superintendent.

46 Sec. \_\_\_\_\_. Section 524.1408, Code 1989, is amended  
47 to read as follows:

48 524.1408 MERGER OF CORPORATION SUBSTANTIALLY OWNED  
49 BY A STATE BANK.

50 Any A state bank owning at least ninety-five

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1 percent of the outstanding shares, of each class, of  
2 another corporation which it is authorized to own  
3 under the provisions of this chapter, may merge such  
4 the other corporation into itself without approval by  
5 a vote of the shareholders of either the state bank or  
6 the subsidiary corporation. The board of directors of  
7 the state bank shall approve a plan of merger, mail to  
8 shareholders of record of the subsidiary corporation,  
9 and prepare and execute articles of merger in the  
10 manner provided for in section ~~496A.72~~ 490.1104. The  
11 articles of merger, together with the applicable  
12 filing and recording fees, shall be delivered to the  
13 superintendent who shall, if the superintendent  
14 approves of the proposed merger and if the  
15 superintendent finds the articles of merger satisfy  
16 the requirements of this section, deliver them to the  
17 secretary of state for filing and recording in the  
18 secretary of state's office, and ~~the same they shall~~  
19 be filed in the office of the county recorder. The  
20 secretary of state upon filing the articles of merger  
21 shall issue a certificate of merger and send the ~~same~~  
22 certificate to the state bank and a copy thereof of it  
23 to the superintendent.

24 Sec. \_\_\_\_\_. Section 524.1410, subsection 3, Code  
25 1989, is amended to read as follows:

26 3. The applicable fee payable to the secretary of  
27 state, by reason of ~~subsection 17 of under section~~  
28 ~~496A.124~~ 490.122, for the filing and recording of the  
29 articles of conversion.

30 Sec. \_\_\_\_\_. Section 524.1902, Code 1989, is amended  
31 to read as follows:

32 524.1902 APPLICABILITY OF OTHER CHAPTERS.

33 The provisions of chapters ~~Chapters~~ 490, 491, 492,  
34 and 493, and 496A shall do not apply to banks except  
35 insofar as is provided by this chapter.

36 Sec. \_\_\_\_\_. Section 533.4, subsection 27, Code 1989,  
37 is amended to read as follows:

38 27. To provide indemnity for the director,  
39 officer, or employee in the same fashion that a  
40 corporation organized under chapter ~~496A~~ 490 could  
41 under section ~~496A.4A~~, provided that sections 490.850  
42 through 490.858; however, where section ~~496A.4A~~  
43 provides those sections provide for action by  
44 shareholders the ~~section~~ provision is applicable to  
45 action by members of the credit union and where the  
46 section has sections have reference to the corporation  
47 organized under chapter ~~496A~~ 490, it the provision is  
48 applicable to the association organized under this  
49 chapter.

50 Sec. \_\_\_\_\_. Section 533.22, subsection 2, Code 1989,

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1 is amended to read as follows:

2 2. All amounts due to members who are unknown, or  
3 who are under a disability and there is no person  
4 legally competent to receive ~~such~~ the amounts, or who  
5 cannot be found after the exercise of reasonable  
6 diligence, shall be transmitted to the treasurer of  
7 state who shall hold ~~such~~ the amounts in the manner  
8 prescribed by chapter 556. All amounts due to  
9 creditors as described in section ~~496A.101~~ 490.1440  
10 shall be transmitted to the treasurer of state in  
11 accordance with the provisions of that section and  
12 shall be retained by the treasurer of state and  
13 subject to claim as provided for in that section.

14 Sec. \_\_\_\_\_. Section 534.102, subsection 26, Code  
15 1989, is amended to read as follows:

16 26. "Service corporation" means a corporation  
17 which is organized under chapter ~~496A.490~~ 490 and which is  
18 owned in any part by one or more state associations or  
19 federal associations or a combination of these.

20 Sec. \_\_\_\_\_. Section 534.501, subsection 1, paragraph  
21 g, and subsection 4, Code 1989, is amended to read as  
22 follows:

23 g. If a stock association, the information  
24 specified in section ~~496A.49~~, ~~subsections 4, 5, 6,~~ and  
25 ~~7~~ 490.202 and sections 490.601 through 490.602.

26 4. AMENDMENT PROCEDURE. The procedure for  
27 amending articles of incorporation or adopting  
28 restated articles for mutual associations is that  
29 specified in section 504A.35, and for stock  
30 associations it is that specified in section 490.726  
31 and sections ~~496A.56~~ and ~~496A.57~~ 490.1002 through  
32 490.1005.

33 Sec. \_\_\_\_\_. Section 534.504, Code 1989, is amended  
34 to read as follows:

35 534.504 MEETINGS OF STOCKHOLDERS.

36 Sections ~~496A.27, 496A.28, 496A.29, 496A.30,~~  
37 ~~496A.31, 496A.32,~~ and ~~496A.33~~ 490.701 through 490.731  
38 apply to stock associations.

39 Sec. \_\_\_\_\_. Section 534.508, subsection 1, Code  
40 1989, is amended to read as follows:

41 1. IN GENERAL. Sections ~~496A.14, 496A.15,~~  
42 ~~496A.16, 496A.17, 496A.18, 496A.19, 496A.21, 496A.22,~~  
43 ~~496A.23, 496A.24,~~ and ~~496A.25~~ 490.601 through 490.604,  
44 490.620 through 490.628, 490.630, and 490.1704 apply  
45 to stock associations.

46 Sec. \_\_\_\_\_. Section 534.605, subsection 4, Code  
47 1989, is amended to read as follows:

48 4. Any ~~An~~ association operating under this chapter  
49 shall have the power to may indemnify any present or  
50 former director, officer, or employee in the manner

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1 and in the instances authorized in section ~~496A.4A~~  
2 sections 490.850 through 490.858. If the association  
3 is a mutual association, the references in section  
4 ~~496A.4A~~ those sections to stockholder shall be deemed  
5 to be references to members.

6 Sec. \_\_\_\_\_. Section 534.607, Code 1989, is amended  
7 to read as follows:

8 **534.607 INDEMNIFICATION.**

9 Except as otherwise provided in section 534.602,  
10 section ~~496A.4A~~ applies sections 490.850 through  
11 490.858 apply to associations incorporated under this  
12 chapter.

13 Sec. \_\_\_\_\_. Section 556.6, Code 1989, is amended to  
14 read as follows:

15 **556.6 PROPERTY OF BUSINESS ASSOCIATIONS AND**  
16 **BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF**  
17 **DISSOLUTION.**

18 Except as provided in section ~~496A.101~~ 490.1440,  
19 all intangible personal property distributable in the  
20 course of a voluntary dissolution of a business  
21 association, banking organization, or financial  
22 organization organized under the laws of or created in  
23 this state, that is unclaimed by the owner within one  
24 year after the date for final distribution, is  
25 presumed abandoned."

26 7. Page 2, line 28, by inserting after the word  
27 "chapter" the following: "or chapter 77A".

28 8. Page 2, by inserting after line 34, the  
29 following:

30 "Sec. \_\_\_\_\_. Section 602.8102, subsection 68, Code  
31 Supplement 1989, is amended to read as follows:

32 68. Certify a copy of a decree of dissolution of a  
33 business corporation to the secretary of state and the  
34 recorder of the county in which the corporation is  
35 located as provided in section ~~496A.100~~ 490.1433.

36 Sec. \_\_\_\_\_. Chapter 496, Code 1989, is repealed."

37 9. Page 2, by inserting after line 34, the  
38 following:

39 "Sec. \_\_\_\_\_.

40 Sections 3 and 4, and sections 100 through 104 of  
41 this Act, being deemed of immediate importance, take  
42 effect upon enactment, and apply to notarial acts  
43 performed on or after the effective date of this Act."

44 10. Title page, line 1, by inserting after the  
45 word "to" the following: "corporate law and  
46 procedures, including".

47 11. Title page, line 4, by inserting after the  
48 word "Act" the following: ", and including an  
49 effective date".

50 12. By renumbering, relettering, and

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1 redesignating as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6045.

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

On the question "Shall the bill pass?" (H.F. 2488)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Daggett                      Hibbard

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

**CONSIDERATION OF BILLS**  
**Regular Calendar**

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

The House stood at ease at 10:40 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2413 at 11:59 a.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 2413 be deferred and that the bill retain its place on the unfinished business calendar.

**CONFERENCE COMMITTEES APPOINTED**  
(House File 156)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 156: Ollie of Clinton, Chair; Sherzan of Polk, Chapman of Linn, Hermann of Scott and Hester of Pottawattamie.

(House File 2543)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2543: Blanshan of Greene, Chair; Hanson of Delaware, Connors of Polk, Hansen of Woodbury and Carpenter of Polk.

On motion by Arnould of Scott, the House was recessed at 12:01 p.m., until 1:30 p.m.

**AFTERNOON SESSION**

The House reconvened, Connors of Polk in the chair.

**QUORUM CALL**

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 3, 1990, receded from the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2068, a bill for an act providing technical changes to the financing of education programs of school districts and providing a retroactive effective date.

Also: That the Senate has on April 3, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

**IMMEDIATE MESSAGE**  
(House File 2562)

Arnould of Scott asked and received unanimous consent that House File 2562 be immediately messaged to the Senate.

**CONSIDERATION OF BILLS**  
Unfinished Business Calendar

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

Jay of Appanoose offered the following amendment H—5936 filed by the committee on judiciary and law enforcement:

H-5936

1 Amend Senate File 2413, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 4 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 22.7, subsection 18, paragraph  
6 c, Code Supplement 1989, is amended to read as  
7 follows:

8 c. Information contained in the communication is a  
9 public record to the extent that it indicates the  
10 date, time, specific location, and immediate facts and  
11 circumstances surrounding the occurrence of a crime or  
12 other illegal act, except to the extent that its  
13 disclosure would plainly and seriously jeopardize a  
14 continuing investigation, ~~or would pose a clear and~~  
15 ~~present danger to the safety of any person, or would~~  
16 ~~reveal, prior to the filing of an information or~~  
17 ~~indictment as provided in section 802.8, the residence~~  
18 ~~or business address or telephone number of any victim~~  
19 ~~or witness to a violent crime against a person or a~~  
20 ~~crime using a dangerous weapon, as defined in section~~  
21 ~~702.7. In any action challenging the failure of the~~  
22 ~~lawful custodian to disclose any particular~~  
23 ~~information of the kind enumerated in this paragraph,~~  
24 ~~the burden of proof is on the lawful custodian to~~  
25 ~~demonstrate that the disclosure of that information~~  
26 ~~would jeopardize such an investigation, or would pose~~  
27 ~~such a clear and present danger, or would reveal such~~  
28 ~~identifying information prior to the filing of an~~  
29 ~~information or indictment. The communication shall be~~  
30 ~~disclosed after removal of the information which is~~  
31 ~~not to be disclosed pursuant to this paragraph."~~

32 2. By striking page 2, line 29 through page 3,  
33 line 8.

34 3. Page 4, by striking lines 11 through 24.

35 4. Page 10, by inserting after line 28, the  
36 following:

37 "Sec. \_\_\_\_\_. Section 232.2, subsection 6, paragraph  
38 d, Code Supplement 1989, is amended to read as  
39 follows:

40 d. Who has been, or is imminently likely to be,  
41 sexually abused by the child's parent, guardian,  
42 custodian or other member of the household in which  
43 the child resides.

44 Sec. \_\_\_\_\_. Section 232.8, subsection 1, unnumbered  
45 paragraph 2, Code 1989, is amended to read as follows:

46 Violations by a child of provisions of chapter 106,  
47 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G  
48 which would be simple misdemeanors if committed by an  
49 adult, and violations by a child of county or  
50 municipal curfew or traffic ordinances, and violations

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1 by a child of section 123.47, are excluded from the  
2 jurisdiction of the juvenile court and shall be  
3 prosecuted as simple misdemeanors as provided by law.  
4 The court may advise appropriate juvenile authorities  
5 and may refer violations of section 123.47 to the  
6 juvenile court when there is reason to believe the  
7 child regularly abuses alcohol and may be in need of  
8 treatment. The court shall notify the parents or  
9 legal guardians of a child who appears before it for a  
10 violation of section 123.47. A child convicted of a  
11 violation excluded from the jurisdiction of the  
12 juvenile court under this unnumbered paragraph shall  
13 be sentenced pursuant to section 805.8, where  
14 applicable, and pursuant to section 903.1, subsection  
15 3, for all other violations."

16 5. Page 11, by inserting after line 19, the  
17 following:

18 "Sec. \_\_\_\_\_. Section 232.82, Code 1989, is amended  
19 to read as follows:

20 232.82 REMOVAL OF SEXUAL OFFENDERS AND PHYSICAL  
21 ABUSERS FROM THE RESIDENCE PURSUANT TO COURT ORDER.

22 1. Notwithstanding section 561.15, if it is  
23 alleged by a person authorized to file a petition  
24 under section 232.87, subsection 2, or by the court on  
25 its own motion, that a parent, guardian, custodian, or  
26 an adult member of the household in which a child  
27 resides has committed a sexual offense with or against  
28 the child, pursuant to chapter 709 or section 726.2,  
29 or a physical abuse as defined by section 232.2,  
30 subsection 38, the juvenile court may enter an ex  
31 parte order requiring the alleged sexual offender or  
32 physical abuser to vacate the child's residence upon a  
33 showing that probable cause exists to believe that the  
34 sexual offense or physical abuse has occurred and that  
35 substantial evidence exists to believe that the  
36 presence of the alleged sexual offender or physical  
37 abuser in the child's residence presents a danger to  
38 the child's life or physical, emotional, or mental  
39 health.

40 2. If an order is entered under subsection 1 and a  
41 petition has not yet been filed under this chapter,  
42 the petition shall be filed under section 232.87 by  
43 the county attorney, the department of human services,  
44 or a juvenile court officer within three days of the  
45 entering of the order.

46 3. The juvenile court may order on its own motion,  
47 or shall order upon the request of the alleged sexual  
48 offender or physical abuser, a hearing to determine  
49 whether the order to vacate the residence should be  
50 upheld, modified, or vacated. The juvenile court may

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1 in any later child in need of assistance proceeding  
2 uphold, modify, or vacate the order to vacate the  
3 residence.

4 Sec. \_\_\_\_\_. Section 232.116, subsection 1, Code  
5 Supplement 1989, is amended by adding a new paragraph:

6 NEW PARAGRAPH. 1. The court finds that both of  
7 the following have occurred:

8 (1) The child has been adjudicated a child in need  
9 of assistance pursuant to section 232.96 after finding  
10 that the child has been physically or sexually abused  
11 as a result of the acts or omissions of a parent.

12 (2) The parent found to have physically or  
13 sexually abused the child has been imprisoned for such  
14 abuse against the child, the child's sibling, or any  
15 other child in the household and the court finds it is  
16 unlikely that the parent will be released within five  
17 years."

18 6. Page 11, line 23, by striking the word "and"  
19 and inserting the following: "for".

20 7. Page 12, line 3, by striking the word  
21 "paragraph" and inserting the following: "paragraphs  
22 "b" and".

23 8. Page 12, by inserting after line 20, the  
24 following:

25 "Sec. 101. Section 321.85, Code 1989, is amended  
26 to read as follows:

27 321.85 STOLEN VEHICLES OR COMPONENT PARTS.

28 1. When a vehicle or component part is seized  
29 under section 321.84 or is stolen or embezzled, and is  
30 not claimed by the owner before the date on which the  
31 person charged with its stealing or embezzling is  
32 convicted, the officer having the vehicle or component  
33 part in the officer's custody shall, on that date by  
34 certified regular mail, notify the department that the  
35 officer has the vehicle or component part in the  
36 officer's possession, giving a full and complete  
37 description of it, including all vehicle  
38 identification numbers and component part numbers. If  
39 there is a dispute regarding a claim for the vehicle  
40 or component part, the agency holding the vehicle or  
41 component part shall conduct an evidentiary hearing to  
42 adjudicate the claim.

43 2. If a person claims to be the owner, and there  
44 is a dispute as to the claim, the department shall  
45 hold an evidentiary hearing within thirty days of  
46 receiving the claim. If it is shown that the vehicle  
47 or component part is needed as evidence in a criminal  
48 prosecution or that further investigation is needed to  
49 identify the vehicle or part or its owner, the hearing  
50 shall be continued a reasonable amount of time for the

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1 completion of the prosecution or investigation. If  
2 the person from whom the vehicle or part was seized  
3 establishes ownership of a vehicle or part, the  
4 vehicle or part shall be returned to the person  
5 without imposition of towing or storage fees.

6 3. A claimant may establish ownership of a motor  
7 vehicle by demonstrating any of the following:

8 a. That the claimant is the holder of a valid  
9 certificate of title, including rebuilt vehicle title,  
10 or junking certificate which in fact corresponds to  
11 all component parts of the vehicle, or by other  
12 competent evidence. Ownership shall not be denied if  
13 the only parts bearing numbers not corresponding to  
14 the title are those found on the engine, door, or  
15 fender of the vehicle unless the numbers are the  
16 public vehicle identification number. However, if the  
17 claimant cannot establish ownership of the engine,  
18 door, or fender pursuant to subsection 4, the part  
19 shall not be returned to the claimant. Numbers on  
20 motorcycle engine cases are not engine numbers for  
21 purposes of this paragraph.

22 b. That the claimant is the owner of all component  
23 parts of the vehicle as set forth in subsection 4.

24 c. That the claimant is the legal owner of the  
25 vehicle under the laws of another state if the vehicle  
26 is registered or titled in that other state.

27 4. A claimant may establish ownership of a  
28 component part by demonstrating that the claimant  
29 holds a valid certificate of title or junking  
30 certificate for the vehicle on which the part was  
31 initially installed by the manufacturer, or was placed  
32 in accordance with a valid rebuilt vehicle title, or  
33 by evidence of a legitimate unbroken chain of  
34 ownership of the part back to the holder of such title  
35 or certificate, or by other competent evidence.  
36 Ownership of component parts on which the numbers have  
37 been altered, defaced, switched, removed, or otherwise  
38 disguised shall not be established unless there is  
39 sufficient competent or physical evidence identifying  
40 it as part of a vehicle owned by the claimant.

41 5. If a claimant establishes ownership of a  
42 vehicle, the entire vehicle shall be awarded to the  
43 claimant, unless ownership of a door or fender or of  
44 the engine is established in another person, in which  
45 case that part shall be awarded to that person. If  
46 ownership of a vehicle is not established, the  
47 component parts shall be awarded to the claimants  
48 establishing title to the parts.

49 6. The final decision shall be served by certified  
50 mail upon the persons found to be owners of vehicles

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1 or parts, and shall notify such persons that the  
2 vehicle or part is no longer needed for prosecution or  
3 investigation and that they have forty-five days to  
4 retrieve the vehicle or part from the agency having  
5 custody of the vehicle or part. Failure to do so  
6 shall result in the vehicle or part being deemed  
7 abandoned for purposes of section 321.89.

8 7. If the ownership of a vehicle or part cannot be  
9 established, the agency having custody of the vehicle  
10 or part shall proceed as directed in sections 321.86  
11 through 321.89.

12 Sec. 102. Section 321.88, Code 1989, is amended to  
13 read as follows:

14 **321.88 FAILURE OF OWNER TO CLAIM.**

15 If the owner does not appear within ~~forty~~ forty-  
16 five days, the motor vehicle or component part shall  
17 be deemed abandoned and the officer having possession  
18 of the motor vehicle or component part shall proceed  
19 as provided in section 321.89, subsections 3 and 4.

20 Sec. 103. Section 321.89, Code 1989, is amended by  
21 adding the following new subsection:

22 **NEW SUBSECTION. 5. Component parts not claimed by**  
23 **an owner as provided in section 321.88 shall be**  
24 **disposed of as provided in subsections 3 and 4."**

25 9. Page 22, by inserting after line 34, the  
26 following:

27 "Sec. 104. Section 602.6405, subsection 1, Code  
28 1989, is amended to read as follows:

29 1. Magistrates have jurisdiction of simple  
30 misdemeanors, including traffic and ordinance  
31 violations, and preliminary hearings, search warrant  
32 proceedings, county and municipal infractions, and  
33 small claims. They also Magistrates have jurisdiction  
34 to exercise the powers specified in sections 644.2 and  
35 644.12, and to hear complaints or preliminary  
36 informations, issue warrants, order arrests, make  
37 commitments, and take bail. They also Magistrates  
38 have jurisdiction over violations of section 123.47  
39 involving persons eighteen years of age, and section  
40 123.49, subsection 2, paragraph "h". Magistrates have  
41 jurisdiction to conduct hearings authorized under  
42 section 809.4 and section 809.10, subsection 2."

43 10. By striking page 22, line 35 through page 23,  
44 line 6, and inserting the following:

45 "Sec. \_\_\_\_\_. Section 707.6A, Code Supplement 1989,  
46 is amended to read as follows:

47 **707.6A HOMICIDE OR SERIOUS INJURY BY VEHICLE.**

48 1. A person commits a class "D" "C" felony when  
49 the person unintentionally causes the death of another  
50 by either of the following means:

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1 a. Operating a motor vehicle while under the  
2 influence of alcohol or a other drug or a combination  
3 of such substances or while having an alcohol  
4 concentration, as defined in section 321J.1,  
5 subsection 1, of .10 or more, in violation of section  
6 ~~321J.2~~. Upon a plea or verdict of guilty of a  
7 violation of this paragraph, the court shall order the  
8 state department of transportation to revoke the  
9 defendant's motor vehicle license or nonresident  
10 operating privileges for a period of six years. The  
11 defendant shall surrender to the court any Iowa  
12 license or permit and the court shall forward it to  
13 the department with a copy of the revocation order.

14 b. Driving a motor vehicle in a reckless manner  
15 with willful or wanton disregard for the safety of  
16 persons or property, in violation of section 321.277.

17 2. A person commits an aggravated misdemeanor a  
18 class "D" felony when the person unintentionally  
19 causes the death of another by operating a motor  
20 vehicle in any of the following manners:

21 a. Drag racing, in violation of section 321.278.

22 b. Eluding or attempting to elude a pursuing law  
23 enforcement vehicle, in violation of section 321.279.

24 3. A person commits an aggravated misdemeanor when  
25 the person unintentionally causes a serious injury, as  
26 defined in section 321J.1, subsection 8, by either of  
27 the means described in subsection 1 of this section.

28 3 4. As used in this section, "motor vehicle"  
29 includes any vehicle defined as a motor vehicle in  
30 section 321.1.

31 5. Except for the purpose of sentencing under  
32 section 321J.2, subsection 2, a conviction or deferral  
33 of judgment for a violation of this section, where a  
34 violation of section 321J.2 is admitted or proved,  
35 shall be treated as a conviction or deferral of  
36 judgment for a violation of section 321J.2 for the  
37 purposes of chapters 321, 321A, and 321J, and section  
38 907.3, subsection 1."

39 11. Page 24, by inserting after line 15, the  
40 following:

41 "Sec. 105. Section 809.3, subsection 2, Code 1989,  
42 is amended to read as follows:

43 2. The application for the return of seized  
44 property shall state the specific item or items  
45 sought, the nature of the claimant's interest in the  
46 property, and the grounds upon which the claimant  
47 seeks to have the property immediately returned. Mere  
48 ownership is insufficient as grounds for immediate  
49 return. The written application shall be specific and  
50 the claimant shall be limited at the judicial hearing

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1 to proof of the grounds set out in the application for  
2 immediate return. The fact that the property is  
3 inadmissible as evidence or that it may be suppressed  
4 is not grounds for its return. If no specific grounds  
5 are set out in the application for return, or the  
6 grounds set out are insufficient as a matter of law,  
7 the court may enter judgment on the pleadings without  
8 further hearing.

9 Sec. 106. Section 809.11, subsections 1 and 2,  
10 Code 1989, are amended to read as follows:

11 1. Forfeiture is a civil proceeding. At the  
12 hearing the burden is on the state to prove by a  
13 preponderance of the clear and convincing evidence  
14 that the property is forfeitable. However, forfeiture  
15 is not dependent upon a prosecution for, or conviction  
16 of, a criminal offense and forfeiture proceedings are  
17 separate and distinct from any related criminal  
18 action.

19 2. ~~Court appointed counsel, Counsel shall be~~  
20 ~~appointed at the state's expense, is not available in~~  
21 ~~forfeiture proceedings for indigent persons having an~~  
22 ~~ownership interest exceeding a value of five hundred~~  
23 ~~dollars in the property that is subject to the~~  
24 ~~forfeiture proceeding.~~ The attorney general or county  
25 attorney may represent the state in all forfeiture  
26 proceedings.

27 Sec. 107. Section 809.11, Code 1989, is amended by  
28 adding the following new subsections:

29 **NEW SUBSECTION. 5.** At a hearing to determine  
30 whether real property should be forfeited, any of the  
31 following may be established as affirmative defenses,  
32 by the person seeking return of the property:

33 a. That the person, who is not a party to the  
34 alleged criminal activity, before becoming aware of  
35 the investigation, reported the alleged criminal  
36 activity to the appropriate law enforcement agency  
37 prior to the seizure of the property.

38 b. That the person acted reasonably in attempting  
39 to prevent or terminate the unlawful use of the  
40 property.

41 c. That the person seeking return of the property  
42 had no prior knowledge of the criminal activity.

43 **NEW SUBSECTION. 6.** Cash found in close proximity  
44 to controlled substances is presumed to be forfeitable  
45 property."

46 12. Page 26, by striking lines 4 through 7, and  
47 inserting the following:

48 "1. A brief personal and social history of the  
49 defendant.

50 2. The defendant's criminal record."

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- 1 13. Page 26, by inserting after line 33, the  
2 following:  
3 "Sec. \_\_\_\_\_. Section 903.1, subsection 3, unnumbered  
4 paragraph 1, Code 1989, is amended to read as follows:  
5 3. A person under eighteen years of age convicted  
6 of a simple misdemeanor under chapter 106, 106A, 109,  
7 109A, 110, 110A, 110B, 111, 321, or 321G, section  
8 ~~123.47~~, or a violation of a county or municipal curfew  
9 or traffic ordinance, except for an offense subject to  
10 section 805.8, may be required to pay a fine, not to  
11 exceed one hundred dollars, as fixed by the court, or  
12 may be required to perform community service as  
13 ordered by the court."  
14 14. Page 27, by striking lines 16 through 21.  
15 15. By striking page 35, line 15, through page  
16 36, line 11.  
17 16. Page 36, by inserting after line 20, the  
18 following:  
19 "Sec. \_\_\_\_\_.  
20 Sections 101 through 107 of this Act apply to any  
21 seizure or forfeiture proceeding or action commenced  
22 on or after the effective date of this Act."  
23 17. By renumbering, relettering, or redesignating  
24 and correcting internal references as necessary.

Peters of Woodbury in the chair at 2:03 p.m.

Kremer of Buchanan offered the following amendment H-6011, to the committee amendment H-5936, filed by him and moved its adoption:

H-6011

- 1 Amend amendment, H-5936, to Senate File 2413, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 43, the  
5 following:  
6 "For purposes of this paragraph, "imminently  
7 likely" includes an immediate threat based on serious  
8 threats made, or actions taken, against the child,  
9 other members of the household in which the child  
10 resides, or other children."

Amendment H-6011 lost.

McKean of Jones offered the following amendment H-6033, to the committee amendment H-5936, filed by him and moved its adoption:

H-6033

- 1 Amend the amendment H-5936 to Senate File 2413, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, line 5, by striking the figure ".10"
- 5 and inserting the following: ".10 .08".

A non-record roll call was requested.

The ayes were 42, nays 40.

Amendment H-6033 was adopted.

Division of the committee amendment H-5936, as amended, was requested as follows:

H-5936A - Page 1, lines 3 through 31 and lines 35 through 50; all of pages 2, 3, and 4; Page 5, lines 1 through 24 and lines 43 through 50; Page 6, lines 1 through 38; Page 7, lines 46 through 50; all of page 8.

H-5936B - Page 1, lines 32 through 34.

H-5936C - Page 5, lines 25 through 42; Page 6, lines 39 through 50; Page 7, lines 1 through 45.

On motion by Jay of Appanoose, the committee amendment H-5936A, as amended, was adopted.

Connors of Polk in the chair at 2:36 p.m.

Jay of Appanoose moved the adoption of the committee amendment H-5936B.

Roll call was requested by Van Maanen of Mahaska and Hansen of Woodbury.

On the question "Shall the committee amendment H-5936B be adopted?" (S.F. 2413)

The ayes were, 52:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Doderer	Dvorsky	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader

Sherzan	Shoultz	Svoboda	Swartz
Tabor	Teaford	Wise	Connors
			Presiding

The nays were, 38:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spear	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 10:

Blanshan	Carpenter	Fey	Fogarty
Fuller	Groninga	Hatch	Johnson
Murphy	Shearer		

The committee amendment H-5936B was adopted.

Trent of Muscatine rose on a point of order that the committee amendment H-5936C was not germane.

The Speaker ruled the point well taken and the committee amendment H-5936C not germane.

Arnould of Scott moved that the rules be suspended to consider the committee amendment H-5936C.

A non-record roll call was requested.

The ayes were 52, nays 39.

The motion prevailed and the rules were suspended.

Peterson of Carroll moved the adoption of the committee amendment H-5936C.

Roll call was requested by Lundby of Linn and Metcalf of Polk.

Rule 75 was invoked.

On the question "Shall the committee amendment H-5936C be adopted?" (S.F. 2413)

The ayes were, 49:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Brand	Brown
Cohoon	Doderer	Dvorsky	Fey

Fogarty	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Koenigs	Kremer	Lageschulte	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Rosenberg	Schrader	Shoultz	Spenner
Svoboda	Swartz	Teaford	Wise
Connors			
Presiding			

The nays were, 43:

Banks	Beaman	Bennett	Bisignano
Branstad	Buhr	Carpenter	Chapman
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Lundby	Maulsby
McKean	Metcalfe	Miller	Pellett
Petersen, D. F.	Poncy	Renaud	Renken
Royer	Schneklath	Shearer	Sherzan
Shoning	Siegrist	Spear	Stueland
Trent	Tyrrell	Van Maanen	

Absent or not voting, 8:

Avenson, Spkr.	Daggett	Fuller	Groninga
Johnson	Knapp	Plasier	Tabor

The committee amendment H—5936C was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin, for the remainder of the day, on request of Wise of Lee.

The Speaker announced that amendment H—5988 filed by Bennett, et al., on March 30, 1990, was out of order with the adoption of the committee amendment H—5936B.

Siegrist of Pottawattamie offered the following amendment H—5997 filed by Siegrist, et al.:

H—5997

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 8, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 123.50, subsection 4, Code
- 6 Supplement 1989, is amended to read as follows:
- 7 4. A person, other than a licensee or permittee or

8 a minor, who violates section 123.47 is guilty of a  
 9 serious misdemeanor punishable by a minimum fine of  
 10 one hundred dollars for a first offense, two hundred  
 11 and fifty dollars for a second offense, and five  
 12 hundred dollars for a third and subsequent offense,  
 13 and a maximum fine for any offense of not more than  
 14 one thousand dollars.

15 A person age eighteen or under who is guilty of  
 16 possessing any alcoholic liquor, wine, or beer in  
 17 violation of section 123.47, in addition to the  
 18 penalty provided in section 123.90, shall surrender  
 19 all motor vehicle licenses or permits which the court  
 20 shall forward to the state department of  
 21 transportation. The license or permit shall be  
 22 suspended by the department for a three-month period."

23 2. Page 12, by inserting after line 20, the  
 24 following:

25 "Sec. \_\_\_\_\_. NEW SECTION. 321.210B SUSPENSION FOR  
 26 POSSESSION OF ALCOHOL BY PERSON UNDER LEGAL AGE.

27 The department shall suspend the motor vehicle  
 28 license of a person age eighteen or under who is  
 29 guilty of a violation of section 123.47, as provided  
 30 in section 123.50, subsection 4."

31 3. Renumber as necessary.

Speaker Avenson in the chair at 3:46 p.m.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the afternoon and week, on request of Van Maanen of Mahaska.

Siegrist of Pottawattamie moved the adoption of amendment H-5997.

Roll call was requested by Lundby of Linn and Metcalf of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-5997 be adopted?"  
 (S.F. 2413)

The ayes were, 47:

- |         |               |                  |                  |
|---------|---------------|------------------|------------------|
| Banks   | Beaman        | Bennett          | Branstad         |
| Brown   | Carpenter     | Clark            | Connors          |
| Corbett | Daggett       | De Groot         | Diemer           |
| Eddie   | Garman        | Halvorson, R. A. | Halvorson, R. N. |
| Hammond | Hanson, D. R. | Harbor           | Haverland        |
| Hermann | Hester        | Iverson          | Jesse            |
| Kistler | Kremer        | Lageschulte      | Lundby           |
| Maulsby | McKean        | Metcalf          | Miller           |

Osterberg	Pellett	Petersen, D. F.	Plasier
Poncy	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Svoboda
Trent	Tyrrell	Van Maanen	

The nays were, 48:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Buhr
Chapman	Cohoon	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Hansen, S. D.	Harper	Hatch	Hibbard
Holveck	Jay	Jochum	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Peters	Peterson, M. K.
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 5:

Blanshan	Fuller	Johnson	Pavich
Stueland			

Amendment H—5997 lost.

Jay of Appanoose offered the following amendment H—5983 filed by him and moved its adoption:

H—5983

- 1 Amend Senate File 2413 as follows:
- 2 1. Page 3, line 13, by striking the word
- 3 "counterfiet" and inserting the following:
- 4 "counterfeit".
- 5 2. Page 9, line 17, by striking the word "
- 6 PENALTY" and inserting the following: "— PENALTY".
- 7 3. Page 20, line 6, by striking the word "
- 8 REFUNDS" and inserting the following: "— REFUNDS".
- 9 4. Page 36, line 20, by inserting after the word
- 10 "as" the following: "they".

Amendment H—5983 was adopted.

Kistler of Jefferson offered the following amendment H—6005 filed by him and Garman of Story and moved its adoption:

H—6005

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 19 through 21, and
- 4 inserting the following: "private elementary,

5 vocational, or secondary school, or a public or  
 6 private college, junior college, or university, or  
 7 within one hundred feet of a public park, playground,  
 8 public or private youth center, public swimming pool,  
 9 or video arcade facility, may, at the judge's  
 10 discretion, be sentenced up to an additional term of  
 11 confinement".

12 2. Page 3, by striking lines 31 and 32, and  
 13 inserting the following: "private elementary,  
 14 vocational, or secondary school, or a public or  
 15 private college, junior college, or university, or  
 16 within one hundred feet of a public park, playground,  
 17 public or private youth center, public swimming pool,  
 18 or video arcade facility, the person shall serve a".

19 3. Page 4, by striking lines 8 and 9 and  
 20 inserting the following: "elementary, vocational, or  
 21 secondary school, or a public or private college,  
 22 junior college, or university, or within one hundred  
 23 feet of a public park, playground, public or private  
 24 youth center, public swimming pool, or video arcade  
 25 facility, the person shall serve a minimum".

Amendment H—6005 was adopted.

Black of Jasper offered the following amendment H—6012 filed by him and moved its adoption:

H—6012

1 Amend Senate File 2413, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 32 the  
 4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 204.701 DRUG-RELATED  
 6 OBJECTS USED IN VIOLATION OF CHAPTER.

7 1. As used in this section, "drug-related object"  
 8 means a raw material, instrument, device, article,  
 9 contrivance, or other object commonly used to plant,  
 10 propagate, cultivate, grow, harvest, manufacture,  
 11 compound, convert, produce, process, prepare, test,  
 12 analyze, pack, repack, store, contain, conceal,  
 13 inject, ingest, inhale, or otherwise introduce into  
 14 the human body a controlled substance. Drug-related  
 15 object includes but is not limited to:

16 a. Kits commonly used in planting, propagating,  
 17 cultivating, growing, or harvesting a species of plant  
 18 which is a controlled substance or from which a  
 19 controlled substance can be derived.

20 b. Kits commonly used in manufacturing,  
 21 compounding, converting, producing, processing, or  
 22 preparing controlled substances.

23 c. Isomerization devices commonly used in

- 24 increasing the potency of a species of plant which is  
25 a controlled substance.
- 26 d. Testing equipment commonly used in identifying,  
27 or in analyzing the strength, effectiveness, or purity  
28 of a controlled substance.
- 29 e. Scales and balances commonly used in weighing  
30 or measuring a controlled substance.
- 31 f. Diluents and adulterants, such as quinine  
32 hydrochloride, mannitol, mannite, dextrose, and  
33 lactose, commonly used in cutting a controlled  
34 substance.
- 35 g. Separation gins and sifters commonly used in  
36 removing twigs and seeds from, or in otherwise  
37 cleaning or refining, marijuana.
- 38 h. Blenders, bowls, containers, spoons, and mixing  
39 devices commonly used in compounding a controlled  
40 substance.
- 41 i. Capsules, balloons, envelopes, and other  
42 containers commonly used in packaging small quantities  
43 of a controlled substance.
- 44 j. Containers and other objects commonly used in  
45 storing or concealing a controlled substance.
- 46 k. Hypodermic syringes, needles, and other objects  
47 commonly used in parenterally injecting a controlled  
48 substance into the human body.
- 49 l. Objects commonly used in ingesting, inhaling,  
50 or otherwise introducing marijuana, cocaine, hashish,

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- 1 or hashish oil into the human body, such as:
- 2 (1) Metal, wooden, acrylic, glass, stone, plastic,  
3 or ceramic pipes with or without screens, permanent  
4 screens, hashish heads, or punctured metal bowls.
- 5 (2) Water pipes.
- 6 (3) Carburetion tubes and devices.
- 7 (4) Smoking and carburetion masks.
- 8 (5) Roach clips, meaning objects commonly used to  
9 hold burning material, such as a marijuana cigarette,  
10 that has become too small or too short to be held in  
11 the hand.
- 12 (6) Miniature cocaine spoons, and cocaine vials.
- 13 (7) Chamber pipes.
- 14 (8) Carburetor pipes.
- 15 (9) Electric pipes.
- 16 (10) Air-driven pipes.
- 17 (11) Chillums.
- 18 (12) Bongs.
- 19 (13) Ice pipes or chillers.
- 20 2. In determining whether an object is commonly  
21 used in connection with a controlled substance, a  
22 court or other authority may consider, in addition to

- 23 all other logically relevant factors, the following:
- 24 a. Statements by an owner or by anyone in control  
25 of the object concerning its use.
- 26 b. A prior conviction of an owner or of anyone in  
27 control of the object under a state or federal law  
28 relating to a controlled substance.
- 29 c. The proximity of the object, in time and space,  
30 to a direct violation of this chapter.
- 31 d. The proximity of the object to a controlled  
32 substance.
- 33 e. The existence of a residue of a controlled  
34 substance on the object.
- 35 f. Instructions, oral or written, provided with  
36 the object concerning its use.
- 37 g. Descriptive materials accompanying the object  
38 which explain or depict its use.
- 39 h. National and local advertising concerning its  
40 use.
- 41 i. The manner in which the object is displayed for  
42 sale.
- 43 j. Whether the owner, or anyone in control of the  
44 object, is a legitimate supplier of similar or related  
45 items to the community, such as a licensed distributor  
46 or dealer of tobacco products.
- 47 k. Direct or circumstantial evidence of the ratio  
48 of sales of the object to the total sales of the  
49 business enterprise.
- 50 l. The existence and scope of legitimate uses for

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- 1 the object in the community.
- 2 m. Expert testimony concerning its use.
- 3 3. a. A person shall not use or possess with  
4 intent to use a drug-related object to plant,  
5 propagate, cultivate, grow, harvest, manufacture,  
6 compound, convert, produce, process, prepare, test,  
7 analyze, pack, repack, store, contain, conceal,  
8 inject, ingest, inhale, or otherwise introduce into  
9 the human body a controlled substance in violation of  
10 this chapter. A person who violates this paragraph is  
11 guilty of a simple misdemeanor.
- 12 b. A person shall not deliver, possess with intent  
13 to deliver, or manufacture with intent to deliver, a  
14 drug-related object intending that the object will be  
15 used, and knowing, or under circumstances where one  
16 reasonably should know, that the object will be used  
17 to plant, propagate, cultivate, grow, harvest,  
18 manufacture, compound, convert, produce, process,  
19 prepare, test, analyze, pack, repack, store, contain,  
20 conceal, inject, ingest, inhale, or otherwise  
21 introduce into the human body a controlled substance

22 in violation of this chapter. A person eighteen years  
23 of age or older who violates this paragraph by  
24 delivering a drug-related object to a person under  
25 eighteen years of age who is at least three years  
26 younger than the person delivering the drug-related  
27 object is guilty of an aggravated misdemeanor. Any  
28 other person who violates this paragraph is guilty of  
29 a serious misdemeanor.

30 c. A person shall not deliver, possess with intent  
31 to deliver, or manufacture with intent to deliver, a  
32 drug-related object which has no common use other than  
33 its use in connection with the use of a controlled  
34 substance in violation of this chapter, knowing, or  
35 under circumstances where one reasonably should know,  
36 that the object will be used to plant, propagate,  
37 cultivate, grow, harvest, manufacture, compound,  
38 convert, produce, process, prepare, test, analyze,  
39 pack, repack, store, contain, conceal, inject, ingest,  
40 inhale, or otherwise introduce into the human body a  
41 controlled substance in violation of this chapter. A  
42 person eighteen years of age or older who violates  
43 this paragraph by delivering a drug-related object,  
44 which has no common use other than its use in  
45 connection with the use of a controlled substance in  
46 violation of this chapter, to a person under eighteen  
47 years of age who is at least three years younger than  
48 the person delivering the drug-related object is  
49 guilty of an aggravated misdemeanor. Any other person  
50 who violates this paragraph is guilty of a serious

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1 misdemeanor.

2 d. A person shall not place an advertisement in a  
3 newspaper, magazine, handbill, or other publication,  
4 intending, and knowing, or under circumstances where  
5 one reasonably should know, that the purpose of the  
6 advertisement, taken as a whole, is to promote the  
7 sale in this state of a drug-related object that will  
8 be used to plant, propagate, cultivate, grow, harvest,  
9 manufacture, compound, convert, produce, process,  
10 prepare, test, analyze, pack, repack, store, contain,  
11 conceal, inject, ingest, inhale, or otherwise  
12 introduce into the human body a controlled substance  
13 in violation of this chapter. A person who violates  
14 this paragraph is guilty of a serious misdemeanor.”  
15 2. Renumber as necessary.

Amendment H—6012 was adopted.

Rosenberg of Story offered the following amendment H—6025  
filed by him and moved its adoption:

H-6025

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 5, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 232.19, Code 1989, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 3. Notwithstanding any other
- 8 provision of this chapter, a child shall not be placed
- 9 in detention as a result of a violation by that child
- 10 of section 123.47."
- 11 2. Renumber as necessary.

Amendment H-6025 was adopted.

Trent of Muscatine offered the following amendment H-6024 filed by him and moved its adoption:

H-6024

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 11, by inserting after the word
- 4 "alcohol" the following: "or controlled substance".

Amendment H-6024 was adopted.

Maulsby of Calhoun offered the following amendment H-6008 filed by him and moved its adoption:

H-6008

- 1 Amend Senate File 2413, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 11, line 22, by striking the word "shall"
- 4 and inserting the following: "may".

Amendment H-6008 was adopted.

Tyrrell of Iowa offered the following amendment H-6051 filed from the floor by Tyrrell, McKean, Branstad, Renken, Banks, Corbett, Garman, Hermann and Iverson and moved its adoption:

H-6051

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by striking line 23, and inserting
- 4 the following: "of suitable space and reading
- 5 material for inmates. For purposes of this section,
- 6 "suitable reading materials" does not include material
- 7 depicting or describing the genitals, sex acts,
- 8 masturbation, excretory functions, or sadomasochistic
- 9 abuse which the average person, taking the material as

10 a whole and applying contemporary community standards  
11 with respect to what is suitable material for inmates,  
12 would find appeals to the prurient interest and is  
13 patently offensive; and the material, taken as a  
14 whole, lacks serious literary, scientific, political,  
15 or artistic value. The director shall consider if the  
16 availability or possession of the material represents  
17 a potential danger to inmates, the community, or to  
18 personnel of the department of corrections. The”.

Amendment H—6051 was adopted, placing out of order lines 18 and 19, page 3, of the committee amendment H—5936A, previously adopted.

Spenner of Henry offered the following amendment H—6052 filed from the floor by Spenner, Hermann, Trent and Halvorson of Clayton and moved its adoption:

H—6052

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 11, line 27, through page 12,
- 4 line 14.
- 5 2. By renumbering as necessary.

Amendment H—6052 was adopted, placing out of order lines 20 through 22, page 3, of the committee amendment H—5936A, previously adopted.

Halvorson of Clayton offered the following amendment H—5989 filed by Halvorson of Clayton, et al., and moved its adoption:

H—5989

- 1 Amend Senate File 2413 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by inserting after line 14, the
- 4 following:
- 5 “Sec. \_\_\_\_\_. Section 246.703, Code 1989, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The director may enter
- 8 into a chapter 28E agreement with a county board of
- 9 supervisors or county conservation board to provide
- 10 inmate services for environmental maintenance
- 11 including but not limited to brush and weed cutting,
- 12 tree planting, and erosion control. The board of
- 13 supervisors or conservation board shall reimburse the
- 14 department of corrections for the allowance paid the
- 15 inmates by the director. The supervision, security,
- 16 and transportation of inmates used pursuant to the

- 17 chapter 28E agreement shall be provided by the  
18 department of corrections."  
19 2. Renumber as necessary.

Amendment H—5989 was adopted.

McKean of Jones offered the following amendment H—6048 filed by him from the floor and moved its adoption:

H—6048

- 1 Amend Senate File 2413, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 12, by inserting after line 14, the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 246.514, unnumbered paragraph  
6 2, Code 1989, is amended to read as follows:  
7 "Failure to comply with an order issued pursuant to  
8 this section may result in the forfeiture of good  
9 conduct time, not to exceed one year, earned up to the  
10 time of the failure to comply. If good conduct time  
11 has not been earned, the person may be determined to  
12 be ineligible by the department to earn good conduct  
13 time for a period of up to three months."  
14 2. Renumber as necessary.

Amendment H—6048 was adopted.

Trent of Muscatine offered the following amendment H—6063 filed by him from the floor and moved its adoption:

H—6063

- 1 Amend Senate File 2413, as amended, passed, and \*  
2 reprinted by the Senate, as follows:  
3 1. Page 12, by striking line 20, and inserting  
4 the following: "sentence performing labor in the  
5 program. Duties, if possible, shall consist of  
6 physical labor outside in plain view of the public.  
7 However, an inmate shall not be required to perform  
8 work which is beyond an inmate's physical ability,  
9 which constitutes a physical hardship, or which is  
10 dangerous or threatening to the inmate's life or  
11 health, medically prohibited, or unduly painful."

Amendment H—6063 was adopted.

Hansen of Woodbury in the chair at 4:44 p.m.

Trent of Muscatine offered the following amendment H—5995 filed by Trent, et al., and moved its adoption:

H—5995

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by striking lines 15 through 20.
- 4 2. Renumber as necessary.

Roll call was requested by Van Maanen of Mahaska and Bennett of Ida.

On the question "Shall amendment H—5995 be adopted?"  
(S.F. 2413)

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 50:

Beatty	Bisignano	Black	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Hammond
Harper	Hatch	Haverland	Hibbard
Jay	Jesse	Jochum	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Wise	Hansen, S. D.		
	Presiding		

Absent or not voting, 14:

Adams	Arnould	Avenson, Spkr.	Blanshan
Carpenter	Connors	Daggett	Fuller
Halvorson, R. N.	Holveck	Johnson	Ollie
Stueland	Teaford		

Amendment H—5995 lost.

Trent of Muscatine offered the following amendment H-6001 filed by Trent, et al., and moved its adoption:

H-6001

1 Amend Senate File 2413 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 20, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 321J.4, subsection 8, Code  
6 1989, is amended by striking the subsection.

7 Sec. \_\_\_\_\_. Section 321J.13, subsection 5, Code  
8 Supplement 1989, is amended by striking the  
9 subsection.

10 Sec. \_\_\_\_\_. Section 321J.20, subsection 1, Code  
11 1989, is amended by striking the subsection."

12 2. Page 12, by striking line 22, and inserting  
13 the following:

14 "The sections of this Act creating a new chapter".

15 3. Page 13, by inserting after line 28, the  
16 following:

17 "Sec. \_\_\_\_\_. NEW SECTION. 321L.3 TEMPORARY  
18 RESTRICTED LICENSE.

19 A person whose motor vehicle license has been  
20 revoked under chapter 321J and who is not eligible for  
21 a temporary restricted license under this chapter may  
22 petition the court for an order to the department to  
23 require the department to issue a temporary restricted  
24 license to the person following the expiration of any  
25 minimum revocation period provided for under section  
26 321J.20. Notice of and an opportunity to request a  
27 hearing on the petition shall be provided to the  
28 department and to the prosecuting attorney by the  
29 clerk of the district court in the county where the  
30 violation resulting in the revocation was committed.  
31 If the court determines that any minimum revocation  
32 period provided for under section 321J.20 has expired  
33 and the temporary restricted license is necessary for  
34 the person to maintain the person's employment, the  
35 court may order the department to issue to the person  
36 a temporary restricted license conditioned upon the  
37 person's certification to the court of the  
38 installation of approved ignition interlock devices in  
39 all motor vehicles that it is necessary for the person  
40 to operate to maintain the person's employment. If  
41 the person operates a motor vehicle which does not  
42 have an approved ignition interlock device or if the  
43 person tampers with or circumvents an ignition  
44 interlock device, in addition to other penalties  
45 provided, the person's temporary restricted license  
46 shall be revoked.

47 Sec. \_\_\_\_\_. NEW SECTION. 321L.4 STATEMENT OF  
48 OFFICER.

49 A person who has been requested to submit to a  
50 chemical test shall be advised by a peace officer of

**Page 2**

1 the following:

2 1. If the person refuses to submit to the test,  
3 the person's motor vehicle license or operating  
4 privilege will be revoked by the department for the  
5 applicable period under section 321J.9 and the person  
6 will not be eligible for a temporary restricted  
7 license until at least the first ninety days of the  
8 revocation period have expired.

9 2. If the person submits to the test and the  
10 results indicate an alcohol concentration as defined  
11 in section 321J.1 of .10 or more, the person's motor  
12 vehicle license or operating privilege will be revoked  
13 by the department for the applicable period under  
14 section 321J.12 and the person will not be eligible  
15 for a temporary restricted license until at least the  
16 first thirty days of the revocation period have  
17 expired.

18 This section does not apply in any case involving a  
19 person described in section 321J.7.

20 Sec. \_\_\_\_\_. **NEW SECTION. 321L.5 STAY OF LICENSE**  
21 **REVOCAION BY DEPARTMENT.**

22 Notwithstanding the Iowa administrative procedure  
23 Act, chapter 17A, the department shall not stay the  
24 revocation of a person's motor vehicle license or  
25 operating privilege for the period that the person is  
26 contesting the revocation under this section or  
27 section 321J.14 unless the first ninety days of the  
28 revocation period under section 321J.9 or the first  
29 thirty days of a revocation period under 321J.12 have  
30 expired.

31 Sec. \_\_\_\_\_. **NEW SECTION. 321L.6 TEMPORARY**  
32 **RESTRICTED LICENSE.**

33 The department may, on application, issue a  
34 temporary restricted license to a person whose motor  
35 vehicle license is revoked under chapter 321J allowing  
36 the person to drive to and from the person's home and  
37 specified places at specified times which can be  
38 verified by the department and which are required by  
39 the person's full-time or part-time employment,  
40 continuing health care or the continuing health care  
41 of another who is dependent upon the person,  
42 continuing education while enrolled in an educational  
43 institution on a part-time or full-time basis and  
44 while pursuing a course of study leading to a diploma,  
45 degree, or other certification of successful  
46 educational completion, substance abuse treatment, and  
47 court-ordered community service responsibilities if  
48 the person's motor vehicle license has not been  
49 revoked under section 321J.4, 321J.9, or 321J.12  
50 within the previous six years and if any of the

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1 following apply:

2 a. The person's motor vehicle license is revoked  
3 under section 321J.4, subsection 1, 2, 4, or 6.

4 b. The person's motor vehicle license is revoked  
5 under section 321J.9, the person has entered a plea of  
6 guilty on a charge of a violation of section 321J.2  
7 which arose from the same set of circumstances which  
8 resulted in the person's motor vehicle license  
9 revocation under section 321J.9, the guilty plea is  
10 not withdrawn at the time of or after application for  
11 the temporary restricted license, and the first ninety  
12 days of the revocation period have expired.

13 c. The person's motor vehicle license is revoked  
14 under section 321J.12 and the first thirty days of the  
15 revocation period have expired.

16 However, a temporary restricted license may be  
17 issued if the person's motor vehicle license is  
18 revoked under section 321J.9, and the revocation is a  
19 second revocation under this chapter, and the first  
20 three hundred sixty-five days of the revocation have  
21 expired."

22 4. Page 36, by inserting after line 11 the  
23 following:

24 "Sec. \_\_\_\_\_. REPEAL.  
25 Section 321J.8, Code 1989, is repealed."

26 5. Page 36, by striking lines 16 through 20, and  
27 inserting the following:

28 "The Code editor shall redesignate chapter 321L, as  
29 enacted by this Act, in a new and different chapter so  
30 that these sections do not conflict with chapter 321L  
31 as enacted during the 1989 Session of the General  
32 Assembly and as it appears in the 1989 Code  
33 Supplement."

34 6. Renumber as necessary.

Roll call was requested by Trent of Muscatine and Harbor of Mills.

On the question "Shall amendment H—6001 be adopted?"  
(S.F. 2413)

The ayes were, 42:

- |         |                  |                  |               |
|---------|------------------|------------------|---------------|
| Banks   | Beaman           | Bennett          | Black         |
| Brand   | Branstad         | Carpenter        | Clark         |
| Corbett | De Groot         | Diemer           | Eddie         |
| Garman  | Halvorson, R. A. | Halvorson, R. N. | Hanson, D. R. |
| Harbor  | Hermann          | Hester           | Holveck       |
| Iverson | Kistler          | Kremer           | Lageschulte   |
| Lundby  | Maulsby          | McKean           | Metcalf       |
| Miller  | Pellett          | Petersen, D. F.  | Plasier       |

Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Svoboda	Trent
Tyrrell	Van Maanen		

The nays were, 49:

Adams	Arnould	Beatty	Bisignano
Brammer	Brown	Buhr	Chapman
Cohoon	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hammond	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shultz
Spear	Tabor	Teaford	Wise
Hansen, S. D.			
Presiding			

Absent or not voting, 9:

Avenson, Spkr.	Blanshan	Connors	Daggett
Doderer	Fuller	Johnson	Stueland
Swartz			

Amendment H—6001 lost.

Garman of Story offered amendment H—6013 filed by Garman, et al., and requested division as follows:

H—6013

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—6013A

- 3 1. Page 12, by inserting after line 20 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 321J.23 PERSONS UNDER
- 6 AGE TWENTY-ONE.
- 7 If a person under the age of twenty-one consents to
- 8 a chemical test under this chapter and the test
- 9 results indicate an alcohol concentration of more than
- 10 .02 but less than the level established in section
- 11 321J.2, subsection 1, the person's motor vehicle
- 12 license or nonresident operating privilege shall be
- 13 revoked for a period of one year or until the person
- 14 reaches eighteen years of age, whichever is longer, if
- 15 the person is less than eighteen years of age, or for
- 16 thirty days as provided in section 321L.10 if the
- 17 person is at least eighteen years of age but less than
- 18 twenty-one years of age, and sections 321L.10 through

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19 321L.19 apply."

20 2. Page 12, by striking line 22, and inserting  
21 the following: "The sections in this Act creating a  
22 new chapter".

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23 3. Page 13, by inserting after line 28, the  
24 following:

25 "Sec. \_\_\_\_\_. NEW SECTION. 321L.3 DEFINITIONS.

26 As used in this chapter unless the context  
27 otherwise requires:

28 1. "Alcohol concentration" means the number of  
29 grams of alcohol per any of the following:

30 a. One hundred milliliters of blood.

31 b. Two hundred ten liters of breath.

32 c. Sixty-seven milliliters of urine.

33 2. "Alcoholic beverage" includes alcohol, wine,  
34 spirits, beer, or any other beverage which contains  
35 ethyl alcohol and is fit for human consumption.

36 3. "Arrest" includes but is not limited to taking  
37 into custody pursuant to section 232.19.

38 4. "Department" means the state department of  
39 transportation.

40 5. "Director" means the director of transportation  
41 or the director's designee.

42 6. "Motor vehicle license" means any license or  
43 permit issued to a person to operate a motor vehicle  
44 in this state.

45 7. "Peace officer" means:

46 a. A member of the highway patrol.

47 b. A police officer under civil service as  
48 provided in chapter 400.

49 c. A sheriff.

50 d. A regular deputy sheriff who has had formal

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1 police training.

2 e. Any other law enforcement officer who has  
3 satisfactorily completed an approved course relating  
4 to motor vehicle operators under the influence of  
5 alcoholic beverages at the Iowa law enforcement  
6 academy or a law enforcement training program approved  
7 by the department of public safety.

8 Sec. \_\_\_\_\_. NEW SECTION. 321L.4 PRELIMINARY  
9 SCREENING TEST.

10 When a peace officer has reasonable grounds to  
11 believe that a motor vehicle operator under the age of  
12 twenty-one may be or has been operating a motor  
13 vehicle while having an alcohol concentration as

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14 defined in section 321L.3 of more than .02, the peace  
15 officer may request the operator to provide a sample  
16 of the operator's breath for a preliminary screening  
17 test using a device approved by the commissioner of  
18 public safety for that purpose. The results of this  
19 preliminary screening test may be used for the purpose  
20 of deciding whether an arrest should be made and  
21 whether to request a chemical test authorized in this  
22 chapter or chapter 321J, as evidence of the presence  
23 of alcohol in the operator, and to prove that a  
24 chemical test was properly requested of a person  
25 pursuant to this chapter or chapter 321J.

26 Sec. \_\_\_\_\_. NEW SECTION. 321L.5 IMPLIED CONSENT TO  
27 TEST.

28 1. A person under the age of twenty-one who  
29 operates a motor vehicle in this state under  
30 circumstances which give reasonable grounds to believe  
31 that the person has been operating a motor vehicle  
32 while having an alcohol concentration of more than .02  
33 is deemed to have given consent to the withdrawal of  
34 specimens of the person's blood, breath, or urine and  
35 to a chemical test or tests of the specimens for the  
36 purpose of determining the alcohol concentration,  
37 subject to this section. The withdrawal of the body  
38 substances and the test or tests shall be administered  
39 at the written request of a peace officer having  
40 reasonable grounds to believe that the person was  
41 operating a motor vehicle while having an alcohol  
42 concentration of more than .02.

43 2. The peace officer shall determine which of the  
44 three substances, breath, blood, or urine, shall be  
45 tested. Refusal to submit to a chemical test of urine  
46 or breath is deemed a refusal to submit, and section  
47 321L.6 applies. A refusal to submit to a chemical  
48 test of blood is not deemed a refusal to submit, but  
49 in that case, the peace officer shall then determine  
50 which one of the other two substances shall be tested

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1 and shall offer the test. If the peace officer fails  
2 to offer a test within two hours after the preliminary  
3 screening test is administered or refused or the  
4 arrest is made, whichever occurs first, a test is not  
5 required, and there shall be no revocation under  
6 section 321L.8.

7 Sec. \_\_\_\_\_. NEW SECTION. 321L.6 DEAD OR  
8 UNCONSCIOUS PERSONS.

9 A person who is dead, unconscious, or otherwise in  
10 a condition rendering the person incapable of consent  
11 or refusal is deemed not to have withdrawn the consent

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12 provided by section 321L.5, and the test may be given  
13 if a licensed physician certifies in advance of the  
14 test that the person is dead, unconscious, or  
15 otherwise in a condition rendering that person  
16 incapable of consent or refusal.

17 Sec. \_\_\_\_\_. NEW SECTION. 321L.7 STATEMENT OF  
18 OFFICER:

19 A person who has been requested to submit to a  
20 chemical test shall be advised by a peace officer of  
21 the following:

22 1. If the person refuses to submit to the test and  
23 is less than eighteen years of age, the person's  
24 license or operating privilege will be revoked by the  
25 department for one year or until the person's  
26 eighteenth birthday, whichever is longer, without  
27 eligibility for a temporary restricted license. If  
28 the person refuses to submit to the test and is at  
29 least eighteen years of age but less than twenty-one  
30 years of age, the person's motor vehicle license or  
31 operating privilege will be revoked by the department  
32 for ninety days without eligibility for a temporary  
33 restricted license.

34 2. If the person submits to the test and the  
35 results indicate an alcohol concentration as defined  
36 in section 321L.3 of more than .02, and the person is  
37 under eighteen years of age, the person's license or  
38 operating privilege will be revoked by the department  
39 for a period of two hundred seventy days, without  
40 eligibility for a temporary restricted license.

41 If the person submits to the test and the results  
42 indicate an alcohol concentration as defined in  
43 section 321L.3 of more than .02, and the person is at  
44 least eighteen years of age but less than twenty-one  
45 years of age, the person's motor vehicle license or  
46 operating privilege will be revoked by the department  
47 for thirty days without eligibility for a temporary  
48 restricted license.

49 This section does not apply in any case involving a  
50 person described in section 321L.6.

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1 Sec. \_\_\_\_\_. NEW SECTION. 321L.8 REFUSAL TO SUBMIT  
2 - REVOCATION.

3 If a person who is under eighteen years of age  
4 refuses to submit to the chemical testing, a test  
5 shall not be given, but the department, upon the  
6 receipt of the peace officer's certification, subject  
7 to penalty for perjury, that the officer had  
8 reasonable grounds to believe the person to have been  
9 operating a motor vehicle while having an alcohol

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10 concentration of more than .02, and that the person  
11 refused to submit to the chemical testing, shall  
12 revoke the person's motor vehicle license and any  
13 nonresident operating privilege for a period of one  
14 year or until the person's eighteenth birthday,  
15 whichever is longer.

16 If a person who is at least eighteen years of age  
17 but less than twenty-one years of age refuses to  
18 submit to the chemical testing, a test shall not be  
19 given, but the department, upon the receipt of the  
20 peace officer's certification, subject to penalty for  
21 perjury, that the officer had reasonable grounds to  
22 believe the person to have been operating a motor  
23 vehicle while having an alcohol concentration of more  
24 than .02, and that the person refused to submit to the  
25 chemical testing, shall revoke the person's motor  
26 vehicle license and any nonresident operating  
27 privilege for a period of ninety days.

28 The effective date of revocation shall be twenty  
29 days after receipt of notice of revocation to the  
30 person by certified mail or, on behalf of the  
31 department, a peace officer offering or directing the  
32 administration of a chemical test may serve immediate  
33 notice of intention to revoke and of revocation on a  
34 person who refuses to permit chemical testing. If the  
35 peace officer serves that immediate notice, the peace  
36 officer shall take the Iowa license or permit of the  
37 driver, if any, and issue a temporary license  
38 effective for only twenty days. The peace officer  
39 shall immediately send the person's license to the  
40 department along with the officer's certificate  
41 indicating the person's refusal to submit to chemical  
42 testing.

43 Sec. \_\_\_\_\_. NEW SECTION. 321L.9 TAKING SAMPLE FOR  
44 TEST.

45 Only a licensed physician, licensed physician  
46 assistant as defined in section 148C.1, medical  
47 technologist, or registered nurse, acting at the  
48 request of a peace officer, may withdraw a specimen of  
49 blood for the purpose of determining the alcohol  
50 concentration. However, any peace officer, using

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1 devices and methods approved by the commissioner of  
2 public safety, may take a specimen of a person's  
3 breath or urine for the purpose of determining the  
4 alcohol concentration. Only new equipment kept under  
5 strictly sanitary and sterile conditions shall be used  
6 for drawing blood.

7 The person may have an independent chemical test or

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8 tests administered at the person's own expense in  
9 addition to any administered at the direction of a  
10 peace officer. The failure or inability of the person  
11 to obtain an independent chemical test or tests does  
12 not preclude the admission of evidence of the results  
13 of the test or tests administered at the direction of  
14 the peace officer. Upon the request of the person who  
15 is tested, the results of the test or tests  
16 administered at the direction of the peace officer  
17 shall be made available to the person.

18 Sec. \_\_\_\_\_. NEW SECTION. 321L.10 REVOCATION BASED  
19 ON TEST RESULTS.

20 Upon certification, subject to penalty for perjury,  
21 by the peace officer that there existed reasonable  
22 grounds to believe that the person had been operating  
23 a motor vehicle while having an alcohol concentration  
24 of more than .02, and that the person submitted to  
25 chemical testing and the test results indicated an  
26 alcohol concentration of more than .02, the department  
27 shall revoke the person's motor vehicle license or  
28 nonresident operating privilege for a period of two  
29 hundred seventy days if the person is less than  
30 eighteen years of age, or for a period of thirty days  
31 if the person is at least eighteen years of age but  
32 less than twenty-one years of age.

33 The effective date of the revocation shall be  
34 twenty days after the receipt of notice of revocation  
35 to the person by certified mail. The peace officer  
36 who requested or directed the administration of the  
37 chemical test may, on behalf of the department, serve  
38 immediate notice of revocation on a person whose test  
39 results indicated an alcohol concentration of more  
40 than .02. If the peace officer serves that immediate  
41 notice, the peace officer shall take the person's Iowa  
42 license or permit, if any, and issue a temporary  
43 license valid only for twenty days. The peace officer  
44 shall immediately send the person's motor vehicle  
45 license to the department along with the officer's  
46 certificate indicating that the test results indicated  
47 an alcohol concentration of more than .02.

48 The results of a chemical test shall not be used as  
49 the basis for a revocation of a person's motor vehicle  
50 license or nonresident operating privilege if the

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1 alcohol concentration indicated by the chemical test  
2 minus the established margin of error inherent in the  
3 device or method used to conduct the chemical test.  
4 does not equal an alcohol concentration of more than  
5 .02.

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6 Sec. \_\_\_\_\_. NEW SECTION. 321L.11 HEARING ON  
 7 REVOCATION - APPEAL.

8 1. Notice of revocation of a person's motor  
 9 vehicle license or operating privilege served pursuant  
 10 to section 321L.8 or 321L.10 shall include a form  
 11 accompanied by a preaddressed envelope on which the  
 12 person served may indicate by a checkmark if the  
 13 person wishes to contest the revocation. The form  
 14 shall clearly state on its face that the form must be  
 15 completed and returned within thirty days of receipt  
 16 or the person's right to a hearing to contest the  
 17 revocation is foreclosed. The form shall also be  
 18 accompanied by a statement of the operation of and the  
 19 person's rights under this chapter.

20 2. The department shall grant the person an  
 21 opportunity to be heard within forty-five days of  
 22 receipt of a request for a hearing if the request is  
 23 made not later than thirty days after receipt of  
 24 notice of revocation served pursuant to section 321L.8  
 25 or 321L.10. The hearing shall be before the  
 26 department in the county where the alleged events  
 27 occurred, unless the director and the person agree  
 28 that the hearing may be held in some other county, or  
 29 the hearing may be held by telephone conference at the  
 30 discretion of the agency conducting the hearing. The  
 31 hearing may be recorded and its scope shall be limited  
 32 to the issues of whether a peace officer had  
 33 reasonable grounds to believe that the person was  
 34 operating a motor vehicle while having an alcohol  
 35 concentration of more than .02 and either of the  
 36 following:

37 a. Whether the person refused to submit to the  
 38 test or tests.

39 b. Whether a test was administered and the test  
 40 results indicated an alcohol concentration of more  
 41 than .02.

42 3. After the hearing the department shall order  
 43 that the revocation be either rescinded or sustained.  
 44 Upon receipt of the decision of the department to  
 45 sustain a revocation, the person contesting the  
 46 revocation has ten days to file a request for review  
 47 of the decision by the director. The director or the  
 48 director's designee shall review the decision within  
 49 fifteen days and shall either rescind or sustain the  
 50 revocation or order a new hearing. If the director

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1 orders a new hearing, the department shall grant the  
 2 person a new hearing within thirty days of the  
 3 director's order.

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4 Sec. \_\_\_\_\_. NEW SECTION. 321L.12 JUDICIAL REVIEW.

5 Judicial review of an action of the department may  
6 be sought in accordance with chapter 17A.

7 Notwithstanding the terms of the Iowa administrative  
8 procedure Act, chapter 17A, a petition for judicial  
9 review may be filed in the district court in the  
10 county where the alleged events occurred or in the  
11 county in which the administrative hearing was held.

12 Sec. \_\_\_\_\_. NEW SECTION. 321L.13 EVIDENCE IN ANY  
13 ACTION.

14 Upon the trial of a civil or criminal action or  
15 proceeding arising out of acts alleged to have been  
16 committed by a person while operating a motor vehicle  
17 while having an alcohol concentration of more than  
18 .02, evidence of the alcohol concentration in the  
19 person's body substances at the time of the act  
20 alleged as shown by a chemical analysis of the  
21 person's blood, breath, or urine is admissible. If it  
22 is established at trial that an analysis of a breath  
23 specimen was performed by a certified operator using a  
24 device and methods approved by the commissioner of  
25 public safety, no further foundation is necessary for  
26 introduction of the evidence.

27 Sec. \_\_\_\_\_. NEW SECTION. 321L.14 PROOF OF REFUSAL  
28 ADMISSIBLE.

29 If a person refuses to submit to a chemical test,  
30 proof of refusal is admissible in any civil or  
31 criminal action or proceeding arising out of acts  
32 alleged to have been committed while the person was  
33 operating a motor vehicle while having an alcohol  
34 concentration of more than .02.

35 Sec. \_\_\_\_\_. NEW SECTION. 321L.15 CIVIL PENALTY --  
36 SEPARATE FUND - REINSTATEMENT.

37 When the department revokes a person's motor  
38 vehicle license or nonresident operating privilege  
39 under this chapter, the department shall assess the  
40 person a civil penalty of one hundred dollars. The  
41 money collected by the department under this section  
42 shall be transmitted to the treasurer of state who  
43 shall deposit the money in a separate fund dedicated  
44 to and used for the purposes of chapter 912 and  
45 section 709.10. A motor vehicle license or  
46 nonresident operating privilege shall not be  
47 reinstated until the civil penalty has been paid.

48 Sec. \_\_\_\_\_. NEW SECTION. 321L.16 OTHER EVIDENCE.

49 This chapter does not limit the introduction of any  
50 competent evidence bearing on the question of whether

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1 a person was under the influence of an alcoholic  
2 beverage, including the results of chemical tests of

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3 specimens of blood, breath or urine obtained more than  
4 two hours after the person was operating a motor  
5 vehicle.

6 Sec. \_\_\_\_\_. NEW SECTION. 321L.17 INFORMATION  
7 RELAYED TO OTHER STATES.

8 When it has been finally determined under this  
9 chapter that a nonresident's privilege to operate a  
10 motor vehicle in this state has been revoked or  
11 denied, the department shall give information in  
12 writing of the action taken to the official in charge  
13 of traffic control or public safety of the state of  
14 the person's residence and of any state in which the  
15 person has a license.

16 Sec. \_\_\_\_\_. NEW SECTION. 321L.18 TEMPORARY  
17 RESTRICTED LICENSE PROHIBITED.

18 A person whose motor vehicle license has been  
19 revoked under this chapter is not eligible for a  
20 temporary restricted license during the period of  
21 revocation.

22 Sec. \_\_\_\_\_. NEW SECTION. 321L.19 DRIVING WHILE  
23 LICENSE DENIED OR REVOKED.

24 A person whose motor vehicle license or nonresident  
25 operating privilege has been denied or revoked as  
26 provided in this chapter and who drives a motor  
27 vehicle upon the highways of this state while the  
28 license or privilege is denied or revoked commits a  
29 serious misdemeanor. The department, upon receiving  
30 the record of the conviction of a person under this  
31 section upon a charge of driving a motor vehicle while  
32 the license of the person was revoked or denied, shall  
33 extend the period of revocation or denial for an  
34 additional like period, and the department shall not  
35 issue a new license during the additional period."

36 4. Page 36, by striking lines 16 through 20 and  
37 inserting the following:

38 "The Code editor shall redesignate chapter 321L, as  
39 enacted in this Act, in a new or different chapter so  
40 that this chapter does not conflict with chapter 321L,  
41 as enacted during the 1989 Session of the General  
42 Assembly and as it appears in the 1989 Code  
43 Supplement."

44 5. By renumbering as necessary.

Garman of Story asked and received unanimous consent to with-  
draw amendment H-6013A.

Diemer of Black Hawk offered the following amendment H-6035  
filed by Diemer, et al.:

H-6035

1 Amend Senate File 2413, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 20, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 260.6, Code Supplement 1989, is  
6 amended by adding the following new unnumbered  
7 paragraph:

8 **NEW UNNUMBERED PARAGRAPH.** A practitioner's license  
9 shall be revoked upon the conviction of the  
10 practitioner for the crime or crimes of possession,  
11 manufacture, or sale of a controlled substance under  
12 sections 204.401 through 204.413."

13 2. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment H-6035 was not germane.

The Speaker ruled the point well taken and amendment H-6035 not germane.

McKean of Jones offered the following amendment H-6009 filed by him and Hermann of Scott and moved its adoption:

H-6009

1 Amend Senate File 2413, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 12, by striking lines 21 through 26 and  
4 inserting the following:

5 "Sec. \_\_\_\_\_. **NEW SECTION. 321L.1 DEFINITIONS.**

6 As used in this chapter unless the context  
7 otherwise requires:

8 1. "Alcohol concentration" means the number of  
9 grams of alcohol per any of the following:

- 10 a. One hundred milliliters of blood.  
11 b. Two hundred ten liters of breath.  
12 c. Sixty-seven milliliters of urine.

13 2. "Alcoholic beverage" includes alcohol, wine,  
14 spirits, beer, or any other beverage which contains  
15 ethyl alcohol and is fit for human consumption.

16 3. "Arrest" includes but is not limited to taking  
17 into custody pursuant to section 232.19.

18 4. "Department" means the state department of  
19 transportation.

20 5. "Director" means the director of transportation  
21 or the director's designee.

22 6. "Motor vehicle license" means any license or  
23 permit issued to a person to operate a motor vehicle  
24 in this state, including but not limited to an  
25 operator, chauffeur, or motorized bicycle license and  
26 an instruction or temporary permit.

- 27 7. "Peace officer" means:  
 28 a. A member of the highway patrol.  
 29 b. A police officer under civil service as  
 30 provided in chapter 400.  
 31 c. A sheriff.  
 32 d. A regular deputy sheriff who has had formal  
 33 police training.  
 34 e. Any other law enforcement officer who has  
 35 satisfactorily completed an approved course relating  
 36 to motor vehicle operators under the influence of  
 37 alcoholic beverages at the Iowa law enforcement  
 38 academy or a law enforcement training program approved  
 39 by the department of public safety.
- 40 8. "Serious injury" means a bodily injury which  
 41 creates a substantial risk of death, or which causes  
 42 serious permanent disfigurement, or which causes  
 43 protracted loss or impairment of the function of any  
 44 bodily organ or major bodily member, or which causes  
 45 the loss of any bodily member."
- 46 2. Page 12, line 27, by striking the figure  
 47 "321L.1" and inserting the following: "321L.1A".
- 48 3. Page 12, line 32, by striking the figure  
 49 "321J.2" and inserting the following: "321L.2A".
- 50 4. Page 13, by inserting after line 28 the

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- 1 following:
- 2 "Sec. \_\_\_\_\_. NEW SECTION. 321L.2A OPERATING WHILE  
 3 UNDER THE INFLUENCE OF ALCOHOL OR A DRUG OR WHILE  
 4 HAVING AN ALCOHOL CONCENTRATION OF .08 OR MORE. (OWI)
- 5 1. A person commits the offense of operating while  
 6 intoxicated if the person operates a motor vehicle in  
 7 this state in either of the following conditions:  
 8 a. While under the influence of an alcoholic  
 9 beverage or other drug or a combination of such  
 10 substances.
- 11 b. While having an alcohol concentration as  
 12 defined in section 321L.2 of .08 or more.
- 13 2. A person who violates this section commits:  
 14 a. A serious misdemeanor for the first offense and  
 15 shall be imprisoned in the county jail for not less  
 16 than forty-eight hours to be served as ordered by the  
 17 court, less credit for any time the person was  
 18 confined in a jail or detention facility following  
 19 arrest, and assessed a fine of not less than five  
 20 hundred dollars nor more than one thousand dollars.  
 21 As an alternative to a portion or all of the fine, the  
 22 court may order the person to perform not more than  
 23 two hundred hours of unpaid community service. The  
 24 court may accommodate the sentence to the work  
 25 schedule of the defendant.

26 b. An aggravated misdemeanor for a second offense  
27 and shall be imprisoned in the county jail or  
28 community-based correctional facility not less than  
29 seven days, which minimum term cannot be suspended  
30 notwithstanding section 901.5, subsection 3 and  
31 section 907.3, subsection 3, and assessed a fine of  
32 not less than seven hundred fifty dollars.

33 c. A class "D" felony for a third offense and each  
34 subsequent offense and shall be imprisoned in the  
35 county jail for a determinate sentence of not more  
36 than one year but not less than thirty days, or  
37 committed to the custody of the director of the  
38 department of corrections, and assessed a fine of not  
39 less than seven hundred fifty dollars. The minimum  
40 jail term of thirty days cannot be suspended  
41 notwithstanding section 901.5, subsection 3, and  
42 section 907.3, subsection 3, however, the person  
43 sentenced shall receive credit for any time the person  
44 was confined in a jail or detention facility following  
45 arrest. If a person is committed to the custody of  
46 the director of the department of corrections pursuant  
47 to this paragraph and the sentence is suspended, the  
48 sentencing court shall order that the offender serve  
49 the thirty-day minimum term in the county jail. If  
50 the sentence which commits the person to the custody

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1 of the director of the department of corrections is  
2 later imposed by the court, all time served in a  
3 county jail toward the thirty-day minimum term shall  
4 count as time served toward the sentence which  
5 committed the person to the custody of the director of  
6 the department of corrections. A person convicted of  
7 a second or subsequent offense shall be ordered to  
8 undergo a substance abuse evaluation prior to  
9 sentencing. If a person is convicted of a third or  
10 subsequent offense or if the evaluation recommends  
11 treatment, the offender may be committed to the  
12 custody of the director of the department of  
13 corrections, who, if the sentence is not suspended,  
14 shall assign the person to a facility pursuant to  
15 section 246.513 or the offender may be committed to  
16 treatment in the community under the provisions of  
17 section 907.6.

18 3. No conviction for, deferred judgment for, or  
19 plea of guilty to, a violation of this section which  
20 occurred more than six years prior to the date of the  
21 violation charged shall be considered in determining  
22 that the violation charged is a second, third, or  
23 subsequent offense. For the purpose of determining if  
24 a violation charged is a second, third, or subsequent

25 offense, deferred judgments pursuant to section 907.3  
26 for violations of this section and convictions or the  
27 equivalent of deferred judgments for violations in any  
28 other states under statutes substantially  
29 corresponding to this section shall be counted as  
30 previous offenses. The courts shall judicially notice  
31 the statutes of other states which define offenses  
32 substantially equivalent to the one defined in this  
33 section and can therefore be considered corresponding  
34 statutes. Each previous violation shall be considered  
35 a separate previous offense without regard to whether  
36 each was complete as to commission and conviction or  
37 deferral of judgment following or prior to any other  
38 previous violation.

39 4. A person shall not be convicted and sentenced  
40 for more than one violation of this section if the  
41 violation is shown to have been committed by either or  
42 both of the means described in subsection 1 in the  
43 same occurrence.

44 5. The clerk of court shall immediately certify to  
45 the department a true copy of each order entered with  
46 respect to deferral of judgment, deferral of sentence  
47 or pronouncement of judgment and sentence for a  
48 defendant under this section.

49 6. This section does not apply to a person  
50 operating a motor vehicle while under the influence of

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1 a drug if the substance was prescribed for the person  
2 and was taken under the prescription and in accordance  
3 with the directions of a medical practitioner as  
4 defined in chapter 155A, if there is no evidence of  
5 the consumption of alcohol and the medical  
6 practitioner had not directed the person to refrain  
7 from operating a motor vehicle.

8 7. In any prosecution under this section, evidence  
9 of the results of analysis of a specimen of the  
10 defendant's blood, breath, or urine is admissible upon  
11 proof of a proper foundation. The alcohol  
12 concentration established by the results of an  
13 analysis of a specimen of the defendant's blood,  
14 breath, or urine withdrawn within two hours after the  
15 defendant was driving or in physical control of a  
16 motor vehicle is presumed to be the alcohol  
17 concentration at the time of driving or being in  
18 physical control of the motor vehicle.

19 8. The court shall order a defendant convicted of  
20 or receiving a deferred judgment for a violation of  
21 this section to make restitution, in an amount not to  
22 exceed two thousand dollars, for damages resulting  
23 directly from the violation. An amount paid pursuant

24 to this restitution order shall be credited toward any  
25 adverse judgment in a subsequent civil proceeding  
26 arising from the same occurrence. However, other than  
27 establishing a credit, a restitution proceeding  
28 pursuant to this section shall not be given  
29 evidentiary or preclusive effect in a subsequent civil  
30 proceeding arising from the same occurrence.

31 9. In any prosecution under this section, the  
32 results of a chemical test may not be used to prove a  
33 violation of paragraph "b" of subsection 1 if the  
34 alcohol concentration indicated by the chemical test  
35 minus the established margin of error inherent in the  
36 device or method used to conduct the chemical test  
37 does not equal an alcohol concentration of .08 or  
38 more.

39 Sec. \_\_\_\_\_. NEW SECTION. 321L.3 COURT ORDERED  
40 SUBSTANCE ABUSE EVALUATION OR TREATMENT.

41 1. On a conviction for a violation of section  
42 321L.2A, the court may order the defendant to attend a  
43 course for drinking drivers under section 321L.22. If  
44 the defendant submitted to a chemical test on arrest  
45 for the violation of section 321L.2A and the test  
46 indicated an alcohol concentration of .20 or higher,  
47 or if the defendant is charged with a second or  
48 subsequent offense, the court shall order the  
49 defendant, on conviction, to undergo a substance abuse  
50 evaluation and the court may order the defendant to

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1 follow the recommendations proposed in the substance  
2 abuse evaluation for appropriate substance abuse  
3 treatment for the defendant. Court-ordered substance  
4 abuse treatment is subject to the periodic reporting  
5 requirements of section 125.86. If a defendant is  
6 committed by the court to a substance abuse treatment  
7 facility, the administrator of the facility shall  
8 report to the court when it is determined that the  
9 defendant has received the maximum benefit of  
10 treatment at the facility and the defendant shall be  
11 released from the facility. The time for which the  
12 defendant is committed for treatment shall be credited  
13 against the defendant's sentence. The court may  
14 prescribe the length of time for the evaluation and  
15 treatment or it may request that the area school  
16 conducting the course for drinking drivers which the  
17 person is ordered to attend or the treatment program  
18 to which the person is committed immediately report to  
19 the court when the person has received maximum benefit  
20 from the course for drinking drivers or treatment  
21 program or has recovered from the person's addiction,  
22 dependency, or tendency to chronically abuse alcohol

23 or drugs. A person committed under this section who  
 24 does not possess sufficient income or estate to make  
 25 payment of the costs of the treatment in whole or in  
 26 part shall be considered a state patient and the costs  
 27 of treatment shall be paid as provided in section  
 28 125.44. A defendant who fails to carry out the order  
 29 of the court or who fails to successfully complete or  
 30 attend a course for drinking drivers or an ordered  
 31 substance abuse treatment program shall be confined in  
 32 the county jail for twenty days in addition to any  
 33 other imprisonment ordered by the court or may be  
 34 ordered to perform unpaid community service work, and  
 35 shall be placed on probation for one year with a  
 36 violation of this probation punishable as contempt of  
 37 court.

38 2. As a condition of a suspended sentence or  
 39 portion of sentence for a second, third, or subsequent  
 40 offense in violation of section 321L.2A, the court  
 41 upon hearing may commit the defendant for inpatient  
 42 treatment of alcoholism or drug addiction or  
 43 dependency to any hospital, institution, or community  
 44 correctional facility in Iowa providing such  
 45 treatment. The time for which the defendant is  
 46 committed for treatment shall be credited against the  
 47 defendant's sentence. The court may prescribe the  
 48 length of time for the evaluation and treatment or it  
 49 may request that the hospital to which the person is  
 50 committed immediately report to the court when the

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1 person has received maximum benefit from the program  
 2 of the hospital or institution or has recovered from  
 3 the person's addiction, dependency, or tendency to  
 4 chronically abuse alcohol or drugs. A person  
 5 committed under this section who does not possess  
 6 sufficient income or estate to make payment of the  
 7 costs of the treatment in whole or in part shall be  
 8 considered a state patient and the costs of treatment  
 9 shall be paid as provided in section 125.44.

10 Sec. \_\_\_\_\_. **NEW SECTION. 321L.4 REVOCATION OF**  
 11 **LICENSE – IGNITION INTERLOCK DEVICES – CONDITIONAL**  
 12 **TEMPORARY RESTRICTED LICENSE.**

13 1. If a defendant is convicted of a violation of  
 14 section 321L.2A and the defendant's motor vehicle  
 15 license or nonresident operating privilege has not  
 16 been revoked under section 321L.9 or 321L.12 for the  
 17 occurrence from which the arrest arose, the department  
 18 shall revoke the defendant's motor vehicle license or  
 19 nonresident operating privilege for one hundred eighty  
 20 days if the defendant has had no previous conviction  
 21 under section 321L.2A or revocation under section

22 321L.9 or 321L.12 within the previous six years and  
23 for one year if the defendant has had one or more  
24 previous convictions or revocations under those  
25 sections within the previous six years.

26 2. If the court defers judgment pursuant to  
27 section 907.3 for a violation of section 321L.2A, the  
28 court shall order the department to revoke the  
29 defendant's motor vehicle license or nonresident  
30 operating privilege for a period of not less than  
31 thirty days nor more than ninety days if the  
32 defendant's motor vehicle license or nonresident  
33 operating privilege has not been revoked under section  
34 321L.9 or 321L.12 for the occurrence from which the  
35 arrest arose. The court shall immediately require the  
36 defendant to surrender to it all Iowa licenses or  
37 permits held by the defendant, which the court shall  
38 forward to the department with a copy of the order  
39 deferring judgment.

40 3. a. Upon a plea or verdict of guilty of a third  
41 or subsequent violation of section 321L.2A, the court  
42 shall order the department to revoke the defendant's  
43 motor vehicle license or nonresident operating  
44 privilege for a period of six years. The court shall  
45 require the defendant to surrender to it all Iowa  
46 licenses or permits held by the defendant, which the  
47 court shall forward to the department with a copy of  
48 the order for revocation.

49 b. After two years from the date of the order for  
50 revocation, the defendant may apply to the court for

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1 restoration of the defendant's eligibility for a motor  
2 vehicle license. The application may be granted only  
3 if all of the following are shown by the defendant by  
4 a preponderance of the evidence:

5 (1) The defendant has completed an evaluation and,  
6 if recommended by the evaluation, a program of  
7 treatment for chemical dependency and is recovering,  
8 or has substantially recovered, from that dependency  
9 on or tendency to abuse alcohol or drugs.

10 (2) The defendant has not been convicted, since  
11 the date of the revocation order, of any subsequent  
12 violations of section 321L.2A or 123.46, or any  
13 comparable city or county ordinance, and the defendant  
14 has not, since the date of the revocation order,  
15 submitted to a chemical test under this chapter that  
16 indicated an alcohol concentration as defined in  
17 section 321L.1 of .08 or more, or refused to submit to  
18 chemical testing under this chapter.

19 (3) The defendant has abstained from the excessive  
20 consumption of alcoholic beverages and the consumption

21 of controlled substances, except at the direction of a  
22 licensed physician or pursuant to a valid  
23 prescription.

24 (4) The defendant's motor vehicle license is not  
25 currently subject to suspension or revocation for any  
26 other reason.

27 c. The court shall forward to the department a  
28 record of any application submitted under paragraph  
29 "b" and the results of the court's disposition of the  
30 application.

31 4. Upon a plea or verdict of guilty of a violation  
32 of section 321L.2A which involved a personal injury,  
33 the court shall determine in open court, from  
34 consideration of the information in the file and any  
35 other evidence the parties may submit, whether a  
36 serious injury was sustained by any person other than  
37 the defendant and, if so, whether the defendant's  
38 conduct in violation of section 321L.2A caused the  
39 serious injury. If the court so determines, the court  
40 shall order the department to revoke the defendant's  
41 motor vehicle license or nonresident operating  
42 privilege for a period of one year in addition to any  
43 other period of suspension or revocation. The  
44 defendant shall surrender to the court any Iowa  
45 license or permit and the court shall forward it to  
46 the department with a copy of the order for  
47 revocation.

48 5. Upon a plea or verdict of guilty of a violation  
49 of section 321L.2A which involved a death, the court  
50 shall determine in open court, from consideration of

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1 the information in the file and any other evidence the  
2 parties may submit, whether a death occurred and, if  
3 so, whether the defendant's conduct in violation of  
4 section 321L.2A caused the death. If the court so  
5 determines, the court shall order the department to  
6 revoke the defendant's motor vehicle license or  
7 nonresident operating privilege for a period of six  
8 years. The defendant shall surrender to the court any  
9 Iowa license or permit and the court shall forward it  
10 to the department with a copy of the order for  
11 revocation.

12 6. If a license or permit to operate a motor  
13 vehicle is revoked or denied under this section or  
14 section 321L.9 or 321L.12, the period of revocation or  
15 denial shall be the period provided for such a  
16 revocation or until the defendant reaches the age of  
17 eighteen whichever period is longer.

18 7. On a conviction for or as a condition of a  
19 deferred judgment for a violation of section 321L.2A,

20 the court may order the defendant to install ignition  
21 interlock devices of a type approved by the  
22 commissioner of public safety on all motor vehicles  
23 owned or operated by the defendant which, without  
24 tampering or the intervention of another person, would  
25 prevent the defendant from operating the motor vehicle  
26 with an alcohol concentration greater than a level set  
27 by rule of the commissioner of public safety. The  
28 commissioner of public safety shall adopt rules to  
29 approve certain ignition interlock devices and the  
30 means of installation of the devices, and shall  
31 establish the level of alcohol concentration beyond  
32 which an ignition interlock device will not allow  
33 operation of the motor vehicle in which it is  
34 installed. The order shall remain in effect for a  
35 period of time as determined by the court which shall  
36 not exceed the maximum term of imprisonment which the  
37 court could have imposed according to the nature of  
38 the violation. While the order is in effect, the  
39 defendant shall not operate a motor vehicle which does  
40 not have an approved ignition interlock device  
41 installed. If the defendant's motor vehicle license  
42 or nonresident operating privilege has been revoked,  
43 the department shall not issue a temporary permit or a  
44 motor vehicle license to the person without  
45 certification that approved ignition interlock devices  
46 have been installed in all motor vehicles owned or  
47 operated by the defendant while the order is in  
48 effect. A defendant who fails within a reasonable  
49 time to comply with an order to install an approved  
50 ignition interlock device may be declared in contempt

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1 of court and punished accordingly. A person who  
2 tampers with or circumvents an ignition interlock  
3 device installed under a court order while an order is  
4 in effect commits a serious misdemeanor.

5 8. A person whose motor vehicle license has been  
6 revoked under this chapter and who is not eligible for  
7 a temporary restricted license under this chapter may  
8 petition the court for an order to the department to  
9 require the department to issue a temporary restricted  
10 license to the person. The court shall determine if  
11 the temporary restricted license is necessary for the  
12 person to maintain the person's present employment.  
13 If the court determines that the temporary restricted  
14 license is necessary for the person to maintain the  
15 person's present employment, the court shall order the  
16 department to issue to the person a temporary  
17 restricted license conditioned upon the person's  
18 certification to the court of the installation of

19 approved ignition interlock devices in all motor  
20 vehicles that it is necessary for the person to  
21 operate to maintain the person's present employment.  
22 If the person operates a motor vehicle which does not  
23 have an approved ignition interlock device or if the  
24 person tampers with or circumvents an ignition  
25 interlock device, in addition to other penalties  
26 provided, the person's temporary restricted license  
27 shall be revoked.

28 Sec. \_\_\_\_\_. NEW SECTION. 321L.5 PRELIMINARY  
29 SCREENING TEST.

30 When a peace officer has reasonable grounds to  
31 believe that a motor vehicle operator may be violating  
32 or has violated section 321L.2A, or the operator has  
33 been involved in a motor vehicle collision resulting  
34 in injury or death, the peace officer may request the  
35 operator to provide a sample of the operator's breath  
36 for a preliminary screening test using a device  
37 approved by the commissioner of public safety for that  
38 purpose. The results of this preliminary screening  
39 test may be used for the purpose of deciding whether  
40 an arrest should be made and whether to request a  
41 chemical test authorized in this chapter, but shall  
42 not be used in any court action except to prove that a  
43 chemical test was properly requested of a person  
44 pursuant to this chapter.

45 Sec. \_\_\_\_\_. NEW SECTION. 321L.6 IMPLIED CONSENT TO  
46 TEST.

47 1. A person who operates a motor vehicle in this  
48 state under circumstances which give reasonable  
49 grounds to believe that the person has been operating  
50 a motor vehicle in violation of section 321L.2A is

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1 deemed to have given consent to the withdrawal of  
2 specimens of the person's blood, breath, or urine and  
3 to a chemical test or tests of the specimens for the  
4 purpose of determining the alcohol concentration or  
5 presence of drugs, subject to this section. The  
6 withdrawal of the body substances and the test or  
7 tests shall be administered at the written request of  
8 a peace officer having reasonable grounds to believe  
9 that the person was operating a motor vehicle in  
10 violation of section 321L.2A, and if any of the  
11 following conditions exist:

- 12 a. A peace officer has lawfully placed the person  
13 under arrest for violation of section 321L.2A.
- 14 b. The person has been involved in a motor vehicle  
15 accident or collision resulting in personal injury or  
16 death.

17 c. The person has refused to take a preliminary  
18 breath screening test provided by this chapter.

19 d. The preliminary breath screening test was  
20 administered and it indicated an alcohol concentration  
21 as defined in section 321L.1 of .08 or more.

22 e. The preliminary breath screening test was  
23 administered and it indicated an alcohol concentration  
24 of less than .08 and the peace officer has reasonable  
25 grounds to believe that the person was under the  
26 influence of a drug other than alcohol or a  
27 combination of alcohol and another drug.

28 2. The peace officer shall determine which of the  
29 three substances, breath, blood, or urine, shall be  
30 tested. Refusal to submit to a chemical test of urine  
31 or breath is deemed a refusal to submit, and section  
32 321L.9 applies. A refusal to submit to a chemical  
33 test of blood is not deemed a refusal to submit, but  
34 in that case, the peace officer shall then determine  
35 which one of the other two substances shall be tested  
36 and shall offer the test. If the peace officer fails  
37 to offer a test within two hours after the preliminary  
38 screening test is administered or refused or the  
39 arrest is made, whichever occurs first, a test is not  
40 required, and there shall be no revocation under  
41 section 321L.9.

42 3. Notwithstanding subsection 2, if the peace  
43 officer has reasonable grounds to believe that the  
44 person was under the influence of a drug other than  
45 alcohol or a combination of alcohol and another drug,  
46 a urine test may be required even after a blood or  
47 breath test has been administered. Section 321L.9  
48 applies to a refusal to submit to a chemical test of  
49 urine requested under this subsection.

50 Sec. \_\_\_\_\_. NEW SECTION. 321L.7 DEAD OR

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1 UNCONSCIOUS PERSONS.

2 A person who is dead, unconscious, or otherwise in  
3 a condition rendering the person incapable of consent  
4 or refusal is deemed not to have withdrawn the consent  
5 provided by section 321L.6, and the test may be given  
6 if a licensed physician certifies in advance of the  
7 test that the person is dead, unconscious, or  
8 otherwise in a condition rendering that person  
9 incapable of consent or refusal.

10 Sec. \_\_\_\_\_. NEW SECTION. 321L.8 STATEMENT OF  
11 OFFICER.

12 A person who has been requested to submit to a  
13 chemical test shall be advised by a peace officer of  
14 the following:

15 1. If the person refuses to submit to the test,  
16 the person's license or operating privilege will be  
17 revoked by the department for the applicable period  
18 under section 321L.9.

19 2. If the person submits to the test and the  
20 results indicate an alcohol concentration as defined  
21 in section 321L.1 of .08 or more, the person's license  
22 or operating privilege will be revoked by the  
23 department for the applicable period under section  
24 321L.12.

25 This section does not apply in any case involving a  
26 person described in section 321L.7.

27 Sec. \_\_\_\_\_. NEW SECTION. 321L.9 REFUSAL TO SUBMIT  
28 — REVOCATION.

29 If a person refuses to submit to the chemical  
30 testing, a test shall not be given, but the  
31 department, upon the receipt of the peace officer's  
32 certification, subject to penalty for perjury, that  
33 the officer had reasonable grounds to believe the  
34 person to have been operating a motor vehicle in  
35 violation of section 321L.2A, that specified  
36 conditions existed for chemical testing pursuant to  
37 section 321L.6, and that the person refused to submit  
38 to the chemical testing, shall revoke the person's  
39 motor vehicle license and any nonresident operating  
40 privilege for a period of two hundred forty days if  
41 the person has no previous revocation within the  
42 previous six years under this chapter; and five  
43 hundred forty days if the person has one or more  
44 previous revocations within the previous six years  
45 under this chapter; or if the person is a resident  
46 without a license or permit to operate a motor vehicle  
47 in this state, the department shall deny to the person  
48 the issuance of a license or permit for the same  
49 period a license or permit would be revoked, subject  
50 to review as provided in this chapter. The effective

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1 date of revocation shall be twenty days after the  
2 department has mailed notice of revocation to the  
3 person by certified mail or, on behalf of the  
4 department, a peace officer offering or directing the  
5 administration of a chemical test may serve immediate  
6 notice of intention to revoke and of revocation on a  
7 person who refuses to permit chemical testing. If the  
8 peace officer serves that immediate notice, the peace  
9 officer shall take the Iowa license or permit of the  
10 driver, if any, and issue a temporary license  
11 effective for only twenty days. The peace officer  
12 shall immediately send the person's license to the  
13 department along with the officer's certificate

14 indicating the person's refusal to submit to chemical  
15 testing.  
16 Sec. \_\_\_\_\_. NEW SECTION. 321L.10 TESTS PURSUANT TO  
17 WARRANTS.

18 1. Refusal to consent to a test under section  
19 321L.6 does not prohibit the withdrawal of a specimen  
20 for chemical testing pursuant to a search warrant  
21 issued in the investigation of a suspected violation  
22 of section 707.5 if all of the following grounds  
23 exist:

24 a. A traffic accident has resulted in a death or  
25 personal injury reasonably likely to cause death.  
26 b. There are reasonable grounds to believe that  
27 one or more of the persons whose driving may have been  
28 the proximate cause of the accident was violating  
29 section 321L.2A at the time of the accident.

30 2. Search warrants may be issued under this  
31 section in full compliance with chapter 808 or they  
32 may be issued under subsection 3.

33 3. Notwithstanding section 808.3, the issuance of  
34 a search warrant under this section may be based upon  
35 sworn oral testimony communicated by telephone if the  
36 magistrate who is asked to issue the warrant is  
37 satisfied that the circumstances make it reasonable to  
38 dispense with a written affidavit. The following  
39 shall then apply:

40 a. When a caller applies for the issuance of a  
41 warrant under this section and the magistrate becomes  
42 aware of the purpose of the call, the magistrate shall  
43 place under oath the person applying for the warrant.

44 b. The person applying for the warrant shall  
45 prepare a duplicate warrant and read the duplicate  
46 warrant, verbatim, to the magistrate who shall enter,  
47 verbatim, what is read to the magistrate on a form  
48 that will be considered the original warrant. The  
49 magistrate may direct that the warrant be modified.

50 c. The oral application testimony shall set forth

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1 facts and information tending to establish the  
2 existence of the grounds for the warrant and shall  
3 describe with a reasonable degree of specificity the  
4 person or persons whose driving is believed to have  
5 been the proximate cause of the accident and from whom  
6 a specimen is to be withdrawn and the location where  
7 the withdrawal of the specimen or specimens is to take  
8 place.

9 d. If a voice recording device is available, the  
10 magistrate may record by means of that device all of  
11 the call after the magistrate becomes aware of the  
12 purpose of the call. Otherwise, the magistrate shall

13 cause a stenographic or longhand memorandum to be made  
14 of the oral testimony of the person applying for the  
15 warrant.

16 e. If the magistrate is satisfied from the oral  
17 testimony that the grounds for the warrant exist or  
18 that there is probable cause to believe that they  
19 exist, the magistrate shall order the issuance of the  
20 warrant by directing the person applying for the  
21 warrant to sign the magistrate's name on the duplicate  
22 warrant. The magistrate shall immediately sign the  
23 original warrant and enter on its face the exact time  
24 when the issuance was ordered.

25 f. The person who executes the warrant shall enter  
26 the time of execution on the face of the duplicate  
27 warrant.

28 g. The magistrate shall cause any record of the  
29 call made by means of a voice recording device to be  
30 transcribed, shall certify the accuracy of the  
31 transcript, and shall file the transcript and the  
32 original record with the clerk. If a stenographic or  
33 longhand memorandum was made of the oral testimony of  
34 the person who applied for the warrant, the magistrate  
35 shall file a signed copy with the clerk.

36 h. The clerk of court shall maintain the original  
37 and duplicate warrants along with the record of the  
38 telephone call and any transcript or memorandum made  
39 of the call in a confidential file until a charge, if  
40 any, is filed.

41 4. Search warrants issued under this section shall  
42 authorize and direct peace officers to secure the  
43 withdrawal of blood specimens by medical personnel  
44 under section 321L.11. Reasonable care shall be  
45 exercised to ensure the health and safety of the  
46 persons from whom specimens are withdrawn in execution  
47 of the warrants. If a person from whom a specimen is  
48 to be withdrawn objects to the withdrawal of blood,  
49 and the person is capable of giving a specimen of  
50 breath, and a direct breath testing instrument is

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1 readily available, the warrant may be executed by the  
2 withdrawal of a specimen of breath for chemical  
3 testing.

4 5. The act of any person knowingly resisting or  
5 obstructing the withdrawal of a specimen pursuant to a  
6 search warrant issued under this section constitutes a  
7 contempt punishable by a fine not exceeding one  
8 thousand dollars or imprisonment in a county jail not  
9 exceeding one year or by both such fine and  
10 imprisonment. Also, if the withdrawal of a specimen  
11 is so resisted or obstructed, sections 321L.9 and  
12 321L.16 apply.

13 6. Nonsubstantive variances between the contents  
 14 of the original and duplicate warrants shall not cause  
 15 a warrant issued under subsection 3 of this section to  
 16 be considered invalid.

17 7. Specimens obtained pursuant to warrants issued  
 18 under this section are not subject to disposition  
 19 under section 808.9 or chapter 809.

20 8. Subsections 1 to 7 of this section do not apply  
 21 where a test may be administered under section 321L.7.

22 9. Medical personnel who use reasonable care and  
 23 accepted medical practices in withdrawing blood  
 24 specimens are immune from liability for their actions  
 25 in complying with requests made of them pursuant to  
 26 search warrants or pursuant to section 321L.11.

27 Sec. \_\_\_\_\_. NEW SECTION. 321L.11 TAKING SAMPLE FOR  
 28 TEST.

29 Only a licensed physician, licensed physician  
 30 assistant as defined in section 148C.1, medical  
 31 technologist, or registered nurse, acting at the  
 32 request of a peace officer, may withdraw a specimen of  
 33 blood for the purpose of determining the alcohol  
 34 concentration or the presence of drugs. However, any  
 35 peace officer, using devices and methods approved by  
 36 the commissioner of public safety, may take a specimen  
 37 of a person's breath or urine for the purpose of  
 38 determining the alcohol concentration or the presence  
 39 of drugs. Only new equipment kept under strictly  
 40 sanitary and sterile conditions shall be used for  
 41 drawing blood.

42 The person may have an independent chemical test or  
 43 tests administered at the person's own expense in  
 44 addition to any administered at the direction of a  
 45 peace officer. The failure or inability of the person  
 46 to obtain an independent chemical test or tests does  
 47 not preclude the admission of evidence of the results  
 48 of the test or tests administered at the direction of  
 49 the peace officer. Upon the request of the person who  
 50 is tested, the results of the test or tests

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1 administered at the direction of the peace officer  
 2 shall be made available to the person.

3 Sec. \_\_\_\_\_. NEW SECTION. 321L.12 TEST RESULT  
 4 REVOCATION.

5 Upon certification, subject to penalty for perjury,  
 6 by the peace officer that there existed reasonable  
 7 grounds to believe that the person had been operating  
 8 a motor vehicle in violation of section 321L.2A, that  
 9 there existed one or more of the necessary conditions  
 10 for chemical testing described in section 321L.6,  
 11 subsection 1, and that the person submitted to

12 chemical testing and the test results indicated an  
13 alcohol concentration as defined in section 321L.1 of  
14 .08 or more, the department shall revoke the person's  
15 motor vehicle license or nonresident operating  
16 privilege for a period of one hundred eighty days if  
17 the person has had no revocation within the previous  
18 six years under this chapter, and one year if the  
19 person has had one or more previous revocations within  
20 the previous six years under this chapter.

21 The effective date of the revocation shall be  
22 twenty days after the department has mailed notice of  
23 revocation to the person by certified mail. The peace  
24 officer who requested or directed the administration  
25 of the chemical test may, on behalf of the department,  
26 serve immediate notice of revocation on a person whose  
27 test results indicated an alcohol concentration of .08  
28 or more.

29 If the peace officer serves that immediate notice,  
30 the peace officer shall take the person's Iowa license  
31 or permit, if any, and issue a temporary license valid  
32 only for twenty days. The peace officer shall  
33 immediately send the person's driver's license to the  
34 department along with the officer's certificate  
35 indicating that the test results indicated an alcohol  
36 concentration of .08 or more.

37 The results of a chemical test may not be used as  
38 the basis for a revocation of a person's motor vehicle  
39 license or nonresident operating privilege if the  
40 alcohol concentration indicated by the chemical test  
41 minus the established margin of error inherent in the  
42 device or method used to conduct the chemical test  
43 does not equal an alcohol concentration of .08 or  
44 more.

45 Sec. \_\_\_\_\_. NEW SECTION. 321L.13 HEARING ON  
46 REVOCATION - APPEAL.

47 1. Notice of revocation of a person's motor  
48 vehicle license or operating privilege served pursuant  
49 to section 321L.9 or 321L.12 shall include a form  
50 accompanied by a preaddressed envelope on which the

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1 person served may indicate by a checkmark if the  
2 person wishes to request a temporary restricted  
3 license only or if the person wishes a hearing to  
4 contest the revocation. The form shall clearly state  
5 on its face that the form must be completed and  
6 returned within thirty days of receipt or the person's  
7 right to a hearing to contest the revocation is  
8 foreclosed. The form shall also be accompanied by a  
9 statement of the operation of and the person's rights  
10 under this chapter.

11 2. The department shall grant the person an  
12 opportunity to be heard within forty-five days of  
13 receipt of a request for a hearing if the request is  
14 made not later than thirty days after receipt of  
15 notice of revocation served pursuant to section 321L.9  
16 or 321L.12. The hearing shall be before the  
17 department in the county where the alleged events  
18 occurred, unless the director and the person agree  
19 that the hearing may be held in some other county, or  
20 the hearing may be held by telephone conference at the  
21 discretion of the agency conducting the hearing. The  
22 hearing may be recorded and its scope shall be limited  
23 to the issues of whether a peace officer had  
24 reasonable grounds to believe that the person was  
25 operating a motor vehicle in violation of section  
26 321L.2 and either of the following:

27 a. Whether the person refused to submit to the  
28 test or tests.  
29 b. Whether a test was administered and the test  
30 results indicated an alcohol concentration as defined  
31 in section 321L.1 of .08 or more.

32 3. After the hearing the department shall order  
33 that the revocation be either rescinded or sustained.  
34 If the revocation is sustained, the administrative law  
35 judge who conducted the hearing may issue a temporary  
36 restricted license to the person whose motor vehicle  
37 license or operating privilege was revoked. Upon  
38 receipt of the decision of the department to sustain a  
39 revocation, the person contesting the revocation has  
40 ten days to file a request for review of the decision  
41 by the director. The director or the director's  
42 designee shall review the decision within fifteen days  
43 and shall either rescind or sustain the revocation or  
44 order a new hearing. If the director orders a new  
45 hearing, the department shall grant the person a new  
46 hearing within thirty days of the director's order.

47 4. A person whose motor vehicle license or  
48 operating privilege has been or is being revoked under  
49 section 321L.9 or 321L.12 may reopen a department  
50 hearing on the revocation if the person submits a

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1 petition stating that new evidence has been discovered  
2 which provides grounds for rescission of the  
3 revocation, or prevail at the hearing to rescind the  
4 revocation, if the person submits a petition stating  
5 that a criminal action on a charge of a violation of  
6 section 321L.2A filed as a result of the same  
7 circumstances which resulted in the revocation has  
8 resulted in a decision in which the court has held  
9 that the peace officer did not have reasonable grounds

10 to believe that a violation of section 321L.2A had  
11 occurred to support a request for or to administer a  
12 chemical test or which has held the chemical test to  
13 be otherwise inadmissible or invalid. Such a decision  
14 by the court is binding on the department and the  
15 department shall rescind the revocation.

16 5. The department shall stay the revocation of a  
17 person's motor vehicle license or operating privilege  
18 for the period that the person is contesting the  
19 revocation under this section or section 321L.14 if it  
20 is shown to the satisfaction of the department that  
21 the new evidence is material and that there were valid  
22 reasons for failure to present it in the contested  
23 case proceeding before the department.

24 6. If the department fails to comply with the time  
25 limitations of this section regarding granting a  
26 hearing, review by the director or the director's  
27 designee, or granting a new hearing, and if the  
28 request for a hearing or review by the director was  
29 properly made under this section, the revocation of  
30 the motor vehicle license or operating privilege of  
31 the person who made the request for a hearing or  
32 review shall be rescinded. This subsection shall not  
33 apply in those cases in which a continuance to the  
34 hearing has been granted at the request of either the  
35 person who requested the hearing or the peace officer  
36 who requested or administered the chemical test.

37 Sec. \_\_\_\_\_. NEW SECTION. 321L.14 JUDICIAL REVIEW.

38 Judicial review of an action of the department may  
39 be sought in accordance with the terms of the Iowa  
40 administrative procedure Act, chapter 17A.  
41 Notwithstanding the terms of that chapter, a petition  
42 for judicial review may be filed in the district court  
43 in the county where the alleged events occurred or in  
44 the county in which the administrative hearing was  
45 held.

46 Sec. \_\_\_\_\_. NEW SECTION. 321L.15 EVIDENCE IN ANY  
47 ACTION.

48 Upon the trial of a civil or criminal action or  
49 proceeding arising out of acts alleged to have been  
50 committed by a person while operating a motor vehicle

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1 in violation of section 321L.2A, evidence of the  
2 alcohol concentration or the presence of drugs in the  
3 person's body substances at the time of the act  
4 alleged as shown by a chemical analysis of the  
5 person's blood, breath, or urine is admissible. If it  
6 is established at trial that an analysis of a breath  
7 specimen was performed by a certified operator using a  
8 device and methods approved by the commissioner of

9 public safety, no further foundation is necessary for  
10 introduction of the evidence.

11 Sec. \_\_\_\_\_. NEW SECTION. 321L.16 PROOF OF REFUSAL  
12 ADMISSIBLE.

13 If a person refuses to submit to a chemical test,  
14 proof of refusal is admissible in any civil or  
15 criminal action or proceeding arising out of acts  
16 alleged to have been committed while the person was  
17 operating a motor vehicle in violation of section  
18 321L.2A.

19 Sec. \_\_\_\_\_. NEW SECTION. 321L.17 CIVIL PENALTY -  
20 SEPARATE FUND - REINSTATEMENT.

21 When the department revokes a person's motor  
22 vehicle license or nonresident operating privilege  
23 under this chapter, the department shall assess the  
24 person a civil penalty of one hundred dollars. The  
25 money collected by the department under this section  
26 shall be transmitted to the treasurer of state who  
27 shall deposit the money in a separate fund dedicated  
28 to and used for the purposes of chapter 912 and  
29 section 709.10, and for the operation of a missing  
30 person clearinghouse and domestic abuse registry by  
31 the department of public safety. Notwithstanding  
32 section 8.33, any balance in the fund on June 30 of  
33 any fiscal year shall not revert to the general fund  
34 of the state. A temporary restricted license shall  
35 not be issued or a motor vehicle license or  
36 nonresident operating privilege reinstated until the  
37 civil penalty has been paid.

38 Sec. \_\_\_\_\_. NEW SECTION. 321L.18 OTHER EVIDENCE.

39 This chapter does not limit the introduction of any  
40 competent evidence bearing on the question of whether  
41 a person was under the influence of an alcoholic  
42 beverage or a drug, including the results of chemical  
43 tests of specimens of blood, breath or urine obtained  
44 more than two hours after the person was operating a  
45 motor vehicle.

46 Sec. \_\_\_\_\_. NEW SECTION. 321L.19 INFORMATION  
47 RELAYED TO OTHER STATES.

48 When it has been finally determined under this  
49 chapter that a nonresident's privilege to operate a  
50 motor vehicle in this state has been revoked or

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1 denied, the department shall give information in  
2 writing of the action taken to the official in charge  
3 of traffic control or public safety of the state of  
4 the person's residence and of any state in which the  
5 person has a license.

6 Sec. \_\_\_\_\_. NEW SECTION. 321L.20 TEMPORARY  
7 RESTRICTED LICENSE.

8 1. The department may, on application, issue a  
9 temporary restricted license to a person whose motor  
10 vehicle license is revoked under this chapter allowing  
11 the person to drive to and from the person's home and  
12 specified places at specified times which can be  
13 verified by the department and which are required by  
14 the person's full-time or part-time employment,  
15 continuing health care or the continuing health care  
16 of another who is dependent upon the person,  
17 continuing education while enrolled in an educational  
18 institution on a part-time or full-time basis and  
19 while pursuing a course of study leading to a diploma,  
20 degree, or other certification of successful  
21 educational completion, substance abuse treatment, and  
22 court-ordered community service responsibilities if  
23 the person's motor vehicle license has not been  
24 revoked under 321L.4, 321L.9, or 321L.12 within the  
25 previous six years and if any of the following apply:

26 a. The person's motor vehicle license is revoked  
27 under section 321L.4, subsection 1, 2, 4, or 6.

28 b. The person's motor vehicle license is revoked  
29 under section 321L.9 and the person has entered a plea  
30 of guilty on a charge of a violation of section  
31 321L.2A which arose from the same set of circumstances  
32 which resulted in the person's motor vehicle license  
33 revocation under section 321L.9 and the guilty plea is  
34 not withdrawn at the time of or after application for  
35 the temporary restricted license.

36 c. The person's motor vehicle license is revoked  
37 under section 321L.12.

38 However, a temporary restricted license may be  
39 issued if the person's motor vehicle license is  
40 revoked under section 321L.9, and the revocation is a  
41 second revocation under this chapter, and the first  
42 three hundred and sixty days of the revocation have  
43 expired.

44 2. This section does not apply to a person whose  
45 license was revoked under section 321L.4, subsection 3  
46 or 5, or to a person whose license is suspended or  
47 revoked for another reason.

48 3. A person holding a temporary restricted license  
49 issued by the department under this section shall not  
50 operate a motor vehicle for pleasure.

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1 Sec. \_\_\_\_\_. NEW SECTION. 321L.21 DRIVING WHILE  
2 LICENSE DENIED OR REVOKED.  
3 A person whose motor vehicle license or nonresident  
4 operating privilege has been denied or revoked as  
5 provided in this chapter and who drives a motor  
6 vehicle upon the highways of this state while the

7 license or privilege is denied or revoked commits a  
 8 serious misdemeanor. The department, upon receiving  
 9 the record of the conviction of a person under this  
 10 section upon a charge of driving a motor vehicle while  
 11 the license of the person was revoked or denied, shall  
 12 extend the period of revocation or denial for an  
 13 additional like period, and the department shall not  
 14 issue a new license during the additional period.

15 Sec. \_\_\_\_\_. **NEW SECTION. 321L.22 COURT-ORDERED**  
 16 **DRINKING DRIVERS COURSE.**

17 1. As used in this section, unless the context  
 18 otherwise requires:

19 a. "Course for drinking drivers" means an approved  
 20 course designed to inform the offender about drinking  
 21 and driving and encourage the offender to assess the  
 22 offender's own drinking and driving behavior in order  
 23 to select practical alternatives.

24 b. "Satisfactory completion of a course" means  
 25 receiving at the completion of a course a grade from  
 26 the course instructor of "C" or "2.0," or better.

27 2. After a conviction for, or a plea of guilty of,  
 28 a violation of section 321L.2A, the court in addition  
 29 to its power to commit the defendant for treatment of  
 30 alcoholism under section 321L.3, may order the  
 31 defendant, at the defendant's own expense, to enroll  
 32 in, attend, and successfully complete a course for  
 33 drinking drivers. The court may alternatively or  
 34 additionally require the defendant to seek evaluation,  
 35 treatment or rehabilitation services under section  
 36 125.33 at the defendant's expense and to furnish  
 37 evidence of successful completion. A copy of the  
 38 order shall be forwarded to the department.

39 3. The course provided in this section shall be  
 40 offered on a regular basis at each area school as  
 41 defined in section 280A.2. Enrollment in the courses  
 42 is not limited to persons ordered to enroll, attend  
 43 and successfully complete the course under subsection  
 44 2, and any person convicted of a violation of section  
 45 321L.2A who was not ordered to enroll in a course may  
 46 enroll in and attend a course for drinking drivers.  
 47 The course required by this section shall be taught by  
 48 the area schools under the department of education and  
 49 approved by the department. The department of  
 50 education shall establish reasonable fees to defray

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1 the expense of obtaining classroom space, instructor  
 2 salaries, and class materials. A person shall not be  
 3 denied enrollment in a course by reason of the  
 4 person's indigency.

5 4. An employer shall not discharge a person from  
6 employment solely for the reason of work absence to  
7 attend a course required by this section. Any  
8 employer who violates this section is liable for  
9 damages which include but are not limited to actual  
10 damages, court costs, and reasonable attorney fees.  
11 The person may also petition the court for imposition  
12 of a cease and desist order against the person's  
13 employer and for reinstatement to the person's  
14 previous position of employment.

15 5. The department of education shall prepare a  
16 list of the locations of the courses taught under this  
17 section, the dates and times taught, the procedure for  
18 enrollment, and the schedule of course fees. The list  
19 shall be kept current and a copy of the list shall be  
20 sent to each court having jurisdiction over offenses  
21 provided in this chapter.

22 6. The department of education shall maintain  
23 enrollment, attendance, successful and unsuccessful  
24 completion data on the persons ordered to enroll,  
25 attend and successfully complete a course for drinking  
26 drivers. This data shall be forwarded to the court."

27 5. Page 36, by striking lines 16 through 20 and  
28 inserting the following:

29 "The Code editor shall redesignate chapter 321L as  
30 enacted in this Act, in a new chapter or different  
31 chapter so that these sections do not conflict with  
32 chapter 321L as enacted during the 1989 Session of the  
33 General Assembly and as it appears in the 1989 Code  
34 Supplement.

35 Sec. \_\_\_\_\_. Chapter 321J is repealed."

36 6. Renumber as necessary.

Roll call was requested by McKean of Jones and Van Maanen of Mahaska.

Rule 75 was invoked.

On the question "Shall amendment H-6009 be adopted?"  
(S.F. 2413)

The ayes were, 55:

Adams	Banks	Beaman	Bennett
Black	Brand	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Doderer	Eddie	Fogarty	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf

Miller	Neuhauser	Ollie	Osterberg
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spear	Svoboda	Teaford	Trent
Tyrrell	Van Maanen	Hansen, S. D. Presiding	

The nays were, 41:

Arnould	Avenson, Spkr.	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Chapman	Cohoon	Connors	Dvorsky
Fey	Groninga	Hammond	Hibbard
Jay	Jesse	Jochum	Knapp
Koenigs	Lykam	May	McKinney
Muhlbauer	Murphy	Nielsen	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spenner	Swartz	Tabor
Wise			

Absent or not voting, 4:

Daggett	Fuller	Johnson	Stueland
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Amendment H—6009 was adopted, placing out of order lines 9 and 10 of amendment H—5983, previously adopted, found on page 1778 of the House Journal.

Beaman of Clarke offered the following amendment H—5992 filed by him and moved its adoption:

H—5992

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 12, line 33, through page 13,
- 4 line 7, and inserting the following: "consecutive
- 5 days."

A non-record roll call was requested.

The ayes were 41, nays 47.

Amendment H—5992 lost.

Rosenberg of Story offered the following amendment H—5998 filed by him:

H—5998

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, by striking lines 10 through 28, and
- 4 inserting the following:

5 "Failure to attend or complete a course for  
6 drinking drivers, or a substance abuse treatment  
7 program as ordered by the court is punishable as  
8 contempt of court."

9 2. Page 24, by inserting after line 15 the  
10 following:

11 "Sec. \_\_\_\_\_. **NEW SECTION. 809.17 PROCEEDS APPLIED**  
12 **TO TAXES AND SUBSTANCE ABUSE PROGRAMS.**

13 Except as provided in section 809.21, proceeds from  
14 the disposal of seized or forfeited property pursuant  
15 to this chapter shall be transferred to the Iowa  
16 department of public health for funding of youth  
17 education, prevention, and treatment programs for  
18 substance abusers."

19 3. Page 27, line 10, by striking the words  
20 "substance abuse" and inserting the following:  
21 "treatment".

22 4. Renumber as necessary.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H—6039, to amendment H—5998, filed by him on April 2, 1990.

Trent of Muscatine offered the following amendment H—6043, to amendment H—5998, filed by him and Rosenberg of Story and moved its adoption:

H—6043

1 Amend the amendment, H—5998, to Senate File 2413,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 12, by striking the words "TAXES  
5 AND SUBSTANCE ABUSE" and inserting the following:  
6 "VARIOUS".

7 2. Page 1, line 15, by inserting after the word  
8 "be" the following: "divided equally and".

9 3. Page 1, line 18, by inserting after the word  
10 "abusers" the following: ", to the department of  
11 public safety for funding for law enforcement of drug  
12 offenses, and to the department of education for  
13 funding of drunk driving prevention and education  
14 programs".

Amendment H—6043 was adopted.

Rosenberg of Story moved the adoption of amendment H—5998, as amended.

Roll call was requested by Lundby of Linn and Spenner of Henry.

On the question "Shall amendment H—5998, as amended, be adopted?" (S.F. 2413)

The ayes were, 66:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Groninga	Gruhn
Hammond	Hanson, D. R.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam
Maulsby	May	McKinney	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Spear	Svoboda	Teaford	Trent
Wise	Hansen, S. D. Presiding		

The nays were, 23:

Banks	Bennett	Corbett	Fogarty
Garman	Halvorson, R. A.	Harbor	Hester
Iverson	Lundby	McKean	Metcalf
Pellett	Petersen, D. F.	Plasier	Poncy
Renken	Royer	Schneklath	Siegrist
Spenner	Tyrrell	Van Maanen	

Absent or not voting, 11:

Avenson, Spkr.	Blanshan	Daggett	Fuller
Halvorson, R. N.	Hermann	Johnson	Shoultz
Stueland	Swartz	Tabor	

Amendment H—5998, as amended, was adopted.

The House resumed consideration of amendment H—6013B.

Garman of Story moved the adoption of amendment H—6013B.

Roll call was requested by Garman of Story and Van Maanen of Mahaska.

Rule 75 was invoked.

On the question "Shall amendment H—6013B be adopted?" (S.F. 2413)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Buhr	Clark	Corbett	De Groot
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hibbard	Iverson
Jesse	Kistler	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Poncy	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Svoboda	Trent	Tyrrell
Van Maanen	Wise		

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Carpenter	Chapman
Cohoon	Connors	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Knapp	Koenigs	Lundby	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Swartz	Tabor	Teaford
Hansen, S. D.			
Presiding			

Absent or not voting, 9:

Daggett	Diemer	Doderer	Fuller
Johnson	Mertz	Osterberg	Plasier
Stueland			

Amendment H—6013B lost.

Speaker Avenson in the chair at 6:20 p.m.

Jesse of Jasper offered the following amendment H—6062 filed from the floor by Jesse, Brown and Osterberg and moved its adoption:

H—6062

- 1 Amend Senate File 2413, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 13, by inserting after line 28 the fol-
- 4 lowing:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 321L.3 SEIZURE OF
- 6 VEHICLE.
- 7 Upon a plea or verdict of guilty of a third or
- 8 subsequent violation of section 321J.2, which occurs
- 9 while the person's license is suspended or revoked

10 pursuant to chapter 321J, the court shall order the  
11 defendant to surrender to the state department of  
12 transportation, the motor vehicle operated by the  
13 defendant at the time of the third or subsequent  
14 violation.

15 However, the court shall stay such order upon proof  
16 by the owner or co-owner of the vehicle, if other than  
17 the defendant, that the owner or co-owner was not  
18 aware that the defendant's motor vehicle license was  
19 suspended or revoked pursuant to chapter 321J, or that  
20 the defendant operated the motor vehicle without the  
21 owner's or co-owner's knowledge or permission."

22 2. Renumber as necessary.

Amendment H-6062 was adopted.

The Speaker announced that amendment H-6044 filed by Svoboda of Tama on April 2, 1990 was out of order with the adoption of the committee amendment H-5936A.

Tyrrell of Iowa offered the following amendment H-6010 filed by him and moved its adoption:

H-6010

1 Amend Senate File 2413, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 23, by inserting after line 6, the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 708.12 ASSAULT AGAINST A  
6 PEACE OR CORRECTIONAL OFFICER.

7 A person who commits an assault, as defined in  
8 section 708.1, against a peace officer or correctional  
9 officer in the performance of the officer's duty, is  
10 guilty of a class "D" felony."

11 2. Renumber as necessary.

Amendment H-6010 lost.

Iverson of Wright offered the following amendment H-5996 filed by Iverson, et al., and moved its adoption:

H-5996

1 Amend Senate File 2413, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 25, by striking lines 1 through 9.

Amendment H-5996 was adopted.

Bennett of Ida offered the following amendment H-5987 filed by him and Maulsby of Calhoun and moved its adoption:

H—5987

1 Amend Senate File 2413 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 27, by inserting after line 15, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 903A.5, unnumbered paragraph 1,  
6 Code 1989, is amended to read as follows:

7 An inmate shall not be discharged from the custody  
8 of the director of the Iowa department of corrections  
9 until the inmate has served the full term for which  
10 the inmate was sentenced, less good conduct time  
11 earned and not forfeited, unless the inmate is  
12 pardoned or otherwise legally released. Good conduct  
13 time earned and not forfeited shall apply to reduce a  
14 mandatory minimum sentence being served pursuant to  
15 section ~~204.406, 204.413, 902.7, 902.8, or 906.5~~. An  
16 inmate shall be deemed to be serving the sentence from  
17 the day on which the inmate is received into the  
18 institution. However, if an inmate was confined to a  
19 county jail or other correctional or mental facility  
20 at any time prior to sentencing, or after sentencing  
21 but prior to the case having been decided on appeal,  
22 because of failure to furnish bail or because of being  
23 charged with a nonbailable offense, the inmate shall  
24 be given credit for the days already served upon the  
25 term of the sentence. The clerk of the district court  
26 of the county from which the inmate was sentenced,  
27 shall certify to the warden the number of days so  
28 served."

29 2. Renumber as necessary.

Amendment H—5987 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, for the remainder of the evening, on request of Arnould of Scott.

Clark of Cerro Gordo offered the following amendment H—6006 filed by her and moved its adoption:

H—6006

1 Amend Senate File 2413 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 27, line 22, through page 29,  
4 line 11.

5 2. By renumbering as necessary.

Amendment H—6006 was adopted.

Trent of Muscatine offered the following amendment H—5993 filed by him and moved its adoption:

H—5993

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 30, line 3, through page 32,
- 4 line 5.
- 5 2. Renumber as necessary.

Roll call was requested by Trent of Muscatine and Bennett of Ida.

On the question "Shall amendment H—5993 be adopted?"  
(S.F. 2413)

The ayes were, 34:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	De Groot
Diemer	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cphoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Jay	Jesse	Jochum
Knapp	Koenigs	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

Absent or not voting, 10:

Daggett	Eddie	Fuller	Halvorson, R. N.
Holveck	Johnson	Lykam	Metcalf
Plasier	Stueland		

Amendment H—5993 lost.

Jay of Appanoose offered the following amendment H—6040 filed by him and Sherzan of Polk and moved its adoption:

H-6040

- 1 Amend Senate File 2413, as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 36, by inserting after line 11 the  
4 following:  
5 "Sec. \_\_\_\_\_. ALTERNATIVE DRUG TESTING FOR OFFICERS.  
6 The department of public safety shall develop a  
7 plan for the implementation of alternative drug  
8 testing programs for law enforcement, parole, and  
9 probation officers. The plan shall be submitted to  
10 the general assembly by January 15, 1991, in a form  
11 which could be adopted and implemented by the  
12 department of public safety or individual law  
13 enforcement agencies throughout the state."  
14 2. By renumbering as necessary.

Amendment H-6040 was adopted.

Halvorson of Clayton offered amendment H-6071 filed from the floor by Halvorson of Clayton, Sherzan and Knapp and requested division as follows:

H-6071

- 1 Amend Senate File 2413 as amended, passed, and  
2 reprinted by the Senate, as follows:

H-6071A

- 3 1. Page 1, line 24, by inserting after the word  
4 "services" the following: "or an inmate providing  
5 services pursuant to a chapter 28E agreement entered  
6 into pursuant to section 246.703."  
7 2. Page 1, line 32, by inserting after the word  
8 "services," the following: "or an inmate providing  
9 services pursuant to a chapter 28E agreement entered  
10 into pursuant to section 246.703."  
11 3. Page 2, line 7, by inserting after the word  
12 "services," the following: "or in connection with the  
13 provision of services pursuant to a chapter 28E  
14 agreement entered into pursuant to section 246.703."  
15 4. Page 2, line 25, by inserting after the word  
16 "services," the following: "or in connection with the  
17 provision of services pursuant to a chapter 28E  
18 agreement entered into pursuant to section 246.703."

H-6071B

- 19 5. Page 12, by inserting after line 14, the  
20 following:  
21 "Sec. \_\_\_\_\_. Section 246.703, Code 1989, is amended  
22 by adding the following new unnumbered paragraph:

H-6071B

23 NEW UNNUMBERED PARAGRAPH. The director may enter  
24 into a chapter 28E agreement with a county board of  
25 supervisors or county conservation board to provide  
26 inmate services for environmental maintenance  
27 including but not limited to brush and weed cutting,  
28 tree planting, and erosion control. The board of  
29 supervisors or conservation board shall reimburse the  
30 department of corrections for the allowance paid the  
31 inmates by the director. The supervision, security,  
32 and transportation of inmates used pursuant to the  
33 chapter 28E agreement shall be provided by the  
34 department of corrections."  
35 6. Renumber as necessary.

On motion by Halvorson of Clayton, amendment H-6071A was adopted.

Svoboda of Tama offered the following amendment H-6077 filed by her from the floor and moved its adoption:

H-6077

1 Amend Senate File 2413, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, by inserting after line 8, the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 123.50, subsection 4, Code  
6 Supplement 1989, is amended to read as follows:  
7 4. A person, other than a licensee or permittee or  
8 a minor, who violates section 123.47 is guilty of a  
9 serious misdemeanor punishable by a minimum fine of  
10 one hundred dollars for a first offense, two hundred  
11 and fifty dollars for a second offense, and five  
12 hundred dollars for a third and subsequent offense,  
13 and a maximum fine for any offense of not more than  
14 one thousand dollars.  
15 A person age eighteen or under who is guilty of  
16 possessing any alcoholic liquor, wine, or beer in  
17 violation of section 123.47, in addition to the  
18 penalty provided in section 123.90, shall participate  
19 in a substance abuse treatment program as ordered by  
20 the court for at least three months."  
21 2. Renumber as necessary.

Amendment H-6077 lost.

The House resumed consideration of amendment H-6071B.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-6071B, found on pages 1828 and 1829 of the House Journal.

Jay of Appanoose offered the following amendment H—6058 filed by him from the floor and moved its adoption:

H—6058

- 1 Amend Senate File 2413 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, by striking page 1, line 1 through
- 4 page 2, line 12, and inserting the following: "An Act
- 5 relating to certain criminal offenses, providing for
- 6 the disposition, confinement, detention, and treatment
- 7 of certain offenders, providing protections for
- 8 certain victims or potential victims, providing for
- 9 the identification of certain precursor drugs,
- 10 establishing a tax on certain substances, providing
- 11 certain tax incentives relating to employment of
- 12 certain offenders, providing for victim reparation,
- 13 and providing penalties and an effective date."

Amendment H—6058 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, until her return, on request of Arnould of Scott.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2413)

The ayes were, 92:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Iverson	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer

Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 2:

Shearer	Shoultz
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Absent or not voting, 6:

Adams	Daggett	Fuller	Holveck
Johnson	Stueland		

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

### IMMEDIATE MESSAGE (Senate File 2413)

Arnould of Scott asked and received unanimous consent that Senate File 2413 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to immediately consider Senate File 2423, not eligible for debate today.

### COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Senate File 2423**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—6066 April 3, 1990.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2009, a bill for an act relating to elections, providing that an eligible elector residing in a precinct may register to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, and increasing the penalty for improper voting.

Also: That the Senate has on April 3, 1990, amended and adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 112, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects.

Also: That the Senate has on April 3, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2114, a bill for an act relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, increasing the tax credit allowed for certain research activities, providing an effective date, and providing certain retroactive applicability dates.

Also: That the Senate has on April 3, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2329, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semi-annual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable.

Also: That the Senate has on April 3, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2408, a bill for an act relating to and making appropriations to the justice system.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Appropriations Calendar

**Senate File 2423**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered the following amendment H — 6066 filed by the committee on appropriations:

H-6066

1 Amend Senate File 2423, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 13, by striking the figure  
4 "468,735" and inserting the following: "398,735".

5 2. Page 3, line 3, by striking the figure  
6 "321,600" and inserting the following: "286,600".

7 3. Page 4, line 15, by striking the figure  
8 "2,520,100" and inserting the following: "2,570,100".

9 4. Page 4, by striking lines 29 through 35.

10 5. Page 5, line 4, by striking the figure  
11 "350,000" and inserting the following: "250,000".

12 6. Page 8, by inserting after line 17, the  
13 following:

14 "\_\_\_\_\_. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

15 To assist a vocational agriculture youth  
16 organization sponsored by the schools to support the  
17 foundation established by that vocational agriculture  
18 youth organization:

19 ..... \$ 50,000".

20 7. Page 10, line 1, by striking the figure  
21 "3,175,215" and inserting the following: "3,200,215".

22 8. Page 10, line 12, by striking the figure "20"  
23 and inserting the following: "10".

24 9. Page 10, line 15, by striking the figure  
25 "643,053" and inserting the following: "368,413".

26 10. Page 29, by striking lines 28 through 34, and  
27 inserting the following:

28 "Sec. \_\_\_\_\_.

29 There is appropriated from the general fund of the  
30 state to the Iowa department of public health for the  
31 fiscal year beginning July 1, 1990, and ending June  
32 30, 1991, the following amount, or so much thereof as  
33 may be necessary, to be used for purposes of  
34 administering a graduate nursing grant program at  
35 accredited private colleges or universities:

36 ..... \$ 225,000

37 As a condition, limitation, and qualification of  
38 the funds appropriated in this paragraph, the moneys  
39 appropriated shall be used specifically for instructor  
40 salaries, equipment, student services, or rural  
41 recruitment. At least 80 percent of the students  
42 enrolled in the program shall be Iowa residents. All  
43 program participants shall be licensed to practice  
44 nursing in Iowa. The Iowa department of public health  
45 shall be responsible for the oversight and  
46 administration of the program.

47 As a condition, limitation, and qualification of  
48 the funds appropriated in this section the Iowa  
49 department of public health shall adopt rules for  
50 administration of the graduate nursing grant program."

**Page 2**

1 11. Page 30, by inserting after line 15 the  
2 following:

3 "Sec. \_\_\_\_\_.

4 Notwithstanding the allocation of phase III moneys  
5 under sections 294A.14 and 294A.25, for the fiscal  
6 year beginning July 1, 1990, prior to the allocation  
7 to school districts and area education agencies,  
8 \$250,000 of the moneys allocated for phase III shall  
9 be retained by the department of education to contract  
10 with the regional educational laboratory for this  
11 state to establish and monitor an independent  
12 evaluation of the operation of phase III of the  
13 educational excellence program. The regional  
14 educational laboratory shall determine the scope of  
15 the evaluation, including a methodology for the  
16 evaluation; the evaluation techniques; the sampling  
17 size for numbers of different plans to evaluate; the  
18 sampling size for numbers of interviews to be  
19 conducted with teachers, school administrators, school  
20 board members, members of the general public, and  
21 others; and the process for oversight of the  
22 evaluation. The laboratory, in consultation with the  
23 department, shall select a consortium consisting of  
24 Iowa teachers participating in phase III programs and  
25 a public or private institution of higher education  
26 offering a graduate program of teacher education to  
27 work with the laboratory in the conduct of the  
28 evaluation. The results of the evaluation shall be  
29 reported to the department of education and to the  
30 general assembly by January 1, 1992.

31 The evaluation shall be conducted using the  
32 following timetable:

- 33 1. By July 15, 1990, an advisory committee shall  
34 be selected by the department of education.
- 35 2. By August 31, 1990, the determination of the  
36 evaluation methodology and oversight process must be  
37 completed and members of the consortium selected.
- 38 3. By September 30, 1990, the advisory committee  
39 shall review the evaluation methodology, the  
40 laboratory shall finalize the evaluation methodology,  
41 and the laboratory shall begin training the teacher  
42 members of the consortium and consulting with the  
43 faculty of the institution of higher education.
- 44 4. By December 15, 1990, the first phase of the  
45 evaluation design must be implemented.
- 46 5. By January 15, 1991, the advisory committee  
47 shall review progress and the next phase of the  
48 evaluation design.
- 49 6. By May 31, 1991, the advisory committee shall  
50 review a progress report of the evaluation.

## Page 3

1 7. By September 30, 1991, the laboratory, with the  
2 assistance of the consortium, shall write the  
3 evaluation report.

4 8. By October 31, 1991, the advisory committee  
5 shall review the evaluation report and may suggest  
6 revisions.

7 9. By December 15, 1991, the evaluation report  
8 must be completed and prepared for distribution.

9 Moneys allocated in this section may be paid to the  
10 regional educational laboratory and to the consortium.  
11 Boards of directors of school districts and area  
12 education agencies shall allow their teachers to be  
13 members of a consortium and shall be reimbursed under  
14 the terms of the contract for the cost of salaries and  
15 benefits of each participating teacher."

16 12. Page 30, by inserting after line 26, the  
17 following:

18 "Sec. \_\_\_\_\_. MODIFICATION OF RULES.

19 By October 1, 1990, the state board of education  
20 shall adopt rules which modify existing rules,  
21 relating to extended year special education, to  
22 specify that the determination of the need for  
23 extended year special education for each pupil be made  
24 by the multidisciplinary team based on empirical and  
25 quantitative data collected by the multidisciplinary  
26 team. Rules adopted shall also contain criteria which  
27 include, but are not limited to, criteria which  
28 require that extended special education be provided if  
29 a special education pupil fails to maintain an  
30 acquired critical skill, as a result of an  
31 interruption of special education instruction or  
32 support services in a critical skill area, to the  
33 extent that a period of reteaching of four or more  
34 weeks will be required."

35 13. Page 38, by striking lines 19 through 29.

36 14. Page 47, by inserting after line 12, the  
37 following:

38 "Sec. \_\_\_\_\_. NEW SECTION. 261.92 DEFINITIONS.

39 When used in this division, unless the context  
40 otherwise requires:

41 1. "Accredited higher education institution" means  
42 a public institution of higher learning located in  
43 Iowa which is accredited by the north central  
44 association of colleges and secondary schools  
45 accrediting agency based on their requirements as of  
46 April 1, 1969, or an institution of higher learning  
47 located in Iowa which is operated privately and not  
48 controlled or administered by any state agency or any  
49 subdivision of the state, and which meets the  
50 following requirements:

## Page 4

1 a. Is accredited by the north central association  
2 of colleges and secondary schools accrediting agency  
3 based on their requirements as of April 1, 1969, and,

4 b. Promotes equal opportunity and affirmative  
5 action efforts in the recruitment, appointment,  
6 assignment, and advancement of personnel at the  
7 institution. In carrying out this responsibility the  
8 institution shall do all of the following:

9 (1) Designate a position as the affirmative action  
10 coordinator.

11 (2) Adopt affirmative action standards.

12 (3) Gather data necessary to maintain an ongoing  
13 assessment of affirmative action efforts.

14 (4) Monitor accomplishments with respect to  
15 affirmative action remedies identified in affirmative  
16 action plans.

17 (5) Conduct studies of preemployment and  
18 postemployment processes in order to evaluate  
19 employment practices and develop improved methods of  
20 dealing with all employment issues related to equal  
21 employment opportunity and affirmative action.

22 (6) Establish an equal employment committee to  
23 assist in addressing affirmative action needs,  
24 including recruitment.

25 (7) Address equal opportunity and affirmative  
26 action training needs by doing all of the following:

27 (a) Providing appropriate training for managers  
28 and supervisors.

29 (b) Insuring that training is available for all  
30 staff members whose duties relate to personnel  
31 administration.

32 (c) Investigating means for training in the area  
33 of career development.

34 (8) Require development of equal employment  
35 opportunity reports, including the initiation of the  
36 processes necessary for the completion of the annual  
37 EEO-6 reports required by the federal equal employment  
38 opportunity commission.

39 (9) Address equal opportunity and affirmative  
40 action policies with respect to employee benefits and  
41 leaves of absence.

42 (10) File annual reports with the college aid  
43 commission of activities under this paragraph.

44 2. "Commission" means the college student aid  
45 commission.

46 3. "Financial need" means the difference between  
47 the student's financial resources available, including  
48 those available from the student's parents as  
49 determined by a completed parents' confidential  
50 statement, and the student's anticipated expenses

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1 while attending the accredited higher education  
2 institution. Financial need shall be redetermined at  
3 least annually.

4 4. "Full-time resident student" means an  
5 individual resident of Iowa who is enrolled at an  
6 accredited higher education institution in a course of  
7 study including at least twelve semester hours or the  
8 trimester equivalent of twelve semester hours or the  
9 quarter equivalent of twelve semester hours. "Course  
10 of study" does not include correspondence courses.

11 5. "Grant" means an award by the state of Iowa to  
12 a qualified resident student under the Iowa grant  
13 program.

14 6. "Part-time resident student" means an  
15 individual resident of Iowa who is enrolled at an  
16 accredited higher education institution in a course of  
17 study including at least three semester hours or the  
18 trimester or the four quarter equivalent of three  
19 semester hours. "Course of study" does not include  
20 correspondence courses.

21 7. "Qualified student" means a resident student  
22 who has established financial need and who is making  
23 satisfactory progress toward graduation.

24 Sec. \_\_\_\_\_. NEW SECTION. 261.93 PROGRAM  
25 ESTABLISHED - WHO QUALIFIED.

26 An Iowa grant program is established.

27 A grant may be awarded to a resident of Iowa who is  
28 admitted and in attendance as a full-time or part-time  
29 resident student at an accredited higher education  
30 institution and who establishes financial need.

31 Sec. \_\_\_\_\_. NEW SECTION. 261.94 EXTENT OF GRANT.

32 A qualified full-time resident student may receive  
33 grants for not more than eight semesters of  
34 undergraduate study or the trimester or quarter  
35 equivalent. A qualified part-time resident student  
36 may receive grants for not more than sixteen semesters  
37 of undergraduate study or the trimester or quarter  
38 equivalent.

39 Sec. \_\_\_\_\_. NEW SECTION. 261.95 AMOUNT OF GRANT.

40 1. The amount of a grant to a qualified full-time  
41 student for an academic year shall be the lesser of  
42 the student's financial need for that period or up to  
43 one thousand dollars.

44 2. The amount of a grant to a qualified part-time  
45 student enrolled in a course of study shall be equal  
46 to the average amount of a grant to a full-time  
47 student times a number which represents twenty-four  
48 semester hours, or the trimester or quarter  
49 equivalent, divided by the number of hours in which  
50 the part-time student is actually enrolled.

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1 3. A grant may be made annually for both the fall  
2 and spring semesters or the trimester equivalent.  
3 Payments under the grant shall be allocated equally  
4 among the semesters or trimesters and shall be paid at  
5 the beginning of each semester or trimester, upon  
6 certification by the accredited higher education  
7 institution that the student is admitted and in  
8 attendance. If the student discontinues attendance  
9 before the end of the semester or trimester after  
10 receiving payment under the grant, the entire amount  
11 of any refund due that student, up to the amount of  
12 any payments made under the annual grant, shall be  
13 paid by the accredited higher education institution to  
14 the state.

15 4. If a student receives financial aid under any  
16 other program, the full amount of the other financial  
17 aid shall be considered part of the student's  
18 financial resources available in determining the  
19 amount of the student's financial need for that  
20 period. In no case may the state's total financial  
21 contribution to the student's education, including  
22 financial aid under any other state program, exceed  
23 the tuition and mandatory fees at the institution  
24 which the student attends.

25 Sec. \_\_\_\_\_. NEW SECTION. 261.96 ADMINISTRATION BY  
26 COMMISSION - RULES.

27 The commission shall administer this program and  
28 shall:

29 1. Provide application forms and parents'  
30 confidential statement forms.

31 2. Adopt rules and regulations for determining  
32 financial need, defining tuition and mandatory fees,  
33 defining residence for the purposes of the Iowa grant  
34 program, determining grant award amounts on the basis  
35 of student need, processing and approving applications  
36 for grants, and determining priority of grants. The  
37 commission may provide for proration of funds if the  
38 available funds are insufficient to pay all approved  
39 grants. The proration shall take primary account of  
40 the financial need of the applicant. In determining  
41 who is a resident of Iowa, the commission's rules  
42 shall be at least as restrictive as those of the board  
43 of regents.

44 3. Approve and award grants.

45 4. Make an annual report to the governor and  
46 general assembly, and evaluate the Iowa grant program  
47 for the period. The commission may require the  
48 accredited higher education institution to promptly  
49 furnish any information which the commission may  
50 request in connection with the Iowa grant program.

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1 Sec. \_\_\_\_\_. NEW SECTION. 261.97 APPLICATION FOR  
2 GRANTS.

3 Each applicant, in accordance with the rules of the  
4 commission, shall:

5 1. Complete and file an application for a grant.

6 2. Be responsible for the submission of the  
7 parents' confidential statement for processing, the  
8 processed information to be returned both to the  
9 commission and to the accredited higher education  
10 institution in which the applicant is enrolling.

11 3. Report promptly to the commission any  
12 information requested.

13 4. File a new application and parents'  
14 confidential statement annually on the basis of which  
15 the applicant's eligibility for a renewed grant will  
16 be evaluated and determined.

17 Sec. \_\_\_\_\_. NEW SECTION. 261.98 ACCESS TO  
18 EDUCATION PILOT PROJECT.

19 An access to education pilot project is established  
20 for the fiscal year beginning July 1, 1990, and ending  
21 June 30, 1991, for purposes of providing grants to  
22 resident students who attend community colleges in  
23 this state. Students whose financial resources are up  
24 to twenty percent over the eligibility level for a  
25 PELL grant are eligible to receive grants under this  
26 program. Students meeting the eligibility level may  
27 receive a grant of up to two hundred fifty dollars.

28 The pilot project shall be administered by the  
29 college student aid commission. The commission shall  
30 allocate, from the amount allocated for community  
31 colleges under the Iowa grant program, five hundred  
32 thousand dollars for purposes of awarding grants under  
33 this pilot project. Community colleges which have  
34 students receiving grants under the pilot project  
35 shall provide the commission with information as to  
36 the income levels and age of grant recipients and the  
37 length of time since grant recipients have enrolled in  
38 an educational program. The commission shall tabulate  
39 and submit the information in a report to the general  
40 assembly by January 1, 1991.

41 The commission shall adopt rules for the  
42 administration of this program."

43 15. Page 49, by inserting after line 2, the  
44 following:

45 "Sec. \_\_\_\_\_. Section 279.51, subsection 1, paragraph  
46 d, Code Supplement 1989, is amended to read as  
47 follows:

48 d. For the fiscal year beginning July 1, 1990,  
49 three million dollars, and for each fiscal year  
50 thereafter, four million dollars of the funds

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1 appropriated shall be allocated as grants to school  
 2 districts that have elementary schools that  
 3 demonstrate the greatest need for programs for at-risk  
 4 students with preference given to innovative programs  
 5 for the early elementary school years. Of the amount  
 6 allocated under this paragraph for each fiscal year,  
 7 seventy-five thousand dollars shall be allocated to  
 8 school districts which have an actual student  
 9 population of ten thousand or less and have an actual  
 10 non-English speaking student population which  
 11 represents greater than five percent of the total  
 12 actual student population for grants to elementary  
 13 schools in those districts."

14 16. Page 53, by inserting after line 19 the  
 15 following:

16 "Sec. \_\_\_\_\_. Section 298.20, Code 1989, is amended  
 17 to read as follows:

18 298.20 FUNDING OR REFUNDING BONDS.

19 For the purpose of providing for the payment of any  
 20 indebtedness of any school corporation represented by  
 21 judgments or bonds, the board of directors of such  
 22 school corporation, at any time or times, may provide  
 23 by resolution for the issuance of bonds of such school  
 24 corporation, to be known as funding or refunding  
 25 bonds. The proceeds derived from the negotiation  
 26 public or private sale of such funding or refunding  
 27 bonds shall be applied in payment of such  
 28 indebtedness; or said the funding bonds or refunding  
 29 bonds may be issued in exchange for the evidences of  
 30 such indebtedness, par for par."

31 17. By striking page 53, line 20, through page  
 32 54, line 5.

33 18. By numbering, renumbering, and changing  
 34 internal references as necessary.

De Groot of Lyon in the chair at 7:20 p.m.

Lageschulte of Bremer offered the following amendment H—6086,  
 to the committee amendment H—6066, filed by him from the floor  
 and moved its adoption:

H—6086

1 Amend the amendment, H—6066, to Senate File 2423,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, line 6, by striking the figure  
 5 "286,600" and inserting the following: "250,000".

Amendment H—6086 was adopted.

On motion by Hatch of Polk, the committee amendment H—6066, as amended, was adopted.

Hatch of Polk offered the following amendment H—6069 filed by him from the floor and moved its adoption:

H—6069

- 1 Amend Senate File 2423, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 10, by striking lines 6 and 7, and
- 4 inserting the following: "project, if a requirement
- 5 to develop guidelines for school lunch and breakfast
- 6 programs and to plan a nutrition pilot project is".
- 7 2. Page 24, line 4, by inserting after the word
- 8 "maintenance," the following: "equipment,".
- 9 3. Page 26, line 12, by inserting after the word
- 10 "maintenance," the following: "equipment,".

Amendment H—6069 was adopted.

Hatch of Polk offered the following amendment H—6078 filed by him from the floor and moved its adoption:

H—6078

- 1 Amend Senate File 2423 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 9, by striking the figure
- 4 "84,075,560" and inserting the following:
- 5 "86,316,796".
- 6 2. Page 11, by striking lines 10 through 24, and
- 7 inserting the following:
- 8 "a. Merged Area I ..... \$ 3,936,168
- 9 b. Merged Area II ..... \$ 4,909,784
- 10 c. Merged Area III ..... \$ 4,646,625
- 11 d. Merged Area IV ..... \$ 2,301,829
- 12 e. Merged Area V ..... \$ 4,714,422
- 13 f. Merged Area VI ..... \$ 4,731,678
- 14 g. Merged Area VII ..... \$ 6,656,574
- 15 h. Merged Area IX ..... \$ 7,339,996
- 16 i. Merged Area X ..... \$ 11,444,016
- 17 j. Merged Area XI ..... \$ 12,349,593
- 18 k. Merged Area XII ..... \$ 5,144,554
- 19 l. Merged Area XIII ..... \$ 5,081,695
- 20 m. Merged Area XIV ..... \$ 2,252,941
- 21 n. Merged Area XV ..... \$ 6,866,253
- 22 o. Merged Area XVI ..... \$ 3,940,668

23 As a condition, limitation, and qualification of

24 the moneys appropriated in this subsection, the merged

25 area schools shall expend at least \$2,100,000 for

26 additional salary increases for full-time

27 nonadministrative licensed faculty members and at

28 least \$141,235 for additional salary increases for  
 29 full-time salaried professional employees other than  
 30 administrators, faculty, and hourly support staff at  
 31 each merged area school. For purposes of this  
 32 subsection, full-time licensed faculty includes  
 33 instructors who teach at an area school on a half-time  
 34 basis or more. Distribution of the moneys for salary  
 35 increases shall be negotiated pursuant to chapter 20,  
 36 if the licensed nonadministrative faculty members of  
 37 the merged area school are organized for collective  
 38 bargaining purposes. For purposes of this subsection,  
 39 professional staff includes employees of an area  
 40 school such as academic advisors, media specialists,  
 41 student services staff, financial aid advisors, data  
 42 processing staff, program coordinators, counselors,  
 43 librarians who are not licensed faculty members, and  
 44 other staff members who are funded pursuant to an  
 45 existing area school foundation formula cost center  
 46 under chapter 286A."

47 3. By striking page 12, line 23, through page 13,  
 48 line 12.

49 4. Page 13, line 25, by striking the figure  
 50 "14,809,864" and inserting the following:

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1 "15,205,373".

2 5. By striking page 13, line 29, through page 14,  
 3 line 33, and inserting the following:

4	"a. Merged Area I .....	\$	704,974
5	b. Merged Area II .....	\$	879,444
6	c. Merged Area III .....	\$	832,391
7	d. Merged Area IV .....	\$	379,320
8	e. Merged Area V .....	\$	844,401
9	f. Merged Area VI .....	\$	847,516
10	g. Merged Area VII .....	\$	1,058,390
11	h. Merged Area IX .....	\$	1,314,655
12	i. Merged Area X .....	\$	1,961,430
13	j. Merged Area XI .....	\$	2,211,876
14	k. Merged Area XII .....	\$	921,500
15	l. Merged Area XIII .....	\$	910,137
16	m. Merged Area XIV .....	\$	403,567
17	n. Merged Area XV .....	\$	1,229,954
18	o. Merged Area XVI .....	\$	705,818

19 As a condition, limitation, and qualification of  
 20 the moneys appropriated in this subsection, the merged  
 21 area schools shall expend at least \$370,588 for  
 22 additional salary increases for full-time  
 23 nonadministrative licensed faculty members and at  
 24 least \$24,922 for additional salary increases for  
 25 full-time salaried professional employees other than  
 26 administrators, faculty, and hourly support staff at

27 each merged area school. For purposes of this  
28 subsection, full-time licensed faculty includes  
29 instructors who teach at an area school on a half-time  
30 basis or more. Distribution of the moneys for salary  
31 increases shall be negotiated pursuant to chapter 20,  
32 if the licensed nonadministrative faculty members of  
33 the merged area school are organized for collective  
34 bargaining purposes. For purposes of this subsection,  
35 professional staff includes employees of an area  
36 school such as academic advisors, media specialists,  
37 student services staff, financial aid advisors, data  
38 processing staff, program coordinators, counselors,  
39 librarians who are not licensed faculty members, and  
40 other staff members who are funded pursuant to an  
41 existing area school foundation formula cost center  
42 under chapter 286A. Payments for salary increases  
43 under this subsection shall be accrued as income and  
44 used for salary increases for the fiscal year  
45 beginning July 1, 1990, and ending June 30, 1991.”  
46 6. By renumbering as necessary.

Amendment H—6078 was adopted.

Hatch of Polk offered the following amendment H—6074 filed by him from the floor and moved its adoption:

H—6074

1 Amend Senate File 2423, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 20, line 33, through page 21,  
4 line 1.  
5 2. Page 29, by striking lines 6 through 17, and  
6 inserting the following:  
7 “Sec. \_\_\_\_\_.  
8 Reallocations of sums received under section 15,  
9 subsections 2, 3, 4, 5, and 6, including sums received  
10 for salaries, shall be reported on a quarterly basis  
11 to the co-chairpersons and ranking members of both the  
12 legislative fiscal committee and the education  
13 appropriations joint subcommittee.”  
14 3. By numbering, renumbering and changing  
15 internal references as necessary.

Amendment H—6074 was adopted.

Spear of Lee offered the following amendment H—6031 filed by him:

H—6031

1 Amend Senate File 2423, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 29, by inserting after line 27, the  
4 following:

5 "Sec. \_\_\_\_\_. QUICKENED FETUS — ABORTION PROHIBITED  
6 AT CERTAIN HOSPITALS — EXCEPTIONS.

7 Except as otherwise provided in chapter 707, an  
8 abortion of a quickened fetus shall not be performed  
9 at any public hospital under the control of the state  
10 board of regents except where the attending physician  
11 certifies that one of the following conditions exists:

12 1. The fetus has not attained a gestational age  
13 greater than twenty weeks.

14 2. Continuing the pregnancy will endanger the life  
15 or the physical, mental, or emotional health of the  
16 pregnant person.

17 3. The fetus is physically deformed, mentally  
18 deficient, or afflicted with a congenital illness.

19 In making any of the determinations under this  
20 section, the physician shall exercise that degree of  
21 care, skill, and proficiency commonly exercised by the  
22 ordinarily skillful, careful, and prudent physician  
23 engaged in similar practice under the same or similar  
24 conditions.

25 For purposes of this section, "quickened fetus" is  
26 a fetus which is alive and which has developed so that  
27 it moves within the pregnant person's womb."

28 2. By numbering, renumbering, and changing  
29 internal references as necessary.

Spear of Lee offered the following amendment H—6061, to amend-  
ment H—6031, filed by him from the floor and moved its adoption:

H—6061

1 Amend the amendment, H—6031, to Senate File 2423,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 5, by striking the word  
5 "QUICKENED".

6 2. Page 1, line 8, by striking the word  
7 "quickened".

8 3. Page 1, by striking lines 25 through 27.

Amendment H—6061 was adopted.

Speaker Avenson in the chair at 7:48 p.m.

Spear of Lee moved the adoption of amendment H—6031, as amended.

Roll call was requested by Sherzan of Polk and Ollie of Clinton.

On the question "Shall amendment H—6031, as amended, be adopted?" (S.F. 2423)

## The ayes were, 29:

Banks	Beaman	Branstad	Corbett
De Groot	Eddie	Fogarty	Garman
Hanson, D. R.	Hermann	Iverson	Koenigs
Kremer	Lundby	Maulsby	McKean
Mertz	Muhlbauer	Murphy	Pavich
Petersen, D. F.	Plasier	Renken	Schneklloth
Shoning	Spear	Svoboda	Tyrrell
Van Maanen			

## The nays were, 63:

Arnould	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Diemer
Doderer	Dvorsky	Fey	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Jay
Jesse	Jochum	Kistler	Lageschulte
Lykam	May	McKinney	Metcalf
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pellett	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spenner	Tabor	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

## Absent or not voting, 8:

Adams	Daggett	Fuller	Holveck
Johnson	Knapp	Stueland	Swartz

Amendment H—6031, as amended, lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Winneshiek, for the remainder of the day and until his arrival April 4, 1990, on request of Osterberg of Linn.

Plasier of Sioux offered the following amendment H—6050 filed by him from the floor and moved its adoption:

H—6050

- 1 Amend Senate File 2423, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 30, by inserting after line 34 the
- 4 following:
- 5 "Sec. \_\_\_\_\_.

6 Notwithstanding the procedure provided for the  
 7 calculation of the state percent of growth under  
 8 section 257.8, the state percent of growth for the  
 9 budget year commencing July 1, 1991, shall not exceed  
 10 four and seventy-five hundredths percent.”

11 2. By numbering and renumbering sections as  
 12 necessary.

Roll call was requested by Wise of Lee and Ollie of Clinton.

Rule 75 was invoked.

On the question “Shall amendment H—6050 be adopted?”  
 (S.F. 2423)

The ayes were, 29:

Banks	Bennett	Branstad	Carpenter
Clark	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Maulsby	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Spenner	Tyrrell
Van Maanen			

The nays were, 65:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Corbett	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hibbard
Jay	Jesse	Jochum	Knapp
Koenigs	Lundby	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 6:

Connors	Daggett	Fuller	Holveck
Johnson	Stueland		

Amendment H—6050 lost.

Maulsby of Calhoun offered the following amendment H—6081  
 filed by him from the floor and moved its adoption:

H-6081

1 Amend Senate File 2423 as amended, passed, and  
2 reprinted by the Senate, follows:

3 1. Page 33, by inserting after line 33, the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 8.46 DEBT INSTRUMENTS  
6 INCLUSION IN BUDGET FOR APPROVAL OF THE GENERAL  
7 ASSEMBLY.

8 1. Notwithstanding any general authorization to  
9 issue bonds or incur debt to the contrary, a  
10 department or agency of the state, including the state  
11 board of regents or a regents' institution, which  
12 submits a budget proposal pursuant to this chapter,  
13 shall not borrow money or otherwise commit the state  
14 to expenditures beyond the fiscal year of the budget,  
15 without first submitting the specific proposed  
16 obligation to the general assembly for approval as  
17 part of the budget for the fiscal year in which the  
18 obligation would be incurred.

19 2. Debt instruments which shall not be utilized by  
20 a department or agency without prior approval of the  
21 specific issue by the general assembly pursuant to  
22 subsection 1 include, but are not limited to, the  
23 following:

24 a. Revenue bonds.  
25 b. Academic or regents' bonds.  
26 c. Master lease-purchase or long-term lease.  
27 d. Tax anticipation notes.  
28 e. Any debt instrument or contract which commits  
29 the full faith and credit of the state to pay an  
30 obligation beyond the fiscal year of the budget.

31 3. A department or agency, including the state  
32 board of regents or a regents' institution, shall  
33 submit as part of the annual budget proposal a debt  
34 report, and the department of management shall prepare  
35 an annual state public debt report as part of the  
36 governor's proposed budget. A debt report shall  
37 include at minimum the following information for a  
38 department or agency, or for the state, the aggregate  
39 of individual departmental and agency debt reports:

40 a. Total debt currently outstanding. For purposes  
41 of this subsection "debt" includes any form of  
42 obligation restricted by subsections 1 and 2.  
43 b. Total debt currently outstanding by form of the  
44 obligation.  
45 c. Total debt service charges, and debt service  
46 charges as a percentage of the proposed budget.  
47 d. Proposed new debt obligations for the fiscal  
48 year by specific issue, and form, including a  
49 description of the purpose for which debt is proposed  
50 to be incurred.

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- 1 e. Source of moneys for repaying each existing
- 2 obligation, and for payment of any proposed new debt.
- 3 The department of management may by rule establish
- 4 standard form and contents for debt reports."
- 5 2. By renumbering as necessary.

Amendment H—6081 was adopted.

Hatch of Polk offered the following amendment H—6068 filed by him from the floor and moved its adoption:

H—6068

- 1 Amend Senate File 2423, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 34, line 11, through page 35,
- 4 line 29.
- 5 2. Page 36, line 27, by striking the word
- 6 "subsections" and inserting the following:
- 7 "subsection".
- 8 3. By striking page 36, line 28, through page 37,
- 9 line 34.
- 10 4. By renumbering and changing internal
- 11 references as necessary.

Amendment H—6068 was adopted.

Iverson of Wright offered the following amendment H—6038 filed by him and moved its adoption:

H—6038

- 1 Amend Senate File 2423, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 38, line 30, by striking the words
- 4 "paragraph b,".
- 5 2. Page 38, by inserting after line 32, the
- 6 following:
- 7 "9. a. Effective July 1, 1989, through June 30,
- 8 ~~1990~~ 1992, to facilitate the implementation and
- 9 economical operation of the educational program
- 10 defined in subsections 4 and 5, each school offering
- 11 any of grades seven through twelve, except a school
- 12 which offers grades one through eight as an elementary
- 13 school, shall meet the media center requirements
- 14 specified in section 256.11, subsection 9, paragraph
- 15 "a", Code Supplement 1987."
- 16 3. Page 39, line 11, by striking the figure
- 17 "1991" and inserting the following: "~~1991~~ 1992".
- 18 4. Page 39, by inserting after line 18, the
- 19 following:
- 20 "Sec. \_\_\_\_\_. Section 256.11A, subsections 3 and 4,

21 Code Supplement 1989, are amended to read as follows:

22 3. Schools and school districts unable to meet the  
 23 standard adopted by the state board under section  
 24 256.17, Code Supplement 1987, and contained in section  
 25 256.11, subsection 9A, effective July 1, 1989,  
 26 requiring that on July 1, 1989, each board operating a  
 27 kindergarten through grade twelve program provide an  
 28 articulated sequential elementary-secondary guidance  
 29 program may, not later than January 1, 1989, for the  
 30 school year beginning July 1, 1989, file a written  
 31 request to the department of education that the  
 32 department waive the requirement for that school or  
 33 school district. The procedures specified in  
 34 subsection 5 apply to the request. Not later than  
 35 January 1, 1990, for the school year beginning July 1,  
 36 1990, the board or authorities may request a one-year  
 37 extension of the waiver. Not later than January 1,  
 38 1991, for the school year beginning July 1, 1991, the  
 39 board or authorities may request an additional one-  
 40 year extension of the waiver.

41 If a waiver is approved under subsection 5, the  
 42 school or school district shall meet the requirements  
 43 of section 256.11, subsection 9, paragraph "b", Code  
 44 Supplement 1987, for the period for which the waiver  
 45 is approved.

46 4. Schools and school districts are not required  
 47 to meet the standard adopted by the state board of  
 48 education under section 256.17, Code Supplement 1987,  
 49 and contained in section 256.11, subsection 9,  
 50 paragraph "b", effective July 1, 1990, that requires

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1 the board to establish and operate a media services  
 2 program to support the total curriculum until July 1,  
 3 1990, except as otherwise provided in this subsection.  
 4 Not later than January 1, 1990, for the school year  
 5 beginning July 1, 1990, the board of directors of a  
 6 school district, or authorities in charge of a  
 7 nonpublic school, may file a written request with the  
 8 department of education that the department waive the  
 9 requirement for that district or school. The  
 10 procedures specified in subsection 5 apply to the  
 11 request. Not later than January 1, 1991, for the  
 12 school year beginning July 1, 1991, the board of  
 13 directors of a school district, or authorities in  
 14 charge of a nonpublic school, may file a request for a  
 15 one-year extension of the waiver.

16 If a waiver is approved under subsection 5, the  
 17 school district or school shall meet the requirements  
 18 of section 256.11, subsection 9, paragraph "a", Code  
 19 Supplement 1987, for the period for which the waiver  
 20 is approved."

21 5. By numbering, renumbering, and changing  
 22 internal references as necessary.

Amendment H—6038 was adopted.

Iverson of Wright offered the following amendment H—6037 filed by him and moved its adoption:

H—6037

- 1 Amend Senate File 2423, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 39, by inserting after line 18, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 256.11A, subsection 2, Code
- 6 Supplement 1989, is amended to read as follows:
- 7 2. Schools and school districts are not required
- 8 to meet the requirement stated in the standards
- 9 adopted by the state board under section 256.17, Code
- 10 Supplement 1987, that prohibits an individual who is
- 11 employed or contracted as superintendent from also
- 12 serving as a principal in that school or school
- 13 district until July 1, 1990, except as otherwise
- 14 provided in this subsection. Not later than January
- 15 1, 1990, for the school year beginning July 1, 1990,
- 16 the board of directors of a school district or
- 17 authorities in charge of a nonpublic school, may file
- 18 a written request with the department of education
- 19 that the department waive the requirement for that
- 20 district or school. The procedures specified in
- 21 subsection 5 apply to the request."
- 22 2. By numbering, renumbering, and changing
- 23 internal references as necessary.

Amendment H—6037 lost.

Neuhauser of Johnson offered the following amendment H—6088 filed by her from the floor and moved its adoption:

H—6088

- 1 Amend Senate File 2423, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 47, by inserting after line 7, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 261.50, Code Supplement 1989,
- 6 is amended by adding the following new unnumbered
- 7 paragraph:
- 8 **NEW UNNUMBERED PARAGRAPH.** For purposes of this
- 9 section, an "eligible community" means a community
- 10 which agrees to provide an eligible physician with a
- 11 first year income guarantee, malpractice insurance
- 12 coverage for four years, family health insurance,
- 13 reimbursement for moving expenses, two weeks of
- 14 vacation for each of the first four years, and one
- 15 week of continuing medical education per year for four

16 years.”

17 2. By numbering, renumbering and changing  
18 internal references as necessary.

Amendment H—6088 was adopted.

Corbett of Linn offered the following amendment H—6082 filed by him and Hammond of Story from the floor and moved its adoption:

H—6082

1 Amend Senate File 2423, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 47, line 33, through page 48,  
4 line 17.  
5 2. By renumbering as necessary.

Amendment H—6082 was adopted.

Swartz of Marshall offered the following amendment H—6034 filed by him and moved its adoption:

H—6034

1 Amend Senate File 2423, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 49, line 33, by striking the word “The”  
4 and inserting the following: “Beginning with the  
5 fiscal year commencing July 1, 1990, and ending June  
6 30, 1991, and in succeeding years, the”.  
7 2. Page 51, line 16, by striking the word “The”  
8 and inserting the following: “Beginning with the  
9 fiscal year commencing July 1, 1990, and ending June  
10 30, 1991, and in succeeding years, the”.

Amendment H—6034 was adopted.

Halvorson of Clayton offered the following amendment H—6076 filed from the floor by Halvorson of Clayton, Harbor and Royer:

H—6076

1 Amend Senate File 2423, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 55, line 35, through page 56,  
4 line 19.  
5 2. By renumbering as necessary.

Wise of Lee in the chair at 8:42 p.m.

Speaker Avenson in the chair at 8:47 p.m.

Halvorson of Clayton moved the adoption of amendment H—6076.

A non-record roll call was requested.

The ayes were 31, nays 45.

Amendment H—6076 lost.

Jochum of Dubuque asked for unanimous consent to reconsider amendment H—6081.

Objection was raised.

Jochum of Dubuque moved to reconsider the vote by which amendment H—6081, found on pages 1847 and 1848 of the House Journal, was adopted by the House on April 3, 1990.

A non-record roll call was requested.

The ayes were 50, nays 29.

The motion prevailed and amendment H—6081 was reconsidered.

Maulsby of Calhoun moved the adoption of amendment H—6081.

Roll call was requested by Maulsby of Calhoun and Halvorson of Clayton.

On the question "Shall amendment H—6081 be adopted?"  
(S.F. 2423)

The ayes were, 36:

Banks	Beaman	Bennett	Black
Branstad	Buhr	Carpenter	Clark
Corbett	De Groot	Eddie	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shoning
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Cohoon
Connors	Diemer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Jay	Jesse	Jochum
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Rosenberg	Schrader	Shearer	Sherzan

Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Mr. Speaker
			Avenson

Absent or not voting, 12:

Brand	Chapman	Daggett	Doderer
Fuller	Garman	Hermann	Holveck
Johnson	Renaud	Stueland	Wise

Amendment H — 6081 lost.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2423)

The ayes were, 61:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Knapp	Koenigs
Lageschulte	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 33:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Siegrist	Spanner	Trent	Tyrrell
Van Maanen			

Absent or not voting, 6:

Daggett	Fuller	Garman	Holveck
Johnson	Stueland		

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

**IMMEDIATE MESSAGE**  
(Senate File 2423)

Arnould of Scott asked and received unanimous consent that Senate File 2423 be immediately messaged to the Senate.

**MOTION TO RECONSIDER**  
(House File 2488)

I move to reconsider the vote by which House File 2488 passed the House on April 3, 1990.

**KREMER of Buchanan**

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

**JOHN F. DWYER, Secretary**

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Friday, March 30, 1990. Had I been present, I would have voted "aye" on House File 2450.

**ADAMS of Hamilton**

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**CITIZENS' AIDE OMBUDSMAN**

The annual report of the Citizens' Aide/Ombudsman for 1989, pursuant to Chapter 601G.18, Code of Iowa.

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Forty fifth grade students from State Center Elementary School, West Marshall, accompanied by Carol Eddy. By Black of Jasper and Svoboda of Tama.

Fifty fifth grade students from Rex Mathes Elementary School, West Des Moines. By Carpenter of Polk.

Thirty-one sixth grade students from Ruthven Ayrshire Elementary School, Ruthven, accompanied by Connie Larson and Steve Ingvall. By Fogarty of Palo Alto.

Thirty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mrs. Murphy. By Jay of Appanoose.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 2415

Ways and Means: Tabor, Chair; De Groot and Groninga.

##### Senate File 2416

Ways and Means: Teaford, Chair; Daggett and May.

##### Senate File 2420

Appropriations: Hammond, Chair; McKinney and Miller.

##### Senate File 2423

Appropriations: Hatch, Chair; Jochum and Maulsby.

#### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

**Senate File 2324**, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6059** April 3, 1990.

#### COMMITTEE ON ECONOMIC DEVELOPMENT

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

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—6054** April 2, 1990.

COMMITTEE ON WAYS AND MEANS

**Senate File 514**, a bill for an act providing a state sales and use tax exemption for certain facilities.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1990.

**Senate File 2406**, a bill for an act relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1990.

AMENDMENTS FILED

H—6047	S.F.	2403	Schrader of Marion
H—6049	S.F.	2403	Schrader of Marion
H—6053	H.F.	2551	Corbett of Linn
			Clark of Cerro Gordo
			McKean of Jones
H—6054	S.F.	2153	Committee on
			Economic Development
H—6055	H.F.	2486	Senate Amendment
H—6056	H.F.	724	Senate Amendment
H—6057	H.F.	2551	Schnekloth of Scott
			Petersen of Muscatine
			Bennett of Ida
H—6059	S.F.	2324	Committee on
			Appropriations
H—6060	H.F.	2488	Kremer of Buchanan
H—6064	H.F.	2009	Senate Amendment
H—6065	S.F.	2319	Metcalf of Polk
H—6070	S.F.	2153	Groninga of Cerro Gordo
H—6072	H.F.	2557	Connors of Polk
H—6073	S.F.	514	Doderer of Johnson
H—6075	H.F.	2552	Hatch of Polk
H—6079	H.F.	2188	Shultz of Black Hawk
H—6080	S.F.	2329	Senate Amendment
H—6083	S.F.	2153	Dvorsky of Johnson
			Swartz of Marshall
H—6084	H.C.R.	112	Senate Amendment
H—6085	H.F.	2553	Iverson of Wright
H—6089	H.F.	2422	Haverland of Polk

H-6090	S.F.	2153	Shearer of Louisa Johnson of Winneshiek
H-6091	S.F.	2408	Senate Amendment
H-6092	H.F.	2554	Senate Amendment
H-6093	S.F.	2153	Halvorson of Webster
H-6094	S.F.	2153	Osterberg of Linn

On motion by Arnould of Scott, the House adjourned at 9:08 p.m., until 9:00 a.m., Wednesday, April 4, 1990.

# JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day — Sixtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 4, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Pastor Tom Jolivette, Waldorf College, Forest City.

The Journal of Tuesday, April 3, 1990 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Kistler of Jefferson, from four hundred ninety-four Eldon Area Citizens opposing the incineration of infectious medical wastes and the public hazards present in these operations in or near Eldon.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his return, on request of Van Maanen of Mahaska.

## SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Avenson invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-third General Assembly were presented to the following Pages by Speaker Avenson and Assistant Minority Leader Siegrist of Pottawattamie:

Brooke Baysinger  
Jennifer Brown  
Heather Carter  
Michael Clabaugh  
Michelle Copple  
Heather Creasman  
Brenda Donaghy  
Veronica Driscoll  
Dawn Eckert  
Brenda Ehr  
Jeffrey Fuhrman  
Matthew Gardner  
Eugenia Hamilton

Scott Harrington  
Chandra Heden  
Heather Hobson  
Angela Jones  
Tracy McQuown  
Carrie O'Connor  
Emily Paulos  
Jolene Pfund  
Sarah Sherman  
Heather Switzer  
Sara Upmeyer  
Mindy Vaughan  
Darci Wade

The House rose and expressed its appreciation.

### SENATE AMENDMENTS CONSIDERED

Haverland of Polk called up for consideration **House File 2422**, a bill for an act relating to retroactive modifications of support orders, amended by the Senate amendment H—5837 as follows:

H—5837

1 Amend House File 2422 as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 9, the

4 following:

5 “Improved technology leading to better evidence of

6 nonpaternity is not barred by time limits on new

7 evidence and constitutes a substantial change in

8 circumstances authorizing the court to consider

9 modification of a previous determination of paternity.

10 The enactment of section 598.41 or the enactment of

11 any substantive amendment to section 598.41

12 constitutes a substantial change in circumstances

13 authorizing the court to consider modification of an

14 award of child custody.

15 Sec. \_\_\_\_\_. **NEW SECTION. 675.43 MODIFICATION.**

16 1. The court may subsequently modify orders made

17 under this chapter if a substantial change in

18 circumstances occurs. Modification of orders

19 pertaining to child custody shall be made pursuant to

20 section 598.41 or chapter 598A.

21 2. The enactment of section 598.41 or the

22 enactment of any substantive amendment to section

23 598.41 constitutes a substantial change in

24 circumstances authorizing the court to consider

25 modification of an award of child custody.

26 3. Improved technology leading to better evidence

27 of nonpaternity is not barred by time limits on new

28 evidence and constitutes a substantial change in

29 circumstances authorizing the court to consider

30 modification of a previous determination of paternity.

31 Sec. \_\_\_\_\_. **CHAPTER TITLE CHANGE.** The Code editor

32 shall change the title of chapter 675 to “Parentage of

33 Children and Obligation for Support.”

Arnould of Scott asked and received unanimous consent that House File 2422 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—5837 pending.)

Jesse of Jasper called up for consideration **House File 2534**, a bill for an act relating to sanitary disposal projects, amended by the Senate amendment H—5745 as follows:

H—5745

1 Amend House File 2534 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1 through page 6,  
4 line 10.

5 2. Page 6, by inserting before line 11, the  
6 following:

7 "Sec. \_\_\_\_\_. NEW SECTION. 455B.305A LOCAL APPROVAL  
8 OF CERTAIN SANITARY DISPOSAL PROJECTS.

9 If a city or county provides by ordinance for  
10 zoning relative to sanitary landfills or waste  
11 incineration facilities, prior to the siting of a  
12 proposed sanitary landfill or waste incineration  
13 facility, a city, county, or private agency shall  
14 submit a request for local siting approval to the city  
15 council or county board of supervisors which governs  
16 the city or county in which the proposed site is  
17 located. The city council or county board of  
18 supervisors shall approve or disapprove each request  
19 submitted within one hundred eighty days of the  
20 submitting of the request. The requirements of this  
21 section do not apply to a sanitary landfill or waste  
22 incineration facility for which local approval has  
23 been sought or obtained, or for which a departmental  
24 permit has been issued prior to July 1, 1990."

25 3. Page 6, by striking line 15, and inserting the  
26 following: "defined as of January 1, 1990, pursuant  
27 to section 136C.1."

28 4. Page 6, by striking lines 18 through 20 and  
29 inserting the following:

30 "The department of natural resources shall not  
31 grant a permit prior to July 1, 1991, for the  
32 construction or operation of a new infectious waste  
33 incinerator that receives in excess of seventy-five  
34 percent of its waste from other public or private  
35 agencies for a fee.

36 Sec. \_\_\_\_\_. This Act, being deemed of immediate  
37 importance, takes effect upon enactment."

38 5. Title page, by striking line 1, and inserting  
39 the following: "An Act relating to certain sanitary  
40 disposal projects, and providing an effective date."

Schneklath of Scott in the chair at 10:01 a.m.

Jesse of Jasper offered the following amendment H—6014, to the Senate amendment H—5745, filed by Jesse, et al., and moved its adoption:

H-6014

1 Amend the Senate amendment, H-5745, to House File  
2 2534, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 3 through 40 and  
5 inserting the following:

6 "\_\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 455B.305A LOCAL  
9 APPROVAL OF SANITARY LANDFILL AND INCINERATOR  
10 PROJECTS.

11 1. Prior to the siting of a proposed sanitary  
12 landfill or incinerator, a city, county, or private  
13 agency shall submit a request for local siting  
14 approval to the city council or county board of  
15 supervisors which governs the city or county in which  
16 the proposed site is to be located. The city council  
17 or county board of supervisors shall approve or  
18 disapprove the site for each sanitary landfill or  
19 incinerator.

20 2. An applicant for siting approval shall submit  
21 information to the city council or county board of  
22 supervisors to demonstrate compliance with the  
23 requirements prescribed by this chapter regarding a  
24 sanitary landfill or incinerator. Siting approval  
25 shall be granted only if the proposed project meets  
26 all of the following criteria:

27 a. The project is necessary to accommodate the  
28 solid waste management needs of the area which the  
29 project is intended to serve.

30 b. The project is designed, located, and proposed  
31 to be operated so that the public health, safety, and  
32 welfare will be protected.

33 c. The project is located so as to minimize  
34 incompatibility with the character of the surrounding  
35 area and to minimize the effect on the value of the  
36 surrounding property.

37 d. The plan of operations for the project is  
38 designed to minimize the danger to the surrounding  
39 area from fire, spills, or other operational  
40 accidents.

41 e. The traffic patterns to or from the project are  
42 designed in order to minimize the impact on existing  
43 traffic flows.

44 f. Information regarding the previous operating  
45 experience of a private agency applicant and its  
46 subsidiaries or parent corporation in the area of  
47 solid waste management or related activities are made  
48 available to the city council or county board of  
49 supervisors.

50 3. No later than fourteen days prior to a request

**Page 2**

1 for siting approval, the applicant shall cause written  
2 notice of the request to be served either in person or  
3 by restricted certified mail on the owners of all  
4 property within the proposed local site area not  
5 solely owned by the applicant, and on the owners of  
6 all property within one thousand feet in each  
7 direction of the lot line of the proposed local site  
8 property if the proposed local site is within the city  
9 limits, or within two miles in each direction of the  
10 lot line of the proposed local site property if the  
11 proposed local site is outside of the city limits.  
12 The owners shall be identified based upon the  
13 authentic tax records of the county in which the  
14 project is to be located.

15 Written notice shall be published in the official  
16 newspaper of the county in which the site is located.  
17 The notice shall state the name and address of the  
18 applicant, the location of the proposed site, the  
19 nature and size of the development, the nature of the  
20 activity proposed, the probable life of the proposed  
21 activity, the date when the request for site approval  
22 will be submitted, and a description of the right of  
23 persons to comment on the request.

24 4. An applicant shall file a copy of its request  
25 with the department and with the city council or the  
26 county board of supervisors in which the proposed site  
27 is located. The request shall include the substance  
28 of the applicant's proposal and all documents, if any,  
29 submitted as of that date to the department pertaining  
30 to the proposed project. All documents or other  
31 materials pertaining to the proposed project on file  
32 with the city council or county board of supervisors  
33 shall be made available for public inspection at the  
34 office of the city council or county board of  
35 supervisors and may be copied upon payment of the  
36 actual cost of reproduction.

37 Any person may file written comment with the city  
38 council or county board of supervisors concerning the  
39 appropriateness of the proposed site for its intended  
40 purpose. The city council or county board of  
41 supervisors shall consider any comment received or  
42 postmarked not later than thirty days after the date  
43 of the last public hearing.

44 5. At least one public hearing shall be held by  
45 the city council or county board of supervisors no  
46 sooner than ninety days but no later than one hundred  
47 twenty days from receipt of the request for siting  
48 approval. A hearing shall be preceded by published  
49 notice in an official newspaper of the county of the  
50 proposed site, including in any official newspaper

**Page 3**

1 located in the city of the proposed site. The public  
2 hearing shall develop a record sufficient to form the  
3 basis of an appeal of the decision.

4 6. Decisions of the city council or the county  
5 board of supervisors shall be in writing, specifying  
6 the reasons for the decision. The written decision of  
7 the city council or the county board of supervisors  
8 shall be available for public inspection at the office  
9 of the city council or county board of supervisors and  
10 may be copied upon payment of the actual cost of  
11 reproduction. Final action shall be taken by the city  
12 council or the county board of supervisors within one  
13 hundred eighty days after the filing of the request  
14 for site approval.

15 At any time prior to completion by the applicant of  
16 the presentation of the applicant's factual evidence  
17 and an opportunity for questioning by the city council  
18 or the county board of supervisors and members of the  
19 public, the applicant may file not more than one  
20 amended application upon payment of additional fees  
21 pursuant to subsection 9. The time limitation for  
22 final action on an amended application shall be  
23 extended for an additional ninety days.

24 7. Construction of a project which is granted  
25 local siting approval under this section shall  
26 commence within one calendar year from the date upon  
27 which it was granted or the permit shall be nullified.  
28 If the local siting decision is appealed, the one-year  
29 period shall begin on the date upon which the appeal  
30 process is concluded.

31 8. The local siting approval, criteria, and appeal  
32 procedures provided for in this section and in section  
33 455B.305B are the exclusive local siting procedures  
34 and appeal procedures. Local zoning or other local  
35 land use requirements shall not be applicable to such  
36 siting decisions.

37 9. A city council or a county board of supervisors  
38 shall charge an applicant for siting approval, under  
39 this section, a fee to cover the reasonable and  
40 necessary costs incurred by the city or county in the  
41 siting approval process.

42 10. An applicant shall not file a request for  
43 local siting approval which is substantially the same  
44 as a request which was denied within the preceding two  
45 years pursuant to a finding against the applicant  
46 under the established criteria.

47 **Sec. 2. NEW SECTION. 455B.305B APPEAL FROM**  
48 **DECISION.**

49 1. If the city council or the county board of  
50 supervisors does not approve a siting request under

## Page 4

1 section 455B.305A, the applicant, within sixty days of  
2 notice of the decision, may petition for a hearing  
3 before the commission to contest the decision. The  
4 commission shall publish notice of the hearing on the  
5 appeal thirty days prior to the hearing in an official  
6 newspaper of the county of the proposed site,  
7 including in any official newspaper located in the  
8 city of the proposed site. The city council or the  
9 county board of supervisors shall appear as respondent  
10 in the hearing, and the hearing shall be based  
11 exclusively on the record before the city council or  
12 the county board of supervisors. At the hearing, the  
13 burden of proof shall be on the petitioner. In making  
14 its orders and determinations under this section, the  
15 commission shall consider the written decision and  
16 reasons for the decision of the city council or the  
17 county board of supervisors and the transcribed record  
18 of the hearing held pursuant to section 455B.305A.

19 The commission shall transmit a copy of its decision  
20 to the office of the city council or the county board  
21 of supervisors where it shall be available for public  
22 inspection and copied upon payment of the actual cost  
23 of reproduction. Final action by the commission shall  
24 be taken within one hundred twenty days.  
25 2. If the city council or the county board of  
26 supervisors grants approval under section 455B.305A, a  
27 third party other than the applicant who participated  
28 in the public hearing conducted by the city council or  
29 the county board of supervisors, may petition the  
30 commission within sixty days of filing of the written  
31 decision at the office of the city council or county  
32 board of supervisors for a hearing to contest the  
33 approval. Unless the commission determines that the  
34 petition is duplicitous or frivolous, the commission  
35 shall hear the petition in accordance with the  
36 procedures of subsection 1. The burden of proof shall  
37 be on the petitioner, and the city council or the  
38 county board of supervisors and the applicant shall be  
39 named as correspondents.

40 The commission shall transmit a copy of its  
41 decision to the office of the city council or the  
42 county board of supervisors where it shall be  
43 available for public inspection and may be copied upon  
44 payment of the actual cost of reproduction.

45 3. Any person who files a petition to contest a  
46 decision of the city council or the county board of  
47 supervisors shall pay a reasonable filing fee.

48 4. Judicial review may be sought of actions of the  
49 commission in accordance with chapter 17A.

50 Sec. 3. NEW SECTION. 455B.315 RADIOACTIVE

## Page 5

## 1 MATERIALS -- PROHIBITED DEPOSIT IN SANITARY LANDFILLS.

2 A person shall not dispose of, and a sanitary  
3 landfill shall not accept for final disposal,  
4 radioactive materials, as defined as of January 1,  
5 1990, pursuant to section 136C.1.

6 Sec. 4. Section 455D.9, subsection 2, Code  
7 Supplement 1989, is amended to read as follows:

8 2. The department shall assist local communities  
9 in the development of collection systems for yard  
10 waste generated from residences and shall assist in  
11 the establishment of local composting facilities. ~~By~~  
12 ~~July 1, 1990, Within one hundred twenty days of the~~  
13 adoption of rules by the department regarding yard  
14 waste, each city and county shall, by ordinance,  
15 require persons within the city or county to separate  
16 yard waste from other solid waste generated.  
17 Municipalities which provide a collection system for  
18 solid waste shall provide for a collection system for  
19 yard waste which is not composted.

20 Sec. 5. MORATORIUM -- COMMERCIAL INFECTIOUS WASTE  
21 INCINERATORS.

22 The department of natural resources shall not grant  
23 a permit for the construction or operation of a  
24 commercial for-profit infectious waste incinerator  
25 prior to July 1, 1991. The moratorium does not apply  
26 to a hospital licensed pursuant to chapter 135B which  
27 accepts waste from other infectious waste generators  
28 if the total amount of infectious waste accepted from  
29 other generators is less than sixty-six percent of the  
30 infectious waste incinerated.

31 Sec. 6. COAL MINED LAND -- COAL COMBUSTION WASTE -  
32 - STUDY.

33 The department of natural resources shall conduct a  
34 study of the reclamation of coal mined land with coal  
35 combustion waste. The study shall be conducted in  
36 cooperation with the department of agriculture and  
37 land stewardship and with Iowa state university of  
38 science and technology. The department of natural  
39 resources shall submit the results of the study and  
40 the recommendations of the department, based upon the  
41 results of the study, to the general assembly by  
42 January 15, 1991.

## 43 Sec. 7.

44 Section 5 of this Act is retroactively applicable  
45 to January 1, 1990.

## 46 Sec. 8.

47 This Act, being deemed of immediate importance,  
48 takes effect upon enactment.""

49 2. Title page, line 1, by striking the words  
50 "sanitary disposal projects" and inserting the

## Page 6

- 1 following: "sanitary landfill and incineration
- 2 projects, providing a retroactive applicability date,
- 3 and providing an effective date".

Amendment H—6014 was adopted.

On motion by Jesse of Jasper, the House concurred in the Senate amendment H—5745, as amended.

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

On the question "Shall the bill pass?" (H.F. 2534)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Teaford	Trent	Tyrrell	Wise
Schneklath			
Presiding			

The nays were, 5:

Iverson	Maulsby	Renken	Royer
Van Maanen			

Absent or not voting, 6:

Branstad	Daggett	Johnson	Renaud
Stueland	Tabor		

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

IMMEDIATE MESSAGE  
(Senate File 205)

Arnould of Scott asked and received unanimous consent that Senate File 205 be immediately messaged to the Senate.

Regular Calendar

**House File 2557**, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk offered the following amendment H—5945 filed by the committee on local government:

H—5945

- 1 Amend House File 2557 as follows:
- 2 1. Page 1, line 32, by striking the word “if” and
- 3 inserting the following: “incurred after”.
- 4 2. Page 1, line 35, by inserting after the word
- 5 “notice” the following: “and may require a deposit
- 6 from the person liable for the charges. A written
- 7 notice shall contain the name of the tenant
- 8 responsible for charges, address tenant is to occupy,
- 9 and date that occupancy begins. A change in tenant
- 10 shall require a new written notice”.
- 11 3. Page 2, line 5, by striking the words “to the
- 12 property owner” and inserting the words “by first
- 13 class mail to a property owner of record”.

Speaker Avenson in the chair at 10:16 a.m.

Spear of Lee offered the following amendment H—6017, to the committee amendment H—5945, filed by him and Connors of Polk and moved its adoption:

H—6017

- 1 Amend the Committee amendment, H—5945, to House
- 2 File 2557 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 “address” the following: “that the”.
- 5 2. Page 1, line 9, by inserting after the word
- 6 “that” the following: “the”.
- 7 3. Page 1, line 13, by striking the word “a” and
- 8 inserting the following: “the”.

Amendment H—6017 was adopted.

On motion by Connors of Polk, the committee amendment H—5945, as amended, was adopted.

Connors of Polk offered the following amendment H—6072 filed by him and moved its adoption:

H—6072

- 1 Amend House File 2557 as follows:
- 2 1. Page 1, line 29, by inserting before the word
- 3 "rental" the following: "residential".

Amendment H—6072 was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2557)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Clark	Cohoon
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Shearer

Absent or not voting, 8:

Branstad	Chapman	Daggett	Jesse
Johnson	McKinney	Stueland	Swartz

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

## SENATE AMENDMENTS CONSIDERED

Koenigs of Mitchell called up for consideration **Senate File 2329**, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semiannual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6080 to the House amendment:

H-6080

- 1 Amend the House amendment, S-5851, to Senate File
- 2 2329, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 6.
- 5 2. Page 3, line 18, by inserting after the figure
- 6 "321.186A" the following: "which shows that the
- 7 applicant's visual acuity level meets or exceeds those
- 8 required by the department".
- 9 3. Page 4, by inserting after line 17, the
- 10 following:
- 11 "\_\_\_\_\_. Page 20, by striking lines 34 and 35, and
- 12 inserting the following: "more pounds if one of the
- 13 towed vehicles has a gross vehicle weight rating"."
- 14 4. Page 4, by striking lines 36 through 38, and
- 15 inserting the following: "less than twenty-six
- 16 thousand one pounds and each towed vehicle has a gross
- 17 vehicle weight rating of less than ten".
- 18 5. Page 4, line 50, by striking the words "test
- 19 as" and inserting the following: "report as".
- 20 6. Page 5, line 1, by inserting after the figure
- 21 "321.186A" the following: "which shows that the
- 22 applicant's visual acuity level meets or exceeds those
- 23 required by the department".
- 24 7. Page 5, line 49, by inserting after the figure
- 25 "321.186A" the following: "which shows that the
- 26 applicant's visual acuity level meets or exceeds those
- 27 required by the department".

The motion prevailed and the House concurred in the Senate amendment H-6080.

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

On the question "Shall the bill pass?" (S.F. 2329)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Branstad	Daggett	Hibbard	Johnson
Shoultz	Stueland		

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

Hatch of Polk called up for consideration **House File 2552**, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund, amended by the Senate amendment H—6028 as follows:

H-6028

1 Amend House File 2552, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 10 through 12, and  
4 inserting the following: "with jurisdiction over the  
5 site of the outlet."

6 2. Page 7, by inserting after line 25, the  
7 following:

8 "Sec. \_\_\_\_\_. Section 424.6, subsection 1, Code  
9 Supplement 1989, is amended by adding the following  
10 new unnumbered paragraph:

11 "NEW UNNUMBERED PARAGRAPH. The department shall  
12 permit a credit against the charge due from a person  
13 equal to the total volume of petroleum transferred or  
14 sold from a tank in bulk quantities and delivered to a  
15 person for deposit in a tank which is exempt,  
16 deferred, or excluded pursuant to this subsection,  
17 multiplied by the diminution rate multiplied by the  
18 cost factor, subject to rules adopted by the board.  
19 "Bulk quantities" as used in this paragraph means at  
20 least a portion of a standard tanker truck load."

21 3. Page 9, by inserting after line 3, the  
22 following:

23 "Sec. \_\_\_\_\_. Section 455B.304, Code Supplement 1989,  
24 is amended by adding the following new unnumbered  
25 paragraphs:

26 NEW UNNUMBERED PARAGRAPH. The commission shall  
27 adopt rules providing for the land application of  
28 soils resulting from the remediation of underground  
29 storage tank releases in the state.

30 NEW UNNUMBERED PARAGRAPH. The commission shall  
31 adopt rules providing for the issuance of a  
32 certificate to the owner of an underground petroleum  
33 storage tank evidencing completion of a remediation  
34 action by cleaning the site to the then current action  
35 standards. The certificate shall be issued upon  
36 request of the owner if the department does not order  
37 further remediation work to be performed within ninety  
38 days of the department's letter acknowledging  
39 compliance with current action standards. The  
40 certificate may be recorded with the county recorder  
41 to evidence completion of a remediation in the chain  
42 of title. A person issued a certificate shall not be  
43 required to perform further remediation solely because  
44 action standards are changed at a later date. The  
45 certificate shall not prevent the department from  
46 ordering remediation of a new release."

47 4. Page 9, by striking lines 4 through 19.

48 5. By striking page 9, line 20, through page 10,  
49 line 1.

50 6. Page 12, by inserting after line 1, the

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1 following:

2 "Sec. \_\_\_\_\_. Section 455G.9, subsection 1, paragraph  
3 a, subparagraph (1), unnumbered paragraph 2, Code  
4 Supplement 1989, is amended to read as follows:

5 Total payments for claims pursuant to this  
6 subparagraph and subparagraph (3) are limited to no  
7 more than six million dollars. Claims for eligible  
8 retroactive releases shall be prorated if claims filed  
9 in a permitted application period or for a particular  
10 priority class of applicants exceed six million  
11 dollars or the then remaining balance of six million  
12 dollars. If claims remain partially or totally unpaid  
13 after total payments equal six million dollars, all  
14 remaining claims are void, and no entitlement exists  
15 for further payment.

16 Sec. \_\_\_\_\_. Section 455G.9, subsection 1, paragraph  
17 a, Code Supplement 1989, is amended by adding the  
18 following new subparagraph:

19 **NEW SUBPARAGRAPH.** (3) Corrective action for an  
20 eligible release reported to the department of natural  
21 resources on or after January 1, 1985, but prior to  
22 July 1, 1987. Third-party liability is specifically  
23 excluded from remedial account coverage. For a claim  
24 for a release under this subparagraph, the remedial  
25 program shall pay no more than the lesser of twenty-  
26 five thousand dollars or one-third of the total costs  
27 of corrective action for that release, subsection 4  
28 notwithstanding. For a release to be eligible for  
29 coverage under this subparagraph the following  
30 conditions must be satisfied:

31 (a) The owner or operator applying for coverage  
32 must be currently engaged in the business for which  
33 the tank connected with the release was used prior to  
34 the report of the release.

35 (b) The owner or operator applying for coverage  
36 shall not be a person who is maintaining, or has  
37 maintained, proof of financial responsibility for  
38 federal regulations through self-insurance.

39 (c) The owner or operator applying for coverage  
40 shall not have claimed bankruptcy any time on or after  
41 January 1, 1985.

42 (d) The claim for coverage pursuant to this  
43 subparagraph must have been filed with the board prior  
44 to September 1, 1990.

45 (e) The owner or operator at the time the release  
46 was reported to the department of natural resources  
47 must have been in compliance with then current  
48 monitoring requirements, if any, or must have been in  
49 the process of compliance efforts with anticipated  
50 requirements, including installation of monitoring

## Page 3

1 devices, a new tank, tank improvements or retrofit, or  
2 any combination."

3 7. Page 19, by striking lines 2 through 18, and  
4 inserting the following:

5 "NEW SUBSECTION. 8. A person engaged in the  
6 wholesale or retail sale of petroleum shall receive a  
7 discount of eight percent on that person's annual  
8 insurance premium for all tanks located at a site  
9 which meets all of the following conditions:

10 a. The person maintains a tank for the purpose of  
11 storing waste oil.

12 b. The person accepts waste oil from the general  
13 public.

14 c. The person posts a notice at the site in a form  
15 and manner approved by the administrator advertising  
16 that the person will accept waste oil from the general  
17 public."

18 8. Page 21, by inserting after line 9, the  
19 following:

20 "Sec. \_\_\_\_\_. Section 558.69, unnumbered paragraph 1,  
21 Code 1989, is amended to read as follows:

22 With each declaration of value submitted to the  
23 county recorder under chapter 428A, there shall also  
24 be submitted a statement that no known wells are  
25 situated on the property, or if known wells are  
26 situated on the property, the statement must state the  
27 approximate location of each known well and its status  
28 with respect to section 159.29 or 455B.190. The  
29 statement shall also state that no known disposal site  
30 for solid waste, as defined in section 455B.301, which  
31 has been deemed to be potentially hazardous by the  
32 department of natural resources, exists on the  
33 property, or if such a known disposal site does exist,  
34 the location of the site on the property. The  
35 statement shall additionally state that no known  
36 underground storage tank, as defined in section  
37 455B.471, subsection 6, exists on the property, or if  
38 a known underground storage tank does exist, the type  
39 and size of the tank, and any known substance in the  
40 tank. The statement shall also state that no known  
41 hazardous waste as defined in section 455B.411,  
42 subsection 4, or listed by the department pursuant to  
43 section 455B.412, subsection 2, or section 455B.464,  
44 exists on the property, or if known hazardous waste  
45 does exist, that the waste is being managed in  
46 accordance with rules adopted by the department of  
47 natural resources. The statement shall be signed by  
48 at least one of the sellers or their agents. The  
49 county recorder shall refuse to record any deed,  
50 instrument, or writing for which a declaration of

## Page 4

1 value is required under chapter 428A unless the  
2 statement required by this section has been submitted  
3 to the county recorder. A buyer of property shall be  
4 provided with a copy of the statement submitted, and,  
5 following the fulfillment of this provision, if the  
6 statement submitted reveals no well, disposal site,  
7 underground storage tank, or hazardous waste on the  
8 property, the county recorder may destroy the  
9 statement. The land application of sludges or soils  
10 resulting from the remediation of underground storage  
11 tank releases accomplished in compliance with  
12 department of natural resources rules without a permit  
13 is not required to be reported as the disposal of  
14 solid waste or hazardous waste. For a property for  
15 which a certificate evidencing completion of a  
16 remediation action has been issued pursuant to section  
17 455B.304, the past presence of an underground storage  
18 tank closed pursuant to department rules or the  
19 presence of any hazardous waste or contamination  
20 related solely to the prior underground storage tank  
21 which was the subject of the remediation need not be  
22 disclosed, provided that no new underground storage  
23 tank has been installed on the property."

24 9. Page 21, lines 14 and 15, by striking the  
25 words and figures "July 1, 1990" and inserting the  
26 following: "the effective date of this Act".

27 10. Page 21, line 20, by striking the words "for  
28 that two-month" and inserting the following: "under  
29 section 455G.9, subsection 1, paragraph "a",  
30 subparagraphs (1) and (3) for that".

31 11. By striking page 21, line 23, through page  
32 22, line 1, and inserting the following: "balance  
33 shall be distributed according to the following  
34 priority:

35 1. Claims submitted pursuant to section 455G.9,  
36 subsection 1, paragraph "a", subparagraph (3), first.

37 2. Claims reopened or submitted pursuant to  
38 section 455G.9, subsection 1, paragraph "a",  
39 subparagraph (1), second.

40 3. Claims submitted pursuant to section 455G.9,  
41 subsection 1, paragraph "a", subparagraph (3), not  
42 previously accepted for payment or paid because the  
43 claim was ineligible solely on the basis of section  
44 455G.9, subsection 1, paragraph "a", subparagraph (3),  
45 subparagraph subdivision (a), third.

46 4. If claims paid pursuant to subsections 1, 2,  
47 and 3 do not exceed the remaining balance of  
48 unobligated or unreserved funds of the six million  
49 dollars, the remaining balance shall be distributed  
50 among the claims accepted for payment which were

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1 submitted on or before January 31, 1990, by increasing  
2 the allowable percentage of payment contained in  
3 section 455G.9, subsection 1, paragraph "a",  
4 subparagraph (1) by an amount necessary to reduce the  
5 remaining balance of the six million dollars allocated  
6 for retroactive claims to zero.

7 If claims remain partially or totally unpaid after  
8 total payments under the retroactive portion of the  
9 remedial account equal six million dollars, all  
10 remaining claims are void, and no entitlement exists  
11 for further payment."

12 12. Page 22, by striking lines 2 and 3, and  
13 inserting the following:

14 "Sec. \_\_\_\_\_.

15 This Act, being deemed of immediate importance,  
16 takes effect upon enactment."

17 13. Title page, line 3, by inserting after the  
18 word "fund" the following: ", and providing an  
19 effective date".

20 14. By renumbering, relettering, or redesignating  
21 and correcting internal references as necessary.

Hatch of Polk offered amendment H-6075, to the Senate amend-  
ment H-6028, filed by him. Division was requested as follows:

**H-6075**

1 Amend the Senate amendment, H-6028, to House File  
2 2552, as amended, passed, and reprinted by the House,  
3 as follows:

**H-6075A**

4 1. Page 1, line 12, by inserting after the word  
5 "person" the following: "operating an eligible  
6 underground bulk storage facility".

7 2. Page 1, line 20, by inserting after the word  
8 "load." the following: "Eligible underground bulk  
9 storage facility" means an underground bulk storage  
10 facility in operation on or before January 1, 1990."

11 3. Page 1, line 25, by striking the word  
12 "paragraphs" and inserting the following:  
13 "paragraph".

14 4. Page 1, line 29, by striking the word "state."  
15 and inserting the following: "state."

**H-6075C**

16 5. Page 1, by striking lines 30 through 46.

**H-6075A**

17 6. Page 2, line 6, by striking the words "and  
18 subparagraph (3)".

## H-6075A

- 19 7. Page 2, line 15, by striking the word  
20 "payment." and inserting the following: "payment." "
- 21 8. By striking page 2, line 16, through page 3,  
22 line 2.

## H-6075B

- 23 9. Page 3, by striking lines 3 through 17, and  
24 inserting the following:  
25 "\_\_\_\_\_. Page 19, line 5, by inserting after the  
26 word "recycling" the following: "or proper disposal".  
27 \_\_\_\_\_. Page 19, by striking lines 7 through 11, and  
28 inserting the following: "oil for recycling or proper  
29 disposal. A person required to install a waste oil  
30 tank at a site to satisfy this condition shall receive  
31 a discount of five percent on that person's annual  
32 insurance premium for all tanks located at that site.  
33 A person subject to this subsection shall post".

## H-6075A

- 34 10. Page 4, by striking lines 14 through 23, and  
35 inserting the following: "solid waste or hazardous  
36 waste." "
- 37 11. Page 4, line 30, by striking the words and  
38 figures "subparagraphs (1) and (3)" and inserting the  
39 following: "subparagraph (1)".
- 40 12. By striking page 4, line 31, through page 5,  
41 line 11.
- 42 13. Page 5, by inserting after line 13, the  
43 following:  
44 "Sec. \_\_\_\_\_.  
45 In response to concerns over the cost of recurring  
46 liability due to regulatory uncertainty and the threat  
47 of continued liability in connection with prior  
48 contamination after conducting a remediation action or  
49 tank closure consistent with current action standards,  
50 the petroleum underground storage tank board, in

**Page 2**

- 1 consultation with the state attorney general and the  
2 department of natural resources, shall assess state  
3 and federal laws regarding liability for site  
4 remediation and third-party liability in connection  
5 with underground storage tanks. Based on this  
6 assessment, the board shall identify whether it is  
7 desirable and appropriate to define limits to  
8 liability among parties involved in the purchase or  
9 transfer of property which has been subject to a  
10 remediation action or tank closure consistent with  
11 action standards at the time of the action or tank  
12 closure. Any recommendations of the board shall be  
13 incorporated into a written report and the written

H-6075A

14 report shall be submitted to the general assembly on  
 15 or before January 15, 1991. The report shall include  
 16 a discussion of the financial implications of any  
 17 proposals, including, but not limited to, any risk  
 18 that the state would incur if the state would assume  
 19 some portion of the liability to pay for future  
 20 remedial action due to a change in regulatory action  
 21 standards."

22 14. By renumbering, relettering, and  
 23 redesignating as necessary.

Hatch of Polk moved the adoption of amendment H-6075A, to the Senate amendment H-6028.

Roll call was requested by De Groot of Lyon and Spenner of Henry.

On the question "Shall amendment H-6075A, to the Senate amendment H-6028, be adopted?" (H.F. 2552)

The ayes were, 51:

Adams	Arnould	Beatty	Bisignano
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hibbard	Holveck	Jesse
Jochum	Knapp	Lykam	May
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 38:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gruhn
Halvorson, R. A.	Harbor	Hester	Iverson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Pellett	Petersen, D. F.	Renken	Royer
Schnekloth	Shearer	Shoning	Siegrist
Spear	Spenner	Svoboda	Trent
Tyrrell	Van Maanen		

Absent or not voting, 11:

Black	Blanshan	Branstad	Jay
Johnson	McKinney	Mertz	Miller
Plasier	Shoultz	Stueland	

Amendment H—6075A was adopted.

Swartz of Marshall in the chair at 11:13 a.m.

Hatch of Polk moved the adoption of amendment H—6075B, to the Senate amendment H—6028.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 42, nays 52.

Amendment H—6075B lost.

On motion by Hatch of Polk, amendment H—6075C, to the Senate amendment H—6028, lost.

On motion by Hatch of Polk, the House concurred in the Senate amendment H—6028, as amended.

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

On the question "Shall the bill pass?" (H.F. 2552)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Poncy	Renaud

Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Tabor	Trent	Tyrrell	Van Maanen
Wise	Swartz		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Avenson, Spkr.	Branstad	Hibbard	Jochum
Johnson	Petersen, D. F.	Plasier	Shoultz
Stueland	Teaford		

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

### IMMEDIATE MESSAGE (House File 2552)

Arnould of Scott asked and received unanimous consent that House File 2552 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

McKinney of Dallas called up for consideration House Concurrent Resolution 112, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects, amended by the Senate amendment H-6084 as follows:

H-6084

- 1 Amend House Concurrent Resolution 112, as passed by
- 2 the House, as follows:
- 3 1. Page 3, line 21, by striking the word
- 4 "related".
- 5 2. Page 3, line 21, by inserting after the word
- 6 "maintenance" the following: ", including projects".
- 7 3. Page 3, line 23, by inserting after the figure
- 8 "1990" the following: ", and projects that will
- 9 correct conditions where there is risk to loss of life
- 10 or injury or conditions hazardous to the health of
- 11 persons or where the project, if delayed, will result
- 12 in substantially greater additional costs in the
- 13 future".
- 14 4. Page 3, line 28, by striking the word
- 15 "related".
- 16 5. Page 3, line 28, by inserting after the word
- 17 "maintenance" the following: ", including projects".
- 18 6. Page 3, line 30, by inserting after the figure
- 19 "1990" the following: ", and projects that will

20 correct conditions where there is risk to loss of life  
 21 or injury or conditions hazardous to the health of  
 22 persons or where the project, if delayed, will result  
 23 in substantially greater additional costs in the  
 24 future”.

25 7. Page 4, line 5, by striking the word  
 26 “related”.

27 8. Page 4, line 5, by inserting after the word  
 28 “maintenance” the following: “, including projects”.

29 9. Page 4, by striking lines 7 through 9, and  
 30 inserting the following: “council on March 27, 1990,  
 31 and projects that will correct conditions where there  
 32 is risk to loss of life or injury or conditions  
 33 hazardous to the health of persons or where the  
 34 project, if delayed, will result in substantially  
 35 greater additional costs in the future”.

McKinney of Dallas offered the following amendment H—6104,  
 to the Senate amendment H—6084, filed by him from the floor and  
 moved its adoption:

H—6104

1 Amend the Senate amendment, H—6084, to House  
 2 Concurrent Resolution 112, as passed by the House, as  
 3 follows:

4 1. Page 1, by striking lines 11 through 13, and  
 5 inserting the following: “persons”.

6 2. Page 1, by striking lines 22 through 24, and  
 7 inserting the following: “persons”.

8 3. Page 1, by striking lines 33 through 35, and  
 9 inserting the following: “hazardous to the health of  
 10 persons”.

Amendment H—6104 was adopted.

On motion by McKinney of Dallas, the House concurred in the  
 Senate amendment H—6084, as amended.

McKinney of Dallas moved the adoption of the resolution, as  
 amended.

A non-record roll call was requested.

The ayes were 65, nays 18.

The motion prevailed and House Concurrent Resolution 112, as  
 amended, was adopted.

#### IMMEDIATE MESSAGES

(House File 2557 and House Concurrent Resolution 112)

Arnould of Scott asked and received unanimous consent that  
 House File 2557 and House Concurrent Resolution 112 be immediately  
 messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Knapp of Dubuque called up for consideration Senate File 2408, a bill for an act relating to and making appropriations to the justice system, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6091 to the House amendment:

H-6091

1 Amend the House amendment, S-5838, to Senate File
2 2408, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 45, the
5 following:

6 "\_\_\_\_\_. Page 8, line 27, by inserting after the
7 word "institutions." the following: "The department
8 is authorized to implement the condition contained in
9 this paragraph immediately upon enactment." "

10 2. Page 1, line 46, by striking the figure "35"
11 and inserting the following: "5".

12 3. Page 2, by striking lines 5 through 23, and
13 inserting the following: "much thereof as is
14 necessary:

15 \_\_\_\_\_ Page 10, line 8, by striking the figure
16 "4,345,072" and inserting the following: "4,320,847".

17 \_\_\_\_\_ Page 10, by striking lines 14 through 18.

18 \_\_\_\_\_ Page 10, by striking lines 24 through 28 and
19 inserting the following:

20 "\_\_\_\_\_. For contracting for aptitude and job-related
21 interest assessment, career exploration, the
22 individualized employability development plan, and job
23 placement with a private entity which is not
24 controlled or administered by any state agency or any
25 political subdivision of the state, and which has a
26 minimum of fifteen years of service experience with
27 offender and ex-offender populations:

28 ..... \$ 90,000".

29 4. Page 2, by striking lines 24 and 25, and
30 inserting the following:

31 "\_\_\_\_\_. Page 11, by striking lines 18 through 22
32 and inserting the following:".

33 5. Page 2, by striking lines 28 through 39, and
34 inserting the following: "much thereof as is
35 necessary:

36 \_\_\_\_\_ Page 11, line 25, by striking the figure
37 "3,343,904" and inserting the following: "3,208,365".

38 \_\_\_\_\_ Page 11, by striking lines 34 and 35, and
39 inserting the following:

40 "..... \$ 242,696

41 ..... FTEs 8.53".

- 42 \_\_\_\_\_ Page 12, by striking lines 23 through 27,
- 43 and inserting the following:"
- 44 6. By striking page 2, line 42 through page 3,
- 45 line 4, and inserting the following: "much thereof as
- 46 is necessary:
- 47 \_\_\_\_\_ Page 12, line 30, by striking the figure
- 48 "1,941,214" and inserting the following: "1,932,014".
- 49 \_\_\_\_\_ Page 12, by striking lines 34 and 35, and
- 50 inserting the following:

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- 1 " ..... \$ 18,278
- 2 ..... FTEs .50".
- 3 \_\_\_\_\_ Page 13, by striking lines 3 and 4, and
- 4 inserting the following:
- 5 " ..... \$ 76,303
- 6 ..... FTEs 2.07".
- 7 \_\_\_\_\_ Page 13, by striking lines 27 through 31,
- 8 and inserting the following:"
- 9 7. Page 3, by striking lines 7 through 14, and
- 10 inserting the following: "much thereof as is
- 11 necessary:
- 12 \_\_\_\_\_ Page 13, line 34, by striking the figure
- 13 "1,853,870" and inserting the following: "1,816,247".
- 14 \_\_\_\_\_ Page 14, by striking lines 17 through 21,
- 15 and inserting the following:"
- 16 8. Page 3, by striking lines 17 through 26, and
- 17 inserting the following: "much thereof as is
- 18 necessary:
- 19 \_\_\_\_\_ Page 14, line 24, by striking figure
- 20 "5,563,123" and inserting the following: "5,468,203".
- 21 \_\_\_\_\_ Page 14, by striking lines 25 through 33.
- 22 \_\_\_\_\_ Page 15, by striking lines 4 through 12.
- 23 \_\_\_\_\_ Page 16, by striking lines 1 through 5, and
- 24 inserting the following:"
- 25 9. Page 3, by striking lines 29 through 46, and
- 26 inserting the following: "much thereof as is
- 27 necessary:
- 28 \_\_\_\_\_ Page 16, line 8, by striking the figure
- 29 "4,008,274" and inserting the following: "3,982,335".
- 30 \_\_\_\_\_ Page 16, by striking lines 17 through 30,
- 31 and inserting the following:
- 32 " ..... \$ 179,814
- 33 ..... FTEs 3.49".
- 34 \_\_\_\_\_ By striking page 16, line 35 through page
- 35 17, line 1, and inserting the following:
- 36 " ..... \$ 337,733
- 37 ..... FTEs 7.70".
- 38 \_\_\_\_\_ Page 17, by striking lines 31 through 35,
- 39 and inserting the following:"
- 40 10. By striking page 3, line 49 through page 4,

41 line 14, and inserting the following: "much thereof  
42 as is necessary:

43 \_\_\_\_\_ Page 18, by striking lines 9 through 13.

44 \_\_\_\_\_ Page 18, by striking lines 17 and 18, and  
45 inserting the following:

46 "..... \$ 57,131  
47 ..... FTEs 1.00".

48 \_\_\_\_\_ Page 19, by striking lines 12 through 16,  
49 and inserting the following:".

50 11. Page 4, by striking lines 17 through 46, and

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1 inserting the following: "much thereof as is  
2 necessary:

3 \_\_\_\_\_ Page 19, line 19, by striking the figure  
4 "1,772,601" and inserting the following: "1,699,249".

5 \_\_\_\_\_ Page 19, by striking lines 28 and 29, and  
6 inserting the following:

7 "..... \$ 43,384  
8 ..... FTEs 1.23".

9 \_\_\_\_\_ Page 19, by striking lines 34 and 35, and  
10 inserting the following:

11 "..... \$ 570,035  
12 ..... FTEs 13.28".

13 \_\_\_\_\_ Page 21, line 16, by striking the figure  
14 "584,632" and inserting the following: "200,000".

15 12. Page 5, by striking lines 9 through 15, and  
16 inserting the following:

17 "As a condition, limitation, and qualification of  
18 this appropriation, the judicial department, except  
19 for purposes of internal processing, shall use the  
20 current state budget system, the state payroll system,  
21 and the Iowa finance and accounting system in  
22 administration of programs and payments for services,  
23 and shall not duplicate the state payroll, accounting,  
24 and budgeting systems."

25 13. Page 5, by striking lines 31 through 36 and  
26 inserting the following: "this appropriation, the  
27 judicial department, except for purposes of internal  
28 processing, shall use the current state budget system,  
29 the state payroll system, and the Iowa finance and  
30 accounting system in administration of programs and  
31 payments for services, and shall not duplicate the  
32 state payroll, accounting, and budgeting systems."

33 14. Page 6, by striking lines 8 through 32.

34 15. By striking page 6, line 43, through page 7,  
35 line 30.

36 16. Page 7, by inserting after line 33, the  
37 following:

38 "\_\_\_\_\_ Page 29, by inserting before line 15, the  
39 following:

40 "Sec. \_\_\_\_\_. 1990 Iowa Acts, Senate File 2212,  
 41 section 23, is amended by adding the following new  
 42 unnumbered paragraph:  
 43 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
 44 8.33, the moneys appropriated in this section that  
 45 remain unencumbered and unobligated on June 30, 1990,  
 46 shall not revert to the general fund but shall remain  
 47 available for expenditure for the purposes designated  
 48 during the fiscal year beginning July 1, 1990." "  
 49 17. Page 7, by inserting after line 33 the  
 50 following:

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1 "\_\_\_\_\_. Page 29, by inserting after line 17 the  
 2 following:  
 3 "Sec. \_\_\_\_\_.  
 4 Section 5, subsection 1, unnumbered paragraph 2, of  
 5 this Act, which relates to the employment of a  
 6 correctional education administrator, being deemed of  
 7 immediate importance, takes effect upon enactment and  
 8 the department shall immediately commence the process  
 9 for employing the administrator and the department of  
 10 management shall authorize expenditures to be incurred  
 11 in commencing this process." "  
 12 18. Page 7, by striking lines 34 through 36.  
 13 19. By renumbering, relettering, or redesignating  
 14 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 57, nays 30.

The motion prevailed and the House concurred in the Senate amendment H—6091.

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

On the question "Shall the bill pass?" (S.F. 2408)

The ayes were, 58:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brown	Buhr	Chapman	Cohoon
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs

Lykam	Maulsby	May	McKean
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Spear	Tabor
Wise	Swartz		
	Presiding		

The nays were, 33:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Siegrist	Spenner	Trent	Tyrrell
Van Maanen			

Absent or not voting, 9:

Brand	Connors	Diemer	Johnson
Poney	Shoultz	Stueland	Svoboda
Teaford			

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

### IMMEDIATE MESSAGE

(Senate File 2408)

Arnould of Scott asked and received unanimous consent that Senate File 2408 be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 4, 1990, passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 12:16 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### SENATE AMENDMENTS CONSIDERED

Muhlbauer of Crawford called up for consideration **House File 724**, a bill for an act relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—6056:

H—6056

- 1 Amend House File 724, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 114A.1 DEFINITIONS.
- 6 As used in this chapter unless the context
- 7 otherwise requires:
- 8 1. "Corner" means a point at which two or more
- 9 lines meet.
- 10 2. "Division" means dividing a tract or parcel of
- 11 land into two parcels of land by conveyance or for tax
- 12 purposes. The conveyance of an easement, other than a
- 13 public highway easement, shall not be considered a
- 14 division for the purpose of this chapter.
- 15 3. "Government lot" means a tract, within a
- 16 section, which is normally described by a lot number
- 17 as represented and identified on the township plat of
- 18 the United States public land survey system.
- 19 4. "Land surveying" means surveying of land
- 20 pursuant to chapter 114.
- 21 5. "Lot" means a tract of land, generally a
- 22 subdivision of a city or town block, represented and
- 23 identified as a lot on a recorded plat.
- 24 6. "Meander line" means a traverse approximately
- 25 along the margin of a body of water. A meander line
- 26 provides data for computing areas and approximately
- 27 locates the margin of the body of water. A meander
- 28 line does not ordinarily determine or fix boundaries.
- 29 7. "Monument" means a physical structure which
- 30 marks the location of a corner or other survey point.
- 31 8. "Offset line" means a supplementary traverse
- 32 close to and approximately parallel with an irregular
- 33 boundary line. An offset line provides data for
- 34 computing areas and locates salient points on the
- 35 irregular boundary line by measured distances
- 36 referenced to the offset line.

- 37 9. "Plat of survey" means a graphical  
38 representation of a survey of one or more parcels of  
39 land, including a complete and accurate description of  
40 each parcel within the plat, prepared by a registered  
41 land surveyor.
- 42 10. "Subdivision" means a tract of land divided  
43 into three or more lots.
- 44 11. "Subdivision plat" means a graphical  
45 representation of the subdivision of land, prepared by  
46 a registered land surveyor, having a number or letter  
47 designation for each lot within the plat and a  
48 succinct name or title that is unique for the county  
49 where the land is located.
- 50 12. "Surveyor" means a registered land surveyor

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1 who engages in the practice of land surveying pursuant  
2 to chapter 114.

3 **Sec. 2. NEW SECTION. 114A.2 APPLICABILITY.**

4 This chapter applies to all agencies of the United  
5 States government, this state, or a political  
6 subdivision of this state and to all persons engaged  
7 in the practice of land surveying.

8 **Sec. 3. NEW SECTION. 114A.3 RULES.**

9 Pursuant to chapter 114, the engineering and land  
10 surveying examining board may adopt rules consistent  
11 with the rules prescribed by the Acts of Congress and  
12 the Instructions of the United States Secretary of the  
13 Interior.

14 **Sec. 4. NEW SECTION. 114A.4 BOUNDARY LOCATION.**

15 The surveyor shall acquire data necessary to  
16 retrace record title boundaries, center lines, and  
17 other boundary line locations in accordance with the  
18 legal descriptions including applicable provisions of  
19 chapter 650. The surveyor shall analyze the data and  
20 make a careful determination of the position of the  
21 boundaries of the parcel or tract of land being  
22 surveyed. The surveyor shall make a field survey,  
23 locating and connecting monuments necessary for  
24 location of the parcel or tract and coordinate the  
25 facts of the survey with the analysis and legal  
26 description. The surveyor shall place monuments  
27 marking the corners of the parcel or tract unless  
28 monuments already exist at the corners.

29 **Sec. 5. NEW SECTION. 114A.5 MEASUREMENTS.**

30 1. Measurements shall be made with instruments and  
31 methods capable of attaining the required accuracy for  
32 the particular problem involved.

33 2. Measurements as placed on plats shall be in  
34 conformance with the capabilities of the instruments  
35 used.

36 3. In a closed traverse the sum of the measured  
37 angles shall agree with the theoretical sum by a  
38 difference not greater than thirty seconds times the

39 square root of the number of angles.

40 4. Distances shall be shown in decimal feet in  
41 accordance with the definition of the international  
42 foot. Distance measurements shall refer to the  
43 horizontal plane.

44 Sec. 6. NEW SECTION. 114A.6 MONUMENTATION.

45 1. The surveyor shall confirm the prior  
46 establishment of control monuments at each controlling  
47 corner on the boundaries of the parcel or tract of  
48 land being surveyed. If no control monuments exist,  
49 the surveyor shall place the monuments. Control  
50 monuments shall be constructed of reasonably permanent

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1 material solidly embedded in the ground and capable of  
2 being detected by commonly used magnetic or electronic  
3 equipment. The surveyor shall affix a cap of  
4 reasonably inert material bearing an embossed or  
5 stencil cut marking of the Iowa registration number of  
6 the surveyor to the top of each monument which the  
7 surveyor places.

8 2. Control monuments shall be placed at the  
9 following locations:

10 a. Each corner and angle point of each lot, block,  
11 or parcel of land surveyed.

12 b. Each point of intersection of the outer  
13 boundary of the survey with an existing or created  
14 right-of-way line of a street, railroad, or other way.

15 c. Each point of curve, tangency, reversed curve,  
16 or compounded curve on each right-of-way line  
17 established.

18 3. If the placement of a monument required by this  
19 chapter at the prescribed location is impractical, a  
20 reference monument shall be established near the  
21 prescribed location. If a point requiring  
22 monumentation has been previously monumented, the  
23 existence of the monument shall be confirmed by the  
24 surveyor.

25 4. At least a minimum number of two survey control  
26 monuments are required to be placed before the  
27 recording of a subdivision provided the surveyor  
28 includes in the surveyor's statement a declaration  
29 that additional monuments shall be placed before a  
30 date specified in the statement or within one year  
31 from the date the subdivision is recorded, whichever  
32 is earlier.

33 Sec. 7. NEW SECTION. 114A.7 PLATS OF SURVEY.

34 A plat of survey shall be made, showing information  
35 developed by the survey, for each land survey  
36 performed for the purpose of correcting boundaries,  
37 correcting descriptions of surveyed land, or for the  
38 division of land. Each plat of survey shall conform  
39 to the following provisions:

40 1. The original plat drawing shall remain the

- 41 property of the surveyor.
- 42 2. The size of each plat sheet shall not be less  
43 than eight and one-half inches by eleven inches.
- 44 3. The scale of the plat drawing shall be clearly  
45 stated and graphically illustrated by a bar scale on  
46 every plat sheet.
- 47 4. An arrow indicating the northern direction  
48 shall be shown on each plat sheet.
- 49 5. The plat shall show that the survey is tied to  
50 a physically monumented land line which is identified

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- 1 by two United States public land survey system  
2 corners, or by two physically monumented corners of a  
3 recorded subdivision.
- 4 6. The plat shall show the lengths and bearings of  
5 the boundaries of the parcels surveyed. The course of  
6 each boundary line shown on the plat may be indicated  
7 by a direct bearing reference or by an angle between  
8 the boundary line and an intersecting line having a  
9 shown bearing, except when the boundary line has an  
10 irregular or constantly changing course, as along a  
11 body of water, or when a description of the boundary  
12 line is better achieved by measurements shown at  
13 points or intervals along a meander line or an offset  
14 line having a shown course. The bearings shall be  
15 referenced to a United States public land survey  
16 system land line, or recorded subdivision line. If  
17 the boundary lines show bearings, lengths, or  
18 locations which vary from those recorded in deeds,  
19 abutting plats, or other instruments of record, the  
20 following note shall be placed along the lines,  
21 "recorded as (show recorded bearing, length, or  
22 location)". Bearings and angles shown shall be given  
23 to at least the nearest minute of arc.
- 24 7. The plat shall show and identify all monuments  
25 necessary for the location of the parcel and shall  
26 indicate whether the monuments were found or placed.
- 27 8. If United States public land survey system  
28 corners control the land description, the corners  
29 shall be clearly identified on the plat including a  
30 description of the monumentation and shall indicate  
31 whether the monuments were found or placed.
- 32 9. Control monuments shall be adequately described  
33 and clearly identified on the plat and noted as found  
34 or placed. If additional monuments are to be placed  
35 subsequent to the recording of a subdivision as  
36 provided in section 114A.6, the location of the  
37 additional monuments shall be shown on the plat.
- 38 10. Distance shall be shown in decimal feet in  
39 accordance with the definition of the international  
40 foot. Distance measurements shall refer to the  
41 horizontal plane.
- 42 11. Curve data shall be stated in terms of radius,

43 central angle, and length of curve, and as otherwise  
 44 specified by local ordinance. In all cases, the curve  
 45 data must be shown for the line affected.

46 12. The unadjusted error of closure shall not be  
 47 greater than one in five thousand for an individual  
 48 parcel.

49 13. If any part of the surveyed land is bounded by  
 50 an irregular line, that part shall be enclosed by a

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1 meander line or an offset line showing complete data  
 2 with distances along all lines extending beyond the  
 3 enclosure to the irregular boundary, and shown with as  
 4 much certainty as can be determined or as "more or  
 5 less", if variable. In all cases, the true boundary  
 6 shall be clearly indicated on the plat.

7 14. The plat shall be captioned to show the date  
 8 of the survey, and shall be accompanied by a  
 9 description of the parcel.

10 15. The plat shall contain a statement by a  
 11 surveyor that the work was done and the plat was  
 12 prepared by the surveyor or under the surveyor's  
 13 direct personal supervision, shall be signed and dated  
 14 by the surveyor, and shall bear the surveyor's Iowa  
 15 registration number and legible seal.

16 **Sec. 8. NEW SECTION. 114A.8 PLATS FOR**  
 17 **SUBDIVISIONS.**

18 Subdivision plats shall conform to the following  
 19 provisions where applicable:

20 1. The original plat drawing shall remain the  
 21 property of the surveyor.

22 2. The size of each plat sheet shall not be less  
 23 than eight and one-half inches by eleven inches.

24 3. If more than one sheet is used, each sheet  
 25 shall display both the number of the sheet and the  
 26 total number of sheets included in the plat, and  
 27 clearly labeled match lines indicating where the other  
 28 sheets adjoin. An index shall be provided to show the  
 29 relationship between the sheets.

30 4. The scale of the plat drawing shall be clearly  
 31 stated and graphically illustrated by a bar scale on  
 32 every plat sheet.

33 5. Each subdivision plat shall be designated, by  
 34 name or as otherwise prescribed, in bold letters  
 35 inside the margin at the top of each plat sheet.

36 6. An arrow indicating the northern direction  
 37 shall be shown on each plat sheet.

38 7. The plat shall show that the subdivision is  
 39 tied to a physically monumented land line which is  
 40 identified by two United States public land survey  
 41 system corners, or by two physically monumented  
 42 corners of a recorded subdivision.

43 8. The plat shall show the lengths and bearings of  
 44 the boundaries of the tracts surveyed. The course of

45 each boundary line shown on the plat may be indicated  
46 by a direct bearing reference or by an angle between  
47 the boundary line and an intersecting line having a  
48 shown bearing, except when the boundary line has an  
49 irregular or constantly changing course, as along a  
50 body of water, or when a description of the boundary

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1 line is better achieved by measurements shown at  
2 points or intervals along a meander line or an offset  
3 line having a shown course. The bearing shall be  
4 referenced to a United States public land survey  
5 system land line, or recorded subdivision line. If  
6 the boundary lines show bearings, lengths, or  
7 locations which vary from those recorded in deeds,  
8 abutting plats, or other instruments of record, the  
9 following note shall be placed along the lines,  
10 "recorded as (show recorded bearing, length, or  
11 location)". Bearings and angles shown shall be given  
12 to at least the nearest minute of arc.

13 9. The plat shall show and identify all monuments  
14 necessary for the location of the tracts and shall  
15 indicate whether the monuments were found or placed.

16 10. If United States public land survey system  
17 corners control the land description, the corners  
18 shall be clearly identified on the plat including a  
19 description of the monumentation and shall indicate  
20 whether the monuments were found or placed.

21 11. Control monuments shall be adequately  
22 described and clearly identified on the plat and noted  
23 as found or placed. If additional monuments are to be  
24 placed subsequent to the recording of a subdivision as  
25 provided in section 114A.6, the location of the  
26 additional monuments shall be shown on the plat.

27 12. Survey data shall be shown to positively  
28 describe the bounds of every lot, block, street,  
29 easement, or other areas shown on the plat, and the  
30 boundaries of the surveyed lands.

31 13. Distances shall be shown in feet to at least  
32 the nearest one-tenth of a foot in accordance with the  
33 definition of the international foot. Distance  
34 measurements shall refer to the horizontal plane.

35 14. Curve data shall be stated in terms of radius,  
36 central angle, and length of curve. Unless otherwise  
37 specified by local ordinance, curve data for streets  
38 of uniform width need only be shown with reference to  
39 the center line and lots fronting on such curves need  
40 only show the chord bearing and distance of the part  
41 of the curve included in the lot boundary. Otherwise,  
42 the curve data shall be shown for the line affected.

43 15. The unadjusted error of closure shall not be  
44 greater than one in ten thousand for subdivision  
45 boundaries and shall not be greater than one in five  
46 thousand for an individual lot.

47 16. If part of the surveyed land is bounded by an  
48 irregular line, that part shall be enclosed by a  
49 meander line or an offset line showing complete data  
50 with distances along all lines extending beyond the

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1 enclosure to the irregular boundary, and shown with as  
2 much certainty as can be determined or as "more or  
3 less", if variable. In all cases, the true boundary  
4 shall be clearly indicated on the plat.

5 17. Interior excepted parcels, shall be clearly  
6 indicated and labeled, "not a part of this survey (or  
7 subdivision)".

8 18. Adjoining properties shall be identified, and  
9 if the adjoining properties are a part of a recorded  
10 subdivision, the name of that subdivision shall be  
11 shown. If the survey is a subdivision of a portion of  
12 a previously recorded subdivision plat, sufficient  
13 ties shall be shown to controlling lines appearing on  
14 such plat to permit a comparison to be made.

15 19. The purpose of any easement shown on the plat  
16 shall be clearly stated.

17 20. The purpose of areas dedicated to the public  
18 shall be clearly indicated on the plat.

19 21. The plat shall be accompanied by a description  
20 of the land included in the subdivision and shall  
21 contain a statement by the surveyor that the work was  
22 done and the plat was prepared by the surveyor or  
23 under the surveyor's direct personal supervision and  
24 shall be signed and dated by the surveyor and bear the  
25 surveyor's Iowa registration number and legible seal.

26 Sec. 9. NEW SECTION. 114A.9 DESCRIPTIONS.

27 A description defining land boundaries written for  
28 conveyance or other purposes shall be complete,  
29 providing definite and unequivocal identification of  
30 the property lines or boundaries. The description  
31 shall be sufficient to enable the description to be  
32 platted and retraced. The description shall commence  
33 at or relate to a physically monumented corner or  
34 boundary line of record.

35 a. If the land is located in a recorded  
36 subdivision, the description shall contain the number  
37 or other description of the lot, block, or other part  
38 of the subdivision, or shall describe the land by  
39 reference to a known corner of the lot, block, or  
40 other part.

41 b. If the land is not located in a recorded  
42 subdivision, the description shall identify the  
43 section, township, range, and county, and shall  
44 describe the land by reference to government lot, by  
45 quarter-quarter section, by quarter section, or by  
46 metes and bounds commencing with a corner marked and  
47 established in the United States public land survey  
48 system.

49 Sec. 10. NEW SECTION. 114A.10 RECORD.

50 1. The surveyor shall record a plat and

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1 description with the county recorder no later than  
2 thirty days after signature on the plat by the  
3 surveyor if the survey was made for one of the  
4 following purposes:  
5 a. To correct boundaries and descriptions of land.  
6 b. For the division of land.  
7 2. The plat and description shall show distinctly  
8 what piece of land was surveyed, the surveyor, and the  
9 date of the survey.  
10 3. The thirty-day requirement shall not apply to  
11 subdivision plats.

12 Sec. 11. NEW SECTION. 114A.11 UNITED STATES  
13 PUBLIC LAND SURVEY CORNER CERTIFICATE.

14 1. A United States public land survey corner  
15 certificate shall be prepared as part of any land  
16 surveying which includes the use of a United States  
17 public land survey system corner, having the status of  
18 a corner of a quarter-quarter section or larger  
19 aliquot part of a section, if one or more of the  
20 following conditions exist:

21 a. There is no certificate for the corner on file  
22 with the recorder of the county in which the corner is  
23 located.

24 b. The surveyor in responsible charge of the land  
25 surveying accepts a corner position which differs from  
26 that shown in the public records of the county in  
27 which the corner is located.

28 c. The corner monument is replaced or modified in  
29 any way.

30 d. The reference ties referred to in an existing  
31 public record are not correct.

32 2. The surveyor shall record the required  
33 certificate with the recorder and forward a copy to  
34 the county engineer of the county in which the corner  
35 is located within thirty days after completion of the  
36 surveying. The certificate shall comply with the  
37 following requirements:

38 a. The size of the sheet or sheets making up the  
39 certificate shall not be less than eight and one-half  
40 inches by eleven inches.

41 b. The identity of the corner, with reference to  
42 the United States public land survey system, shall be  
43 clearly indicated.

44 c. The certificate shall contain a narrative  
45 explaining the reason for preparing the certificate,  
46 the evidence and detailed procedures used in  
47 establishing the corner position, and the  
48 monumentation found or placed perpetuating the corner  
49 position including reference monumentation.

50 d. The certificate shall contain a plan-view site

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1 drawing depicting the relevant monuments, physical  
2 surroundings, and reference ties in sufficient detail  
3 to enable recovery of the corner.

4 e. The certificate shall contain at least three  
5 reference ties, measured to the nearest one-hundredth  
6 of a foot from the corner to durable physical objects  
7 near the corner, which are located so that the  
8 intersection of any two of the ties will yield a  
9 strong corner position recovery.

10 f. The certificate shall contain a statement by  
11 the surveyor that the work was done and the  
12 certificate was prepared by the surveyor or under the  
13 surveyor's direct personal supervision and shall be  
14 signed and dated by the surveyor and bear the  
15 surveyor's Iowa registration number and seal.

16 **Sec. 12. NEW SECTION. 114A.12 INDEXING OF SURVEY**  
17 **DOCUMENTS BY RECORDER.**

18 The recorder shall index survey documents and  
19 United States public land corner certificates by  
20 township, range, and section number. If the survey is  
21 in a recorded subdivision, the recorder shall also  
22 index the document alphabetically by subdivision name.

23 **Sec. 13. NEW SECTION. 114A.13 SURVEYS AUTHORIZED**  
24 **BY THE UNITED STATES GOVERNMENT.**

25 1. A person employed in the execution of a survey  
26 authorized by the United States government may enter  
27 upon lands within this state for the purpose of  
28 exploring, triangulating, leveling, surveying, and  
29 doing any other work necessary to carry out the  
30 objects of laws relative to surveys, and may establish  
31 permanent station marks, and erect the necessary  
32 signals and temporary observatories, doing no  
33 unnecessary injury thereby.

34 2. If the parties interested cannot agree upon the  
35 amount to be paid for damages caused by entry upon  
36 lands pursuant to subsection 1, either of them may  
37 petition the district court in the county in which the  
38 land is situated and the district court shall appoint  
39 a time for a hearing. The district court shall order  
40 at least twenty days' notice to be given to all  
41 interested parties, and, with or without a view of the  
42 premises as the court may determine, hear the parties  
43 and their witnesses and assess damages.

44 3. The person entering upon land, pursuant to  
45 subsection 1, may tender to the injured party damages  
46 caused thereby, and if, in case of petition or  
47 complaint to the district court, the damages finally  
48 assessed do not exceed the amount tendered, the person  
49 entering shall recover costs. Otherwise, the  
50 prevailing party shall recover costs.

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1 4. The costs to be allowed in cases taken pursuant  
2 to this section shall be the same as allowed according  
3 to the rules of the court and provisions of law  
4 relating to costs.

5 Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS --  
6 DEFACEMENT.

7 If a person willfully defaces, injures, or removes  
8 a signal, monument, building, or other property of the  
9 United States national geodetic survey, or the United  
10 States geological survey, constructed or used under  
11 the federal law, the person is subject to a civil  
12 penalty not exceeding fifty dollars for each offense,  
13 and is liable for damages sustained by the United  
14 States in consequence of the defacing, injury, or  
15 removal, to be recovered in a civil action in any  
16 court of competent jurisdiction.

17 Sec. 15. NEW SECTION. 409A.1 STATEMENT OF  
18 PURPOSE.

19 It is the purpose of this chapter to provide for a  
20 balance between the review and regulation authority of  
21 governmental agencies concerning the division and  
22 subdivision of land and the rights of land owners. It  
23 is therefore determined to be in the public interest:

24 1. To provide for accurate, clear, and concise  
25 legal descriptions of real estate in order to prevent,  
26 wherever possible, land boundary disputes or real  
27 estate title problems.

28 2. To provide for a balance between the land use  
29 rights of individual landowners and the economic,  
30 social, and environmental concerns of the public when  
31 a city or county is developing or enforcing land use  
32 regulations.

33 3. To provide for statewide, uniform procedures  
34 and standards for the platting of land while allowing  
35 the widest possible latitude for cities and counties  
36 to establish and enforce ordinances regulating the  
37 division and use of land, within the scope of, but not  
38 limited to, chapters 331, 358A, 364, 409A, and 414.

39 4. To encourage orderly community development and  
40 provide for the regulation and control of the  
41 extension of public improvements, public services, and  
42 utilities, the improvement of land, and the design of  
43 subdivisions, consistent with an approved  
44 comprehensive plan or other specific community plans,  
45 if any.

46 Sec. 16. NEW SECTION. 409A.2 DEFINITIONS.

47 As used by this chapter, unless the context clearly  
48 indicates otherwise:

49 1. "Acquisition plat" means the graphical  
50 representation of the division of land or rights in

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- 1 land, created as the result of a conveyance or  
2 condemnation for right-of-way purposes by an agency of  
3 the government or other persons having the power of  
4 eminent domain.
- 5 2. "Aliquot part" means a fractional part of a  
6 section within the United States public land survey  
7 system. Only the fractional parts one-half, one-  
8 quarter, one-half of one-quarter, or one-quarter of  
9 one-quarter shall be considered an aliquot part of a  
10 section.
- 11 3. "Auditor's plat" means a subdivision plat  
12 required by either the auditor or the assessor,  
13 prepared by a surveyor under the direction of the  
14 auditor.
- 15 4. "Conveyance" means an instrument filed with a  
16 recorder as evidence of the transfer of title to land,  
17 including any form of deed or contract.
- 18 5. "Division" means dividing a tract or parcel of  
19 land into two parcels of land by conveyance or for tax  
20 purposes. The conveyance of an easement, other than a  
21 public highway easement, shall not be considered a  
22 division for the purpose of this chapter.
- 23 6. "Forty-acre aliquot part" means one-quarter of  
24 one-quarter of a section.
- 25 7. "Governing body" means a city council or the  
26 board of supervisors, within whose jurisdiction the  
27 land is located, which has adopted ordinances  
28 regulating the division of land.
- 29 8. "Government lot" means a tract, within a  
30 section, which is normally described by a lot number  
31 as represented and identified on the township plat of  
32 the United States public land survey system.
- 33 9. "Lot" means a tract of land represented and  
34 identified by number or letter designation on an  
35 official plat.
- 36 10. "Metes and bounds description" means a  
37 description of land that uses distances and angles,  
38 uses distances and bearings, or describes the  
39 boundaries of the parcel by reference to physical  
40 features of the land.
- 41 11. "Official plat" means either an auditor's plat  
42 or a subdivision plat that meets the requirements of  
43 this chapter and has been filed for record in the  
44 offices of the recorder, auditor, and assessor.
- 45 12. "Parcel" means a part of a tract of land.
- 46 13. "Permanent real estate index number" means a  
47 unique number or combination of numbers assigned to a  
48 parcel of land pursuant to section 441.29.
- 49 14. "Plat of survey" means the graphical  
50 representation of a survey of one or more parcels of

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1 land, including a complete and accurate description of  
2 each parcel within the plat, prepared by a registered  
3 land surveyor.

4 15. "Proprietor" means a person who has a recorded  
5 interest in land, including a person selling or buying  
6 land pursuant to a contract, but excluding persons  
7 holding a mortgage, easement, or lien interest.

8 16. "Subdivision" means a tract of land divided  
9 into three or more lots.

10 17. "Subdivision plat" means the graphical  
11 representation of the subdivision of land, prepared by  
12 a registered land surveyor, having a number or letter  
13 designation for each lot within the plat and a  
14 succinct name or title that is unique for the county  
15 where the land is located.

16 18. "Surveyor" means a registered land surveyor  
17 who engages in the practice of land surveying pursuant  
18 to chapter 114.

19 19. "Tract" means an aliquot part of a section, a  
20 lot within an official plat, or a government lot.

21 Sec. 17. NEW SECTION. 409A.3 COVENANT OF  
22 WARRANTY.

23 The duty to file for record a plat as provided in  
24 sections 409A.4 and 409A.6 attaches as a covenant of  
25 warranty in all conveyances by a grantor who divides  
26 land against all assessments, costs, and damages paid,  
27 lost, or incurred by a grantee or person claiming  
28 under a grantee, in consequence of the omission on the  
29 part of the grantor to file the plat. A conveyance of  
30 land is deemed to be a warranty that the description  
31 contained in the conveyance is sufficiently certain  
32 and accurate for the purposes of assessment, taxation,  
33 and entry on the transfer books and plat books  
34 required to be kept by the auditor. The description  
35 contained in a conveyance shall be sufficiently  
36 certain and accurate for assessment and taxation  
37 purposes if it provides sufficient information to  
38 allow all the boundaries to be accurately determined  
39 and does not overlap with or create a gap between  
40 adjoining land descriptions.

41 A recorded conveyance in violation of this chapter  
42 may be entered on the transfer books of the auditor's  
43 office. The auditor shall notify the grantor and the  
44 grantee that the conveyance is in violation of this  
45 chapter and demand compliance as provided for in  
46 section 409A.13.

47 Sec. 18. NEW SECTION. 409A.4 DIVISIONS REQUIRING  
48 A PLAT OF SURVEY OR ACQUISITION PLAT.

49 1. The grantor of land which has been divided  
50 using a metes and bounds description shall have a plat

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1 of survey made of the division, except as provided for  
2 in subsection 3. The grantor or the surveyor shall  
3 contact the county auditor who, for the purpose of  
4 assessment and taxation, shall review the division to  
5 determine whether the survey shall include only the  
6 parcel being conveyed or both the parcel being  
7 conveyed and the remaining parcel. The plat of survey  
8 shall be prepared in compliance with chapter 114A and  
9 shall be recorded. The plat shall be clearly marked  
10 by the surveyor as a plat of survey and shall include  
11 the following information for each parcel included in  
12 the survey:

13 a. A parcel letter designation approved by the  
14 auditor.

15 b. The names of the proprietors.

16 c. An accurate description of each parcel.

17 d. The total acreage of each parcel.

18 e. The acreage of any portion lying within a  
19 public right-of-way.

20 2. The auditor may note a permanent real estate  
21 index number upon each parcel shown on a plat of  
22 survey according to section 441.29 for real estate tax  
23 administration purposes. The surveyor shall not  
24 assign parcel letters or prepare a metes and bounds  
25 description for any parcel shown on a plat of survey  
26 unless the parcel was surveyed by the surveyor in  
27 compliance with chapter 114A. Parcels within a plat  
28 of survey prepared pursuant to this section are  
29 subject to the regulations and ordinances of the  
30 governing body.

31 3. When land or rights in land are divided for  
32 right-of-way purposes by an agency of the government  
33 or other persons having the power of eminent domain  
34 and the description of the land or rights acquired is  
35 a metes and bounds description then an acquisition  
36 plat shall be made and attached to the description  
37 when the acquisition instrument is recorded.

38 Acquisition plats shall be clearly marked as an  
39 acquisition plat and shall conform to the following:

40 a. Acquisition plats shall not be required to  
41 conform to the provisions of chapter 114A.

42 b. The information shown on the plat shall be  
43 developed from instruments of record together with  
44 information developed by field measurements. The  
45 unadjusted error of field measurements shall not be  
46 greater than one in five thousand.

47 c. The plat shall be signed and dated by a  
48 surveyor, bear the surveyor's Iowa registration number  
49 and legible seal, and shall show a north arrow and bar  
50 scale.

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1 d. The original drawing shall remain the property  
2 of the surveyor or the surveyor's agency and shall not  
3 be less than eight and one-half by eleven inches in  
4 size.

5 e. If the right-of-way on an acquisition plat is a  
6 portion of lots within an official plat, reference  
7 shall be made to both the lots and plat name. If the  
8 right-of-way acquisition plat is not within an  
9 official plat, reference shall be made to the  
10 government lot or quarter-quarter section and to the  
11 section, township, range, and county.

12 f. The plat shall indicate whether the monuments  
13 shown are existing monuments or monuments to be  
14 established. Monuments shall be established as  
15 necessary to construct or maintain the right-of-way  
16 project.

17 g. The acquisition plat shall identify the project  
18 for which the right-of-way was acquired and a parcel  
19 designation shall be assigned to each right-of-way  
20 parcel.

21 4. The acreage shown for each parcel included in a  
22 plat of survey or acquisition plat shall be to the  
23 nearest one-hundredth acre. If a parcel described as  
24 part of the United States public land survey system  
25 and not entirely within an official plat, lies within  
26 more than one forty-acre aliquot part of a section,  
27 the acreage shall be shown only for assessment and  
28 taxation purposes for each portion of the parcel that  
29 lies within each forty-acre aliquot part. The  
30 surveyor shall not be required to establish the  
31 location of the forty-acre aliquot line by survey but  
32 is required to use reasonable assumptions in  
33 determining its approximate location for assessment  
34 and taxation purposes.

35 5. Governmental agencies shall not be required to  
36 survey a remaining parcel when land is divided for  
37 right-of-way purposes and shall not be required to  
38 contact the auditor for approval of parcel  
39 designations shown on an acquisition plat.

40 **Sec. 19. NEW SECTION. 409A.5 DESCRIPTIONS AND**  
41 **CONVEYANCE ACCORDING TO PLAT OF SURVEY OR ACQUISITION**  
42 **PLAT.**

43 1. A conveyance of a parcel shown on a recorded  
44 plat of survey shall describe the parcel by using the  
45 description provided on the plat of survey or by  
46 reference to the plat of survey, which reference shall  
47 include all of the following:

48 a. The parcel letter or designation.

49 b. The book and page number of the recorded plat  
50 of survey.

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1 c. The lot number or letter and name of the  
2 official plat, if the parcel lies within an official  
3 plat.

4 d. The section, township, and range number and  
5 reference to the aliquot part of the section, if the  
6 parcel lies outside of an official plat.

7 2. A conveyance of a parcel shown on a recorded  
8 acquisition plat shall describe the parcel by using  
9 the description provided on the acquisition instrument  
10 or by reference to the acquisition plat, which  
11 reference shall include all of the following:

12 a. The parcel designation and reference to the  
13 project for which the right-of-way was acquired.

14 b. The book and page number of the recorded  
15 acquisition plat.

16 c. The lot number or letter and name of the  
17 official plat, if the parcel lies within an official  
18 plat.

19 d. The section, township, and range number and  
20 reference to the aliquot part of the section, if the  
21 parcel lies outside of an official plat.

22 3. A description by reference to the recorded plat  
23 of survey, in compliance with subsection 1, is valid.

24 4. A description by reference to the recorded  
25 acquisition plat, in compliance with subsection 2, is  
26 valid.

27 5. A description by reference to a permanent real  
28 estate index number is valid for the purpose of  
29 assessment and taxation when a county has established  
30 a permanent real estate index number system pursuant  
31 to section 441.29.

32 **Sec. 20. NEW SECTION. 409A.6 SUBDIVISION PLATS.**

33 1. A subdivision plat shall be made when a tract  
34 of land is subdivided by repeated divisions or  
35 simultaneous division into three or more parcels, any  
36 of which are described by metes and bounds description  
37 for which no plat of survey is recorded. A  
38 subdivision plat is not required when land is divided  
39 by conveyance to a governmental agency for public  
40 improvements.

41 2. A subdivision plat shall have a succinct name  
42 or title that is unique, as approved by the auditor,  
43 for the county in which the plat lies. The plat shall  
44 include an accurate description of the land included  
45 in the subdivision and shall give reference to two  
46 section corners within the United States public land  
47 survey system in which the plat lies or, if the plat  
48 is a subdivision of any portion of an official plat,  
49 two established monuments within the official plat.  
50 Each lot within the plat shall be assigned a

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1 progressive number. Streets, alleys, parks, open  
2 areas, school property, other areas of public use, or  
3 areas within the plat that are set aside for future  
4 development shall be assigned a progressive letter and  
5 shall have the proposed use clearly designated. A  
6 strip of land shall not be reserved by the subdivider  
7 unless the land is of sufficient size and shape to be  
8 of practical use or service as determined by the  
9 governing body. Progressive block numbers or letters  
10 may be assigned to groups of lots separated from other  
11 lots by streets or other physical features of the  
12 land. The surveyor shall not assign lot numbers or  
13 letters to a lot shown within a subdivision plat  
14 unless the lot has been surveyed by the surveyor in  
15 compliance with chapter 114A. The auditor may note a  
16 permanent real estate index number upon each lot  
17 within a subdivision plat. Sufficient information,  
18 including dimensions and angles or bearings, shall be  
19 shown on the plat to accurately establish the  
20 boundaries of each lot, street, and easement.  
21 Easements necessary for the orderly development of the  
22 land within the plat shall be shown and the purpose of  
23 the easement shall be clearly stated.

24 3. If a subdivision plat, described as part of the  
25 United States public land survey system and not  
26 entirely within an official plat, lies within more  
27 than one forty-acre aliquot part of a section, the  
28 acreage shall be shown only for assessment and  
29 taxation purposes for the portion of the subdivision  
30 that lies within each forty-acre aliquot part of the  
31 section. The area of the irregular lots within the  
32 plat shall be shown and may be expressed in either  
33 acres, to the nearest one-hundredth acre, or square  
34 feet, to the nearest ten square feet. The surveyor  
35 shall not be required to establish the location of a  
36 forty-acre aliquot line by survey but is required to  
37 use reasonable assumptions in determining its  
38 approximate location for assessment and taxation  
39 purposes.

40 **Sec. 21. NEW SECTION. 409A.7 CONVEYANCES BY**  
41 **REFERENCE TO OFFICIAL PLAT.**

42 A description of land by reference to lot number or  
43 letter designation and block, if block designations  
44 are shown on the plat, and the title or name of the  
45 official plat, is valid.

46 **Sec. 22. NEW SECTION. 409A.8 REVIEW AND APPROVAL**  
47 **BY GOVERNING BODIES.**

48 A proposed subdivision plat lying within the  
49 jurisdiction of a governing body shall be submitted to  
50 that governing body for review and approval prior to

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1 recording. A city may establish jurisdiction to  
2 review subdivisions outside its boundaries pursuant to  
3 the provisions of section 409A.9. Governing bodies  
4 shall apply reasonable standards and conditions in  
5 accordance with applicable statutes and ordinances for  
6 the review and approval of subdivisions. The  
7 governing body, within sixty days of application for  
8 final approval of the subdivision plat, shall  
9 determine whether the subdivision conforms to its  
10 comprehensive plan and shall give consideration to the  
11 possible burden on public improvements and to a  
12 balance of interests between the proprietor, future  
13 purchasers, and the public interest in the subdivision  
14 when reviewing the proposed subdivision and when  
15 requiring the installation of public improvements in  
16 conjunction with approval of a subdivision. The  
17 governing body shall not issue final approval of a  
18 subdivision plat unless the subdivision plat conforms  
19 to sections 114A.8, 409A.6, and 409A.11.

20 If the subdivision plat and all matters related to  
21 final approval of the subdivision plat conform to the  
22 standards and conditions established by the governing  
23 body, and conforms to this chapter and chapter 114A,  
24 the governing body, by resolution, shall approve the  
25 plat and certify the resolution which shall be  
26 recorded with the plat. The recorder shall refuse to  
27 accept a subdivision plat presented for recording  
28 without a resolution from each applicable governing  
29 body approving the subdivision plat or waiving the  
30 right to review.

31 **Sec. 23. NEW SECTION. 409A.9 REVIEW OF**  
32 **SUBDIVISION PLATS WITHIN TWO MILES OF A CITY.**

33 1. If a city, which has adopted ordinances  
34 regulating the division of land, desires to review  
35 subdivisions outside the city's boundaries, then the  
36 city shall establish by ordinance specifically  
37 referring to the authority of this section, the area  
38 subject to the city's review and approval. The area  
39 of review may be identified by individual tracts, by  
40 describing the boundaries of the area, or by including  
41 all land within a certain distance of the city's  
42 boundaries, which shall not extend more than two miles  
43 distance from the city's boundaries. The ordinance  
44 establishing the area of review or modifying the area  
45 of review by a city, shall be recorded in the office  
46 of the recorder and filed with the county auditor.

47 2. If a subdivision lies in a county, which has  
48 adopted ordinances regulating the division of land,  
49 and also lies within the area of review established by  
50 a city pursuant to this section, then the subdivision

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1 shall be submitted to both the city and county for  
2 approval. The standards and conditions applied by a  
3 city for review and approval of the subdivision shall  
4 be the same standards and conditions used for review  
5 and approval of subdivisions within the city limits or  
6 shall be the standards and conditions for review and  
7 approval established by agreement of the city and  
8 county pursuant to chapter 28E. Either the city or  
9 county may, by resolution, waive its right to review  
10 the subdivision or waive the requirements of any of  
11 its standards or conditions for approval of  
12 subdivisions, and certify the resolution which shall  
13 be recorded with the plat.

14 3. If cities establish overlapping areas of review  
15 outside their boundaries, then the cities shall  
16 establish by agreement pursuant to chapter 28E  
17 reasonable standards and conditions for review of  
18 subdivisions within the overlapping area. If no  
19 agreement is recorded pursuant to chapter 28E then the  
20 city which is closest to the boundary of the  
21 subdivision shall have authority to review of the  
22 subdivision.

23 Sec. 24. NEW SECTION. 409A.10 APPEAL OF REVIEW  
24 OR DISAPPROVAL.

25 When application is made to a governing body for  
26 approval of a subdivision plat, the applicant or a  
27 second governing body, which also has jurisdiction for  
28 review, may be aggrieved by any of the following:

29 1. The requirements imposed by a governing body as  
30 a condition of approval.

31 2. The governing body exceeding the time for  
32 review established by ordinance.

33 3. The denial of the application.

34 4. Failure of the governing body to approve or  
35 reject a subdivision plat within sixty days from the  
36 date of application for final approval.

37 If the plat is disapproved by the governing body,  
38 such disapproval shall state how the proposed plat is  
39 objectionable. The applicant has the right to appeal,  
40 within twenty days, the failure of the governing body  
41 to issue final approval of the plat as provided in  
42 this section.

43 The applicant or the aggrieved governing body has  
44 the right to appeal to the district court within  
45 twenty days after the date of the denial of the  
46 application or the date of the receipt by the  
47 applicant of the requirements for approval of the  
48 subdivision. Notice of appeal shall be served on the  
49 governing body in the manner provided for the service  
50 of original notice pursuant to the rules of civil

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1 procedure. The appeal shall be tried de novo as an  
2 equitable proceeding and accorded a preference in  
3 assignment so as to assure its prompt disposition.

4 Sec. 25. NEW SECTION. 409A.11 ATTACHMENTS TO  
5 SUBDIVISION PLATS.

6 A subdivision plat, other than an auditor's plat,  
7 that is presented to the recorder for recording shall  
8 conform to section 409A.6 and shall not be accepted  
9 for recording unless accompanied by the following  
10 documents:

11 1. A statement by the proprietors and their  
12 spouses, if any, that the plat is prepared with their  
13 free consent and in accordance with their desire,  
14 signed and acknowledged before an officer authorized  
15 to take the acknowledgment of deeds. The statement by  
16 the proprietors may also include a dedication to the  
17 public of all lands within the plat that are  
18 designated for streets, alleys, parks, open areas,  
19 school property, or other public use, if the  
20 dedication is approved by the governing body.

21 2. A statement from the mortgage holders or  
22 lienholders, if any, that the plat is prepared with  
23 their free consent and in accordance with their  
24 desire, signed and acknowledged before an officer  
25 authorized to take the acknowledgment of deeds. An  
26 affidavit and bond as provided for in section 409A.12,  
27 may be recorded in lieu of the consent of the mortgage  
28 or lienholder. When a mortgage or lienholder consents  
29 to the subdivision, a release of mortgage or lien  
30 shall be recorded for any areas conveyed to the  
31 governing body or dedicated to the public.

32 3. An opinion by an attorney-at-law who has  
33 examined the abstract of title of the land being  
34 platted. The opinion shall state the names of the  
35 proprietors and holders of mortgages, liens, or other  
36 encumbrances on the land being platted and shall note  
37 the encumbrances, along with any bonds securing the  
38 encumbrances. Utility easements shall not be  
39 construed to be encumbrances for the purpose of this  
40 section.

41 4. A certified resolution by each governing body  
42 as required by section 409A.8 either approving the  
43 subdivision or waiving the right to review.

44 5. A certificate of the treasurer that the land is  
45 free from certified taxes and certified special  
46 assessments or that the land is free from certified  
47 taxes and that the certified special assessments are  
48 secured by bond in compliance with section 409A.12.

49 A subdivision plat which includes no land set apart  
50 for streets, alleys, parks, open areas, school

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1 property, or public use other than utility easements,  
2 shall be accompanied by the documents listed in  
3 subsections 1, 2, 3, and 4 and a certificate of the  
4 treasurer that the land is free from certified taxes  
5 other than certified special assessments.

6 Sec. 26. NEW SECTION. 409A.12 BONDS TO SECURE  
7 LIENS.

8 A bond in double the amount of the lien, shall be  
9 secured and recorded if a lien exists on the land  
10 included in a subdivision plat and the required  
11 consent of the lienholder is not attached for one of  
12 the following reasons:

13 1. The lienholder cannot be found, in which case  
14 an affidavit by the proprietor stating that the lien  
15 holder could not be found shall be recorded with the  
16 bond.

17 2. The lienholder will not accept payment or  
18 cannot, because of the nature of the lien, accept  
19 payment in full of the lien, in which case an  
20 affidavit by the lienholder stating that payment of  
21 the lien was offered but refused shall be recorded  
22 with the bond.

23 The bond shall run to the county and be for the  
24 benefit of purchasers of lots within the plat and  
25 shall be conditioned for the payment and cancellation  
26 of the debt as soon as practicable and to hold  
27 harmless purchasers or their assigns and the governing  
28 body from the lien.

29 Sec. 27. NEW SECTION. 409A.13 AUDITOR'S PLATS  
30 AND PLATS OF SURVEY.

31 If a tract is divided or subdivided in violation of  
32 section 409A.4 or 409A.6 or the descriptions of one or  
33 more parcels within a tract are not sufficiently  
34 certain and accurate for the purpose of assessment and  
35 taxation under the guidelines of section 409A.3, the  
36 auditor shall notify the proprietors of the parcels  
37 within the tract for which no plat has been recorded  
38 as required by this chapter, and demand that a plat of  
39 survey or a subdivision plat be recorded as required  
40 by this chapter. Notice shall be served by mail and a  
41 certified copy of the notice shall be recorded. The  
42 auditor shall mail a copy of the notice to the  
43 applicable governing bodies. If the proprietors fail,  
44 within thirty days of the notice, to comply with the  
45 notice or file with the auditor a statement of intent  
46 to comply, the auditor shall contract with a surveyor  
47 to have a survey made of the property and have a plat  
48 of survey or an auditor's plat recorded as necessary  
49 to comply with this chapter. Upon receipt of a  
50 statement of intent to comply, the auditor may extend

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1 the time period for compliance.

2 Sec. 28. NEW SECTION. 409A.14 APPEAL OF NOTICE.

3 A proprietor aggrieved by a notice to plat by the  
4 auditor may appeal to the district court within twenty  
5 days after service of notice. Upon appeal, the  
6 auditor shall take no further action pending a  
7 decision of the district court. The appeal shall be  
8 tried de novo as an equitable proceeding.

9 Sec. 29. NEW SECTION. 409A.15 REVIEW OF  
10 AUDITOR'S PLATS.

11 A proposed auditor's plat shall be filed with the  
12 applicable governing body which shall review the plat  
13 within the time specified by ordinance, and if it  
14 conforms to chapter 114A, the governing body shall by  
15 resolution approve the plat and certify the resolution  
16 to be recorded with the plat. The governing body may  
17 state in the resolution whether the lots within the  
18 auditor's plat meet the standards and conditions  
19 established by ordinance for subdivision lots. The  
20 lots within a recorded auditor's plat and parcels  
21 within a recorded plat of survey prepared under  
22 section 409A.13 are individually subject to local  
23 regulations and ordinances. Approval of an auditor's  
24 plat shall not impose any liability on a governing  
25 body to install or maintain public improvements or  
26 utilities within the plat. Approval of an auditor's  
27 plat by a governing body shall not constitute a waiver  
28 of ordinances requiring a subdivision plat.

29 Sec. 30. NEW SECTION. 409A.16 ATTACHMENTS TO  
30 AUDITOR'S PLATS AND PLATS OF SURVEY.

31 1. A plat of survey prepared pursuant to section  
32 409A.13 shall be accompanied by a certificate of the  
33 auditor that the plat of survey was prepared at the  
34 direction of the auditor because the proprietors  
35 failed to file a plat.

36 2. An auditor's plat shall conform to section  
37 409A.6, but is exempt from section 409A.11. An  
38 auditor's plat presented to the recorder for recording  
39 shall be accompanied by the following documents:

40 a. A certificate of the auditor that the auditor's  
41 plat was prepared at the direction of the auditor  
42 because the proprietors failed to file a plat, that  
43 the plat was prepared for assessment and taxation  
44 purposes, and that the recording of the plat does not  
45 constitute a dedication or impose any liability upon  
46 the state or governmental agency.

47 b. A certified resolution by the governing body,  
48 approving the plat or waiving the right to review.

49 c. A list for each lot within the plat of the  
50 proprietor's names, the area, expressed in acreage or

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1 square feet, the book and page number of the recorded  
2 conveyance to the proprietors and the permanent real  
3 estate index number, where established.

4 d. A certificate of the auditor that no search was  
5 made at the time of the recording of the plat to  
6 determine the existence of any liens, mortgages,  
7 delinquent taxes, or special assessments, that no  
8 search was made, other than the records of the  
9 auditor's office, to establish title to the property  
10 within the plat, and that the lots within the plat are  
11 subject individually to the regulations and ordinances  
12 of the applicable governing body.

13 Sec. 31. NEW SECTION. 409A.17 COSTS AND  
14 COLLECTION OF COSTS.

15 The surveyor shall present to the auditor a  
16 statement of the total cost of the surveying,  
17 platting, and recording of a plat prepared pursuant to  
18 section 409A.13. The surveyor shall also present a  
19 statement of the part of the total cost to be assessed  
20 to each parcel included in the plat based on the time  
21 involved in establishing the boundaries of each  
22 parcel. The auditor shall certify to the treasurer an  
23 assessment for the platting costs against the lots  
24 within the plat which shall be collected in the same  
25 manner as general taxes, except that the board of  
26 supervisors, by resolution, may establish not more  
27 than ten equal annual installments and provide for  
28 interest on unpaid installments at a rate not to  
29 exceed that permitted by chapter 74A.

30 Sec. 32. NEW SECTION. 409A.18 RECORDING OF  
31 PLATS.

32 A plat of survey prepared pursuant to this chapter  
33 and a subdivision plat, with attachments, shall be  
34 recorded in the office of the county recorder, and an  
35 exact copy of the plat shall be filed in the offices  
36 of the county auditor and assessor. A replat of any  
37 part of an official plat pursuant to section 409A.25,  
38 or a recorded subdivision plat of any part of an  
39 existing official plat shall supersede that part of  
40 the original official plat, including unused public  
41 utility easements.

42 The recorder shall examine each plat of survey and  
43 subdivision plat to determine whether the plat is  
44 clearly legible and whether the approval by the  
45 applicable governing body and the other attachments  
46 required by this chapter are presented with the plat.  
47 The recorder shall also keep a reproducible copy of  
48 the plat from which legible copies can be made. The  
49 recorder may specify the material and the size of the  
50 plat, not less than eight and one-half inches by

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1 eleven inches, that will be accepted for recording in  
2 order to comply with this section. The recorder shall  
3 not record a subdivision plat that violates this  
4 chapter.

5 Sec. 33. NEW SECTION. 409A.19 DEDICATION OF  
6 LAND.

7 An official plat which conforms to this chapter and  
8 has attached to the plat a dedication by the  
9 proprietors to the public and approval of the  
10 dedication by the governing body is equivalent to a  
11 deed in fee simple from the proprietors to the public  
12 of any land within the plat that is dedicated for  
13 street, alley, walkway, park, open area, school  
14 property, or other public use. An approved dedication  
15 of land for street purposes by the proprietors  
16 establishes an easement for public access, whether or  
17 not a deed has been recorded or the improvement of the  
18 street is complete, except when the resolution  
19 approving the plat specifically sets aside portions of  
20 the dedicated land as not being open for public access  
21 at the time of recording for public safety reasons.  
22 The recording of a subdivision plat shall dedicate to  
23 the public any utility, sewer, drainage, access,  
24 walkway, or other public easement shown on the plat.

25 The recording of an auditor's plat shall not serve  
26 to dedicate streets, alleys, parks, open areas, school  
27 property, public improvements, or utilities. The  
28 failure to show the existence of an easement or any  
29 public interest on the auditor's plat shall not remove  
30 or otherwise affect the interest.

31 Sec. 34. NEW SECTION. 409A.20 ACTION TO ANNUL  
32 PLATS.

33 If a plat is filed and recorded in violation of  
34 this chapter, a governing body or a proprietor  
35 aggrieved by the violation, after filing written  
36 notice with the proprietors who joined in the  
37 acknowledgement of the plat or their successors in  
38 interest, may institute a suit in equity in the  
39 district court. The court may order the plat annulled  
40 except as provided in section 409A.21.

41 Sec. 35. NEW SECTION. 409A.21 LIMITATION OF  
42 ACTIONS ON OFFICIAL PLATS.

43 An action shall not be maintained, at law or in  
44 equity, in any court, against a proprietor, based upon  
45 an omission of data shown on an official plat or upon  
46 an omission, error, or inconsistency in any of the  
47 documents required by this chapter unless the action  
48 is commenced within ten years after the date of  
49 recording of the official plat. Limitation of actions  
50 based on claims other than those provided for in this

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1 section shall be consistent with chapter 614.

2 Sec. 36. NEW SECTION. 409A.22 VACATION OF  
3 OFFICIAL PLATS.

4 The proprietors of lots within an official plat who  
5 wish to vacate any portion of the official plat shall  
6 file a petition for vacation with the governing body  
7 which would have jurisdiction to approve the plat at  
8 the time the petition is filed. After the petition  
9 has been filed, the governing body shall fix the time  
10 and place for public hearing on the petition. Written  
11 notice of the proposed vacation shall be served in the  
12 manner of original notices as provided in Iowa rules  
13 of civil procedure and be served upon proprietors and  
14 mortgagees within the official plat that are within  
15 three hundred feet of the area to be vacated. If a  
16 portion of the official plat adjoins a river or state-  
17 owned lake, the Iowa department of natural resources  
18 shall be served written notice of the proposed  
19 vacation. Notice of the proposed vacation shall be  
20 published twice, with ten days between publications  
21 stating the date, time, and place of the hearing.

22 The official plat or portion of the official plat  
23 shall be vacated upon recording of all of the  
24 following documents:

25 1. An instrument signed, executed, and  
26 acknowledged by all the proprietors and mortgagees  
27 within the area of the official plat to be vacated,  
28 declaring the plat to be vacated. The instrument  
29 shall state the existing lot description for each  
30 proprietor along with an accurate description to be  
31 used to describe the land after the lots are vacated.

32 2. A resolution by the governing body approving  
33 the vacation and providing for the conveyance of those  
34 areas included in the vacation which were previously  
35 set aside or dedicated for public use.

36 3. A certificate of the auditor that the vacated  
37 part of the plat can be adequately described for  
38 assessment and taxation purposes without reference to  
39 the vacated lots.

40 No part of this section authorizes the closing or  
41 obstructing of public highways.

42 The vacation of a portion of an official plat shall  
43 not remove or otherwise affect a recorded restrictive  
44 covenant, protective covenant, building restriction,  
45 or use restriction. Recorded restrictions on the use  
46 of property within an official plat shall be modified  
47 or revoked by recording a consent to the modification  
48 or removal, signed and acknowledged by the proprietors  
49 and mortgagees within the official plat.

50 Sec. 37. NEW SECTION. 409A.23 VACATION OF

**Page 25****1 STREETS OR OTHER PUBLIC LANDS.**

2 A city or a county may vacate part of an official  
3 plat that had been conveyed to the city or county or  
4 dedicated to the public which is deemed by the  
5 governing body to be of no benefit to the public.  
6 The city or county shall vacate by resolution  
7 following a public hearing or by ordinance and the  
8 vacating instrument shall be recorded. The city or  
9 county may convey the vacated property by deed or may  
10 convey the property to adjoining proprietors through  
11 the vacation instrument. If the vacating instrument  
12 is used to convey property then the instrument shall  
13 include a list of adjoining proprietors to whom the  
14 vacated property is being conveyed along with the  
15 corresponding description of each parcel being  
16 conveyed. A recorded vacation instrument which  
17 conforms to this section is equivalent to a deed of  
18 conveyance and the instrument shall be filed and  
19 indexed as a conveyance by the recorder and auditor.

20 A vacation instrument recorded pursuant to this  
21 section shall not operate to annul any part of an  
22 official plat except as provided for in section  
23 409A.22.

**24 Sec. 38. NEW SECTION. 409A.24 ERRORS ON RECORDED  
25 PLATS.**

26 If an error or omission in the data shown on a  
27 recorded plat is detected by subsequent examinations  
28 or revealed by retracing the lines shown on the plat,  
29 the original surveyor or two surveyors confirming the  
30 error through independent surveys shall record an  
31 affidavit confirming that the error or omission was  
32 made. The affidavit shall describe the nature and  
33 extent of the error or omission and also describe the  
34 corrections or additions to be made to the plat and  
35 note the book and page number of the recorded plat.  
36 The recorder shall write across that part of the plat  
37 so corrected the word "corrected", and note the book  
38 and page number of the recorded affidavit. A copy of  
39 the recorded affidavit shall be filed with the auditor  
40 and assessor. The affidavit shall raise a presumption  
41 from the date of recording that the purported facts  
42 stated in the affidavit are true, and after the lapse  
43 of three years from the date of recording the  
44 presumption shall be conclusive.

**45 Sec. 39. NEW SECTION. 409A.25 SURVEY AND REPLAT  
46 OF OFFICIAL PLATS.**

47 A survey of an official plat shall conform as  
48 nearly as possible to the original lot lines shown on  
49 the official plat. The surveyor may summon witnesses,  
50 administer oaths, and prepare affidavits and boundary

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1 line agreements as necessary in order to establish the  
2 location of property lines or lot lines. If a  
3 substantial error is discovered in an official plat or  
4 if it is found to be materially defective, a  
5 proprietor may petition the governing body which would  
6 have jurisdiction to approve the plat at the time the  
7 petition is filed for a replat of any part of the  
8 official plat. Notice of the proposed replat shall be  
9 served, in the manner of original notice as provided  
10 in Iowa rules of civil procedure, to the proprietors  
11 of record and holders of easements specifically  
12 recorded within the area to be replatted. The  
13 governing body has jurisdiction of the matter upon  
14 proof of publication of notice of the petition once  
15 each week for two weeks in a newspaper of general  
16 circulation within the area of the replat.

17 A replat of an official plat ordered by the  
18 governing body:

- 19 1. Shall be prepared by a surveyor pursuant to  
20 chapter 114A and recorded; and
- 21 2. Shall be exempt from the provisions of section  
22 409A.11; and
- 23 3. Shall have attached to the plat a statement by  
24 the surveyor that the replat is prepared at the  
25 direction of the governing body. The costs of the  
26 replat shall be presented to the auditor and assessed  
27 against the property included in the replat as  
28 provided for in section 409A.17.

29 Sec. 40. NEW SECTION. 409A.26 CORRECTIONS OR  
30 CHANGES TO PLATS.

31 A vacation, correction, or replatting as provided  
32 for in this chapter, shall be recorded and an exact  
33 copy shall be filed with the auditor and assessor. If  
34 a governing body changes the addresses or street names  
35 shown on an official plat, notice of the change shall  
36 note the name or other designation of each official  
37 plat affected and shall be filed with the recorder,  
38 auditor, and assessor. The recorder shall note the  
39 vacation, correction, or replatting on the margin of  
40 the official plat or upon an attachment to the  
41 official plat for that purpose. The auditor shall  
42 make the proper changes on the plats required to be  
43 kept by the auditor.

44 Sec. 41. NEW SECTION. 409A.27 NOTING THE  
45 PERMANENT REAL ESTATE INDEX NUMBER.

46 When a permanent real estate index number system  
47 has been established by a county pursuant to section  
48 441.29, the auditor may note the permanent real estate  
49 index number on every conveyance.

50 Sec. 42. Section 117A.1, subsection 1, Code 1989,

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1 is amended to read as follows:

2 1. "Subdivided land" means improved or unimproved  
3 land divided or proposed to be divided for the purpose  
4 of sale or lease into five or more lots or parcels, or  
5 additions thereto, or parts thereof of lots or  
6 parcels; however, subdivided land does not apply to  
7 include a subdivision subject to section 306.21 or  
8 chapter 409 409A nor to the leasing of apartments,  
9 offices, stores, or similar space within an apartment  
10 building, industrial building, or commercial building  
11 unless an undivided interest in the land is granted as  
12 a condition precedent to occupying space in the  
13 structure. Subdivided land does not include  
14 subdivisions of land located within the state of Iowa  
15 or time-share intervals as defined in section 557A.2.

16 Sec. 43. Section 306.21, Code 1989, is amended to  
17 read as follows:

18 306.21 PLANS, PLATS AND FIELD NOTES FILED.

19 All road plans, plats and field notes and true and  
20 accurate diagrams of water, sewage and electric power  
21 lines for rural subdivisions shall be filed with and  
22 recorded by the county auditor and approved by the  
23 board of supervisors and the county engineer before  
24 the subdivision is laid out and platted, and if any  
25 proposed rural subdivision is within one mile of the  
26 corporate limits of any city such road plans shall  
27 also be approved by the city engineer or council of  
28 the adjoining municipality or recorded. Such plans  
29 shall be clearly designated as "completed", "partially  
30 completed" or "proposed" with a statement of the  
31 portion completed and the expected date of full  
32 completion. In the event if such road plans are not  
33 approved as herein provided in this section such roads  
34 shall not become the part of any road system as  
35 defined in this chapter.

36 Sec. 44. Section 306.42, subsection 5, Code 1989,  
37 is amended to read as follows:

38 5. Notwithstanding requirements of chapter 114 and  
39 sections 306.22, 364.7, ~~409.12~~ 409A.13, ~~409.14~~ 409A.15  
40 and 471.20, legal descriptions, plats, maps, or  
41 engineering drawings used to describe transfers of  
42 right of way shall, where available, be descriptions,  
43 plats, maps, or engineering drawings of record and  
44 shall be incorporated by reference to such the title  
45 instrument or proceedings. ~~Where~~ If a part but not  
46 all of the land acquired by a single conveyance or  
47 condemnation is being transferred, the description of  
48 that part to be transferred shall be abstracted from  
49 the present legal description, plat, map, or  
50 engineering drawing of record.

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1 Sec. 45. Section 331.321, subsection 2, Code 1989,  
2 is amended to read as follows:

3 2. If the board proposes to appoint a county  
4 surveyor, it shall appoint a person qualified in  
5 accordance with ~~section 355.1~~ chapter 114 and provide  
6 the surveyor with a suitable book in which to record  
7 field notes and plats.

8 Sec. 46. Section 331.401, subsection 1, paragraph  
9 j, Code 1989, is amended to read as follows:

10 j. Serve on the conference board as provided in  
11 section 441.2 and carry out duties relating to  
12 platting for assessment and taxation as provided in  
13 sections 441.67 and 441.70.

14 Sec. 47. Section 331.427, subsection 1, unnumbered  
15 paragraph 1, Code 1989, is amended to read as follows:

16 Except as otherwise provided by state law, county  
17 revenues from taxes and other sources for general  
18 county services shall be credited to the general fund  
19 of the county, including revenues received under  
20 sections 84.21, 98.35, 98A.6, 101A.3, 101A.7, 110.12,  
21 123.36, 123.143, 176A.8, 246.908, 321.105, 321.152,  
22 321.192, 321G.7, 331.554, subsection 6, 341A.20,  
23 364.3, 368.21, 422.65, 422.100, 422A.2, 428A.8,  
24 430A.3, 433.15, 434.19, ~~441.68~~, 445.52, 445.57,  
25 533.24, 556B.1, 567.10, 583.6, 906.17, and 911.3, and  
26 the following:

27 Sec. 48. Section 331.511, subsections 1 through 5,  
28 Code 1989, are amended to read as follows:

29 1. Record each plat as provided in ~~sections 400.12~~  
30 ~~to 400.16~~ section 409A.18.

31 2. Record changes in names of platted streets as  
32 provided in ~~section 400.17~~ 409A.26.

33 3. Record notations of errors or omissions on  
34 recorded plats as provided in ~~section 400.32~~ 409A.24.

35 4. Record resurveyed plats as provided in ~~section~~  
36 ~~400.43~~ 409A.25.

37 5. Provide for the platting of real estate which  
38 cannot otherwise be accurately assessed for taxation  
39 as provided in ~~sections 441.65 to 441.71~~ section  
40 409A.13.

41 Sec. 49. Section 331.602, subsection 19, Code  
42 1989, is amended to read as follows:

43 19. Carry out duties relating to the platting of  
44 land as provided in chapter ~~400~~ 409A and ~~sections~~  
45 ~~441.65 to 441.71~~.

46 Sec. 50. NEW SECTION. 441.72 ASSESSMENT OF  
47 PLATTED LOTS.

48 When a subdivision plat is recorded pursuant to  
49 chapter 409A, the individual lots within the  
50 subdivision plat shall not be assessed in excess of

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1 the total assessment of the land as acreage or  
 2 unimproved property for three years after the  
 3 recording of the plat or until the lot is actually  
 4 improved with permanent construction, whichever occurs  
 5 first. When an individual lot has been improved with  
 6 permanent construction, the lot shall be assessed for  
 7 taxation purposes as provided in chapter 428 and this  
 8 chapter. This section does not apply to special  
 9 assessment levies.

10 Sec. 51. Section 592.7, Code 1989, is amended to  
 11 read as follows:

12 592.7 CHANGING NAMES OF STREETS.

13 Whereas, certain cities ~~or towns~~ throughout the  
 14 state of Iowa have passed ordinances changing the name  
 15 or names of certain streets in ~~said~~ the cities;

16 Now, therefore, it is provided that the acts of  
 17 ~~said~~ the city and town councils of ~~such~~ the cities and  
 18 towns in enacting ~~said~~ the ordinances changing the  
 19 names of ~~said~~ certain streets are hereby declared  
 20 valid. The proper method for recording a change of  
 21 street name is found in section ~~409.17~~ 409A.26.

22 Sec. 52. Section 602.8102, subsection 57, Code  
 23 1989, is amended to read as follows:

24 57. Carry out duties relating to the platting of  
 25 land as provided in sections ~~409.9, 409.11, and 409.22~~  
 26 chapter 409A.

27 Sec. 53. Section 714.16, subsection 2, paragraph  
 28 d, Code 1989, is amended to read as follows:

29 d. (1) No person shall offer or advertise within  
 30 this state for sale or lease, any subdivided lands  
 31 without first filing with the real estate commission,  
 32 true and accurate copies of all road plans, plats,  
 33 field notes, and diagrams of water, sewage, and  
 34 electric power lines as they exist at the time of ~~such~~  
 35 the filing, ~~provided such however, this filing shall~~  
 36 ~~is not be required for a subdivision subject to~~  
 37 section 306.21 or chapter ~~409~~ 409A. ~~Each such A~~  
 38 filing shall be accompanied by a fee of fifty dollars  
 39 for each subdivision included, payable to the real  
 40 estate commission.

41 (2) False or misleading statements filed pursuant  
 42 to subparagraph (1) of paragraph "d" of this  
 43 subsection or section 306.21 or chapter ~~409~~ 409A, and  
 44 advertising, offers to sell, or contracts not in  
 45 substantial conformity with the filings made pursuant  
 46 to section 306.21 or chapter ~~409~~ 409A are unlawful.

47 Sec. 54. REPEAL. Chapters 355 and 409, Code 1989,  
 48 are repealed. Sections 441.65 through 441.71, Code  
 49 1989, are repealed."

The motion prevailed and the House concurred in the Senate amendment H—6056.

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

On the question "Shall the bill pass?" (H.F. 724)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 7:

Blanshan	Brand	Hibbard	Johnson
Muhlbauer	Shultz	Stueland	

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

Carpenter of Polk called up for consideration **House File 2486**, a bill for an act relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees, amended by the Senate, and moved that the House concur in the following Senate amendment H—6055:

H-6055

- 1 Amend House File 2486, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 30, by striking the word
- 4 "devices" and inserting the following: "facilities".
- 5 2. Page 2, line 31, by striking the words "the
- 6 tanning device" and inserting the following: "tanning
- 7 devices".

The motion prevailed and the House concurred in the Senate amendment H-6055.

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

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

The ayes were, 55:

Adams	Black	Blanshan	Brammer
Brown	Carpenter	Chapman	Cohoon
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Jay	Jochum	Kistler	Knapp
Koenigs	Lageschulte	Lykam	May
McKean	McKinney	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poncy	Rosenberg	Schrader	Shearer
Spear	Swartz	Tabor	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 32:

Banks	Beaman	Beatty	Bennett
Bisignano	Branstad	Buhr	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Hanson, D. R.	Hermann	Iverson
Jesse	Kremer	Lundby	Maulsby
Metcalf	Petersen, D. F.	Renaud	Renken
Royer	Schnekloth	Sherzan	Shoning
Siegrist	Spenner	Svoboda	Tyrrell

Absent or not voting, 13:

Arnould	Brand	Connors	Hester
Hibbard	Holveck	Johnson	Mertz

Muhlbauer  
Teaford

Plasier

Shoultz

Stueland

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

### Ways and Means Calendar

**House File 2456**, a bill for an act relating to the county agricultural extension education tax by increasing the maximum dollar amount of property tax revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—5826 filed by the committee on appropriations and moved its adoption:

H—5826

- 1 Amend House File 2456 as follows:
- 2 1. Page 3, by striking lines 4 through 32.
- 3 2. Title page, by striking lines 3 through 6 and
- 4 inserting the following: "revenue which may be
- 5 raised."

The committee amendment H—5826 was adopted.

Osterberg of Linn offered the following amendment H—5972 filed by him and Jay of Appanoose and moved its adoption:

H—5972

- 1 Amend House File 2456 as follows:
- 2 1. Page 1, line 23, by striking the figure "1990"
- 3 and inserting the following: "1991".
- 4 2. Page 1, line 24, by striking the figure "1991"
- 5 and inserting the following: "1992".
- 6 3. Page 2, line 3, by striking the figure "1990"
- 7 and inserting the following: "1991".
- 8 4. Page 2, line 4, by striking the figure "1991"
- 9 and inserting the following: "1992".
- 10 5. Page 2, line 19, by striking the figure "1990"
- 11 and inserting the following: "1991".
- 12 6. Page 2, line 20, by striking the figure "1991"
- 13 and inserting the following: "1992".
- 14 7. Page 2, line 34, by striking the figure "1990"
- 15 and inserting the following: "1991".
- 16 8. Page 2, line 35, by striking the figure "1991"
- 17 and inserting the following: "1992".
- 18 9. Page 3, line 9, by striking the figure "1991"

- 19 and inserting the following: "1992".  
 20 10. Page 3, line 13, by striking the figure  
 21 "1991" and inserting the following: "1992".  
 22 11. Page 3, line 21, by striking the figure  
 23 "1991" and inserting the following: "1992".

Roll call was requested by Osterberg of Linn and Gruhn of Dickinson.

On the question "Shall amendment H—5972 be adopted?"  
 (H.F. 2456)

The ayes were, 40:

Adams	Brand	Branstad	Buhr
Corbett	Doderer	Dvorsky	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hanson, D. R.
Harper	Hermann	Iverson	Jay
Jesse	Jochum	Knapp	Koenigs
Lundby	Lykam	McKean	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Pellett	Petersen, D. F.	Renken
Rosenberg	Schnekloth	Shearer	Sherzan
Shoultz	Spenner	Teaford	Trent

The nays were, 53:

Arnould	Banks	Beaman	Bennett
Bisignano	Black	Blanshan	Brown
Carpenter	Chapman	Clark	Cohoon
Connors	Daggett	De Groot	Diemer
Eddie	Fey	Fogarty	Fuller
Garman	Halvorson, R. A.	Hansen, S. D.	Harbor
Haverland	Hester	Holveck	Kistler
Kremer	Lageschulte	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Ollie	Peters	Peterson, M. K.	Poncy
Renaud	Royer	Schrader	Shoning
Siegrist	Spear	Svoboda	Swartz
Tabor	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 7:

Beatty	Brammer	Hatch	Hibbard
Johnson	Plasier	Stueland	

Amendment H—5972 lost.

Daggett of Adams moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 2456)

The ayes were, 77:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pellett	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Royer
Shearer	Sherzan	Shoning	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 18:

Banks	Corbett	Dvorsky	Hermann
Iverson	Lundby	Lykam	Maulsby
Metcalf	Neuhauser	Pavich	Petersen, D. F.
Plasier	Renken	Schnekloth	Shoultz
Siegrist	Trent		

Absent or not voting, 5:

Hatch	Johnson	Murphy	Schrader
Stueland			

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

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1990, concurred in the House amendment to the Senate amendment, and adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 112, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects.

JOHN F. DWYER, Secretary

### Appropriations Calendar

**Senate File 2153**, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates, with report of committee recommending amendment and passage was taken up for consideration.

Bennett of Ida rose on a point of order that Senate File 2153 was not eligible for debate.

The Speaker ruled the point well taken.

Arnould of Scott moved to suspend the rules to immediately consider Senate File 2153.

A non-record roll call was requested.

The ayes were 51, nays 35.

The motion prevailed and the rules were suspended.

The House stood at ease at 3:05 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2153 at 4:08 p.m., Speaker Avenson in the chair.

Swartz of Marshall offered the following amendment H-6054 filed by the committee on economic development:

H-6054

- 1 Amend Senate File 2153, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 12.61, subsection 2,
- 6 unnumbered paragraph 3, Code Supplement 1989, is
- 7 amended to read as follows:
- 8 In selecting a credit card issuer, the treasurer
- 9 shall consider the issuer's record of investments in
- 10 the state, shall take into consideration credit card
- 11 features which will enhance the promotion of the
- 12 state-sponsored credit card including, but not limited
- 13 to, favorable interest rates, annual fees, and other
- 14 fees for using the card, and shall require that the
- 15 card be available to any person who qualifies for a
- 16 credit card. Upon entering into an agreement with the
- 17 financial institution, the treasurer shall notify all
- 18 state agencies then possessing a credit card to obtain

19 the new state-sponsored credit card. The financial  
 20 institution is authorized to solicit participation  
 21 from state employees."

22 2. Page 1, by inserting after line 21 the  
 23 following:

24 "Sec. \_\_\_\_\_. Section 99E.9, subsection 3, paragraph  
 25 m, Code 1989, is amended to read as follows:

26 m. The form and type of marketing, informational,  
 27 and educational material to be permitted. Marketing  
 28 material and campaigns shall include the concept of  
 29 investing in Iowa's economic development environment,  
 30 agriculture, and natural resources and show the  
 31 economic development initiatives environmental,  
 32 agricultural, and natural resources programs funded  
 33 from lottery revenue."

34 3. By striking page 3, line 9 through page 8,  
 35 line 27, and inserting the following:

36 "Sec. \_\_\_\_\_. NEW SECTION. 99E.34 APPROPRIATIONS --  
 37 TEN FISCAL YEARS.

38 1. The treasurer of state shall, for each fiscal  
 39 year of the fiscal period beginning July 1, 1990, and  
 40 ending June 30, 2000, make allotments of the moneys  
 41 within the CLEAN fund created in section 99E.10 to  
 42 separate accounts within that fund as follows:

43 a. For each fiscal year, sixty-two and five-tenths  
 44 percent to the Iowa resources enhancement and  
 45 protection fund created in section 455A.18 and which  
 46 amount is appropriated for the purposes of that fund.  
 47 However, the total amount allotted under this  
 48 paragraph in any single fiscal year shall not exceed  
 49 twenty-five million dollars.

50 b. For each fiscal year, eighteen percent to the

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1 environmental protection account.

2 c. For each fiscal year, six percent to the soil  
 3 conservation account.

4 d. For each fiscal year, eight percent to the  
 5 energy efficiency account.

6 e. For each fiscal year, five and five-tenths  
 7 percent plus the amount, if any, that would have been  
 8 allotted to paragraph "a" but for the dollar  
 9 limitation specified in paragraph "a" to the annual  
 10 appropriations account. It is the intent of the  
 11 general assembly that moneys in this account be  
 12 appropriated annually for environmentally related  
 13 programs and purposes.

14 2. For each fiscal year of the fiscal period,  
 15 moneys allotted to the environmental protection  
 16 account shall be appropriated as follows:

- 17 a. Fifty-nine percent to the recycling account.  
18 The moneys in the recycling account are appropriated  
19 each fiscal year of the fiscal period to the  
20 department of natural resources for competitive grants  
21 as provided in section 455D.5.
- 22 b. Four and one-tenths percent to the agricultural  
23 management account of the groundwater protection fund  
24 as provided in section 455E.11, subsection 2,  
25 paragraph "b", to be used for plugging abandoned  
26 wells.
- 27 c. Three and five-tenths percent to the Iowa waste  
28 reduction center established under section 268.4 to  
29 implement and administer the state and local  
30 government waste management program under section  
31 268.5.
- 32 d. Seven percent to the groundwater protection  
33 fund created in section 455E.11, to be used to  
34 administer the permanent household hazardous materials  
35 collection system established in section 455F.8. The  
36 department may use this allocation to fund its  
37 administration of the program and to provide  
38 assistance to local communities in holding cleanup  
39 events and operating the collection centers.
- 40 e. Seven percent to the groundwater protection  
41 fund created in section 455E.11, to be used to finance  
42 permanent household hazardous materials regional  
43 collection centers.
- 44 f. Three and five-tenths percent to the center for  
45 health effects of environmental contamination  
46 established pursuant to section 263.17, subsection 1,  
47 for the statewide rural well-water survey.
- 48 g. Four and nine-tenths percent to the  
49 environmental protection division of the department of  
50 natural resources for an ongoing air quality toxics

**Page 3**

- 1 monitoring, permitting, and inspection program.
- 2 h. Two percent to the Iowa state university of  
3 science and technology for allocation to the Iowa  
4 state university water research institute for the  
5 purposes and under the conditions specified in section  
6 99E.32, subsection 4, paragraph "e".
- 7 i. Seven percent to the environmental protection  
8 division of the department of natural resources to be  
9 used for the assessment and evaluation of surface  
10 water streams and rivers.
- 11 j. Two percent to the environmental advertising  
12 board created in section 190C.2 for purposes of  
13 chapter 190C.

14 3. For each fiscal year of the fiscal period,  
15 moneys in the soil conservation account are  
16 appropriated to the department of agriculture and land  
17 stewardship to be allocated as follows:

18 a. Sixty-two and four-tenths percent to the soil  
19 conservation division of the department of agriculture  
20 and land stewardship to provide state soil and water  
21 conservation cost-sharing funds pursuant to sections  
22 467A.42 through 467A.75.

23 b. Eighteen and eight-tenths percent to the water  
24 protection fund created in section 467F.4, to be used  
25 for filter strips and waterways projects. The  
26 governing body of each soil and water conservation  
27 district shall identify those critical areas within  
28 the district where permanent grass and buffer zones  
29 would mitigate the effects of concentrated runoff on  
30 surface water quality. The governing body shall  
31 notify the landowners of those critical areas and  
32 provide the landowners with recommendations to  
33 establish these permanent grass and buffer zones,  
34 including any erosion control structures that may be  
35 appropriate, to mitigate the effects of concentrated  
36 runoff on surface water quality. In providing this  
37 notification and these recommendations, the governing  
38 body shall also inform the landowners that the  
39 establishment of these zones along with any erosion  
40 control structures may be eligible for financial  
41 assistance under the incentive programs within the  
42 water protection fund created in section 467F.4 and  
43 the landowner's costs may also qualify for a state  
44 income tax credit.

45 c. Eighteen and eight-tenths percent to the soil  
46 conservation division of the department of agriculture  
47 and land stewardship for reforestation programs.

48 4. For each fiscal year of the fiscal period,  
49 moneys allotted to the energy efficiency account shall  
50 be appropriated as follows:

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1 a. Twelve percent to the energy and geological  
2 resources division of the department of natural  
3 resources, to be used to establish the ethanol  
4 research and technology office at the state university  
5 of Iowa. Up to ten percent of the funds appropriated  
6 in this paragraph may be awarded by the office to  
7 communities to study the feasibility of opening  
8 processing plants which are dry milling ethanol  
9 facilities.

10 b. Thirty-one and three-tenths percent to the Iowa  
11 energy center established pursuant to Senate File  
12 2403, if enacted by the Seventy-third General

13 Assembly, 1990 Session, to be used for competitive  
14 grants for alternative, renewable, and biofuel  
15 demonstration projects to enhance energy efficiency  
16 and self-sufficiency.

17 c. Twenty-five and four-tenths percent to the Iowa  
18 energy center established pursuant to Senate File  
19 2403, if enacted by the Seventy-third General  
20 Assembly, 1990 Session, to be used for competitive  
21 grants to communities for comprehensive,  
22 communitywide, low-income home weatherization  
23 projects. Applications shall be made in conjunction  
24 with a community action agency designated pursuant to  
25 section 601K.93.

26 d. Thirty-one and three-tenths percent to the Iowa  
27 energy center established pursuant to Senate File  
28 2403, if enacted by the Seventy-third General  
29 Assembly, 1990 Session to be used for competitive  
30 grants, for comprehensive, in-depth, communitywide  
31 projects to reduce energy consumption and enhance  
32 energy self-sufficiency. Cities, clusters of cities  
33 and counties are eligible to apply for grants.  
34 Applications may be limited to building efficiency or  
35 vehicle efficiency or may contain both and shall  
36 contain a component for ongoing education concerning  
37 the goals of the plan and how to achieve those goals.  
38 The moneys under this paragraph shall be allocated  
39 equally for building efficiency and vehicle  
40 efficiency. However, if the moneys allocated to  
41 either category are not used or dedicated by April 1  
42 of the fiscal year, the moneys may be reallocated to  
43 the other category.

44 5. For the fiscal year beginning July 1, 1990,  
45 moneys allotted to the annual appropriations account  
46 shall be appropriated as follows:

47 a. Four hundred thousand dollars to the center for  
48 health effects of environmental contamination  
49 established in section 263.17, to be used for research  
50 involving environmental exposure and risk from

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1 contamination of the air, soil, and water.

2 b. Seven hundred thousand dollars to the  
3 department of natural resources to be used for the  
4 completion of the Three-mile lake reservoir.

5 c. One hundred thousand dollars to the department  
6 of natural resources to be used for the restoration of  
7 Spring Brook lake.

8 d. Three hundred thousand dollars to the  
9 department of natural resources to be used to contract  
10 for a statewide analysis of town and country water  
11 systems and development of a plan for the efficient

12 delivery of water to Iowa citizens through municipal,  
13 county, and rural water systems.

14 e. Two hundred thousand dollars to the department  
15 of agriculture and land stewardship to be used for the  
16 purpose of funding the development of a program to  
17 preserve the state's crop and native plant seed  
18 stocks.

19 The department of agriculture and land stewardship  
20 shall employ an Iowa seed crop curator to work in  
21 cooperation with the United States department of  
22 agriculture's north central plant introduction station  
23 at Ames on appointment through the department of  
24 agronomy of the Iowa state university of science and  
25 technology.

26 The department of agriculture and land stewardship  
27 in conjunction with the department of agronomy at Iowa  
28 state university of science and technology and the  
29 north central plant introduction station at Ames shall  
30 establish an advisory committee to conduct a study to  
31 identify crop and native plant seed stocks for the  
32 purpose of preserving threatened plant genetic  
33 resources. The committee shall include  
34 representatives of the department of natural  
35 resources, the department of agriculture and land  
36 stewardship, the state department of transportation,  
37 the department of agronomy at Iowa state university of  
38 science and technology, and representatives of other  
39 public and private organizations. The committee shall  
40 submit a report of its findings to the general  
41 assembly by January 1, 1992.

42 A grant program shall be initiated by the advisory  
43 committee to assist in the collection, cataloging, and  
44 maintenance of the crop and native plant seed stocks.  
45 Grantees shall submit seed samples to the Iowa crop  
46 seed curator for placement in the permanent Iowa  
47 collection.

48 f. Five hundred thousand dollars to the center for  
49 global and regional environmental research at the  
50 state university of Iowa to study the regional impact

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1 of environmental change. The center shall consult  
2 with Iowa state university of science and technology  
3 and the university of northern Iowa.

4 If the amount of funds in the annual appropriations  
5 account is insufficient to fund all the amounts  
6 appropriated under this subsection, each appropriation  
7 made in this subsection shall be reduced by the  
8 percent by which the amount of funds is insufficient.

9 6. The moneys appropriated in subsection 1,  
10 paragraph "a", and subsections 2, 3, 4, and 5 shall  
11 remain in the appropriate account of the CLEAN fund  
12 until such time as the agency, entity, or fund to  
13 which moneys are appropriated has made a request to  
14 the treasurer for use of moneys appropriated to it and  
15 the amount needed for that use. Notwithstanding  
16 section 8.33, moneys remaining of the appropriations  
17 made for a fiscal year from any of the accounts within  
18 the CLEAN fund on June 30 of that fiscal year, shall  
19 not revert to any fund but shall remain in that  
20 account to be used for the purposes for which they  
21 were appropriated and the moneys remaining in that  
22 account shall not be considered in making the  
23 allotments for the next fiscal year.

24 7. The agency, entity, or fund to which moneys are  
25 appropriated under this section shall to the extent  
26 feasible make every effort to maximize the impact of  
27 these moneys through matching government and private  
28 funds unless otherwise provided by law.

29 Sec. \_\_\_\_\_. NEW SECTION. 190C.1 DEFINITIONS.

30 As used in this chapter, unless the context  
31 otherwise requires:

32 1. "Board" means the environmental advertising  
33 board created in section 190C.2.

34 2. "Degradable" means as defined in section  
35 455B.1.

36 3. "Degradable package" means package which is at  
37 least fifty percent composed of a product designated  
38 by the Iowa department of agriculture and land  
39 stewardship pursuant to section 159.30, subsection 1.

40 4. "Ecologically or environmentally sound or safe"  
41 means an absence of long-term harmful effects to the  
42 ecology or environment as a result of use or disposal.

43 5. "Recyclable material" means a material which  
44 would otherwise become waste, except that processes  
45 and markets exist which would allow the material to be  
46 returned to use in the form of raw materials or  
47 products. A material is recyclable when the board  
48 determines that processes and markets are available to  
49 a degree that makes recycling reasonably possible  
50 within Iowa.

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1 6. "Recycled material" means a material whose  
2 ratio of recycled substance to original substance  
3 exceeds fifty percent, unless a lower ratio of the  
4 recycled substance is required to maintain a property  
5 of a material necessary for the material's intended  
6 use.

7 Sec. \_\_\_\_\_. NEW SECTION. 190C.2 ENVIRONMENTAL  
8 ADVERTISING BOARD.

9 There is established a five-member environmental  
10 advertising board consisting of the following persons:

- 11 1. The secretary of agriculture, or the  
12 secretary's designee.
- 13 2. The director of the department of natural  
14 resources, or the director's designee.
- 15 3. The director of the Iowa department of public  
16 health, or the director's designee.
- 17 4. The director of the center for health effects  
18 of environmental contamination established pursuant to  
19 section 263.17, subsection 1, or the director's  
20 designee.
- 21 5. A member of the advisory committee established  
22 in section 190C.4.

23 Sec. \_\_\_\_\_. NEW SECTION. 190C.3 GENERAL POWERS AND  
24 DUTIES OF THE BOARD.

25 The board:

- 26 1. Has rulemaking authority under chapter 17A.
- 27 2. May employ a director and staff.
- 28 3. Shall monitor the development of national  
29 standards relating to claims of environmental benefit  
30 made for products, seek to assist in their  
31 development, and seek to host periodically, as  
32 necessary, national and regional forums on the issue.
- 33 4. Shall educate the public on the issue.
- 34 5. Gather information relating to claims of  
35 environmental benefit made for products sold in the  
36 state and provide periodic reports to the consumer  
37 protection division of the attorney general's office.
- 38 6. May develop a program using a logo or logos  
39 authorized for use in promoting the environmental  
40 benefit of products. Standards shall be developed as  
41 a part of the program.

42 In authorizing the use of a logo under this  
43 program, the board, the state, and any state agency,  
44 official, or employee involved in the authorization,  
45 is immune from a civil suit for damages, including but  
46 not limited to a suit based on contract, breach of  
47 warranty, negligence, strict liability, or tort.  
48 Authorization of the use of a logo by the board, the  
49 state, or any state agency, official, or employee, is  
50 not an express or implied guarantee or warranty

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- 1 concerning the environmental benefit of the
- 2 applicant's product. This paragraph does not create a
- 3 duty of care to the applicant or any other person.

4 7. May use fees for the purposes of this chapter.  
5 Fees received by and appropriations made to the board  
6 shall not revert.

7 Sec. \_\_\_\_\_. NEW SECTION. 190C.4 ADVISORY  
8 COMMITTEE.

9 There is established an advisory committee to  
10 provide technical assistance and advice to the board.  
11 The advisory committee shall consist of at least three  
12 members and not more than nine members. The members  
13 shall be appointed by the governor, subject to  
14 confirmation by the senate. To the extent possible,  
15 members shall have an expertise in environmental and  
16 health issues. The members serve at the pleasure of  
17 the governor. Members of the advisory committee shall  
18 receive a per diem of forty dollars and actual and  
19 necessary expenses incurred in the performance of  
20 their duties. The advisory committee shall designate  
21 one of its members to be the fifth member of the  
22 board. The advisory committee shall seek input from  
23 manufacturers of and consumers of products and  
24 packages as to the issues, trends, and technologies  
25 emerging in the environmental safety area.

26 Sec. \_\_\_\_\_. NEW SECTION. 268.5 STATE AND LOCAL  
27 GOVERNMENT WASTE MANAGEMENT PROGRAM.

28 1. The Iowa waste reduction center shall establish  
29 and administer, in cooperation with other state  
30 agencies, local governments, and school districts, a  
31 program to manage the wastes generated by state and  
32 local governments as a part of a comprehensive  
33 pollution prevention program for governments in Iowa.  
34 The program shall emphasize hazardous and toxic waste  
35 minimization and recycling and shall include  
36 assistance in the disposal of nonrecyclable wastes.

37 2. The center shall:

38 a. Develop and implement programs to train state,  
39 local government, and school officials in pollution  
40 prevention, waste minimization, and waste management.  
41 This shall include the creation of intergovernmental  
42 pollution prevention teams to serve the local  
43 governments and school districts of each county.

44 b. Assist local governments and school districts  
45 in finding nonhazardous or nontoxic substitutes for  
46 hazardous and toxic materials currently used in their  
47 business activities.

48 c. Assist local governments and school districts  
49 in recycling or disposing of toxic and hazardous  
50 wastes currently stored. This may include the

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1 creation of a cooperative waste pickup and disposal  
2 program that is jointly financed by the center and the  
3 participants.  
4 d. Provide, from funds appropriated for this  
5 purpose, financial assistance to local governments and  
6 school districts in the implementation of pollution  
7 prevention, waste minimization, and waste management  
8 programs.

9 3. Local governments and school districts shall:

10 a. Participate in establishing intergovernmental  
11 pollution prevention teams by January 1, 1991.

12 b. Arrange to have a pollution prevention team  
13 review their facilities.

14 c. File a waste minimization and waste management  
15 report with the center by January 1, 1992. A progress  
16 report shall be filed every subsequent two years.

17 4. Once the governmental waste management program  
18 is established, the center, other state agencies,  
19 local governments, and school districts shall  
20 cooperate with conditionally exempt small quantity  
21 hazardous and toxic waste generators in handling waste  
22 minimization and waste management problems by  
23 providing technical assistance and allowing those  
24 generators to participate in governmental recycling  
25 and waste disposal programs."

26 4. Page 10, by inserting after line 30 the  
27 following:

28 "Sec. \_\_\_\_\_. Section 331.441, subsection 2,  
29 paragraph b, Code Supplement 1989, is amended by  
30 adding the following new subparagraph:  
31 NEW SUBPARAGRAPH. (12) Funding the construction,  
32 reconstruction, improvement, repair, and equipping of  
33 waterworks, water mains and extensions, ponds,  
34 reservoirs, wells, dams, pumping installations, or  
35 other facilities for the storage, transportation, or  
36 utilization of potable water owned and operated by a  
37 rural water district established pursuant to chapter  
38 357A, only when the rural water district and a  
39 sufficient number of participating members have  
40 entered into agreements which satisfy the board of  
41 supervisors that sufficient revenue to retire the  
42 principal and interest on the county general  
43 obligation bonds will be generated by the rural water  
44 district, and the rural water district and the board  
45 of supervisors have agreed that the interest and  
46 principal on the county general obligation bonds will  
47 be retired from the rural water district revenues.

48 Sec. \_\_\_\_\_. Section 357A.11, subsection 7, Code  
49 1989, is amended to read as follows:

50 7. Have power to borrow from, co-operate with and

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1 enter into such agreements as deemed necessary with  
 2 any agency of the federal government, this state, or a  
 3 county of this state, and to accept financial or other  
 4 aid from any agency of the federal government. To  
 5 evidence any indebtedness the obligations may be one  
 6 or more bonds or notes and the obligations may be sold  
 7 at private sale.

8 Sec. \_\_\_\_\_. Section 357A.11, Code 1989, is amended  
 9 by adding the following new subsection:

10 NEW SUBSECTION. 9. Finance all or part of the  
 11 cost of the construction or purchase of a project  
 12 necessary to carry out the purposes for which the  
 13 district is incorporated or to refinance all or part  
 14 of the original cost of that project, including, but  
 15 not limited to, obligations originated by the district  
 16 as a nonprofit corporation under chapter 504A and  
 17 assumed by the district reorganized under this  
 18 chapter. Financing or refinancing carried out under  
 19 this subsection shall be in accordance with the terms  
 20 and procedures set forth in the applicable provisions  
 21 of sections 384.83 through 384.88, 384.92, and 384.93.  
 22 References in these sections to a city shall be  
 23 applicable to a rural water district operating under  
 24 this chapter, and references in that division to a  
 25 city council shall be applicable to the board of  
 26 directors of a rural water district.

27 Sec. \_\_\_\_\_. NEW SECTION. 364.10 STORM WATER  
 28 DRAINAGE SYSTEM.

29 A city shall have the same authority to create,  
 30 fund, and implement by ordinance a storm water  
 31 drainage system in all or parts of a city as it has  
 32 for a sanitary sewage system as provided in chapters  
 33 362, 384, and 388. The ordinances may include  
 34 criteria and standards by which benefits and cost  
 35 allocation have been previously determined for special  
 36 assessments for storm water drainage improvements  
 37 under chapter 384."

38 5. Page 12, by striking lines 10 through 33.

39 6. Page 12, by inserting before line 34 the  
 40 following:

41 "Sec. \_\_\_\_\_. Section 455A.18, subsection 4,  
 42 unnumbered paragraph 1, Code Supplement 1989, is  
 43 amended to read as follows:

44 For each fiscal year of the fiscal period beginning  
 45 July 1, 1990, and ending June 30, ~~2000~~ 2001, there is  
 46 appropriated from the general fund, to the Iowa  
 47 resources enhancement and protection fund, the amount  
 48 of ~~\$20,000,000~~ thirty million dollars, except that for  
 49 the fiscal year beginning July 1, 1990, the amount is  
 50 twenty million dollars, to be used as provided in this

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1 chapter. However, in any fiscal year of the fiscal  
2 period, if moneys from the lottery are appropriated by  
3 the state to the fund, the amount appropriated under  
4 this subsection shall be reduced by the amount  
5 appropriated from the lottery.

6 Sec. \_\_\_\_\_. NEW SECTION. 455B.110 RELEASE OF  
7 BALLOONS.

8 1. The general assembly finds that the release  
9 into the atmosphere of large numbers of balloons  
10 inflated with lighter-than-air gases poses a danger  
11 and nuisance to the environment, particularly to  
12 wildlife and marine animals.

13 2. It is unlawful for any person, firm,  
14 governmental entity, or corporation to intentionally  
15 release, organize the release, or intentionally cause  
16 to be released within a twenty-four hour period ten or  
17 more balloons inflated with a gas that is lighter than  
18 air except for:

19 a. Balloons released by a person on behalf of a  
20 governmental agency or pursuant to a governmental  
21 contract for scientific or meteorological purposes.

22 b. Hot air balloons that are recovered after  
23 launching.

24 c. Balloons released indoors.

25 3. Any person who violates subsection 2 is guilty  
26 of a simple misdemeanor.

27 4. The department shall adopt rules for the  
28 implementation of this section and may, by rule,  
29 increase the number of balloons that may be released  
30 within a twenty-four hour period from the number  
31 allowed under subsection 2.

32 Sec. \_\_\_\_\_. Section 455B.173, subsection 6,  
33 paragraph b, Code Supplement 1989, is amended to read  
34 as follows:

35 b. Adopt rules which require each public water  
36 system regulated under chapter 455B to test the source  
37 water of that supply for the presence of synthetic  
38 organic chemicals and pesticides every ~~two~~ three  
39 years. The rules shall enumerate the synthetic  
40 organic chemicals and pesticides, but not more than  
41 ten of each, for which the samples are to be tested;  
42 shall specify the approved analytical methods for  
43 conducting the analysis of water samples; and shall  
44 require the reporting of the analytical test results  
45 to the department. Priority for testing in the first  
46 year shall be those public water supplies for which  
47 none of the specified contaminants have been analyzed  
48 within the past five years. All of the laboratory  
49 analysis and data management shall be conducted by the  
50 center for health effects of environmental

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1 contamination. Sample collection shall be conducted  
2 using a standard sampling protocol by personnel within  
3 the department and the center for health effects of  
4 environmental contamination in conjunction with other  
5 ongoing field activities. Samples from private wells  
6 and samples from privately owned public water supplies  
7 shall be allowed to undergo the same analysis. The  
8 cost for the analysis provided for samples from  
9 private wells and privately owned public water  
10 supplies shall not exceed one hundred ninety-five  
11 dollars for the first year of testing. The department  
12 shall submit a report to the general assembly, by  
13 September 1 of each year, of the findings of the tests  
14 and the conclusions which may be drawn from the  
15 tests."

16 7. By striking page 12, line 34 through page 16,  
17 line 5.

18 8. By striking page 16, line 6 through page 17,  
19 line 14, and inserting the following:

20 "Sec. \_\_\_\_\_. 1990 Iowa Acts, Senate File 2364,  
21 section 12, subsection 1, unnumbered paragraph 1, is  
22 amended to read as follows:

23 There is appropriated from the general fund of the  
24 state to the department of natural resources for the  
25 fiscal year beginning July 1, 1990, and ending June  
26 30, 1991, the following amount or so much thereof as  
27 is necessary, to be used for the purpose designated:"

28 9. Page 17, by inserting before line 15 the  
29 following:

30 "Sec. \_\_\_\_\_. NEW SECTION. 455D.19 PACKAGING -  
31 HEAVY METAL CONTENT.

32 1. The general assembly finds and declares all of  
33 the following:

34 a. The management of solid waste can pose a wide  
35 range of hazards to public health and safety and to  
36 the environment.

37 b. Packaging comprises a significant percentage of  
38 the overall solid waste stream.

39 c. The presence of heavy metals in packaging is a  
40 concern in light of the likely presence of heavy  
41 metals in emissions or ash when packaging is  
42 incinerated or in leachate when packaging is  
43 landfilled.

44 d. Lead, mercury, cadmium, and hexavalent  
45 chromium, on the basis of available scientific and  
46 medical evidence, are of particular concern.

47 e. It is desirable as a first step in reducing the  
48 toxicity of packaging waste to eliminate the addition  
49 of heavy metals to packaging.

50 f. The intent of the general assembly is to

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1 achieve reduction in toxicity without impeding or  
2 discouraging the expanded use of postconsumer  
3 materials in the production of packaging and its  
4 components.

5 2. As used in this section unless the context  
6 otherwise requires:

7 a. "Distributor" means a person who takes title to  
8 products or packaging purchased for resale.

9 b. "Manufacturer" means a person who offers for  
10 sale or sells products or packaging to a distributor.

11 c. "Package" means a container which provides a  
12 means of marketing, protecting, or handling a product  
13 including a unit package, intermediate package, or a  
14 shipping container. "Package" also includes but is  
15 not limited to unsealed receptacles such as carrying  
16 cases, crates, cups, pails, rigid foil and other  
17 trays, wrappers and wrapping films, bags, and tubs.

18 d. "Packaging component" means any individual  
19 assembled part of a package including but not limited  
20 to interior and exterior blocking, bracing,  
21 cushioning, weatherproofing, exterior strapping,  
22 coatings, closures, inks, or labels.

23 3. No later than July 1, 1992, a manufacturer or  
24 distributor shall not offer for sale or sell, or offer  
25 for promotional purposes a package or packaging  
26 component, in this state, which includes, in the  
27 package itself, or in any packaging component, inks,  
28 dyes, pigments, adhesives, stabilizers, or any other  
29 additives, any lead, cadmium, mercury, or hexavalent  
30 chromium which has been intentionally introduced as an  
31 element during manufacturing or distribution as  
32 opposed to the incidental presence of any of these  
33 elements and which exceed the concentration level  
34 established by the department.

35 4. No later than July 1, 1992, a manufacturer or  
36 distributor shall not offer for sale or sell, or offer  
37 for promotional purposes, in this state, a product in  
38 a package which includes in the package itself or in  
39 any of the packaging components, inks, dyes, pigments,  
40 adhesives, stabilizers, or any other additives, any  
41 lead, cadmium, mercury, or hexavalent chromium which  
42 has been intentionally introduced as an element during  
43 manufacturing or distribution as opposed to the  
44 incidental presence of any of these elements and which  
45 exceed the concentration level established by the  
46 department.

47 5. The concentration levels of lead, cadmium,  
48 mercury, and hexavalent chromium present in a package  
49 or packaging component shall not exceed the following:

50 a. Six hundred parts per million by weight by July

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1 1, 1992.

2 b. Two hundred fifty parts per million by weight  
3 by July 1, 1993.

4 c. One hundred parts per million by weight by July  
5 1, 1994.

6 Concentration levels of lead, cadmium, mercury, and  
7 hexavalent chromium shall be determined using American  
8 standard of testing materials test methods, as  
9 revised, or United States environmental protection  
10 agency test methods for evaluating solid waste, S-W  
11 846, as revised.

12 6. The following packaging and packaging  
13 components are exempt from the requirements of this  
14 section:

15 a. Packaging or packaging components with a code  
16 indicating a date of manufacture prior to July 1,  
17 1990.

18 b. Packages or packaging components to which lead,  
19 cadmium, mercury, or hexavalent chromium have been  
20 added in the manufacturing, forming, printing, or  
21 distribution process in order to comply with health or  
22 safety requirements of federal law or for which there  
23 is no feasible alternative if the manufacturer of a  
24 package or packaging component petitions the  
25 department for an exemption from the provisions of  
26 this paragraph for a particular package or packaging  
27 component. The department may grant a two year  
28 exemption, if warranted, by the circumstances, and an  
29 exemption may, upon meeting either criterion of this  
30 paragraph be renewed for two years. For purposes of  
31 this paragraph, a use for which there is no feasible  
32 alternative is one in which the regulated substance is  
33 essential to the protection, safe handling, or  
34 function of the package's contents.

35 Packages and packaging components that would not  
36 exceed the maximum contaminant levels established but  
37 for the addition of postconsumer materials.

38 7. By July 1, 1992, a manufacturer or distributor  
39 of packaging or packaging components shall make  
40 available to purchasers, to the department, and to the  
41 general public upon request, certificates of  
42 compliance which state that the manufacturer's or  
43 distributor's packaging or packaging components comply  
44 with, or are exempt from, the requirements of this  
45 section.

46 If the manufacturer or distributor of the package  
47 or packaging component reformulates or creates a new  
48 package or packaging component, the manufacturer or  
49 distributor shall provide an amended or new  
50 certificate of compliance for the reformulated or new

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1 package or packaging component.

2 8. The commission shall adopt rules to implement  
3 this section and may, by rule, make additions to the  
4 list of toxic substances contained in packaging, which  
5 are to be limited.

6 9. A manufacturer or distributor who does not  
7 comply with the requirements of this section is guilty  
8 of a simple misdemeanor."

9 10. Page 17, by striking lines 15 through 24 and  
10 inserting the following:

11 "Sec. \_\_\_\_\_.

12 1. Notwithstanding the nonreversion provision in  
13 section 99E.32, subsection 7, or any other provision,  
14 all unencumbered or unobligated moneys remaining on  
15 June 30, 1990, and all encumbered or obligated moneys  
16 as of June 30, 1990, from appropriations made from the  
17 surplus account, jobs now account, education and  
18 agricultural research and development account, and the  
19 jobs now capitals account to the department of  
20 economic development for purposes for which moneys are  
21 appropriated for the fiscal year beginning July 1,  
22 1990, in Senate File 2327, if enacted by the Seventy-  
23 third General Assembly, 1990 Session, shall be  
24 transferred to the general fund of the state and shall  
25 be available for expenditure for those same purposes  
26 as provided in Senate File 2327, if enacted and are in  
27 addition to moneys appropriated for those same  
28 purposes for the fiscal year beginning July 1, 1990.

29 2. Except as otherwise provided in subsection 1,  
30 notwithstanding the nonreversion provision in section  
31 99E.32, subsection 7, or any other provision, all  
32 unencumbered or unobligated moneys remaining in the  
33 surplus account, jobs now account, education and  
34 agricultural research and development account, and the  
35 jobs now capitals account on June 30, 1991, or  
36 remaining on June 30, 1991, from appropriations made  
37 from any of those accounts shall revert to the CLEAN  
38 fund for allocation and expenditure as provided in  
39 this Act for the fiscal year beginning July 1, 1991.

40 3. The agency, board, commission, or overseer of  
41 the funds to which moneys have been appropriated from  
42 any of the accounts in the Iowa plan fund for economic  
43 development for any of the fiscal years beginning July  
44 1, 1985, July 1, 1986, July 1, 1987, July 1, 1988, and  
45 July 1, 1989, shall provide by December 15, 1990, to  
46 the department of management a status report and any  
47 encumbered or obligated moneys remaining unspent on  
48 June 30, 1990, from moneys appropriated from the Iowa  
49 plan fund for any fiscal year, except the fiscal year  
50 beginning July 1, 1989, shall be available for

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1 expenditure by the department of economic development  
2 for purposes of chapter 15. The status report shall  
3 specify the status of the moneys appropriated as of  
4 June 30, 1990, or such later date as designated by the  
5 department of management, and the amount of loans  
6 outstanding, if any, that were made from those moneys  
7 appropriated, and other information relating to the  
8 status of the moneys appropriated as required by the  
9 department of management."

10 11. Title page, line 3, by inserting after the  
11 word "providing" the following: "for funding for  
12 rural water districts, for city storm water drainage  
13 systems, and".

14 12. Title page, line 5, by inserting after the  
15 word "structures" the following: "providing a  
16 penalty,".

17 13. By renumbering, relettering, or redesignating  
18 and correcting internal references as necessary.

Metcalf of Polk offered the following amendment H—6098, to the committee amendment H—6054, filed by her from the floor and moved its adoption:

## H—6098

1 Amend amendment H—6054 to Senate File 2153, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 43 through page 2,  
5 line 13 and inserting the following:

6 "a. The first twenty million dollars for the  
7 fiscal year beginning July 1, 1990, and the first  
8 thirty million dollars for each subsequent fiscal year  
9 of the fiscal period to the Iowa resources enhancement  
10 and protection fund created in section 455A.18 which  
11 moneys are appropriated for the purposes of that fund.

12 b. After the allotment in paragraph "a", the  
13 remaining funds shall be allotted as follows:

14 (1) For each fiscal year, forty-eight percent to  
15 the environmental protection fund.

16 (2) For each fiscal year, sixteen percent to the  
17 soil conservation account.

18 (3) For each fiscal year, twenty-one and three-  
19 tenths percent to the energy efficiency account.

20 (4) For each fiscal year, fourteen and seven-  
21 tenths percent to the annual appropriations account.

22 It is the intent of the general assembly that moneys  
23 in this account be appropriated annually for  
24 environmentally related programs and purposes."

25 2. Page 10, line 46, by striking the words

26 "general fund" and inserting the following: "~~general~~  
27 fund CLEAN fund as provided in section 99E.34,  
28 subsection 1, paragraph "a"".  
29 3. Page 11, by striking lines 1 through 5 and  
30 inserting the following: "chapter."

A non-record roll call was requested.

The ayes were 22, nays 29.

Amendment H—6098 lost.

Swartz of Marshall asked and received unanimous consent to defer action on amendment H—6102.

Osterberg of Linn offered the following amendment H—6094, to the committee amendment H—6054, filed by him and moved its adoption:

H—6094

1 Amend the amendment, H—6054, to Senate File 2153,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by striking lines 33 through 35 and  
5 inserting the following: "fund created in section  
6 455E.11, to be used for the household hazardous waste  
7 cleanup program established in section 455F.8. The".

8 2. Page 2, by striking lines 42 and 43, and  
9 inserting the following: "household hazardous  
10 material collection sites established pursuant to  
11 section 455F.8A and the local government education  
12 programs established pursuant to section 455F.8B."

13 3. Page 2, by striking lines 44 through 47, and  
14 inserting the following:

15 "f. Three and five-tenths percent to the  
16 department of natural resources for the state rural  
17 well water survey to be conducted in conjunction with  
18 the center for health effects of environmental  
19 contamination established pursuant to section 263.17."

20 4. Page 15, by inserting after line 8, the  
21 following:

22 "Sec. \_\_\_\_\_. Section 455E.11, subsection 2,  
23 paragraph c, unnumbered paragraph 1, Code Supplement  
24 1989, is amended to read as follows:

25 A household hazardous waste account. The moneys  
26 collected pursuant to section 455F.7 shall be  
27 deposited in the household hazardous waste account.  
28 Except for the first one hundred thousand dollars  
29 received annually for deposit in the waste volume  
30 reduction and recycling fund to be used by the  
31 department to provide financial assistance to counties  
32 in investigation of complaints; and the next one

33 hundred thousand dollars received annually for deposit  
34 in the emergency response fund, the treasurer of state  
35 shall deposit moneys received from civil penalties and  
36 fines imposed by the court pursuant to sections  
37 455B.146, 455B.191, 455B.386, 455B.417, 455B.454,  
38 455B.466, and 455B.477, in the household hazardous  
39 waste account. Two thousand dollars is appropriated  
40 annually to the Iowa department of public health to  
41 carry out departmental duties under section 135.11,  
42 subsections 20 and 21, and section 139.35, ~~eighty~~  
43 ~~thousand dollars is appropriated to the department of~~  
44 ~~natural resources for city, county, or service~~  
45 ~~organization project grants relative to recycling and~~  
46 ~~reclamation events, and eight thousand dollars is~~  
47 ~~appropriated to the department of transportation for~~  
48 ~~the period of October 1, 1987, through June 30, 1989,~~  
49 ~~for the purpose of conducting the used oil collection~~  
50 ~~pilot project. The remainder of the account shall be~~

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1 used to fund Toxic Cleanup Days programs and the  
2 efforts of the department to support a collection  
3 system for household hazardous materials, including  
4 public education programs, training, and consultation  
5 of local governments in the establishment and  
6 operation of permanent collection systems, and the  
7 management of collection sites, education programs,  
8 and other activities pursuant to chapter 455F,  
9 including the administration of the household  
10 hazardous materials permit program by the department  
11 of revenue and finance.

12 Sec. \_\_\_\_\_. Section 455F.8, Code 1989, is amended to  
13 read as follows:

14 455F.8 HOUSEHOLD HAZARDOUS WASTE CLEANUP PROGRAM  
15 CREATED.

16 The department shall conduct programs to collect  
17 and dispose of small amounts of hazardous wastes which  
18 are being stored in residences or on farms. The  
19 program shall be known as "Toxic Cleanup Days". The  
20 department shall promote and conduct the program and  
21 shall by contract with a qualified and bonded waste  
22 handling company, collect and properly dispose of  
23 wastes believed by the person disposing of the waste  
24 to be hazardous. The department shall establish  
25 maximum amounts of hazardous wastes to be accepted  
26 from a person during the "Toxic Cleanup Days" program.  
27 Amounts accepted from a person above the maximum shall  
28 be limited by the department and may be subject to a  
29 fee set by the department, but the department shall  
30 not assess a fee for amounts accepted below the  
31 maximum amount. The department shall designate the

32 times and dates for the collection of wastes. The  
 33 department shall have as a goal twelve "Toxic Cleanup  
 34 Days" during the period beginning July 1, 1987, and  
 35 ending October 31, 1988. In any event, the department  
 36 shall offer the number of days that can be properly  
 37 and reasonably conducted with funds deposited in the  
 38 household hazardous waste account. In order to  
 39 achieve the maximum benefit from the program, the  
 40 department shall offer "Toxic Cleanup Days" on a  
 41 statewide basis and provide at least one "Toxic  
 42 Cleanup Day" in each departmental region. "Toxic  
 43 Cleanup Days" shall be offered in both rural and urban  
 44 areas to provide a comparison of response levels and  
 45 to test the viability of multicounty "Toxic Cleanup  
 46 Days". The department may also offer at least one  
 47 "Toxic Cleanup Day" at a previously serviced location  
 48 to test the level of residual demand for the event and  
 49 the effect of the existing public awareness on the  
 50 program. The department shall prepare an annual

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1 report citing the results and costs of the program for  
 2 submittal to the general assembly.  
 3 Sec. \_\_\_\_\_. NEW SECTION. 455F.8A HOUSEHOLD  
 4 HAZARDOUS MATERIAL COLLECTION SITES.  
 5 1. By January 1, 1991, the department shall  
 6 complete an assessment of the needs of local  
 7 governments for temporary collection sites for  
 8 household hazardous materials. Upon completion of the  
 9 assessment, the department shall design a model  
 10 facility which would adequately serve the needs  
 11 identified. During the design phase, the department  
 12 shall also identify facility permit requirements.  
 13 2. a. Following the completion of the assessment  
 14 and design of the model facility, the department shall  
 15 set a goal of establishing a three-year competitive  
 16 grant program to assist in the development of five  
 17 pilot household hazardous waste reduction and  
 18 collection programs. The grants shall be in the  
 19 amount of one hundred thousand dollars.  
 20 b. The grant program shall provide for the  
 21 establishment of five pilot sites so that both rural  
 22 and urban populations are served.  
 23 c. The department shall develop criteria to  
 24 evaluate proposals for the establishment of sites.  
 25 The criteria shall give priority to proposals for  
 26 sites which provide the most efficient services and  
 27 which provide local, public, and private contributions  
 28 for establishment of the sites. The criteria shall  
 29 also include a requirement that the recipient of a  
 30 grant design and construct a facility sufficient for

31 the collection, sorting, and packaging of materials  
 32 prior to transportation of the materials to the final  
 33 disposal site. Final review of design and  
 34 construction of the proposed facilities shall be by  
 35 the department.

36 d. Two of the recipients of grants shall provide  
 37 for collection of hazardous wastes from conditionally  
 38 exempt small quantity generators in the area of the  
 39 facility established. The facility shall require  
 40 payment for collection from conditionally exempt small  
 41 quantity generators if the amount of waste disposed is  
 42 greater than ten pounds.

43 Sec. \_\_\_\_\_. NEW SECTION. 455F.8B LOCAL GOVERNMENT  
 44 EDUCATION PROGRAMS.

45 A recipient of a household hazardous waste  
 46 reduction and collection program grant shall do all of  
 47 the following:

48 1. Identify a regional or local agency to  
 49 coordinate a public education effort, and provide for  
 50 staff to implement the education program.

**Page 4**

1 2. Establish an intensive three-year educational  
 2 project to educate the local population regarding  
 3 alternatives to the purchase or disposal of toxic  
 4 materials. The educational project shall include  
 5 efforts to promote the use of household hazardous  
 6 materials labeling required pursuant to chapter 455F.

7 3. Establish a community education effort to be  
 8 integrated within the existing educational system  
 9 regarding household hazardous waste reduction and  
 10 recycling.

11 4. Develop a plan for the recycling of hazardous  
 12 substances not minimized by the public. The plan  
 13 shall optimize resource use while minimizing waste and  
 14 shall include a formal arrangement for the exchange of  
 15 materials at no cost to the participants and an  
 16 arrangement for the acceptance by the department of  
 17 general services or the local or regional government  
 18 agency of hazardous materials useful in its  
 19 operations."

20 5. Page 16, by inserting after line 9, the  
 21 following:

22 \_\_\_\_\_. Title page, line 1, by striking the word  
 23 "and" and inserting the following: "the environment,  
 24 agriculture, and natural resources including".

25 6. By renumbering as necessary.

Amendment H—6094 was adopted.

Shearer of Louisa offered the following amendment H—6090, to the committee amendment H—6054, filed by him and Johnson of Winneshiek and moved its adoption:

H—6090

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, line 5, by inserting after the word
- 5 "Iowa." the following: "The office shall coordinate
- 6 its ethanol research with Iowa state university of
- 7 science and technology in regard to the use of
- 8 alternative agricultural products and distillation
- 9 efforts."

Amendment H—6090 was adopted.

Swartz of Marshall offered the following amendment H—6105, to the committee amendment H—6054, filed by him from the floor and moved its adoption:

H—6105

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, lines 23 and 24, by striking the words
- 5 "on appointment through the department of agronomy of"
- 6 and inserting the following: "and with".
- 7 2. Page 5, line 27, by striking the words
- 8 "department of agronomy at".
- 9 3. Page 5, line 37, by striking the words
- 10 "department of agronomy at".
- 11 4. Page 5, lines 42 and 43, by striking the words
- 12 "A grant program shall be initiated by the advisory
- 13 committee" and inserting the following: "The
- 14 department of agriculture and land stewardship may
- 15 contract with the Iowa state university of science and
- 16 technology".
- 17 5. Page 5, by striking lines 45 through 47.
- 18 6. Page 5, line 48, by striking the word "Five"
- 19 and inserting the following: "Four".
- 20 7. Page 6, by inserting after line 3 the
- 21 following:
- 22 "g. One hundred thousand dollars to the department
- 23 of natural resources to be transferred immediately to
- 24 the Iowa resources enhancement and protection fund
- 25 created in section 455A.18 to replace funds advanced
- 26 to the designated counties in the designated amounts
- 27 for purposes of the agreements entered into with the
- 28 department to restore and repair lowhead dams in the

29 counties as provided in 1989 Iowa Acts, chapter 311,  
30 section 9, subsection 4:

31 (1) Lyon county, the sum of fifty thousand  
32 dollars.

33 (2) Jasper county, the sum of twenty-five thousand  
34 dollars.

35 (3) Buena Vista county, the sum of twenty-five  
36 thousand dollars."

37 8. Page 6, by striking line 35 and inserting the  
38 following: "455B.301".

39 9. Page 7, line 9, by inserting after the word  
40 "established" the following: "within the waste  
41 management authority of the department of natural  
42 resources".

43 10. Page 12, by inserting after line 27 the  
44 following:

45 "Sec. \_\_\_\_\_. 1990 Iowa Acts, Senate File 2364,  
46 section 25, is amended to read as follows:

47 "SEC. 25. Section 455B.304, Code Supplement 1989,  
48 is amended by adding the following new unnumbered  
49 paragraph:

50 NEW UNNUMBERED PARAGRAPH. Notwithstanding the

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1 provisions of this chapter regarding the requirement  
2 of the equipping of a sanitary landfill with a  
3 leachate control system and the establishment and  
4 continuation of a postclosure account, the department  
5 shall adopt rules which provide for an exemption from  
6 the requirements to equip a publicly owned sanitary  
7 landfill with a leachate control system and to  
8 establish and maintain a postclosure account if the  
9 sanitary landfill operator is a public agency, if the  
10 sanitary landfill has closed or will close by July 1,  
11 1992, and will no longer accept waste for disposal  
12 after that date, and if at the time of closure of the  
13 sanitary landfill monitoring of the groundwater does  
14 not reveal the presence of leachate. The rules may  
15 department shall require postclosure groundwater  
16 monitoring and shall establish the requirements for  
17 the implementation of leachate collection and control  
18 in cases in which leachate is found during postclosure  
19 monitoring. The rules department shall provide for a  
20 closure completion period following the date of  
21 closure of a sanitary landfill. Notwithstanding the  
22 provisions of this paragraph, the public agency shall  
23 retain financial responsibility for closure and  
24 postclosure requirements applicable to sanitary  
25 disposal projects."

26 11. Page 15, by inserting after line 10 the  
27 following:

28 "Sec. \_\_\_\_\_.

29 The appropriation to the Iowa resources enhancement  
30 and protection fund in 1989 Iowa Acts, chapter 307,  
31 section 35, shall be considered an appropriation for a  
32 separate fiscal year for purposes of the allocation to  
33 be made to the conservation education board under  
34 section 455A.19, subsection 1, unnumbered paragraph 1.  
35 Up to 3 percent of the amount allocated to the  
36 conservation education board as a result of this  
37 section, shall be used, or so much thereof as is  
38 necessary, by the department of education, in  
39 cooperation with the department of cultural affairs,  
40 to distribute to all public libraries, libraries at  
41 state institutions, college libraries, and libraries  
42 at public and nonpublic schools in the state, and to  
43 each member of the Iowa general assembly, the  
44 publication "50 simple things you can do to save the  
45 earth".

Amendment H—6105 was adopted.

Halvorson of Webster asked and received unanimous consent to defer action on amendment H—6097.

Clark of Cerro Gordo in the chair at 4:30 p.m.

Metcalf of Polk offered the following amendment H—6096, to the committee amendment H—6054, filed by her and Neuhauser of Johnson from the floor and moved its adoption:

H—6096

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 9, line 28 through page 10,
- 5 line 7.

A non-record roll call was requested.

The ayes were 36, nays 50.

Amendment H—6096 lost.

Peters of Woodbury in the chair at 5:22 p.m.

Bisignano of Polk offered the following amendment H—6108, to the committee amendment H—6054, filed from the floor by Bisignano, Sherzan, Koenigs, Renaud, Peters, Trent, Shoning, Branstad, Diemer, Fuller, Hanson of Delaware, Muhlbauer, Jay, Kremer, Hansen of Woodbury and Buhr:

H—6108

- 1 Amend amendment, H—6054, to Senate File 2153, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 11, by striking lines 6 through 31.

Speaker Avenson in the chair at 5:29 p.m.

Bisignano of Polk moved the adoption of amendment H—6108, to the committee amendment H—6054.

A non-record roll call was requested.

The ayes were 43, nays 46.

Amendment H—6108 lost.

Groninga of Cerro Gordo offered the following amendment H—6070, to the committee amendment H—6054, filed by him and moved its adoption:

H—6070

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 15, by striking lines 3 through 5 and in-
- 5 serting the following: "this section and report to
- 6 the general assembly on the effectiveness of this
- 7 section no later than forty-two months following the
- 8 enactment of this section and recommend any other
- 9 toxic substances contained in packaging to be added to
- 10 the list in order to further reduce the toxicity of
- 11 packaging waste."

Amendment H—6070 was adopted.

Lageschulte of Bremer offered the following amendment H—6113, to the committee amendment H—6054, filed by him from the floor and moved its adoption:

H—6113

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 47 through 49.
- 5 2. Page 2, by striking lines 7 through 9 and
- 6 inserting the following: "percent to the annual".
- 7 3. Page 11, line 5, by inserting after the word
- 8 "lottery." the following: "However, if the amount
- 9 appropriated to the fund from the lottery does not
- 10 equal thirty million dollars for the fiscal year

11 beginning July 1, 1991, or for subsequent fiscal years  
 12 of the fiscal period, the amount that may be  
 13 appropriated under this subsection is twenty-five  
 14 million dollars."

Roll call was requested by Lageschulte of Bremer and Spenner of Henry.

Rule 75 was invoked.

On the question "Shall amendment H—6113, to the committee amendment H—6054, be adopted?" (S.F. 2153)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spear	Spenner
Trent	Tyrrell	Van Maanen	

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 4:

Blanshan	Hammond	Johnson	Stueland
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Amendment H—6113 lost.

Bennett of Ida offered the following amendment H—6118, to the committee amendment H—6054, filed by him and Pellett of Cass from the floor and moved its adoption:

H—6118

1 Amend the amendment, H—6054, to Senate File 2153,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 1, by inserting after the word  
5 "account." the following: "However, for the fiscal  
6 year beginning July 1, 1990, the percent is nine  
7 percent for the first half of the year and eighteen  
8 percent for the second half of the year."

9 2. Page 2, line 3, by inserting after the word  
10 "account." the following: "However, for the fiscal  
11 year beginning July 1, 1990, the percent is fifteen  
12 percent for the first half of the year and six percent  
13 for the second half of the year."

14 3. Page 3, line 22, by inserting after the figure  
15 "467A.75." the following: "However, for the fiscal  
16 year beginning July 1, 1990, all of the moneys equal  
17 to the additional nine percent of CLEAN funds allotted  
18 for the first half of the year to the soil  
19 conservation account shall be appropriated for  
20 purposes of this paragraph."

Amendment H—6118 lost.

Petersen of Muscatine offered the following amendment H—6119,  
to the committee amendment H—6054, filed by him from the floor  
and moved its adoption:

H—6119

1 Amend the amendment, H—6054, to Senate File 2153,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 1, by inserting after the word  
5 "account." the following: "However, for the fiscal  
6 year beginning July 1, 1990, the percent is twenty-two  
7 percent for the first half of the year and eighteen  
8 percent for the second half of the year."

9 2. Page 2, line 5, by inserting after the word  
10 "account." the following: "However, for the fiscal  
11 year beginning July 1, 1990, the percent is four  
12 percent for the first half of the year and eight  
13 percent for the second half of the year."

14 3. Page 3, by inserting after line 13 the  
15 following:

16 "\_\_\_\_\_. For the fiscal year beginning July 1, 1990,  
17 the amount equal to the additional four percent of the  
18 moneys in the CLEAN fund allotted for the first half  
19 of the fiscal year to the environmental protection  
20 account is appropriated to the department of natural  
21 resources for purposes of a grant program for  
22 pollution control facilities for new buildings that

23 will be used for production of livestock. Grants  
 24 under the program shall not exceed five thousand  
 25 dollars per facility."

Roll call was requested by Petersen of Muscatine and Bennett of Ida.

On the question "Shall amendment H—6119, to the committee amendment H—6054, be adopted?" (S.F. 2153)

The ayes were, 42:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Koenigs	Kremer
Lageschulte	Maulsby	McKean	Mertz
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schneklloth	Shearer	Shoning
Siegrist	Spear	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Dvorsky	Fey	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shultz	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 5:

Doderer	Johnson	Lundby	Metcalf
Stueland			

Amendment H—6119 lost.

Shultz of Black Hawk asked and received unanimous consent to withdraw amendment H—6102, previously deferred, to the committee amendment H—6054, filed by him from the floor.

Shultz of Black Hawk offered amendment H—6121, to the committee amendment H—6054, filed by him from the floor and requested division as follows:

H—6121

- 1 Amend the amendment, H—6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

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- 4 1. Page 2, by striking lines 17 through 21 and
- 5 inserting the following:
- 6 "a. Fifty-nine percent to the waste volume
- 7 reduction and recycling fund to be used as follows:
- 8 (1) One-half of the moneys deposited under this
- 9 lettered paragraph shall be used for the purposes
- 10 specified pursuant to section 455D.15, subsection 2.
- 11 The moneys shall be allocated to each county on the
- 12 basis of population. The county allocation shall be
- 13 distributed quarterly by the department to each
- 14 county. The county shall immediately distribute the
- 15 funds to the cities based upon the proportion of the
- 16 city's respective population to the total county
- 17 population, and the county shall retain the portion of
- 18 the funds based upon the proportion of the
- 19 unincorporated area of the county to the total
- 20 population of the county. The funds shall be used by
- 21 the county and the cities for the implementation of
- 22 the comprehensive plan elements required pursuant to
- 23 section 455B.306 and relative to chapter 455D.
- 24 (2) One-half of the moneys deposited under this
- 25 lettered paragraph shall be used for the purposes
- 26 designated pursuant to section 455D.15, subsection 3."
- 27 2. Page 2, by striking lines 27 through 31, and
- 28 inserting the following:
- 29 "c. Three and five-tenths percent to the
- 30 department of natural resources to implement and
- 31 administer the state and local government waste
- 32 management program established pursuant to section
- 33 455B.484 and section 455B.510."
- 34 3. By striking page 8, line 26, through page 9,
- 35 line 25.
- 36 4. Page 12, by inserting after line 15, the
- 37 following:
- 38 "Sec. \_\_\_\_\_. Section 455B.306, subsection 1, Code
- 39 Supplement 1989, is amended to read as follows:
- 40 1. A city, county, and a private agency operating
- 41 or planning to operate a sanitary disposal project
- 42 shall file with the director a comprehensive plan
- 43 detailing the method by which the city, county, or

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44 private agency will comply with this part 1. All  
45 cities and counties shall also file with the director  
46 a comprehensive plan detailing the method by which the  
47 city or county will comply with the requirements of  
48 section 455B.302 to establish and implement a  
49 comprehensive solid waste reduction program for its  
50 residents. For the purposes of this section, a public

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1 agency managing the waste stream for cities or  
2 counties pursuant to chapter 28E, shall file one  
3 comprehensive plan on behalf of its members, which  
4 constitutes full compliance by the public agency's  
5 members with the filing requirements of this section.  
6 If both a public agency managing the waste stream for  
7 a city or county pursuant to chapter 28E, and one or  
8 more of the public agency's member cities or counties  
9 file a comprehensive plan under this subsection, the  
10 director shall, following notice to the agency, make a  
11 determination that any plan filed by a member city or  
12 county is compatible with the comprehensive plan of  
13 the chapter 28E public agency. If the director  
14 determines that the comprehensive plan of a city or  
15 county is not compatible with the comprehensive plan  
16 of a chapter 28E public agency, the director shall  
17 require the city or county to provide justification  
18 for approval of the comprehensive plan based upon the  
19 innovative nature of the comprehensive plan, the  
20 urgency of implementation, or other unique features of  
21 the comprehensive plan of the city or county, and that  
22 the plan otherwise complies with the provisions of  
23 this chapter. This subsection does not prevent the  
24 director from approving pilot projects which otherwise  
25 comply with the provisions of this chapter. The  
26 director shall review each comprehensive plan  
27 submitted and may reject, suggest modification, or  
28 approve the proposed plan. The director shall aid in  
29 the development of comprehensive plans for compliance  
30 with this part. The director shall make available to  
31 a city, county, and private agency appropriate forms  
32 for the submission of comprehensive plans and may hold  
33 hearings for the purpose of implementing this part.  
34 The director and governmental agencies with primary  
35 responsibility for the development and conservation of  
36 energy resources shall provide research and  
37 assistance, when cities and counties operating or  
38 planning to operate sanitary disposal projects request  
39 aid in planning and implementing resource recovery  
40 systems. A comprehensive plan filed by a private  
41 agency operating or planning to operate a sanitary

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42 disposal project required pursuant to section 455B.302  
 43 shall be developed in cooperation and consultation  
 44 with the city or county responsible to provide for the  
 45 establishment and operation of a sanitary disposal  
 46 project."

47 5. Page 12, by striking lines 18 and 19 and  
 48 inserting the following:

49 "\_\_\_\_\_. Page 17, by inserting after line 14, the  
 50 following:"

**Page 3**

## H-6121B

1 6. Page 12, by striking lines 28 and 29.

## H-6121A

2 7. Page 12, by inserting after line 29, the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 455D.15, subsections 2 and 3,  
 5 Code Supplement 1989, are amended to read as follows:

6 2. ~~The department shall award grants based upon~~  
 7 ~~the solid waste management hierarchy set forth in~~  
 8 ~~section 455B.301A, subsection 1. A grant shall not be~~  
 9 ~~awarded to a county, city, or central planning agency~~  
 10 ~~which has not complied with the requirements of a~~  
 11 ~~comprehensive solid waste management program and which~~  
 12 ~~has not complied with or demonstrated an intent to~~  
 13 ~~comply with the requirements of section 455B.306.~~  
 14 One-half of the moneys deposited in the fund shall be  
 15 allocated to each county on the basis of population.  
 16 The county allocation shall be distributed quarterly  
 17 by the department to each county. The county shall  
 18 immediately distribute the funds to the cities based  
 19 upon the proportion of the city's respective  
 20 population to the total county population, and the  
 21 county shall retain the portion of the funds based  
 22 upon the proportion of the unincorporated area of the  
 23 county to the total population of the county. The  
 24 funds shall be used by the county and the cities for  
 25 the implementation of the comprehensive plan elements  
 26 required pursuant to section 455B.306 and relative to  
 27 chapter 455D.

28 3. The One-half of the moneys deposited in the  
 29 fund shall be utilized for the following purposes:

30 a. The initial thirty five thousand dollars  
 31 collected for deposit in the fund shall be  
 32 appropriated to the department for establishment of  
 33 the pollution hotline program established pursuant to  
 34 section 455B.116, and for the salary and support of

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- 35 not more than one full-time equivalent position.
- 36 b a. To provide financial assistance to public and
- 37 private entities to develop and implement waste
- 38 reduction and minimization programs for Iowa
- 39 industries.
- 40 e b. To provide financial assistance to public and
- 41 private entities and to develop and implement programs
- 42 to create and enhance markets for recyclable and other
- 43 waste products.
- 44 d. To develop and implement educational and
- 45 technical assistance programs that support and
- 46 encourage waste reduction and recycling efforts by
- 47 Iowans.
- 48 e. To administer the provisions of chapter 455B,
- 49 division IV, part 1.
- 50 f c. The department may utilize up to ten twenty

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- 1 percent of the fund to administer the provisions of
- 2 this chapter.
- 3 g. To provide grants to local communities or
- 4 private individuals for projects which establish
- 5 recycling collection centers, establish local curbside
- 6 collection of separated recyclable waste materials,
- 7 promote public awareness regarding waste volume
- 8 reduction and the use of recyclable materials, and
- 9 create markets for recyclable materials. Grants shall
- 10 not be awarded for incineration.
- 11 h. To provide technical assistance to local
- 12 communities in establishing collection systems and
- 13 composting facilities for yard waste.
- 14 i. To fund the study required pursuant to section
- 15 455D.11, subsection 3, and to provide loans and grants
- 16 for waste tire recycling and reprocessing projects.
- 17 j. To carry out the functions of the department of
- 18 natural resources concerning recycling.
- 19 k. To promote the recycling of chlorofluorocarbons
- 20 used as refrigerant."
- 21 8. By renumbering as necessary.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-6121B.

On motion by Shoultz of Black Hawk, amendment H-6121A was adopted.

Poncy of Wapello offered the following amendment H-6120, to the committee amendment H-6054, filed by him from the floor and moved its adoption:

H—6120

1 Amend the amendment, H—6054, to Senate File 2153,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 26, by inserting after the word  
5 “wells” the following: “and cisterns”.

6 2. Page 15, by inserting after line 8 the  
7 following:

8 “Sec. \_\_\_\_\_. Section 455E.11, subsection 2,  
9 paragraph b, subparagraph (3), subparagraph  
10 subdivision (b), Code Supplement 1989, is amended to  
11 read as follows:

12 (b) Two percent is appropriated annually to the  
13 department of natural resources for the purpose of  
14 administering grants to counties and conducting  
15 oversight of county-based programs relative to the  
16 testing of private water supply wells and the proper  
17 closure of private abandoned wells. Not more than  
18 seventeen and one-half percent of the moneys is  
19 appropriated annually to the department of natural  
20 resources for grants to counties for the purpose of  
21 conducting programs of private, rural water supply  
22 testing, not more than six percent of the moneys is  
23 appropriated annually to the state hygienic laboratory  
24 to assist in well testing, and not more than seventeen  
25 and one-half percent of the moneys is appropriated  
26 annually to the department of natural resources for  
27 grants to counties for the purpose of conducting  
28 programs for properly closing abandoned, rural water  
29 supply wells and cisterns. For purposes of this  
30 subparagraph subdivision, “cistern” means an  
31 artificial reservoir constructed underground for the  
32 purpose of storing rainwater.”

Amendment H—6120 was adopted.

Neuhauser of Johnson offered the following amendment H—6112,  
to the committee amendment H—6054, filed by her from the floor and  
moved its adoption:

H—6112

1 Amend the amendment, H—6054, to Senate File 2153,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 4, line 15, by inserting after the words  
5 “projects to” the following: “, and transportation  
6 studies and projects which”.

Amendment H—6112 was adopted.

Fey of Scott in the chair at 6:46 p.m.

Halvorson of Webster offered the following amendment H—6097, previously deferred, to the committee amendment H—6054, filed by him from the floor and moved its adoption:

H—6097

1 Amend amendment, H—6054, to Senate File 2153, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 9, by inserting after line 47, the  
5 following:  
6 "If the rural water district revenues are  
7 insufficient to pay the principal and interest on the  
8 county's general obligation bonds, the county's debt  
9 service tax levy for the county general obligation  
10 bonds shall not be levied against property located in  
11 any city except a city which has entered into the  
12 chapter 28E agreement with the rural water district.

13 The county and the cities entering into the rural  
14 water district agreement may provide in the agreement  
15 for a different rate of the county's debt service tax  
16 levy against property in unincorporated areas of the  
17 county and property within those cities."

A non-record roll call was requested.

The ayes were 51, nays 16.

Amendment H—6097 was adopted.

Bisignano of Polk offered the following amendment H—6123, to the committee amendment H—6054, filed from the floor by Bisignano, Sherzan and Black and moved its adoption:

H—6123

1 Amend the amendment, H—6054, to Senate File 2153,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 12, by inserting before line 30 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 455D.16, Code Supplement 1989,  
7 is amended by striking the section and inserting in  
8 lieu thereof the following:

9 455D.16 PROHIBITION OF POLYSTYRENE PRODUCTS.

10 1. Beginning January 1, 1991, a person shall not  
11 offer for sale, sell, or commercially use polystyrene  
12 packaging products or food service items in this  
13 state.

14 2. A person who violates subsection 1 is subject  
15 to a civil penalty of one hundred dollars for each day  
16 of violation. The department shall collect the  
17 penalties and shall deposit the moneys in the waste  
18 volume reduction and recycling fund created under  
19 section 455D.15."

20 2. By renumbering as necessary.

Amendment H—6123 was adopted.

On motion by Swartz of Marshall, the committee amendment H—6054, as amended, was adopted.

Dvorsky of Johnson offered the following amendment H—6083 filed by him and Swartz of Marshall:

H—6083

1 Amend Senate File 2153, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 21 the  
4 following:

5 "Sec. 200. Section 99E.10, subsection 1, paragraph  
6 b, Code 1989, is amended to read as follows:

7 b. An amount equal to four percent of the gross  
8 sales price of each ticket or share sold shall be  
9 deducted as the sales tax on the sale of that ticket  
10 or share, remitted to the treasurer of state and  
11 deposited into the state general fund rural community  
12 2000 bond security account established under section  
13 220.142, subsection 8."

14 2. Page 8, by inserting before line 28 the  
15 following:

16 "Sec. \_\_\_\_\_. Section 220.142, Code Supplement 1989,  
17 is amended by adding the following new subsection:

18 NEW SUBSECTION. 8. a. The authority shall  
19 establish a rural community 2000 bond security  
20 account, which shall consist of all revenues  
21 designated in section 99E.10, subsection 1, paragraph  
22 "b" to be deposited in the account and all other  
23 appropriations, grants, or gifts received by the  
24 authority for use under this subsection. The  
25 authority may transfer to this account any other funds  
26 not obligated for any other purpose.

27 b. In a fiscal year in which moneys in a reserve  
28 fund established under section 220.142, subsection 2,  
29 are insufficient to fully meet obligations to pay  
30 principal and interest on the bonds or notes, moneys  
31 in the security account established under paragraph  
32 "a" shall first be used to eliminate the  
33 insufficiency.

34 c. In a fiscal year in which there are funds  
 35 remaining in the security account established under  
 36 paragraph "a" after meeting the obligations of  
 37 paragraph "b", fifty percent of the remaining funds  
 38 shall be deposited in the sewage treatment works  
 39 revolving loan fund established in section 455B.295,  
 40 and fifty percent shall be transferred to the rural  
 41 community 2000 program for water systems."

42 3. Page 12, by inserting after line 9 the  
 43 following:

44 "Sec. \_\_\_\_\_. Section 422.43, subsection 2, Code  
 45 1989, is amended to read as follows:

46 2. There is imposed a tax of four percent upon the  
 47 gross receipts derived from the operation of all forms  
 48 of amusement devices and games of skill, games of  
 49 chance, raffles and bingo games as defined in chapter  
 50 99B, operated or conducted within the state of Iowa,

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1 the tax to be collected from the operator in the same  
 2 manner as is provided for the collection of taxes upon  
 3 the gross receipts of tickets or admission as provided  
 4 in this section. The tax shall also be imposed upon  
 5 the gross receipts derived from the sale of lottery  
 6 tickets or shares pursuant to chapter 99E. The tax on  
 7 the lottery tickets or shares shall be included in the  
 8 sales price and distributed to the general fund as  
 9 provided in section 99E.10."

10 4. Page 17, by inserting after line 27 the  
 11 following:

12 "Sec. \_\_\_\_\_.

13 Section 200 of this Act is effective July 1, 1991."

Halvorson of Webster offered the following amendment H-6093,  
 to amendment H-6083, filed by him and moved its adoption:

**H-6093**

1 Amend the amendment, H-6083, to Senate File 2153,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 1, by striking lines 3 through 13.
- 5 2. Page 1, lines 21 and 22, by striking the words
- 6 and figures "in section 99E.10, subsection 1,
- 7 paragraph "b"".
- 8 3. Page 2, by striking lines 10 through 13.

Roll call was requested by Kremer of Buchanan and Groninga of  
 Cerro Gordo.

On the question "Shall amendment H-6093, to amendment  
 H-6083, be adopted?" (S.F. 2153)

The ayes were, 60:

Banks	Beaman	Beatty	Bennett
Bisignano	Brammer	Branstad	Buhr
Clark	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hermann	Hester	Holveck	Iverson
Jay	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Rosenberg	Royer	Schneklath
Shoning	Siegrist	Spear	Spenner
Teaford	Trent	Tyrrell	Van Maanen

The nays were, 36:

Adams	Arnould	Avenson, Spkr.	Black
Blanshan	Brand	Brown	Chapman
Cohoon	Connors	Dvorsky	Groninga
Harper	Hatch	Haverland	Hibbard
Jesse	Jochum	Lykam	May
McKinney	Murphy	Ollie	Osterberg
Pavich	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Svoboda
Swartz	Tabor	Wise	Fey Presiding

Absent or not voting, 4:

Carpenter	Fogarty	Johnson	Stueland
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Amendment H—6093 was adopted.

Bennett of Ida rose on a point of order that amendment H—6083 was not germane.

The Speaker ruled the point well taken and amendment H—6083, as amended, not germane.

The House stood at ease at 7:52 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2153 at 8:47 p.m., Fey of Scott in the chair.

Arnould of Scott moved that the rules be suspended to consider amendment H—6083.

A non-record roll call was requested.

The ayes were 52, nays 32.

The motion prevailed and the rules were suspended.

Rosenberg of Story asked for unanimous consent to reconsider amendment H—6093, as amended.

Objection was raised.

Rosenberg of Story moved to reconsider the vote by which amendment H—6093, found on page 1955 of the House Journal, to amendment H—6083, was adopted by the House on April 4, 1990.

Roll call was requested by Van Maanen of Mahaska and Bennett of Ida.

On the question "Shall amendment H—6093, to amendment H—6083, be reconsidered?" (S.F. 2153)

The ayes were, 54:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fogarty	Fuller	Groninga	Gruhn
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Jay	Jesse	Jochum
Johnson	Knapp	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Svoboda	Swartz	Tabor	Teaford
Wise	Fey		
	Presiding		

The nays were, 41:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spear	Spanner	Trent	Tyrrell
Van Maanen			

Absent or not voting, 5:

Holveck	Koenigs	Osterberg	Shoultz
Stueland			

The motion prevailed and amendment H—6093 was reconsidered.

Halvorson of Webster moved the adoption of amendment H-6093, to amendment H-6083.

Roll call was requested by Bennett of Ida and Dvorsky of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-6093, to amendment H-6083, be adopted?" (S.F. 2153)

The ayes were, 44:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Hermann	Hester
Holveck	Iverson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Shoning	Siegrist	Spear
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Dvorsky	Fogarty
Fuller	Groninga	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Johnson	Knapp
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Svoboda
Swartz	Tabor	Teaford	Wise
Fey			
Presiding			

Absent or not voting, 3:

Doderer	Shoultz	Stueland
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Amendment H-6093 lost.

Dvorsky of Johnson moved the adoption of amendment H-6083.

Roll call was requested by Van Maanen of Mahaska and Bennett of Ida.

On the question "Shall amendment H-6083 be adopted?" (S.F. 2153)

The ayes were, 61:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connors	Daggett
Doderer	Dvorsky	Fogarty	Fuller
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Spenner	Svoboda
Swartz	Tabor	Teaford	Wise
Fey			
Presiding			

The nays were, 37:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellet	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spear	Trent	Tyrrell
Van Maanen			

Absent or not voting, 2:

Shoultz	Stueland
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Amendment H—6083 was adopted.

Koenigs of Mitchell asked and received unanimous consent to defer action on amendment H—6116.

The Speaker announced that amendments H—5155 and H—5176 filed by Pellett of Cass on February 15 and 16, 1990, respectively, were out of order with the adoption of the committee amendment H—6054.

Koenigs of Mitchell offered the following amendment H—6117 filed from the floor by Koenigs, Muhlbauer and Mertz and moved its adoption:

H—6117

- 1 Amend Senate File 2153, as amended, passed, and re-
- 2 printed by the Senate, as follows:

- 3 1. Page 17, line 26, by striking the words and  
4 figures "take effect January 1, 1991," and inserting  
5 the following: "apply retroactively to January 1,  
6 1986,".
- 7 2. Page 17, line 27, by inserting after the word  
8 "date." the following: "Notwithstanding any other  
9 provision a claim for refund or carryforward of the  
10 credit allowed under sections 10 and 11 of this Act is  
11 timely filed if the claim is filed within one year  
12 following the effective date of this Act or within the  
13 period of the regular statute of limitations,  
14 whichever is the longer."

Amendment H—6117 lost.

Koenigs of Mitchell offered the following amendment H—6116, previously deferred, filed from the floor by Koenigs, Muhlbauer and Mertz and moved its adoption:

H—6116

- 1 Amend Senate File 2153, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 10, line 31 through page 12,  
4 line 9.  
5 2. Page 17, by striking lines 25 through 27.

A non-record roll call was requested.

The ayes were 24, nays 52.

Amendment H—6116 lost.

Ollie of Clinton moved to reconsider the vote by which the committee amendment H—6054, as amended, found on pages 1920 through 1936 of the House Journal, was adopted by the House on April 4, 1990.

A non-record roll call was requested.

The ayes were 44, nays 30.

The motion prevailed and the committee amendment H—6054, as amended, was reconsidered.

Ollie of Clinton moved to reconsider the vote by which amendment H—6123, found on pages 1953 and 1954 of the House Journal, to the committee amendment H—6054, was adopted by the House on April 4, 1990.

Roll call was requested by Ollie of Clinton and Haverland of Polk.

On the question "Shall amendment H—6123, to the committee amendment H—6054, be reconsidered?" (S.F. 2153)

The ayes were, 54:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Dvorsky	Fogarty
Fuller	Groninga	Gruhn	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Fey		
	Presiding		

The nays were, 37:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Spenner	Trent	Tyrrrell
Van Maanen			

Absent or not voting, 9:

Clark	Doderer	Hammond	Knapp
Koenigs	Osterberg	Sherzan	Siegrist
Stueland			

The motion prevailed and the House reconsidered amendment H—6123.

Bisignano of Polk moved the adoption of amendment H—6123, to the committee amendment H—6054.

Roll call was requested by Ollie of Clinton and Jesse of Jasper.

Rule 75 was invoked.

On the question "Shall amendment H—6123, to the committee amendment H—6054, be adopted?" (S.F. 2153)

The ayes were, 49:

Banks	Beaman	Beatty	Bennett
Bisignano	Black	Branstad	Brown
Carpenter	Connors	Corbett	Daggett
De Groot	Diemer	Eddie	Fuller
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hibbard	Holveck
Iverson	Jesse	Knapp	Koenigs
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Nielsen	Osterberg
Pellett	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schnekloth
Sherzan	Shoning	Siegrist	Trent
Tyrrell			

The nays were, 46:

Adams	Arnould	Avenson, Spkr.	Blanshan
Brammer	Brand	Buhr	Chapman
Cohoon	Dvorsky	Fogarty	Groninga
Gruhn	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Jay	Jochum
Johnson	Kistler	Lageschulte	Lykam
May	McKinney	Mertz	Muhlbauer
Neuhauser	Ollie	Pavich	Peters
Petersen, D. F.	Rosenberg	Schrader	Shearer
Shoultz	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Van Maanen
Wise	Fey		
	Presiding		

Absent or not voting, 5:

Clark	Doderer	Hammond	Murphy
Stueland			

Amendment H—6123 was adopted.

On motion by Swartz of Marshall, the committee amendment H—6054, as amended, was adopted.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 68:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connors	Daggett

Dvorsky	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Fey
			Presiding

The nays were, 28:

Banks	Bennett	Branstad	Carpenter
Corbett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Iverson	Kistler	Koenigs	Kremer
Maulsby	McKean	Metcalf	Miller
Ollie	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Spenner	Van Maanen

Absent or not voting, 4:

Clark	Doderer	Hammond	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

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

House File 2552, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund.

Also: That the Senate has on April 4, 1990, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on April 4, 1990, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 4, 1990, passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

## INTRODUCTION OF BILL

**House File 2565**, by committee on ways and means, a bill for an act relating to the payments of employee contributions under certain public retirement systems for federal and state tax purposes.

Read first time and placed on the **ways and means calendar**.

**SENATE MESSAGES CONSIDERED**

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

Read first time and referred to committee on **human resources**.

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

Read first time and referred to committee on **state government**.

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

Read first time and referred to committee on **appropriations**.

Speaker Avenson in the chair at 10:41 p.m.

**IMMEDIATE MESSAGE**

(Senate File 2153)

Arnould of Scott asked and received unanimous consent that Senate File 2153 be immediately messaged to the Senate.

**MOTION TO RECONSIDER PREVAILED**

(House File 2488)

Kremer of Buchanan called up for consideration the motion to reconsider House File 2488, filed on April 3, 1990, and moved to reconsider the vote by which House File 2488, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act, passed the House and was placed on its last reading on April 3, 1990.

A non-record roll call was requested.

The ayes were 57, nays none.

The motion prevailed and the House reconsidered House File 2488.

Kremer of Buchanan moved to reconsider the vote by which the House concurred in the Senate amendment H—6045, found on pages 1741 through 1762 of the House Journal, which motion prevailed.

Kremer of Buchanan offered the following amendment H—6060, to the Senate amendment H—6045, filed by him and moved its adoption:

H—6060

- 1 Amend the Senate amendment, H—6045, to House
- 2 File 2488, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. Page 21, line 45, by inserting before the
- 5 word "corporate" the following: "civil law,
- 6 including notarial acts and".

Amendment H—6060 was adopted.

On motion by Trent of Muscatine, the House concurred in the Senate amendment H—6045, as amended.

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

On the question "Shall the bill pass?" (H.F. 2488)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer

Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Brammer	Clark	Daggett	Doderer
Hammond	Neuhauser	Shoultz	Stueland
Swartz			

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

**MOTION TO RECONSIDER PREVAILED**  
(House File 2534)

Osterberg of Linn called up for consideration the motion to reconsider House File 2534, filed from the floor, and moved to reconsider the vote by which House File 2534, a bill for an act relating to sanitary disposal projects, passed the House and was placed on its last reading on April 4, 1990.

A non-record roll call was requested.

The ayes were 56, nays 13.

The motion prevailed and the House reconsidered House File 2534.

Jesse of Jasper moved to reconsider the vote by which the House concurred in the Senate amendment H—5745, found on page 1860 of the House Journal, on April 4, 1990, which motion prevailed.

Jesse of Jasper moved to reconsider the vote by which the House adopted amendment H—6014, found on pages 1861 through 1866 of the House Journal, to the Senate amendment H—5745, on April 4, 1990, which motion prevailed.

Jesse of Jasper offered the following amendment H—6114, to amendment H—6014, to the Senate amendment H—5745, filed by him from the floor and moved its adoption:

H-6114

- 1 Amend the amendment, H-6014, to the Senate  
 2 amendment, H-5745, to House File 2534, as amended,  
 3 passed, and reprinted by the House, as follows:  
 4 1. Page 2, by inserting after line 43, the  
 5 following:  
 6 "\_\_\_\_\_. The city council or county board of  
 7 supervisors shall obtain the advice of the appropriate  
 8 planning and zoning commission regarding the  
 9 application."  
 10 2. Page 3, by striking lines 35 and 36, and  
 11 inserting the following: "land use requirements may  
 12 be superseded by the city council or county board of  
 13 supervisors provided that they have received advice  
 14 from the appropriate planning and zoning commission."  
 15 3. Page 5, by striking lines 31 through 42.  
 16 4. By renumbering as necessary.

Amendment H-6114 was adopted.

On motion by Jesse of Jasper, amendment H-6014, as amended, to the Senate amendment H-5745, was adopted.

On motion by Jesse of Jasper, the House concurred in the Senate amendment H-5745, as amended.

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

On the question "Shall the bill pass?" (H.F. 2534)

The ayes were, 79:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brand	Brown	Buhr	Carpenter
Chapman	Cphoon	Connors	Corbett
Diemer	Dvorsky	Eddie	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Shoning

Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Wise	Mr. Speaker Avenson	

The nays were, 11:

Bennett	Branstad	De Groot	Harbor
Hermann	Maulsby	Pellett	Renken
Schnekloth	Tyrrell	Van Maanen	

Absent or not voting, 10:

Brammer	Clark	Daggett	Doderer
Fey	Hammond	Neuhauser	Plasier
Sherzan	Stueland		

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

#### CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts.

ON THE PART OF THE HOUSE:

C. ARTHUR OLLIE, Chair  
KAY CHAPMAN  
GARY SHERZAN

ON THE PART OF THE SENATE:

RICHARD RUNNING, Chair  
DONALD GETTINGS  
WILLIAM D. PALMER

#### EXPLANATION OF VOTE

I was temporarily absent from the House chamber on Tuesday, April 3, 1990. Had I been present, I would have voted "aye" on Senate File 2011.

OLLIE of Clinton

RESOLUTION ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker

of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of April, 1990: House Concurrent Resolution 112.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2177, an act relating to the operation of state hospital-schools under the control of the department of human services by authorizing the offering of goods and services to the public as part of client training programs and by deleting the requirement of maintaining daily records of time worked by institutional staff.

House File 2338, an act relating to special motor vehicle registration plates for recipients of the purple heart medal.

House File 2436, an act restricting the conditions under which a third-party payor of medical benefits may limit coverage for prescription drugs.

House File 2461, an act relating to motor vehicle odometer requirements.

House File 2465, an act relating to the removal of railway track from a grade crossing once the railway corporation has abandoned the line or permitted interim use for the establishment of a trail.

Senate File 148, an act prohibiting certain actions against police service dogs, and providing penalties.

Senate File 2113, an act relating to reporting ingredients of pesticides, making penalties applicable, and providing penalties.

Senate File 2159, an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty.

Senate File 2169, an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties.

Senate File 2186, an act relating to the receipt of assistance under certain economic development programs and providing criminal penalties for certain violations.

Senate File 2197, an act relating to violations of an individual's rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor rights violations, and providing a penalty.

Senate File 2245, an act relating to bids for certain specialized bridge construction projects.

Senate File 2385, an act establishing a new agricultural products and processes program and creating a state fund to support the program.

**Also: On April 4, 1990, he approved and transmitted to the Secretary of State the following bills:**

House File 705, an act establishing an Iowa economic development network and related councils and centers to assist in making available economic development programs and services.

House File 2271, an act relating to phase III pay plans.

House File 2355, an act relating to civil damages and license revocation for illegal taking of certain animals.

House File 2404, an act relating to mediation assistance, by expanding the responsibilities of the farm mediation service, granting additional authority to the farm mediation service, extending the date of repeal for certain provisions, and providing an effective date.

House File 2512, an act altering the statutory monetary limitation on the local option E911 emergency telephone service surcharge, authorizing the Iowa finance authority to issue bonds and notes secured by certain designated sources to finance E911 service nonrecurring and recurring expenses, providing related procedures and conditions, and providing an effective date.

House File 2516, an act regulating motor vehicle service and repair and certain motor vehicle service contracts and establishing an annual fee.

## GOVERNOR'S VETO MESSAGES

Copies of the following communications were received and placed on file:

April 3, 1990

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

Dear Madam President:

Senate File 2249, an act relating to workers' health, safety, and welfare, by providing an expedited hearing process for certain contested cases, requiring payment of medical expenses of an injured employee in certain circumstances, staying debt collection proceedings against an employee by a person providing treatment pending resolution of a contested case before the industrial commissioner, altering certain formulas for the calculation of benefits, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, exempting union agents and employees from certain tort liability, and providing applicability 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.

After reviewing the provisions of Senate File 2249, I find that the effect of this Act will make Iowa's economic climate less competitive, slow the process of handling contested cases, and increase costs for Iowa employers.

Senate File 2249 could increase costs to Iowa employers by increasing minimum benefit payments for permanent partial disability and permanent total disability, providing for additional penalties and interest and possibly preventing an employer from recouping the full cost of medical services when the employer chooses the medical care for an injured employee, and it is later determined that an injury is not work related.

Senate File 2249 could also delay the completion of contested case proceedings by creating a new expedited hearing process and by specifying when certain stages of the hearing process must be completed. While the provisions of this act are intended to speed the completion of certain workers' compensation cases, by creating an additional hearing process, resources that would otherwise be devoted to the regular hearing process and the writing of decisions by the Industrial Commissioner would be diverted to the additional hearings.

The requirement that initial hearings be conducted within six months also seems to be intended to speed the handling of contested cases. But while initial hearings may be completed more quickly, the time required to complete a contested case and to reach a final decision may not improve. In fact, contested cases which are already on file may be further delayed, because the Division of Industrial Services would be required to give priority to the initial hearing.

The Department of Employment Services has recognized concerns about the time required to complete contested workers' compensation cases and has asked for additional staff to handle that case load. I have recommended that additional staff be provided to the Division of the Industrial Commissioner in response to this concern. The Department of Employment Services has also developed an internal plan to expedite the hearing process, and to provide for the mediation of workers' compensation cases prior to hearing.

For the above reasons, I hereby respectfully disapprove Senate File 2249.

Sincerely,  
Terry E. Branstad  
Governor

April 3, 1990

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

Dear Madam President:

Senate File 2421, an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2421 overspends my budget recommendation by \$6.5 million. With revenues continuing to fall below the Revenue Estimating Conference estimate in March, it is critical that we not authorize additional spending. I cannot allow spending levels to exceed our ability to pay.

I want to work with the legislature to achieve an acceptable level of spending on human services, and as I have stated before, I would like to reach an agreement with the legislature on the total level of spending for fiscal year 1991.

For the above reasons, I hereby respectfully disapprove Senate File 2421.

Sincerely,  
Terry E. Branstad  
Governor

### GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

April 3, 1990

The Honorable Donald Avenson  
Speaker of the House  
State Capitol Building  
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 2371, an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, and providing an effective date.

House File 2371, is therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 9, in its entirety. This provision would appropriate \$400,000 from the general fund for recreational and educational activities. During the fiscal year beginning July 1, 1989, funds were appropriated from the Iowa Plan for this purpose, which are being carried forward into the fiscal year beginning July 1, 1990, under Section 3 of this Act. Funds are available to fulfill obligations made by the Department of Human Rights for programs during the summer of 1990. Due to fiscal constraints and because funds for this special program would now be provided from the general fund rather than the Iowa Plan, I am unable to approve this subsection.

I am unable to approve the item designated as Section 5, subsection 9, in its entirety, which would appropriate \$100,000 for an elder law program and direct the Department of Elder Affairs to establish a program to provide legal services for elders in cooperation with the Area Agencies on Aging. Area Agencies on Aging are currently required to spend three percent of federal funds received for legal services for elders. And, I have previously approved a \$50,000 supplemental appropriation for contractual services for the elder law education program and funds to continue this program are expected to be approved for fiscal year 1991. In addition, other forms of free legal services for the elderly are available.

I am unable to approve the item designated as Section 6, subsection 11a, second paragraph numbered 2, in its entirety, which reads as follows:

(2) For the provisions of physician care for pregnant women who are not eligible for services under the maternal and child health centers guidelines based upon their income, but whose incomes are between 185 and 300 percent of the poverty guidelines published by the United States department of health and human services:

.....\$ 300,000

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the pregnant women in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this subparagraph shall be reimbursed according to Title XIX reimbursement rates.

This provision would provide prenatal services at no cost to pregnant women whose incomes are between 185 and 300 percent of poverty through the maternal and child health centers. Such services are currently available on a sliding fee scale to women whose incomes exceed 185 percent of poverty. Given the fiscal constraints of the state, I cannot approve funding for this purpose.

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 House File 2371 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

April 3, 1990

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

Dear Madam President:

I hereby transmit Senate File 2365, an act relating to and making appropriations to the department of human services and the Iowa department of public health and providing other properly related matters and providing an effective date.

This bill doubles the spousal impoverishment exemption from \$12,000 to \$24,000. I am pleased to approve this important provision, which will allow many spouses of persons residing in care facilities to avoid depletion of their resources.

Senate File 2365, is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 1, in its entirety. This provision increases spending for the state's Medicaid program by \$1.35 million. Given the fiscal constraints of the state, I cannot approve this additional expenditure for the Medicaid program at this time.

I am unable to approve the item designated as Section 1, subsection 4, in its entirety. This provision would allocate funding to the Department of Human Services to establish a task force to develop a pharmaceutical assistance program. The Department of Human Services has estimated that such a program could cost the state in excess of \$3.6 million a year. Before we commit to the development of such a costly program, more study should be devoted to the concept, including other states' experiences with such programs.

I am unable to approve the item designated as Section 3, in its entirety. This provision appropriates \$150,000 to the Department of Public Health for the Homemaking-Home Health Aide Program. This appropriation would be in addition to the \$8,699,000 included for the program in House File 2371, which increases the funding by \$223,799 above last year's appropriation. Given the fiscal constraints of the state, I cannot approve this additional funding increase beyond that which I have approved in House File 2371.

I am unable to approve Sections 4 and 5, in their entirety. These provisions provide the statutory language changes necessary to implement Section 1, subsection 1, of this bill. Since this item has been vetoed, these provisions are unnecessary.

I am unable to approve the designated portion of Section 7 which grants authority to the Department of Human Services to adopt rules necessary to implement Section "4" of the bill. I have item vetoed Section 4, therefore, rulemaking authority relating to its provisions are unnecessary.

I am unable to approve the item designated as Section 8, in its entirety. With the item veto of Section 3, this language is unnecessary.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2365 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fourteen eighth grade students from Bancroft St. John's School, Bancroft, accompanied by Madeline Summit. By Branstad of Winnebago.

Ten twelfth grade students from Charles City High School, Charles City, accompanied by Charles Redenius. By Clark of Cerro Gordo.

Forty-five junior students from Lenox High School, Lenox, accompanied by Karl Peterson. By Daggett of Adams.

Sixty-two fifth grade students from Mt. Ayr Elementary School, Mt. Ayr, accompanied by Marcene Anderson, Marilyn Saville and Sally Fredrichs. By Daggett of Adams.

Five senior students from South Clay High School, Gillette Grove, accompanied by Larry Stegge. By Fogarty of Palo Alto.

Thirty-two fifth grade students from Villisca Community High School, Villisca, accompanied by Nina Sturm. By Harbor of Mills.

Thirty high school students from Lewis Central High School, Council Bluffs, accompanied by Nyra Oulatt. By Hester, Siegrist and Pavich, all of Pottawattamie.

Fifty-four fourth through sixth grade students from St. Paul's Lutheran School, Waverly. By Lageschulte of Bremer.

Twelve senior students from Monticello High School, Monticello, accompanied by Tony Amsler. By McKean of Jones.

Thirty senior students from Schleswig High School, Schleswig, accompanied by Mr. Pickup. By Muhlbauer of Crawford.

Twenty-five senior students from Manning High School, Manning, accompanied by Joe Follett. By Peterson of Carroll.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

##### **H.S.B. 830 Ways and Means**

Relating to the repeal of a local option sales and services tax.

#### SUBCOMMITTEE ASSIGNMENT

##### **Senate File 2422**

Appropriations: Jochum, Chair; Halvorson of Clayton and Peterson of Carroll.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### **House Study Bill 830**

Ways and Means: Teaford, Chair; Brand and Hanson of Delaware.

#### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

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

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—6111 April 4, 1990.

## COMMITTEE ON WAYS AND MEANS

**Senate File 2115**, a bill for an act relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended Do Pass April 4, 1990.

**Senate File 2416**, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—6110 April 4, 1990.

**Committee Bill** (Formerly House Study Bill 828), relating to the payments of employee contributions under certain public retirement systems for federal and state tax purposes.

Fiscal Note is required.

Recommended Do Pass April 4, 1990.

## AMENDMENTS FILED

H—6095	S.F.	2422	Kremer of Buchanan
H—6100	S.F.	514	Banks of Plymouth
H—6101	S.F.	514	Garman of Story
			Muhlbauer of Crawford
			Mertz of Kossuth
			Banks of Plymouth
H—6103	H.F.	2422	Halvorson of Webster
H—6106	S.F.	2422	Plasier of Sioux
H—6107	H.F.	2548	Senate Amendment
H—6110	S.F.	2416	Committee on
			Ways and Means
H—6111	S.F.	2422	Committee on
			Appropriations
H—6115	H.F.	2407	Senate Amendment

H-6122	H.F.	2422	Haverland of Polk Jay of Appanoose
H-6124	S.F.	2403	Trent of Muscatine Wise of Lee De Groot of Lyon
H-6126	H.F.	2422	Halvorson of Webster
H-6127	S.F.	2403	Osterberg of Linn

On motion by Arnould of Scott, the House adjourned at 10:53 p.m., until 9:00 a.m., Thursday, April 5, 1990.

# JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day — Sixty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 5, 1990

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Honorable Robert Kistler, state representative from Jefferson County.

The Journal of Wednesday, April 4, 1990 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2320, a bill for an act relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, providing a special effective date, and authorizing civil penalties.

Also: That the Senate has on April 5, 1990, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2329, a bill for an act relating to elections and election procedures.

Also: That the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 2, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

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

House File 2560, a bill for an act relating to the formation of community clusters by certain governmental units for the joint exercise of powers.

Also: That the Senate has on April 5, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 130, a concurrent resolution on Namibian independence.

Also: That the Senate has on April 5, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 131, a concurrent resolution expressing opposition to the proposed federal gas tax increase.

JOHN F. DWYER, Secretary

Renaud of Polk in the chair at 9:35 a.m.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**Senate File 2411**, a bill for an act providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates, with report of committee recommending passage was taken up for consideration.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2411)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Chapman	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich

Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Renaud	
		Presiding	

The nays were, 4:

Carpenter	Doderer	Hammond	Miller
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Absent or not voting, 5:

Avenson, Spkr.	Brown	Jochum	Ollie
Stueland			

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

#### Unfinished Business Calendar

The House resumed consideration of **Senate File 2393**, a bill for an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards, previously deferred and placed on the unfinished business calendar.

Connors of Polk in the chair at 9:59 a.m.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2393)

The ayes were, 78:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier

Poney	Renaud	Rosenberg	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Connors		
	Presiding		

The nays were, 16:

Bennett	Branstad	Daggett	De Groot
Eddie	Hermann	Hibbard	Iverson
Maulsby	Mertz	Pellet	Petersen, D. F.
Renken	Royer	Schnekloth	Van Maanen

Absent or not voting, 6:

Avenson, Spkr.	Blanshan	Gruhn	Jochum
Sherzan	Stueland		

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

### IMMEDIATE MESSAGE

(Senate File 2411)

Arnould of Scott asked and received unanimous consent that Senate File 2411 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

House Refused to Concur

Tabor of Jackson called up for consideration **House File 2554**, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-6092:

H-6092

- 1 Amend House File 2554, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 2, line 9, through page 3,
- 4 line 34.
- 5 2. Page 4, line 21, by inserting after the word
- 6 "estate" the following: "and was not claimed as a
- 7 dependent on any other person's tax return for the

8 base year".

9 3. By striking page 9, line 1, through page 15,  
10 line 16, and inserting the following:

11 "Sec. 100. SPECIAL MENTAL HEALTH SERVICES FUND.

12 There is appropriated from the general fund of the  
13 state for the fiscal year beginning July 1, 1991, and  
14 ending June 30, 1992, the following amount, or so much  
15 thereof as is necessary, to be used for the purpose  
16 designated:

17 For the special mental health services fund:  
18 .....\$ 20,000,000

19 1. A special mental health services fund to  
20 reimburse counties for certain expenditures for mental  
21 health, mental retardation, and developmental  
22 disabilities services in accordance with this section  
23 is established in the office of the treasurer of  
24 state. The fund is established to reduce the growth  
25 of county expenditures for mental health services.

26 2. The department shall calculate a statewide  
27 mental health services increase percent by identifying  
28 the percent by which the total amount expended by  
29 counties for mental health services in the fiscal year  
30 which began July 1, 1990, exceeds the total amount  
31 expended by counties for mental health services in the  
32 fiscal year which began July 1, 1989, plus an  
33 additional 2 percent. The department shall use the  
34 financial reports submitted by counties for purposes  
35 of the state mental health and mental retardation  
36 services fund and for the state candidate services  
37 fund as the source of the financial calculation.

38 3. The department shall calculate a county maximum  
39 mental health services increase amount for each county  
40 by multiplying the statewide mental health services  
41 increase percent by the amount the county expended for  
42 mental health services in the fiscal year which began  
43 July 1, 1990, using the county's financial reports in  
44 the manner provided in subsection 2.

45 4. By utilizing a county's financial reports in  
46 the manner provided in subsection 2, the department  
47 shall calculate the amount each county's expenditures  
48 for mental health services in the fiscal year which  
49 began July 1, 1990, increased over the amount of its  
50 expenditures for this purpose in the fiscal year which

Page 2

1 began July 1, 1989. Each county is entitled to be  
2 reimbursed for the amount of its increase in  
3 expenditures which is equal to or less than the  
4 maximum mental health services increase amount  
5 calculated for the county under subsection 3. If the  
6 moneys in the special mental health services fund are

7 insufficient to make the full payments under this  
 8 subsection, the department shall prorate the payments.  
 9 5. As soon as reasonably possible after a county's  
 10 payments eligibility for reimbursement under subsec-  
 11 tion 4 is determined, the department shall certify to  
 12 the director of revenue and finance the amounts of the  
 13 payments eligible for reimbursement and the director  
 14 shall issue warrants in the amounts certified, drawn  
 15 upon the special mental health services fund in favor  
 16 of the respective counties.

17 6. A county which receives moneys from the special  
 18 mental health services fund shall include in each  
 19 property tax statement to property owners in the  
 20 county, written verification listing the amount of  
 21 moneys received from the fund and the property tax  
 22 rate reduction that may have been applied to the  
 23 property tax statements.

24 Sec. \_\_\_\_\_. INTERIM COMMITTEE REQUESTED.

25 The legislative council is requested to establish  
 26 an interim committee to develop a funding formula for  
 27 state participation in mental health service funding  
 28 for fiscal years beginning on or after July 1, 1992.  
 29 The committee shall develop a fair and equitable  
 30 funding formula that assures funding for the bill of  
 31 rights in sections 225C.25 through 225C.28 and that  
 32 responsibility for funding services is tied to  
 33 administrative control and oversight of services and  
 34 that financial incentives are directed toward  
 35 providing care and services within the community and  
 36 in community settings. It is the intent of the  
 37 general assembly that services be locally administered  
 38 and governed to the extent possible, consistent with  
 39 the principles established in the bill of rights of  
 40 persons with mental retardation, developmental  
 41 disabilities, or chronic mental illness. The  
 42 committee shall submit to the general assembly on  
 43 January 2, 1991, a report containing its proposal for  
 44 a fair and equitable funding formula."

45 4. Page 15, by striking lines 24 through 27.

46 5. Page 15, line 29, by striking the figure "2"  
 47 and inserting the following: "100".

48 6. Title page, by striking line 3 and inserting  
 49 the following: "mental health services, by  
 50 modifying".

**Page 3**

1 7. Title page, by striking lines 7 and 8 and  
 2 inserting the following: "reimbursement; and  
 3 providing effective and applicability dates."

4 8. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H—6092.

### SENATE AMENDMENT CONSIDERED

Halvorson of Webster called up for consideration **House File 2009**, a bill for an act relating to elections, providing that an eligible elector residing in a precinct may register to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, and increasing the penalty for improper voting, amended by the Senate, and moved that the House concur in the following Senate amendment H—6064:

H—6064

1 Amend House File 2009, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 13, by striking the words  
4 "ELECTION DAY" and inserting the following: "SPECIAL  
5 LATE".

6 2. Page 1, line 30, by striking the words  
7 "election day" and inserting the following: "special  
8 late".

9 3. Page 2, lines 2 and 3, by striking the words  
10 "on election day" and inserting the following:  
11 "pursuant to section 48.19".

12 4. By striking page 2, line 20 through page 3,  
13 line 34, and inserting the following:  
14 "Sec. \_\_\_\_\_. Section 48.11, unnumbered paragraph 1,  
15 Code 1989, is amended to read as follows:

16 The county commissioner of registration shall  
17 register, on forms prescribed by the state  
18 commissioner of elections, electors for elections in a  
19 precinct until the close of registration in the  
20 precinct. An elector may register during the time  
21 registration is closed in the elector's precinct but  
22 the registration shall not become effective until  
23 registration opens again in the elector's precinct  
24 unless the elector obtains an affidavit of special  
25 late registration as provided in section 48.19.

26 Sec. \_\_\_\_\_. NEW SECTION. 48.19 SPECIAL LATE  
27 REGISTRATION.

28 1. The commissioner shall record the information  
29 required of an eligible elector on the election  
30 register for the county precinct of the eligible  
31 elector or shall provide a separate listing of the  
32 information required of an eligible elector to the  
33 county precinct of the eligible elector who registers  
34 in person at the commissioner's office or at any  
35 alternative location designated by the commissioner  
36 for special late registration on any day after

37 registration has closed in the elector's precinct,  
 38 including on election day.  
 39 2. If the commissioner is unable to make available  
 40 to a county precinct the information required of an  
 41 eligible elector who registers through special late  
 42 registration procedures, on the election register of a  
 43 county precinct or through the provision of a separate  
 44 listing of the eligible electors who register through  
 45 special late registration procedures, an eligible  
 46 elector may obtain from the commissioner of  
 47 registration a form of affidavit prescribed by the  
 48 state commissioner of elections to serve as evidence  
 49 of special late registration. If the affidavit is  
 50 completed by the elector and notarized by the

**Page 2**

1 commissioner of registration, the elector is deemed  
 2 registered under special late registration procedures  
 3 and may present the affidavit at the elector's polling  
 4 place on election day as proof that the elector is  
 5 registered to vote. The election officials of the  
 6 elector's precinct shall accept the elector's  
 7 affidavit of special late registration and shall  
 8 proceed as if the elector's name were listed in the  
 9 election register. The election officials shall  
 10 preserve all affidavits submitted pursuant to this  
 11 section and forward them to the commissioner of  
 12 registration at the time the election register is  
 13 returned. A registration under this section is  
 14 subject to verification as provided in section 48.3.  
 15 3. The commissioner may designate alternative  
 16 locations, in addition to the commissioner's office,  
 17 to provide access to special late registration  
 18 procedures."  
 19 5. Title page, by striking lines 1 and 2 and  
 20 inserting the following: "An Act relating to  
 21 elections, providing for special late registration to  
 22 enable an eligible elector to vote at the polling".

The motion prevailed and the House concurred in the Senate amendment H-6064.

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

On the question "Shall the bill pass?" (H.F. 2009)

The ayes were, 62:

Adams  
 Bennett

Arnould  
 Bisignano

Avenson, Spkr.  
 Black

Beatty  
 Blanshan

Brammer	Brand	Buhr	Carpenter
Chapman	Cphoon	Corbett	Diemer
Doderer	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Johnson	Knapp
Koenigs	Lageschulte	Lykam	Maulsby
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Connors		
	Presiding		

The nays were, 35:

Banks	Beaman	Branstad	Brown
Clark	Daggett	De Groot	Eddie
Fogarty	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hibbard
Iverson	Jesse	Kistler	Kremer
Lundby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Royer
Schneklath	Shoning	Siegrist	Spenner
Trent	Tyrrrell	Van Maanen	

Absent or not voting, 3:

Jochum	Shoultz	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Peters of Woodbury in the chair at 10:15 a.m.

### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2422**, a bill for an act relating to retroactive modifications of support orders, and the Senate amendment H—5837, found on page 1859 of the House Journal, previously deferred and retained on the calendar.

Haverland of Polk offered the following amendment H—6089, to the Senate amendment H—5837, filed by him:

H-6089

1 Amend the amendment, H-5837, to House File 2422, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. By striking lines 3 through 33 and inserting  
5 the following:

6 "\_\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. Section 252A.4, subsection 2, Code  
9 1989, is amended to read as follows:

10 2. The court of the responding state ~~shall have~~  
11 ~~the power to may~~ order the respondent to pay sums  
12 sufficient to provide necessary food, shelter,  
13 clothing, care, medical or hospital expenses,  
14 including medical support as defined in chapter 252E,  
15 expenses of confinement, expenses of education of a  
16 child, funeral expenses and such other reasonable and  
17 proper expenses of the petitioner as justice requires,  
18 having due regard to the circumstances of the  
19 respective parties.

20 Sec. 2. NEW SECTION. 252A.5A LIMITATIONS OF  
21 ACTIONS.

22 1. An action to establish paternity and support  
23 under this chapter may be brought within the time  
24 limitations set forth in section 614.8.

25 2. Notwithstanding subsection 1, an action to  
26 establish paternity and support under this chapter may  
27 be brought concerning a person who was under age  
28 eighteen on August 16, 1984, regardless of whether any  
29 prior action was dismissed because a statute of  
30 limitations of less than eighteen years was then in  
31 effect. Such an action may be brought within the time  
32 limitations set forth in section 614.8, or until July  
33 2, 1992, whichever is later.

34 Sec. 3. Section 252B.5, Code 1989, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 6. Assistance in obtaining  
37 medical support as defined in chapter 252E.

38 Sec. 4. Section 252B.5, Code 1989, is amended by  
39 adding the following new subsection:

40 NEW SUBSECTION. 7. At the request of either  
41 parent who is subject to the order of support or upon  
42 its own initiation, review the amount of the support  
43 award in accordance with the guidelines established  
44 pursuant to section 598.21, subsection 4, and the  
45 federal Family Support Act of 1988, and take action to  
46 initiate modification proceedings if the criteria  
47 established pursuant to this section are met.

48 However, a review of a support award is not required  
49 in those cases for which an assignment ordered  
50 pursuant to chapter 234 or 239 is in effect if the

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1 child support recovery unit determines that such a  
2 review would not be in the best interest of the child  
3 and neither parent has requested such review.

4 The department shall adopt rules no later than  
5 October 13, 1990, setting forth the process for review  
6 of requests for modification of support obligations  
7 and the criteria and process for taking action to  
8 initiate modification proceedings.

9 Sec. 5. Section 252B.6, subsection 3, Code 1989,  
10 is amended by striking the subsection and inserting in  
11 lieu thereof the following:

12 3. Appear on behalf of the state for the purpose  
13 of facilitating the modification of support awards  
14 consistent with guidelines established pursuant to  
15 section 598.21, subsection 4 and the federal Family  
16 Support Act of 1988. The unit shall not otherwise  
17 participate in the proceeding.

18 Sec. 6. Section 252B.6, subsection 4, paragraph b,  
19 Code 1989, is amended by striking the paragraph.

20 Sec. 7. Section 252B.7, Code 1989, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 4. An attorney employed by or  
23 under contract with the child support recovery unit  
24 represents and acts on behalf of the state when  
25 providing child support enforcement services.

26 Sec. 8. NEW SECTION. 252B.18 ADVISORY COMMITTEE  
27 ESTABLISHED.

28 The department shall establish a child support  
29 enforcement program advisory committee which shall  
30 include representatives of custodial parent groups,  
31 noncustodial parent groups, the judicial department,  
32 the office of citizens' aide, the Iowa state bar  
33 association, and representatives of other  
34 constituencies having an interest in child support  
35 enforcement issues. The advisory committee shall  
36 assist the department in reviewing issues related to  
37 the implementation of the federal Family Support Act  
38 of 1988 and methods of improving service. With the  
39 assistance of the advisory committee, the department  
40 shall review existing policies, practices, and  
41 procedures of the child support recovery unit to  
42 identify areas in which administrative appeals  
43 procedures or other provisions for review of contested  
44 issues would help to assure fair and impartial  
45 treatment of persons affected by actions of the unit.

46 Sec. 9. Section 252C.1, subsection 2, Code 1989,  
47 is amended to read as follows:

48 2. "Court order" means a judgment or order of a  
49 court of this state or another state requiring the  
50 payment of a set or determinable amount of monetary

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1 support. For orders entered on or after July 1, 1990,  
2 unless the court specifically orders otherwise,  
3 medical support, as defined in section 252E.1, is not  
4 included in the amount of monetary support.

5 Sec. 10. Section 252C.1, Code 1989, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 8. "Medical support" means either  
8 the provision of coverage under a health benefit plan,  
9 including a group or employment-related or an  
10 individual health benefit plan, or a health benefit  
11 plan provided pursuant to chapter 514E, to meet the  
12 medical needs of a dependent and the cost of any  
13 premium required by a health benefit plan, or the  
14 payment to the obligee of a monetary amount in lieu of  
15 providing coverage under a health benefit plan, either  
16 of which is an obligation separate from any monetary  
17 amount of child support ordered to be paid.

18 Sec. 11. Section 252C.3, subsection 1, unnumbered  
19 paragraph 1, Code 1989, is amended to read as follows:

20 In the absence of a court order, or if an  
21 administrative order exists which does not require  
22 provision of medical support as defined in chapter  
23 252E or equivalent medical support, the administrator  
24 may issue a notice establishing and demanding either  
25 payment of medical support established as defined in  
26 chapter 252E or payment of an accrued or accruing  
27 support debt due and owed to the department or to an  
28 individual under section 252C.2, or both. The notice  
29 shall be served upon the responsible person in  
30 accordance with the rules of civil procedure. The  
31 notice shall include all of the following:

32 Sec. 12. Section 252C.3, subsection 1, paragraph  
33 d, Code 1989, is amended to read as follows:

34 d. A demand for either immediate payment of the  
35 support debt or of a medical support debt established  
36 as defined in chapter 252E, or both.

37 Sec. 13. Section 252C.3, subsection 1, paragraph  
38 e, subparagraphs (3) and (4), Code 1989, are amended  
39 to read as follows:

40 (3) A statement that after the holding of the  
41 negotiation conference, the administrator may issue a  
42 new notice and finding of financial responsibility for  
43 child support or medical support, or both, to be sent  
44 to the responsible person by regular mail addressed to  
45 the responsible person's last known address, or if  
46 applicable, to the last known address of the  
47 responsible person's attorney.

48 (4) A statement that if the administrator issues a  
49 new notice and finding of financial responsibility for  
50 child support or medical support, or both, then the

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1 responsible person shall have ten days from the date  
2 of issuance of the new notice or twenty days from the  
3 date of service of the original notice, whichever is  
4 later, to send a request for a hearing to the office  
5 of the child support recovery unit which issued the  
6 notice.

7 Sec. 14. Section 252C.3, subsection 1, paragraphs  
8 f, g, and i, Code 1989, are amended to read as  
9 follows:

10 f. A statement that if the responsible person  
11 objects to all or any part of the notice or finding of  
12 financial responsibility for child support or medical  
13 support, or both, and ~~no~~ a negotiation conference is  
14 ~~not requested, then within twenty days of the date of~~  
15 ~~service~~, the responsible person shall, within twenty  
16 days of the date of service send to the office of the  
17 child support recovery unit which issued the notice a  
18 written response setting forth any objections and  
19 requesting a hearing.

20 g. A statement that if a timely written request  
21 for a hearing is received by the office of the child  
22 support recovery unit which issued the notice, the  
23 responsible person shall have the right to a hearing  
24 to be held in district court; and that if no timely  
25 written response is received, the administrator may  
26 enter an order in accordance with the notice and  
27 finding of financial responsibility for child support  
28 or medical support, or both.

29 i. A statement that the responsible person shall  
30 notify the administrator of any change of address, or  
31 employment, or medical coverage as required by chapter  
32 252E.

33 Sec. 15. Section 252C.3, subsection 4, Code 1989,  
34 is amended by adding the following new paragraph:  
35 NEW PARAGRAPH. e. The medical support required  
36 pursuant to chapter 598 and rules adopted pursuant to  
37 chapter 252E.

38 Sec. 16. Section 252C.3, subsection 5, Code 1989,  
39 is amended to read as follows:

40 5. The responsible person shall be sent a copy of  
41 the order by regular mail addressed to the responsible  
42 person's last known address, or if applicable, to the  
43 last known address of the responsible person's  
44 attorney. The order is final, and action by the  
45 administrator to enforce and collect upon the order,  
46 including arrearages and medical support, or both, may  
47 be taken from the date of issuance of the order.

48 Sec. 17. Section 252C.4, subsections 2 and 4, Code  
49 Supplement 1989, are amended to read as follows:

50 2. If the matter has not been heard previously by

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1 the district court, or an existing administrative  
2 order does not provide for medical support pursuant to  
3 chapter 252E, the certification shall include true  
4 copies of the notice and finding of financial  
5 responsibility or notice of the support debt accrued  
6 and accruing, the return of service, the written  
7 objections and request for hearing, and true copies of  
8 any administrative orders previously entered.

9 4. The court shall establish the monthly child  
10 support payment and the amount of the support debt  
11 accrued and accruing pursuant to section 598.21,  
12 subsection 4, or medical support pursuant to chapter  
13 252E, or both.

14 Sec. 18. Section 252C.9, Code 1989, is amended to  
15 read as follows:

16 252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.

17 If an order of the administrator issued pursuant to  
18 this chapter conflicts with an order of a court, the  
19 court order prevails regarding support issues  
20 addressed by the court order.

21 Sec. 19. Section 252D.1, subsection 1, Code 1989,  
22 is amended to read as follows:

23 1. As used in this chapter, unless the context  
24 otherwise requires, "support" or "support payments"  
25 means any amount which the court may require a person  
26 to pay for the benefit of a child under a temporary  
27 order or a final judgment or decree, and may include  
28 child support, maintenance, medical support as defined  
29 in chapter 252E, and, if contained in a child support  
30 order, spousal support, and any other term used to  
31 describe these obligations. These obligations may  
32 include support for a child who is between the ages of  
33 eighteen and twenty-two years and who is regularly  
34 attending an accredited school in pursuance of a  
35 course of study leading to a high school diploma or  
36 its equivalent, or regularly attending a course of  
37 vocational technical training either as a part of a  
38 regular school program or under special arrangements  
39 adapted to the individual person's needs, or is, in  
40 good faith, a full-time student in a college,  
41 university, or area school, or has been accepted for  
42 admission to a college, university, or area school and  
43 the next regular term has not yet begun; and may  
44 include support for a child of any age who is  
45 dependent on the parties to the dissolution  
46 proceedings because of physical or mental disability.

47 Sec. 20. NEW SECTION. 252E.1 DEFINITIONS.

48 As used in this chapter, unless the context  
49 otherwise requires:

50 1. "Child" means a person for whom child support

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1 may be ordered pursuant to chapter 234, 239, 252A,  
2 252C, 598, or 675 or any other chapter of the Code.

3 2. "Department" means the department of human  
4 services, which includes but is not limited to the  
5 child support recovery unit, or any comparable support  
6 enforcement agency of another state.

7 3. "Dependent" means a child, or an obligee for  
8 whom a court may order coverage by a health benefit  
9 plan pursuant to section 252E.3.

10 4. "Enroll" means to be eligible for and covered  
11 by a health benefit plan.

12 5. "Health benefit plan" means any policy or  
13 contract of insurance, indemnity, subscription or  
14 membership issued by an insurer, health service  
15 corporation, health maintenance organization, or any  
16 similar corporation, organization, or a self-insured  
17 employee benefit plan, for the purpose of covering  
18 medical expenses. These expenses may include, but are  
19 not limited to hospital, surgical, major medical  
20 insurance, dental, optical, prescription drugs, office  
21 visits, or any combination of these or any other  
22 comparable health care expenses.

23 6. "Insurer" means any entity which provides a  
24 health benefit plan.

25 7. "Medical support" means either the provision of  
26 a health benefit plan, including a group or  
27 employment-related or an individual health benefit  
28 plan, or a health benefit plan provided pursuant to  
29 chapter 514E, to meet the medical needs of a dependent  
30 and the cost of any premium required by a health  
31 benefit plan, or the payment to the obligee of a  
32 monetary amount in lieu of a health benefit plan,  
33 either of which is an obligation separate from any  
34 monetary amount of child support ordered to be paid.

35 8. "Obligee" means a parent or another natural  
36 person legally entitled to receive a support payment  
37 on behalf of a child.

38 9. "Obligor" means a parent or another natural  
39 person legally responsible for the support of a  
40 dependent.

41 **Sec. 21. NEW SECTION. 252E.2 ORDER FOR MEDICAL**  
42 **SUPPORT.**

43 The entry of an order, pursuant to chapter 234,  
44 252A, 252C, 598, or 675, requiring the provision of  
45 coverage under a health benefit plan is authorization  
46 for enrollment of the dependent if the dependent is  
47 otherwise eligible to be enrolled. The dependent's  
48 eligibility and enrollment for coverage under such a  
49 plan shall be governed by all applicable terms and  
50 conditions, including, but not limited to, eligibility

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1 and insurability standards. The dependent, if  
2 eligible, shall be provided the same coverage as the  
3 obligor.

4 Sec. 22. NEW SECTION. 252E.3 HEALTH BENEFIT  
5 COVERAGE OF OBLIGEE.

6 For cases for which services are being provided  
7 pursuant to chapter 252B, the order may require an  
8 obligor providing a health benefit plan for a child to  
9 also provide a health benefit plan for the benefit of  
10 an obligee if the obligee is eligible for enrollment  
11 under the plan in which the child or the obligor is  
12 enrolled, and if the plan is available at no  
13 additional cost.

14 Sec. 23. NEW SECTION. 252E.4 COPY OF ORDER TO  
15 EMPLOYER.

16 The obligor shall take all steps necessary to  
17 enroll and maintain coverage under a health benefit  
18 plan for a dependent and shall send a copy of the  
19 order requiring the coverage to the obligor's  
20 employer.

21 1. Within fifteen days of entry of the order, the  
22 obligor shall provide written proof to the obligee and  
23 the department that the required coverage has been  
24 obtained or that application for coverage has been  
25 made.

26 2. If the obligor fails to provide written proof  
27 as required in subsection 1, a copy of the order for  
28 medical support shall be forwarded to the obligor's  
29 employer by the obligee or the department.

30 3. The chapter shall be constructive notice to the  
31 obligor of enforcement and further notice prior to  
32 enforcement is not required.

33 4. If the obligor changes employment, the obligor  
34 must enroll and maintain coverage for the dependent as  
35 set forth in this chapter and provide notification  
36 pursuant to this section.

37 5. The order requiring coverage is binding on all  
38 future employers or insurers if the dependent is  
39 eligible to be enrolled in the health benefit plan  
40 under the applicable plan terms and conditions.

41 Sec. 24. NEW SECTION. 252E.5 EFFECT OF ORDER ON  
42 EMPLOYER.

43 When the order has been forwarded to the obligor's  
44 employer pursuant to section 252E.4, the order is  
45 binding on the employer and the employer's insurer to  
46 the extent that the dependent is eligible to be  
47 enrolled in the plan under the applicable terms and  
48 conditions of the health benefit plan. The employer  
49 shall forward a copy of the order to the insurer and  
50 request enrollment of the dependent in the health

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1 benefit plan. Within sixty days of receipt of the  
2 order or within sixty days of receipt of application  
3 of the obligor pursuant to the order, whichever is  
4 earlier, the insurer shall determine whether the  
5 dependent is eligible for enrollment under the plan  
6 and shall notify the employer of the dependent's  
7 eligibility status. If eligible, the employer shall  
8 withhold any required premium from the obligor's  
9 income or wages. If more than one plan is offered by  
10 the employer, the dependent shall be enrolled in the  
11 health benefit plan in which the obligor is enrolled.

12 Within thirty days of receipt of an order that  
13 requires an obligor to enroll a dependent in a health  
14 benefit plan, the obligor's employer shall provide the  
15 following information regarding the enrollment status  
16 of the dependent to the obligor, the obligee, and the  
17 department:

- 18 1. That the dependent has been enrolled in a  
19 health benefit plan.
- 20 2. That the dependent will be enrolled in the next  
21 enrollment period.
- 22 3. That the dependent is not eligible for  
23 enrollment and the reasons that the dependent is not  
24 eligible to be enrolled.
- 25 4. That the order has been forwarded to the  
26 insurer and a determination of eligibility for  
27 enrollment has not been made.
- 28 5. If either subsection 1 or 2 describes the  
29 enrollment status of the dependent, all of the  
30 following information:
  - 31 a. The name of the insurer providing the health  
32 benefit plan.
  - 33 b. The dependent's effective date of coverage.
  - 34 c. The health benefit plan or account number.
  - 35 d. The type of health benefit plan under which the  
36 dependent has been enrolled, including whether dental,  
37 optical, office visits, and prescription drugs are  
38 covered services. Additionally, the response shall  
39 include a brief description of the applicable  
40 deductibles, coinsurance, waiting periods for  
41 preexisting medical conditions, and other significant  
42 terms or conditions which materially affect the  
43 coverage.

44 If an order requiring that the obligor provide  
45 coverage under a health benefit plan for the dependent  
46 has been forwarded to the obligor's employer pursuant  
47 to section 252E.4, and the obligor's employment is  
48 terminated, the employer shall provide notice to the  
49 obligee and the department within ten days of  
50 termination of the obligor's employment. If an order

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1 requiring that the obligor provide coverage under a  
2 health benefit plan for the dependent has been  
3 forwarded to the obligor's employer pursuant to  
4 section 252E.4, and the employer's health benefit plan  
5 is terminated either in its entirety or with respect  
6 to the obligor's insurance classification, or the  
7 employer has changed its insurer, the employer shall  
8 provide notice to the obligee and the department ten  
9 days prior to the termination of coverage or change in  
10 insurer.

11 This chapter does not preclude the exchange of  
12 required information between the department and  
13 employers or insurers through electronic data  
14 transfer.

15 **Sec. 25. NEW SECTION. 252E.6 DURATION OF HEALTH**  
16 **BENEFIT PLAN COVERAGE.**

17 1. A child is eligible for medical support for the  
18 duration of the obligor's child support obligation.  
19 However, the child's eligibility for coverage under a  
20 health benefit plan shall be governed by all  
21 applicable plan provisions including, but not limited  
22 to, eligibility and insurability standards.

23 2. For cases for which services are being provided  
24 pursuant to chapter 252B, termination of an obligee's  
25 medical support ordered pursuant to section 252E.3  
26 shall be governed by the insurer's health benefit plan  
27 provisions for termination and by applicable federal  
28 law.

29 **Sec. 26. NEW SECTION. 252E.7 INSURER**  
30 **AUTHORIZATION.**

31 1. The entry of an order requiring a health  
32 benefit plan is authorization for enrollment of the  
33 dependent if the dependent is otherwise eligible to be  
34 enrolled. If an order has been forwarded to the  
35 insurer pursuant to section 252E.5 and is not  
36 accompanied by an appropriate application for  
37 enrollment of the dependent signed by the obligor, the  
38 insurer shall attempt to obtain a signed application  
39 from the obligor. If the insurer is unsuccessful in  
40 obtaining a signed application from the obligor within  
41 thirty days after the insurer's initial request to the  
42 obligor, the insurer shall accept the signature of the  
43 obligee or an employee of the department as valid  
44 authorization for enrollment of the dependent under  
45 the health benefit plan.

46 2. For purposes of processing claims for payment,  
47 the insurer shall attempt to obtain the obligor's  
48 written authorization to accept the signature of the  
49 obligee or an employee of the department on all claim  
50 forms submitted to the insurer for medical services

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1 provided to the dependent. Upon receipt of such  
2 written authorization from the obligor on at least an  
3 annual basis, the insurer shall accept the signature  
4 of the obligee or an employee of the department as  
5 valid authorization for purposes of processing any  
6 medical expense claims on behalf of the dependent for  
7 payment or reimbursement of medical services rendered  
8 to the dependent.

9 If the insurer is unsuccessful in obtaining such  
10 written authorization from the obligor within thirty  
11 days after the insurer's initial request to the  
12 obligor, the insurer shall accept the signature of the  
13 obligee or an employee of the department as valid  
14 authorization for purposes of processing any medical  
15 expense claims on behalf of the dependent for payment  
16 or reimbursement of medical services rendered to the  
17 dependent.

18 3. The insurer shall have immunity from any  
19 liability, civil or criminal, which might otherwise be  
20 incurred or imposed for actions taken in implementing  
21 this section including, but not limited to, the  
22 insurer's release of any information, or the payment  
23 of any claims for services by the insurer, or the  
24 insurer's acceptance of applications for enrollment of  
25 the dependent and medical expense claims for the  
26 dependent which are signed by the obligee or an  
27 employee of the department pursuant this section.

28 4. This section does not preclude an insurer from  
29 issuing payment directly to the provider if such  
30 payment procedure is consistent with the health  
31 benefit plan under which the dependent is enrolled,  
32 except as provided pursuant to chapter 249A.

33 5. Payments remitted to the obligor by the insurer  
34 for services received by the dependent shall be  
35 recoverable by the obligee or the department from the  
36 obligor if not properly paid by the obligor to the  
37 provider or the obligee.

38 Sec. 27. NEW SECTION. 252E.8 RELEASES OF  
39 INFORMATION.

40 1. If an order for coverage under a health benefit  
41 plan has been forwarded pursuant to section 252E.5,  
42 the obligor's employer or insurer shall release to the  
43 obligee or the department upon receiving a written  
44 request, the information necessary to complete an  
45 application or to file a claim for medical expenses of  
46 the dependent, provided the obligor's employer or  
47 insurer is given sufficient opportunity to obtain  
48 written authorization for the release of such  
49 information from the obligor pursuant to this section.

50 2. The employer or insurer shall make available to

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1 the obligee or the department any necessary claim  
2 forms or enrollment membership cards if required to  
3 obtain services.

4 3. The obligor's employer and insurer shall have  
5 immunity from any liability, civil or criminal, which  
6 might otherwise be incurred or imposed for any  
7 information released by such employer or insurer  
8 pursuant to this chapter.

9 4. The department may release to the obligor's  
10 employer or insurer or to the obligee information  
11 necessary to obtain, enforce, and collect medical  
12 support.

13 Sec. 28. NEW SECTION. 252E.9 RESPONSIBILITIES OF  
14 THE OBLIGOR.

15 1. For cases for which services are being provided  
16 pursuant to chapter 252B, an obligor who fails to  
17 maintain medical support for the benefit of the  
18 dependent as ordered shall be liable to the obligee or  
19 the department for any medical expenses incurred from  
20 the date of the court order. Proof of failure to  
21 maintain medical support constitutes a showing of  
22 increased need and provides a basis for the  
23 establishment of a monetary amount for medical  
24 support.

25 2. For cases for which services are being provided  
26 pursuant to chapter 252B, the obligor shall notify the  
27 obligee and the department within ten days of a change  
28 in the terms or conditions of coverage under a health  
29 benefit plan. Such changes may include, but are not  
30 limited to, a change in deductibles, coinsurance,  
31 preadmission notification requirements, coverage for  
32 dental, optical, office visits, prescription drugs,  
33 inpatient and outpatient hospitalization, and any  
34 other changes which materially affect the coverage.  
35 Costs incurred by the obligee or the department as a  
36 result of the obligor's failure to provide  
37 notification as required are recoverable from the  
38 obligor.

39 Sec. 29. NEW SECTION. 252E.10 RESPONSIBILITY OF  
40 THE DEPARTMENT.

41 For cases for which services are being provided  
42 pursuant to chapter 252B, the department shall take  
43 steps required by federal regulations to implement and  
44 enforce an order for medical support.

45 Sec. 30. NEW SECTION. 252E.11 ASSIGNMENT.

46 If medical assistance coverage is provided by the  
47 department to a dependent, rights to medical support  
48 payments are assigned to the department pursuant to  
49 federal regulations.

50 Sec. 31. NEW SECTION. 252E.12 ENFORCEMENT.

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1 For the purposes of enforcement pursuant to chapter  
2 252B, medical support may be reduced to a dollar  
3 amount and may be collected through the same remedies  
4 available for the collection and enforcement of child  
5 support.

6 Sec. 32. NEW SECTION. 252E.13 MODIFICATION OF  
7 SUPPORT ORDER.

8 1. When high potential for obtaining medical  
9 support exists, the obligee or the department may  
10 petition for a modification of the obligor's support  
11 order to include medical support or a monetary amount  
12 for medical support pursuant to this chapter.

13 2. In addition, if an administrative order entered  
14 pursuant to chapter 252C does not provide medical  
15 support as defined in this chapter or equivalent  
16 medical support, the department may obtain a medical  
17 support order pursuant to chapter 252C. A medical  
18 support order obtained pursuant to chapter 252C may be  
19 an additional or separate support judgment and shall  
20 be known as an administrative order for medical  
21 support.

22 Sec. 33. NEW SECTION. 252E.14 CHILD SUPPORT.

23 Unless the order specifies otherwise, medical  
24 support is not included in the monetary amount of  
25 child support ordered to be paid.

26 Sec. 34. NEW SECTION. 252E.15 RULEMAKING  
27 AUTHORITY — COMPLIANCE.

28 The department shall adopt rules pursuant to  
29 chapter 17A to implement this chapter for cases for  
30 which services are being provided pursuant to chapter  
31 252B. The department shall cooperate with any agency  
32 of the state or federal government as may be necessary  
33 to qualify for federal funds in conformity with  
34 provisions of this chapter and Title IV-D of the  
35 federal Social Security Act.

36 Sec. 35. NEW SECTION. 252E.16 SCOPE AND EFFECT.

37 1. The provisions of this chapter take effect July  
38 1, 1990, for all support orders entered pursuant to  
39 chapter 234, 252A, 252C, 598, or 675.

40 2. If an obligor was ordered to provide a health  
41 benefit plan or insurance coverage under an order  
42 entered prior to July 1, 1990, but did not comply with  
43 the order, insurers are not liable for medical  
44 expenses incurred prior to July 1, 1990. However,  
45 such an order may be implemented pursuant to the  
46 provisions of this chapter following its enactment.  
47 This chapter shall not be implemented retroactively;  
48 however, previous orders for medical support not  
49 otherwise complied with may be reduced to a dollar  
50 amount and collected from the obligor.

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1 Sec. 36. Section 598.1, subsection 2, Code 1989,  
2 is amended to read as follows:

3 2. "Support" or "support payments" means an amount  
4 which the court may require either of the parties to  
5 pay under a temporary order or a final judgment or  
6 decree, and may include alimony, child support,  
7 maintenance, and any other term used to describe these  
8 obligations. For orders entered on or after July 1,  
9 1990, unless the court specifically orders otherwise,  
10 medical support is not included in the monetary amount  
11 of child support. The obligations may include support  
12 for a child who is between the ages of eighteen and  
13 twenty-two years who is regularly attending an  
14 accredited school in pursuance of a course of study  
15 leading to a high school diploma or its equivalent, or  
16 regularly attending a course of vocational-technical  
17 training either as a part of a regular school program  
18 or under special arrangements adapted to the  
19 individual person's needs; or is, in good faith, a  
20 full-time student in a college, university, or area  
21 school; or has been accepted for admission to a  
22 college, university, or area school and the next  
23 regular term has not yet begun; or a child of any age  
24 who is dependent on the parties to the dissolution  
25 proceedings because of physical or mental disability.

26 Sec. 37. Section 598.21, subsection 4, paragraph  
27 a, Code Supplement 1989, is amended by adding the  
28 following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. Until such time as the  
30 supreme court incorporates the provision of medical  
31 support in the guidelines as required by paragraph  
32 "c", the court shall order as child medical support a  
33 health benefit plan as defined in chapter 252E if  
34 available to either parent at a reasonable cost. A  
35 health benefit plan is considered reasonable in cost  
36 if it is employment-related or other group health  
37 insurance, regardless of the service delivery  
38 mechanism. The premium cost of the health benefit  
39 plan may be considered by the court as a reason for  
40 varying from the child support guidelines. If a  
41 health benefit plan is not available at a reasonable  
42 cost, the court may order any other provisions for  
43 medical support as defined in chapter 252E.

44 Sec. 38. Section 598.21, subsection 4, Code  
45 Supplement 1989, is amended by adding the following  
46 new paragraph:

47 NEW PARAGRAPH. c. The guidelines prescribed by  
48 the supreme court shall incorporate provisions for  
49 medical support as defined in chapter 252E to be  
50 effective on or before January 1, 1991.

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1 Sec. 39. Section 598.21, subsection 8, Code  
2 Supplement 1989, is amended to read as follows:  
3 8. The court may subsequently modify orders made  
4 under this section when there is a substantial change  
5 in circumstances. In determining whether there is a  
6 substantial change in circumstances, the court shall  
7 consider the following:  
8 a. Changes in the employment, earning capacity,  
9 income or resources of a party.  
10 b. Receipt by a party of an inheritance, pension  
11 or other gift.  
12 c. Changes in the medical expenses of a party.  
13 d. Changes in the number or needs of dependents of  
14 a party.  
15 e. Changes in the physical, mental, or emotional  
16 health of a party.  
17 f. Changes in the residence of a party.  
18 g. Remarriage of a party.  
19 h. Possible support of a party by another person.  
20 i. Changes in the physical, emotional or  
21 educational needs of a child whose support is governed  
22 by the order.  
23 j. Contempt by a party of existing orders of  
24 court.  
25 k. Other factors the court determines to be  
26 relevant in an individual case.  
27 PARAGRAPH DIVIDED. A modification of a support  
28 order entered under chapter 252A, chapter 675, or this  
29 chapter between parties to the order is void unless  
30 the modification is approved by the court, after  
31 proper notice and opportunity to be heard is given to  
32 all parties to the order, and entered as an order of  
33 the court. If support payments have been assigned to  
34 the department of human services pursuant to section  
35 239.3, the department shall be considered a party to  
36 the support order. Modifications of orders pertaining  
37 to child custody shall be made pursuant to chapter  
38 598A. If the petition for a modification of an order  
39 pertaining to child custody asks either for joint  
40 custody or that joint custody be modified to an award  
41 of sole custody, the modification, if any, shall be  
42 made pursuant to section 598.41.  
43 Judgments for support or support awards entered  
44 pursuant to this chapter, chapter 234, 252A, 252C,  
45 675, or any other chapter of the Code which are  
46 subject to a modification proceeding may be  
47 retroactively modified only from the date the notice  
48 of the pending petition for modification is served on  
49 the opposing party.  
50 Sec. 40. Section 598.21, Code Supplement 1989, is

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1. amended by adding the following new subsection:  
2 NEW SUBSECTION. 8A. Notwithstanding subsection 8,  
3 a substantial change of circumstances exists when the  
4 court order for child support deviates from the child  
5 support guidelines established pursuant to section  
6 598.21, subsection 4. Upon application for a  
7 modification of an order for child support where  
8 services are being received pursuant to chapter 252B,  
9 the court shall act in accordance with section 598.21,  
10 subsection 4.

11 Sec. 41. Section 598.22, unnumbered paragraph 1,  
12 Code 1989, is amended to read as follows:

13 This Except as otherwise provided in section  
14 598.22A, this section applies to all initial or  
15 modified orders for support entered under this  
16 chapter, chapter 234, 252A, 252C, 675, or any other  
17 chapter of the Code. All orders or judgments entered  
18 under chapter 234, 252A, 252C, or 675, or under this  
19 chapter or any other chapter which provide for  
20 temporary or permanent support payments shall direct  
21 the payment of those sums to the clerk of the district  
22 court or the collection services center in accordance  
23 with section 252B.14 for the use of the person for  
24 whom the payments have been awarded. Payments to  
25 persons other than the clerk of the district court and  
26 the collection services center do not satisfy the  
27 support obligations created by the orders or  
28 judgments, except as provided for trusts governed by  
29 the federal Retirement Equity Act of 1984, Pub. L. No.  
30 98-397, for tax refunds or rebates in section  
31 602.8102, subsection 47, or for dependent benefits  
32 paid to the child support obligee as the result of  
33 disability benefits awarded to the child support  
34 obligor under the federal Social Security Act. For  
35 trusts governed by the federal Retirement Equity Act  
36 of 1984, Pub. L. No. 98-397, the assignment of income  
37 shall require the payment of such sums to the  
38 alternate payee in accordance with the federal Act.

39 Sec. 42. Section 598.22, Code 1989, is amended by  
40 adding the following new unnumbered paragraph:  
41 NEW UNNUMBERED PARAGRAPH. For the purpose of  
42 enforcement, medical support is additional support  
43 which, upon being reduced to a dollar amount, may be  
44 collected through the same remedies available for the  
45 collection and enforcement of child support.

46 Sec. 43. NEW SECTION. 598.22A SATISFACTION OF  
47 SUPPORT PAYMENTS.

48 Notwithstanding sections 252B.14 and 598.22,  
49 support payments ordered pursuant to any support  
50 chapter for orders entered on or after July 1, 1985,

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1 which are not made pursuant to the provisions of  
2 section 252B.14 or 598.22, shall be credited only as  
3 provided in this section.

4 1. For payment made pursuant to an order entered  
5 on or after July 1, 1985, the clerk of the district  
6 court or collection services center shall record a  
7 satisfaction as a credit on the official support  
8 payment record if its validity is confirmed by the  
9 court upon submission of acknowledgement by the person  
10 entitled to receive the payment, after notice is given  
11 to all parties.

12 2. For purposes of this section, the state is a  
13 party to which notice shall be given when public funds  
14 have been expended pursuant to chapter 234, 239, or  
15 249A, or similar statutes in another state. If proper  
16 notice is not given to the state when required, any  
17 order of satisfaction is void.

18 3. The court shall not enter an order for  
19 satisfaction of payments not made through the clerk of  
20 the district court or collection services center if  
21 those payments have been assigned as a result of  
22 public funds expended pursuant to chapter 234, 239, or  
23 249A, or similar statutes in other states.

24 Sec. 44. Section 675.25, Code Supplement 1989, is  
25 amended to read as follows:

26 675.25 FORM OF JUDGMENT — CONTENTS OF SUPPORT  
27 ORDER — COSTS.

28 Upon a finding or verdict of paternity pursuant to  
29 section 675.24, the court shall establish the father's  
30 monthly support payment and the amount of the support  
31 debt accrued or accruing pursuant to section 598.21,  
32 subsection 4, until the child reaches majority or  
33 until the child finishes high school, if after  
34 majority. The court may order the father to pay  
35 amounts the court deems appropriate for the past  
36 support and maintenance of the child and for the  
37 reasonable and necessary expenses incurred by or for  
38 the mother in connection with prenatal care, the birth  
39 of the child, and postnatal care of the child and the  
40 mother, and other medical support as defined in  
41 section 252E.1. The court may award the prevailing  
42 party the reasonable costs of suit, including but not  
43 limited to reasonable attorney fees.

44 Sec. 45. NEW SECTION. 675.33 LIMITATIONS OF  
45 ACTIONS.

46 1. An action to establish paternity and support  
47 under this chapter may be brought within the time  
48 limitations set forth in section 614.8.

49 2. Notwithstanding subsection 1, an action to  
50 establish paternity and support under this chapter may

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1 be brought concerning a person who was under age  
 2 eighteen on August 16, 1984, regardless of whether any  
 3 prior action was dismissed because a statute of  
 4 limitations of less than eighteen years was then in  
 5 effect. Such an action may be brought within the time  
 6 limitations set forth in section 614.8, or until July  
 7 2, 1992, whichever is later.

8 Sec. 46. RULES.

9 The department of human services may adopt  
 10 administrative rules under section 17A.4, subsection  
 11 2, and section 17A.5, subsection 2, paragraph "b", to  
 12 implement the provisions of sections 4, 8, 15, and 20  
 13 through 35 of this Act, and the rules may be made  
 14 effective on or after July 1, 1990.

15 Sec. 47.

16 Section 43 of this Act applies retroactively to  
 17 payments under support orders entered on or after July  
 18 1, 1985."

19 \_\_\_\_\_. Title page, by striking lines 1 and 2 and  
 20 inserting the following: "An Act relating to  
 21 satisfaction of a support order by direct payment to  
 22 the person who is to receive the payment, medical  
 23 support for children receiving child support,  
 24 modification of child support orders, child support  
 25 enforcement, determination of paternity and  
 26 establishment of past child support obligations,  
 27 establishing an advisory committee, and providing an  
 28 effective date for certain provisions." "

Speaker Avenson in the chair at 10:30 a.m.

Halvorson of Webster offered the following amendment H—6103,  
 to amendment H—6089, to the Senate amendment H—5837, filed by  
 him and moved its adoption:

H—6103

1 Amend amendment, H—6089, to the Senate amendment,  
 2 H—5837, to House File 2422, as amended, passed, and  
 3 reprinted by the House, as follows:  
 4 1. Page 1, by striking lines 4 through 7, and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 1, by inserting after line 33, the  
 7 following:"  
 8 2. Page 14, by striking lines 1 through 49.  
 9 3. By renumbering, relettering, and changing  
 10 internal references as necessary.

A non-record roll call was requested.

The ayes were 41, nays 20.

Amendment H—6103 was adopted.

Haverland of Polk offered the following amendment H—6122, to amendment H—6089, to the Senate amendment H—5837, filed by him and Jay of Appanoose:

H—6122

1 Amend amendment, H—6089, to the amendment, H—5837,  
2 to House File 2422, as amended, passed, and reprinted  
3 by the House, as follows:

4 1. By striking page 1, line 1, through page 17,  
5 line 28 and inserting the following:

6 "Amend the amendment, H—5837, to House File 2422,  
7 as amended, passed, and reprinted by the House, as  
8 follows:

9 \_\_\_\_\_. By striking lines 3 through 33 and inserting  
10 the following:

11 "\_\_\_\_\_. By striking everything after the enacting  
12 clause and inserting the following:

13 "Section 1. Section 252A.4, subsection 2, Code  
14 1989, is amended to read as follows:

15 2. The court of the responding state shall have  
16 the power to may order the respondent to pay sums  
17 sufficient to provide necessary food, shelter,  
18 clothing, care, medical or hospital expenses,  
19 including medical support as defined in chapter 252E,  
20 expenses of confinement, expenses of education of a  
21 child, funeral expenses and such other reasonable and  
22 proper expenses of the petitioner as justice requires,  
23 having due regard to the circumstances of the  
24 respective parties.

25 Sec. 2. NEW SECTION. 252A.5A LIMITATIONS OF  
26 ACTIONS.

27 1. An action to establish paternity and support  
28 under this chapter may be brought within the time  
29 limitations set forth in section 614.8.

30 2. Notwithstanding subsection 1, an action to  
31 establish paternity and support under this chapter may  
32 be brought concerning a person who was under age  
33 eighteen on August 16, 1984, regardless of whether any  
34 prior action was dismissed because a statute of  
35 limitations of less than eighteen years was then in  
36 effect. Such an action may be brought within the time  
37 limitations set forth in section 614.8, or until July  
38 2, 1992, whichever is later.

39 Sec. 3. Section 252B.5, Code 1989, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 6. Assistance in obtaining  
42 medical support as defined in chapter 252E.

43 Sec. 4. Section 252B.5, Code 1989, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 7. At the request of either  
46 parent who is subject to the order of support or upon  
47 its own initiation, review the amount of the support  
48 award in accordance with the guidelines established  
49 pursuant to section 598.21, subsection 4, and the  
50 federal Family Support Act of 1988, and take action to

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1 initiate modification proceedings if the criteria  
2 established pursuant to this section are met.  
3 However, a review of a support award is not required  
4 in those cases for which an assignment ordered  
5 pursuant to chapter 234 or 239 is in effect if the  
6 child support recovery unit determines that such a  
7 review would not be in the best interest of the child  
8 and neither parent has requested such review.

9 The department shall adopt rules no later than  
10 October 13, 1990, setting forth the process for review  
11 of requests for modification of support obligations  
12 and the criteria and process for taking action to  
13 initiate modification proceedings.

14 Sec. 5. Section 252B.6, subsection 3, Code 1989,  
15 is amended by striking the subsection and inserting in  
16 lieu thereof the following:

17 3. Appear on behalf of the state for the purpose  
18 of facilitating the modification of support awards  
19 consistent with guidelines established pursuant to  
20 section 598.21, subsection 4 and the federal Family  
21 Support Act of 1988. The unit shall not otherwise  
22 participate in the proceeding.

23 Sec. 6. Section 252B.6, subsection 4, paragraph b,  
24 Code 1989, is amended by striking the paragraph.

25 Sec. 7. Section 252B.7, Code 1989, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 4. An attorney employed by or  
28 under contract with the child support recovery unit  
29 represents and acts on behalf of the state when  
30 providing child support enforcement services.

31 Sec. 8. NEW SECTION. 252B.18 ADVISORY COMMITTEE.  
32 ESTABLISHED.

33 The department shall establish a child support  
34 enforcement program advisory committee which shall  
35 include representatives of custodial parent groups,  
36 noncustodial parent groups, the judicial department,  
37 the office of citizens' aide, the Iowa state bar  
38 association, and representatives of other  
39 constituencies having an interest in child support  
40 enforcement issues. The advisory committee shall  
41 assist the department in reviewing issues related to  
42 the implementation of the federal Family Support Act  
43 of 1988 and methods of improving service. With the  
44 assistance of the advisory committee, the department  
45 shall review existing policies, practices, and  
46 procedures of the child support recovery unit to  
47 identify areas in which administrative appeals  
48 procedures or other provisions for review of contested  
49 issues would help to assure fair and impartial  
50 treatment of persons affected by actions of the unit.

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1 Sec. 9. Section 252C.1, subsection 2, Code 1989,  
2 is amended to read as follows:

3 2. "Court order" means a judgment or order of a  
4 court of this state or another state requiring the  
5 payment of a set or determinable amount of monetary  
6 support. For orders entered on or after July 1, 1990,  
7 unless the court specifically orders otherwise,  
8 medical support, as defined in section 252E.1, is not  
9 included in the amount of monetary support.

10 Sec. 10. Section 252C.1, Code 1989, is amended by  
11 adding the following new subsection:

12 **NEW SUBSECTION. 8.** "Medical support" means either  
13 the provision of coverage under a health benefit plan,  
14 including a group or employment-related or an  
15 individual health benefit plan, or a health benefit  
16 plan provided pursuant to chapter 514E, to meet the  
17 medical needs of a dependent and the cost of any  
18 premium required by a health benefit plan, or the  
19 payment to the obligee of a monetary amount in lieu of  
20 providing coverage under a health benefit plan, either  
21 of which is an obligation separate from any monetary  
22 amount of child support ordered to be paid.

23 Sec. 11. Section 252C.3, subsection 1, unnumbered  
24 paragraph 1, Code 1989, is amended to read as follows:

25 In the absence of a court order, or if an  
26 administrative order exists which does not require  
27 provision of medical support as defined in chapter  
28 252E or equivalent medical support, the administrator  
29 may issue a notice establishing and demanding either  
30 payment of medical support established as defined in  
31 chapter 252E or payment of an accrued or accruing  
32 support debt due and owed to the department or an  
33 individual under section 252C.2, or both. The notice  
34 shall be served upon the responsible person in  
35 accordance with the rules of civil procedure. The  
36 notice shall include all of the following:

37 Sec. 12. Section 252C.9, Code 1989, is amended to  
38 read as follows:

39 **252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.**

40 If an order of the administrator issued pursuant to  
41 this chapter conflicts with an order of a court, the  
42 court order prevails regarding support issues  
43 addressed by the court order.

44 Sec. 13. Section 252D.1, subsection 1, Code 1989,  
45 is amended to read as follows:

46 1. As used in this chapter, unless the context  
47 otherwise requires, "support" or "support payments"  
48 means any amount which the court may require a person  
49 to pay for the benefit of a child under a temporary  
50 order or a final judgment or decree, and may include

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1 child support, maintenance, medical support as defined  
2 in chapter 252E, and, if contained in a child support  
3 order, spousal support, and any other term used to  
4 describe these obligations. These obligations may  
5 include support for a child who is between the ages of  
6 eighteen and twenty-two years and who is regularly  
7 attending an accredited school in pursuance of a  
8 course of study leading to a high school diploma or  
9 its equivalent, or regularly attending a course of  
10 vocational technical training either as a part of a  
11 regular school program or under special arrangements  
12 adapted to the individual person's needs, or is, in  
13 good faith, a full-time student in a college,  
14 university, or area school, or has been accepted for  
15 admission to a college, university, or area school and  
16 the next regular term has not yet begun; and may  
17 include support for a child of any age who is  
18 dependent on the parties to the dissolution  
19 proceedings because of physical or mental disability.

20 Sec. 14. **NEW SECTION. 252E.1 DEFINITIONS.**

21 As used in this chapter, unless the context  
22 otherwise requires:

23 1. "Child" means a person for whom child support  
24 may be ordered pursuant to chapter 234, 239, 252A,  
25 252C, 598, or 675 or any other chapter of the Code.

26 2. "Department" means the department of human  
27 services, which includes but is not limited to the  
28 child support recovery unit, or any comparable support  
29 enforcement agency of another state.

30 3. "Dependent" means a child, or an obligee for  
31 whom a court may order coverage by a health benefit  
32 plan pursuant to section 252E.3.

33 4. "Enroll" means to be eligible for and covered  
34 by a health benefit plan.

35 5. "Health benefit plan" means any policy or  
36 contract of insurance, indemnity, subscription or  
37 membership issued by an insurer, health service  
38 corporation, health maintenance organization, or any  
39 similar corporation, organization, or a self-insured  
40 employee benefit plan, for the purpose of covering  
41 medical expenses. These expenses may include, but are  
42 not limited to hospital, surgical, major medical  
43 insurance, dental, optical, prescription drugs, office  
44 visits, or any combination of these or any other  
45 comparable health care expenses.

46 6. "Insurer" means any entity which provides a  
47 health benefit plan.

48 7. "Medical support" means either the provision of  
49 a health benefit plan, including a group or  
50 employment-related or an individual health benefit

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1 plan, or a health benefit plan provided pursuant to  
2 chapter 514E, to meet the medical needs of a dependent  
3 and the cost of any premium required by a health  
4 benefit plan, or the payment to the obligee of a  
5 monetary amount in lieu of a health benefit plan,  
6 either of which is an obligation separate from any  
7 monetary amount of child support ordered to be paid.  
8 Medical support is not alimony.

9 8. "Obligee" means a parent or another natural  
10 person legally entitled to receive a support payment  
11 on behalf of a child.

12 9. "Obligor" means a parent or another natural  
13 person legally responsible for the support of a  
14 dependent.

15 Sec. 15. NEW SECTION. 252E.2 ORDER FOR MEDICAL  
16 SUPPORT.

17 The entry of an order, pursuant to chapter 234,  
18 252A, 252C, 598, or 675, requiring the provision of  
19 coverage under a health benefit plan is authorization  
20 for enrollment of the dependent if the dependent is  
21 otherwise eligible to be enrolled. The dependent's  
22 eligibility and enrollment for coverage under such a  
23 plan shall be governed by all applicable terms and  
24 conditions, including, but not limited to, eligibility  
25 and insurability standards. The dependent, if  
26 eligible, shall be provided the same coverage as the  
27 obligor.

28 Sec. 16. NEW SECTION. 252E.3 HEALTH BENEFIT  
29 COVERAGE OF OBLIGEE.

30 For cases for which services are being provided  
31 pursuant to chapter 252B, the order may require an  
32 obligor providing a health benefit plan for a child to  
33 also provide a health benefit plan for the benefit of  
34 an obligee if the obligee is eligible for enrollment  
35 under the plan in which the child or the obligor is  
36 enrolled, and if the plan is available at no  
37 additional cost.

38 Sec. 17. NEW SECTION. 252E.4 COPY OF ORDER TO  
39 EMPLOYER.

40 The obligor shall take all steps necessary to  
41 enroll and maintain coverage under a health benefit  
42 plan for a dependent at present and all future places  
43 of employment, and shall send a copy of the order  
44 requiring the coverage to the obligor's employer.

45 1. Within fifteen days of entry of the order, the  
46 obligor shall provide written proof to the obligee and  
47 the department that the required coverage has been  
48 obtained or that application for coverage has been  
49 made.

50 2. If the obligor fails to provide written proof

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1 as required in subsection 1, a copy of the order for  
2 medical support shall be forwarded to the obligor's  
3 employer by the obligee or the department.

4 3. The chapter shall be constructive notice to the  
5 obligor of enforcement and further notice prior to  
6 enforcement is not required.

7 4. The order requiring coverage is binding on all  
8 future employers or insurers if the dependent is  
9 eligible to be enrolled in the health benefit plan  
10 under the applicable plan terms and conditions.

11 **Sec. 18. NEW SECTION. 252E.5 EFFECT OF ORDER ON**  
12 **EMPLOYER.**

13 When the order has been forwarded to the obligor's  
14 employer pursuant to section 252E.4, the order is  
15 binding on the employer and the employer's insurer to  
16 the extent that the dependent is eligible to be  
17 enrolled in the plan under the applicable terms and  
18 conditions of the health benefit plan. The employer  
19 shall forward a copy of the order to the insurer and  
20 request enrollment of the dependent in the health  
21 benefit plan. Within sixty days of receipt of the  
22 order or within sixty days of receipt of application  
23 of the obligor pursuant to the order, whichever is  
24 earlier, the insurer shall determine whether the  
25 dependent is eligible for enrollment under the plan  
26 and shall notify the employer of the dependent's  
27 eligibility status. If eligible, the employer shall  
28 withhold any required premium from the obligor's  
29 income or wages. If more than one plan is offered by  
30 the employer, the dependent shall be enrolled in the  
31 health benefit plan in which the obligor is enrolled.

32 Within thirty days of receipt of an order that  
33 requires an obligor to enroll a dependent in a health  
34 benefit plan, the obligor's employer shall provide the  
35 following information regarding the enrollment status  
36 of the dependent to the obligor, the obligee, and the  
37 department:

38 1. That the dependent has been enrolled in a  
39 health benefit plan.

40 2. That the dependent will be enrolled in the next  
41 enrollment period.

42 3. That the dependent is not eligible for  
43 enrollment and the reasons that the dependent is not  
44 eligible to be enrolled.

45 4. That the order has been forwarded to the  
46 insurer and a determination of eligibility for  
47 enrollment has not been made.

48 5. If either subsection 1 or 2 describes the  
49 enrollment status of the dependent, all of the  
50 following information:

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- 1 a. The name of the insurer providing the health
- 2 benefit plan.
- 3 b. The dependent's effective date of coverage.
- 4 c. The health benefit plan or account number.
- 5 d. The type of health benefit plan under which the
- 6 dependent has been enrolled, including whether dental,
- 7 optical, office visits, and prescription drugs are
- 8 covered services. Additionally, the response shall
- 9 include a brief description of the applicable
- 10 deductibles, coinsurance, waiting periods for
- 11 preexisting medical conditions, and other significant
- 12 terms or conditions which materially affect the
- 13 coverage.

14 If an order requiring that the obligor provide  
15 coverage under a health benefit plan for the dependent  
16 has been forwarded to the obligor's employer pursuant  
17 to section 252E.4, and the obligor's employment is  
18 terminated, the employer shall provide notice to the  
19 obligee and the department within ten days of  
20 termination of the obligor's employment. If an order  
21 requiring that the obligor provide coverage under a  
22 health benefit plan for the dependent has been  
23 forwarded to the obligor's employer pursuant to  
24 section 252E.4, and the employer's health benefit plan  
25 is terminated either in its entirety or with respect  
26 to the obligor's insurance classification, or the  
27 employer has changed its insurer, the employer shall  
28 provide notice to the obligee and the department ten  
29 days prior to the termination of coverage or change in  
30 insurer.

31 This chapter does not preclude the exchange of  
32 required information between the department and  
33 employers or insurers through electronic data  
34 transfer.

35 **Sec. 19. NEW SECTION. 252E.6 DURATION OF HEALTH**  
36 **BENEFIT PLAN COVERAGE.**

37 1. A child is eligible for medical support for the  
38 duration of the obligor's child support obligation.  
39 However, the child's eligibility for coverage under a  
40 health benefit plan shall be governed by all  
41 applicable plan provisions including, but not limited  
42 to, eligibility and insurability standards.

43 2. For cases for which services are being provided  
44 pursuant to chapter 252B, termination of an obligee's  
45 medical support ordered pursuant to section 252E.3  
46 shall be governed by the insurer's health benefit plan  
47 provisions for termination and by applicable federal  
48 law.

49 **Sec. 20. NEW SECTION. 252E.7 INSURER**  
50 **AUTHORIZATION.**

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1 1. The entry of an order requiring a health  
2 benefit plan is authorization for enrollment of the  
3 dependent if the dependent is otherwise eligible to be  
4 enrolled. If an order has been forwarded to the  
5 insurer pursuant to section 252E.5 and is not  
6 accompanied by an appropriate application for  
7 enrollment of the dependent signed by the obligor, the  
8 insurer shall attempt to obtain a signed application  
9 from the obligor. If the insurer is unsuccessful in  
10 obtaining a signed application from the obligor within  
11 thirty days after the insurer's initial request to the  
12 obligor, the insurer shall accept the signature of the  
13 obligee or an employee of the department as valid  
14 authorization for enrollment of the dependent under  
15 the health benefit plan.

16 2. For purposes of processing claims for payment,  
17 the insurer shall attempt to obtain the obligor's  
18 written authorization to accept the signature of the  
19 obligee or an employee of the department on all claim  
20 forms submitted to the insurer for medical services  
21 provided to the dependent. Upon receipt of such  
22 written authorization from the obligor on at least an  
23 annual basis, the insurer shall accept the signature  
24 of the obligee or an employee of the department as  
25 valid authorization for purposes of processing any  
26 medical expense claims on behalf of the dependent for  
27 payment or reimbursement of medical services rendered  
28 to the dependent.

29 If the insurer is unsuccessful in obtaining such  
30 written authorization from the obligor within thirty  
31 days after the insurer's initial request to the  
32 obligor, the insurer shall accept the signature of the  
33 obligee or an employee of the department as valid  
34 authorization for purposes of processing any medical  
35 expense claims on behalf of the dependent for payment  
36 or reimbursement of medical services rendered to the  
37 dependent.

38 3. The insurer shall have immunity from any  
39 liability, civil or criminal, which might otherwise be  
40 incurred or imposed for actions taken in implementing  
41 this section including, but not limited to, the  
42 insurer's release of any information, or the payment  
43 of any claims for services by the insurer, or the  
44 insurer's acceptance of applications for enrollment of  
45 the dependent and medical expense claims for the  
46 dependent which are signed by the obligee or an  
47 employee of the department pursuant to this section.

48 4. This section does not preclude an insurer from  
49 issuing payment directly to the provider if such  
50 payment procedure is consistent with the health

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1 benefit plan under which the dependent is enrolled,  
2 except as provided pursuant to chapter 249A.  
3 5. Payments remitted to the obligor by the insurer  
4 for services received by the dependent shall be  
5 recoverable by the obligee or the department from the  
6 obligor if not properly paid by the obligor to the  
7 provider or the obligee.

8 Sec. 21. NEW SECTION. 252E.8 RELEASES OF  
9 INFORMATION.

10 1. If an order for coverage under a health benefit  
11 plan has been forwarded pursuant to section 252E.5,  
12 the obligor's employer or insurer shall release to the  
13 obligee or the department upon receiving a written  
14 request, the information necessary to complete an  
15 application or to file a claim for medical expenses of  
16 the dependent, provided the obligor's employer or  
17 insurer is given sufficient opportunity to obtain  
18 written authorization for the release of such  
19 information from the obligor pursuant to this section.

20 2. The employer or insurer shall make available to  
21 the obligee or the department any necessary claim  
22 forms or enrollment membership cards if required to  
23 obtain services.

24 3. The obligor's employer and insurer shall have  
25 immunity from any liability, civil or criminal, which  
26 might otherwise be incurred or imposed for any  
27 information released by such employer or insurer  
28 pursuant to this chapter.

29 4. The department may release to the obligor's  
30 employer or insurer or to the obligee information  
31 necessary to obtain, enforce, and collect medical  
32 support.

33 Sec. 22. NEW SECTION. 252E.9 RESPONSIBILITIES OF  
34 THE OBLIGOR.

35 1. For cases for which services are being provided  
36 pursuant to chapter 252B, an obligor who fails to  
37 maintain medical support for the benefit of the  
38 dependent as ordered shall be liable to the obligee or  
39 the department for any medical expenses incurred from  
40 the date of the court order. Proof of failure to  
41 maintain medical support constitutes a showing of  
42 increased need and provides a basis for the  
43 establishment of a monetary amount for medical  
44 support.

45 2. For cases for which services are being provided  
46 pursuant to chapter 252B, the obligor shall notify the  
47 obligee and the department within ten days of a change  
48 in the terms or conditions of coverage under a health  
49 benefit plan. Such changes may include, but are not  
50 limited to, a change in deductibles, coinsurance,

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1 preadmission notification requirements, coverage for  
2 dental, optical, office visits, prescription drugs,  
3 inpatient and outpatient hospitalization, and any  
4 other changes which materially affect the coverage.  
5 Costs incurred by the obligee or the department as a  
6 result of the obligor's failure to provide  
7 notification as required are recoverable from the  
8 obligor.

9 Sec. 23. NEW SECTION. 252E.10 RESPONSIBILITY OF  
10 THE DEPARTMENT.

11 For cases for which services are being provided  
12 pursuant to chapter 252B, the department shall take  
13 steps required by federal regulations to implement and  
14 enforce an order for medical support.

15 Sec. 24. NEW SECTION. 252E.11 ASSIGNMENT.

16 If medical assistance coverage is provided by the  
17 department to a dependent, rights to medical support  
18 payments are assigned to the department pursuant to  
19 federal regulations.

20 Sec. 25. NEW SECTION. 252E.12 ENFORCEMENT.

21 For the purposes of enforcement pursuant to chapter  
22 252B, medical support may be reduced to a dollar  
23 amount and may be collected through the same remedies  
24 available for the collection and enforcement of child  
25 support.

26 Sec. 26. NEW SECTION. 252E.13 MODIFICATION OF  
27 SUPPORT ORDER.

28 1. When high potential for obtaining medical  
29 support exists, the obligee or the department may  
30 petition for a modification of the obligor's support  
31 order to include medical support or a monetary amount  
32 for medical support pursuant to this chapter.

33 2. In addition, if an administrative order entered  
34 pursuant to chapter 252C does not provide medical  
35 support as defined in this chapter or equivalent  
36 medical support, the department may obtain a medical  
37 support order pursuant to chapter 252C. A medical  
38 support order obtained pursuant to chapter 252C may be  
39 an additional or separate support judgment and shall  
40 be known as an administrative order for medical  
41 support.

42 Sec. 27. NEW SECTION. 252E.14 CHILD SUPPORT.

43 Unless the order specifies otherwise, medical  
44 support is not included in the monetary amount of  
45 child support ordered to be paid for orders entered on  
46 or after July 1, 1990.

47 Sec. 28. NEW SECTION. 252E.15 RULEMAKING  
48 AUTHORITY - COMPLIANCE.

49 The department shall adopt rules pursuant to  
50 chapter 17A to implement this chapter for cases for

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1 which services are being provided pursuant to chapter  
2 252B. The department shall cooperate with any agency  
3 of the state or federal government as may be necessary  
4 to qualify for federal funds in conformity with  
5 provisions of this chapter and Title IV-D of the  
6 federal Social Security Act.

7 Sec. 29. NEW SECTION. 252E.16 SCOPE AND EFFECT.

8 1. The provisions of this chapter take effect July  
9 1, 1990, for all support orders entered pursuant to  
10 chapter 234, 252A, 252C, 598, or 675..

11 2. If an obligor was ordered to provide a health  
12 benefit plan or insurance coverage under an order  
13 entered prior to July 1, 1990, but did not comply with  
14 the order, insurers are not liable for medical  
15 expenses incurred prior to July 1, 1990. However,  
16 such an order may be implemented pursuant to the  
17 provisions of this chapter following its enactment.  
18 This chapter shall not be implemented retroactively;  
19 however, previous orders for medical support not  
20 otherwise complied with may be reduced to a dollar  
21 amount and collected from the obligor.

22 Sec. 30. Section 598.1, subsection 2, Code 1989,  
23 is amended to read as follows:

24 2. "Support" or "support payments" means an amount  
25 which the court may require either of the parties to  
26 pay under a temporary order or a final judgment or  
27 decree, and may include alimony, child support,  
28 maintenance, and any other term used to describe these  
29 obligations. For orders entered on or after July 1,  
30 1990, unless the court specifically orders otherwise,  
31 medical support is not included in the monetary amount  
32 of child support. The obligations may include support  
33 for a child who is between the ages of eighteen and  
34 twenty-two years who is regularly attending an  
35 accredited school in pursuance of a course of study  
36 leading to a high school diploma or its equivalent, or  
37 regularly attending a course of vocational-technical  
38 training either as a part of a regular school program  
39 or under special arrangements adapted to the  
40 individual person's needs; or is, in good faith, a  
41 full-time student in a college, university, or area  
42 school; or has been accepted for admission to a  
43 college, university, or area school and the next  
44 regular term has not yet begun; or a child of any age  
45 who is dependent on the parties to the dissolution  
46 proceedings because of physical or mental disability.

47 Sec. 31. Section 598.21, subsection 4, paragraph  
48 a, Code Supplement 1989, is amended by adding the  
49 following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. Until such time as the

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1 supreme court incorporates the provision of medical  
2 support in the guidelines as required by paragraph  
3 "c", the court shall order as child medical support a  
4 health benefit plan as defined in chapter 252E if  
5 available to either parent at a reasonable cost. A  
6 health benefit plan is considered reasonable in cost  
7 if it is employment-related or other group health  
8 insurance, regardless of the service delivery  
9 mechanism. The premium cost of the health benefit  
10 plan may be considered by the court as a reason for  
11 varying from the child support guidelines. If a  
12 health benefit plan is not available at a reasonable  
13 cost, the court may order any other provisions for  
14 medical support as defined in chapter 252E.

15 Sec. 32. Section 598.21, subsection 4, Code  
16 Supplement 1989, is amended by adding the following  
17 new paragraph:

18 NEW PARAGRAPH. c. The guidelines prescribed by  
19 the supreme court shall incorporate provisions for  
20 medical support as defined in chapter 252E to be  
21 effective on or before January 1, 1991.

22 Sec. 33. Section 598.21, subsection 8, Code  
23 Supplement 1989, is amended to read as follows:

24 8. The court may subsequently modify orders made  
25 under this section when there is a substantial change  
26 in circumstances. In determining whether there is a  
27 substantial change in circumstances, the court shall  
28 consider the following:

29 a. Changes in the employment, earning capacity,  
30 income or resources of a party.

31 b. Receipt by a party of an inheritance, pension  
32 or other gift.

33 c. Changes in the medical expenses of a party.

34 d. Changes in the number or needs of dependents of  
35 a party.

36 e. Changes in the physical, mental, or emotional  
37 health of a party.

38 f. Changes in the residence of a party.

39 g. Remarriage of a party.

40 h. Possible support of a party by another person.

41 i. Changes in the physical, emotional or  
42 educational needs of a child whose support is governed  
43 by the order.

44 j. Contempt by a party of existing orders of  
45 court.

46 k. Other factors the court determines to be  
47 relevant in an individual case.

48 PARAGRAPH DIVIDED. A modification of a support  
49 order entered under chapter 252A, chapter 675, or this  
50 chapter between parties to the order is void unless

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1 the modification is approved by the court, after  
2 proper notice and opportunity to be heard is given to  
3 all parties to the order, and entered as an order of  
4 the court. If support payments have been assigned to  
5 the department of human services pursuant to section  
6 239.3, the department shall be considered a party to  
7 the support order. Modifications of orders pertaining  
8 to child custody shall be made pursuant to chapter  
9 598A. If the petition for a modification of an order  
10 pertaining to child custody asks either for joint  
11 custody or that joint custody be modified to an award  
12 of sole custody, the modification, if any, shall be  
13 made pursuant to section 598.41.

14 Judgments for child support or child support awards  
15 entered pursuant to this chapter, chapter 234, 252A,  
16 252C, 675, or any other chapter of the Code which are  
17 subject to a modification proceeding may be  
18 retroactively modified only from the date the notice  
19 of the pending petition for modification is served on  
20 the opposing party.

21 Sec. 34. Section 598.21, Code Supplement 1989, is  
22 amended by adding the following new subsection:

23 **NEW SUBSECTION. 8A.** Notwithstanding subsection 8,  
24 a substantial change of circumstances exists when the  
25 court order for child support deviates without  
26 explanation as to the reason for deviation from the  
27 child support guidelines established pursuant to  
28 section 598.21, subsection 4. Upon application for a  
29 modification of an order for child support where  
30 services are being received pursuant to chapter 252B,  
31 the court shall act in accordance with section 598.21,  
32 subsection 4.

33 Sec. 35. Section 598.22, unnumbered paragraph 1,  
34 Code 1989, is amended to read as follows:

35 This Except as otherwise provided in section  
36 598.22A, this section applies to all initial or  
37 modified orders for support entered under this  
38 chapter, chapter 234, 252A, 252C, 675, or any other  
39 chapter of the Code. All orders or judgments entered  
40 under chapter 234, 252A, 252C, or 675, or under this  
41 chapter or any other chapter which provide for  
42 temporary or permanent support payments shall direct  
43 the payment of those sums to the clerk of the district  
44 court or the collection services center in accordance  
45 with section 252B.14 for the use of the person for  
46 whom the payments have been awarded. Payments to  
47 persons other than the clerk of the district court and  
48 the collection services center do not satisfy the  
49 support obligations created by the orders or  
50 judgments, except as provided for trusts governed by

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1 the federal Retirement Equity Act of 1984, Pub. L. No.  
2 98-397, for tax refunds or rebates in section  
3 602.8102, subsection 47, or for dependent benefits  
4 paid to the child support obligee as the result of  
5 disability benefits awarded to the child support  
6 obligor under the federal Social Security Act. For  
7 trusts governed by the federal Retirement Equity Act  
8 of 1984, Pub. L. No. 98-397, the assignment of income  
9 shall require the payment of such sums to the  
10 alternate payee in accordance with the federal Act.

11 Sec. 36. Section 598.22, Code 1989, is amended by  
12 adding the following new unnumbered paragraph:  
13 NEW UNNUMBERED PARAGRAPH. For the purpose of  
14 enforcement, medical support is additional support  
15 which, upon being reduced to a dollar amount, may be  
16 collected through the same remedies available for the  
17 collection and enforcement of child support.

18 Sec. 37. NEW SECTION. 598.22A SATISFACTION OF  
19 SUPPORT PAYMENTS.

20 Notwithstanding sections 252B.14 and 598.22,  
21 support payments ordered pursuant to any support  
22 chapter for orders entered on or after July 1, 1985,  
23 which are not made pursuant to the provisions of  
24 section 252B.14 or 598.22, shall be credited only as  
25 provided in this section.

26 1. For payment made pursuant to an order entered  
27 on or after July 1, 1985, the clerk of the district  
28 court or collection services center shall record a  
29 satisfaction as a credit on the official support  
30 payment record if its validity is confirmed by the  
31 court upon submission of an affidavit by the person  
32 entitled to receive the payment, after notice is given  
33 to all parties.

34 2. For purposes of this section, the state is a  
35 party to which notice shall be given when public funds  
36 have been expended pursuant to chapter 234, 239, or  
37 249A, or similar statutes in another state. If proper  
38 notice is not given to the state when required, any  
39 order of satisfaction is void.

40 3. The court shall not enter an order for  
41 satisfaction of payments not made through the clerk of  
42 the district court or collection services center if  
43 those payments have been assigned as a result of  
44 public funds expended pursuant to chapter 234, 239, or  
45 249A, or similar statutes in other states.

46 Sec. 38. Section 675.25, Code Supplement 1989, is  
47 amended to read as follows:

48 675.25 FORM OF JUDGMENT – CONTENTS OF SUPPORT  
49 ORDER – COSTS.

50 Upon a finding or verdict of paternity pursuant to

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1 section 675.24, the court shall establish the father's  
 2 monthly support payment and the amount of the support  
 3 debt accrued or accruing pursuant to section 598.21,  
 4 subsection 4, until the child reaches majority or  
 5 until the child finishes high school, if after  
 6 majority. The court may order the father to pay  
 7 amounts the court deems appropriate for the past  
 8 support and maintenance of the child and for the  
 9 reasonable and necessary expenses incurred by or for  
 10 the mother in connection with prenatal care, the birth  
 11 of the child, and postnatal care of the child and the  
 12 mother, and other medical support as defined in  
 13 section 252E.1. The court may award the prevailing  
 14 party the reasonable costs of suit, including but not  
 15 limited to reasonable attorney fees.

16 Sec. 39. NEW SECTION. 675.33 LIMITATIONS OF  
 17 ACTIONS.

18 1. An action to establish paternity and support  
 19 under this chapter may be brought within the time  
 20 limitations set forth in section 614.8.

21 2. Notwithstanding subsection 1, an action to  
 22 establish paternity and support under this chapter may  
 23 be brought concerning a person who was under age  
 24 eighteen on August 16, 1984, regardless of whether any  
 25 prior action was dismissed because a statute of  
 26 limitations of less than eighteen years was then in  
 27 effect. Such an action may be brought within the time  
 28 limitations set forth in section 614.8, or until July  
 29 2, 1992, whichever is later.

30 Sec. 40. RULES.

31 The department of human services may adopt  
 32 administrative rules under section 17A.4, subsection  
 33 2, and section 17A.5, subsection 2, paragraph "b", to  
 34 implement the provisions of sections 4, 8, and 14  
 35 through 29 of this Act, and the rules may be made  
 36 effective on or after July 1, 1990.

37 Sec. 41.

38 Section 37 of this Act applies retroactively to  
 39 payments under support orders entered on or after July  
 40 1, 1985."

41 \_\_\_\_\_. Title page, by striking lines 1 and 2 and  
 42 inserting the following: "An Act relating to  
 43 satisfaction of a support order by direct payment to  
 44 the person who is to receive the payment, medical  
 45 support for children receiving child support,  
 46 modification of child support orders, child support  
 47 enforcement, determination of paternity and  
 48 establishment of past child support obligations,  
 49 establishing an advisory committee, and providing an  
 50 effective date for certain provisions." "

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hibbard of Madison, until his return, on request of Arnould of Scott.

Blanshan of Greene in the chair at 11:29 a.m.

Haverland of Polk moved the adoption of amendment H—6122, to amendment H—6089, to the Senate amendment H—5837.

A non-record roll call was requested.

The ayes were 40, nays 51.

Amendment H—6122 lost.

Halvorson of Webster offered the following amendment H—6126, to amendment H—6089, to the Senate amendment H—5837, filed by him and moved its adoption:

H—6126

1 Amend amendment, H—6089, to the amendment, H—5837,  
2 to House File 2422, as amended, passed, and reprinted  
3 by the House, as follows:

4 1. By striking page 1, line 1, through page 17,  
5 line 28 and inserting the following:

6 "Amend the amendment, H—5837, to House File 2422,  
7 as amended, passed, and reprinted by the House, as  
8 follows:

9 \_\_\_\_\_. By inserting after line 33 the following:

10 "Sec. \_\_\_\_\_. Section 252A.4, subsection 2, Code  
11 1989, is amended to read as follows:

12 2. The court of the responding state shall have  
13 the power to may order the respondent to pay sums  
14 sufficient to provide necessary food, shelter,  
15 clothing, care, medical or hospital expenses,  
16 including medical support as defined in chapter 252E,  
17 expenses of confinement, expenses of education of a  
18 child, funeral expenses and such other reasonable and  
19 proper expenses of the petitioner as justice requires,  
20 having due regard to the circumstances of the  
21 respective parties.

22 Sec. \_\_\_\_\_. NEW SECTION. 252A.5A LIMITATIONS OF  
23 ACTIONS.

24 1. An action to establish paternity and support  
25 under this chapter may be brought within the time  
26 limitations set forth in section 614.8.

27 2. Notwithstanding subsection 1, an action to  
28 establish paternity and support under this chapter may  
29 be brought concerning a person who was under age  
30 eighteen on August 16, 1984, regardless of whether any

31 prior action was dismissed because a statute of  
32 limitations of less than eighteen years was then in  
33 effect. Such an action may be brought within the time  
34 limitations set forth in section 614.8, or until July  
35 2, 1992, whichever is later.

36 Sec. \_\_\_\_\_. Section 252B.5, Code 1989, is amended by  
37 adding the following new subsection:

38 NEW SUBSECTION. 6. Assistance in obtaining  
39 medical support as defined in chapter 252E.

40 Sec. 101. Section 252B.5, Code 1989, is amended by  
41 adding the following new subsection:

42 NEW SUBSECTION. 7. At the request of either  
43 parent who is subject to the order of support or upon  
44 its own initiation, review the amount of the support  
45 award in accordance with the guidelines established  
46 pursuant to section 598.21, subsection 4, and the  
47 federal Family Support Act of 1988, and take action to  
48 initiate modification proceedings if the criteria  
49 established pursuant to this section are met.

50 However, a review of a support award is not required

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1 in those cases for which an assignment ordered  
2 pursuant to chapter 234 or 239 is in effect if the  
3 child support recovery unit determines that such a  
4 review would not be in the best interest of the child  
5 and neither parent has requested such review.

6 The department shall adopt rules no later than  
7 October 13, 1990, setting forth the process for review  
8 of requests for modification of support obligations  
9 and the criteria and process for taking action to  
10 initiate modification proceedings.

11 Sec. \_\_\_\_\_. Section 252B.6, subsection 3, Code 1989,  
12 is amended by striking the subsection and inserting in  
13 lieu thereof the following:

14 3. Appear on behalf of the state for the purpose  
15 of facilitating the modification of support awards  
16 consistent with guidelines established pursuant to  
17 section 598.21, subsection 4 and the federal Family  
18 Support Act of 1988. The unit shall not otherwise  
19 participate in the proceeding.

20 Sec. \_\_\_\_\_. Section 252B.6, subsection 4, paragraph  
21 b, Code 1989, is amended by striking the paragraph.

22 Sec. \_\_\_\_\_. Section 252B.7, Code 1989, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 4. An attorney employed by or  
25 under contract with the child support recovery unit  
26 represents and acts on behalf of the state when  
27 providing child support enforcement services.

28 Sec. 102. NEW SECTION. 252B.18 ADVISORY  
29 COMMITTEE ESTABLISHED.

30 The department shall establish a child support  
31 enforcement program advisory committee which shall  
32 include representatives of custodial parent groups,  
33 noncustodial parent groups, the judicial department,  
34 the office of citizens' aide, the Iowa state bar  
35 association, and representatives of other  
36 constituencies having an interest in child support  
37 enforcement issues. The advisory committee shall  
38 assist the department in reviewing issues related to  
39 the implementation of the federal Family Support Act  
40 of 1988 and methods of improving service. With the  
41 assistance of the advisory committee, the department  
42 shall review existing policies, practices, and  
43 procedures of the child support recovery unit to  
44 identify areas in which administrative appeals  
45 procedures or other provisions for review of contested  
46 issues would help to assure fair and impartial  
47 treatment of persons affected by actions of the unit.  
48 Sec. \_\_\_\_\_. Section 252C.1, subsection 2, Code 1989,  
49 is amended to read as follows:  
50 2. "Court order" means a judgment or order of a

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1 court of this state or another state requiring the  
2 payment of a set or determinable amount of monetary  
3 support. For orders entered on or after July 1, 1990,  
4 unless the court specifically orders otherwise,  
5 medical support, as defined in section 252E.1, is not  
6 included in the amount of monetary support.  
7 Sec. \_\_\_\_\_. Section 252C.1, Code 1989, is amended by  
8 adding the following new subsection:  
9 **NEW SUBSECTION. 8.** "Medical support" means either  
10 the provision of coverage under a health benefit plan,  
11 including a group or employment-related or an  
12 individual health benefit plan, or a health benefit  
13 plan provided pursuant to chapter 514E, to meet the  
14 medical needs of a dependent and the cost of any  
15 premium required by a health benefit plan, or the  
16 payment to the obligee of a monetary amount in lieu of  
17 providing coverage under a health benefit plan, either  
18 of which is an obligation separate from any monetary  
19 amount of child support ordered to be paid.  
20 Sec. \_\_\_\_\_. Section 252C.3, subsection 1, unnumbered  
21 paragraph 1, Code 1989, is amended to read as follows:  
22 In the absence of a court order, or if an  
23 administrative order exists which does not require  
24 provision of medical support as defined in chapter  
25 252E or equivalent medical support, the administrator  
26 may issue a notice establishing and demanding either  
27 payment of medical support established as defined in  
28 chapter 252E or payment of an accrued or accruing

29 support debt due and owed to the department or an  
30 individual under section 252C.2, or both. The notice  
31 shall be served upon the responsible person in  
32 accordance with the rules of civil procedure. The  
33 notice shall include all of the following:

34 Sec. \_\_\_\_\_. Section 252C.9, Code 1989, is amended to  
35 read as follows:

36 252C.9 COURT ORDER PREVAILS PREVAILING ORDERS.

37 If an order of the administrator issued pursuant to  
38 this chapter conflicts with an order of a court, the  
39 court order prevails regarding support issues  
40 addressed by the court order.

41 Sec. \_\_\_\_\_. Section 252D.1, subsection 1, Code 1989,  
42 is amended to read as follows:

43 1. As used in this chapter, unless the context  
44 otherwise requires, "support" or "support payments"  
45 means any amount which the court may require a person  
46 to pay for the benefit of a child under a temporary  
47 order or a final judgment or decree, and may include  
48 child support, maintenance, medical support as defined  
49 in chapter 252E, and, if contained in a child support  
50 order, spousal support, and any other term used to

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1 describe these obligations. These obligations may  
2 include support for a child who is between the ages of  
3 eighteen and twenty-two years and who is regularly  
4 attending an accredited school in pursuance of a  
5 course of study leading to a high school diploma or  
6 its equivalent, or regularly attending a course of  
7 vocational technical training either as a part of a  
8 regular school program or under special arrangements  
9 adapted to the individual person's needs, or is, in  
10 good faith, a full-time student in a college,  
11 university, or area school, or has been accepted for  
12 admission to a college, university, or area school and  
13 the next regular term has not yet begun; and may  
14 include support for a child of any age who is  
15 dependent on the parties to the dissolution  
16 proceedings because of physical or mental disability.

17 Sec. 103. NEW SECTION. 252E.1 DEFINITIONS.

18 As used in this chapter, unless the context  
19 otherwise requires:

20 1. "Child" means a person for whom child support  
21 may be ordered pursuant to chapter 234, 239, 252A,  
22 252C, 598, or 675 or any other chapter of the Code.

23 2. "Department" means the department of human  
24 services, which includes but is not limited to the  
25 child support recovery unit, or any comparable support  
26 enforcement agency of another state.

27 3. "Dependent" means a child, or an obligee for  
28 whom a court may order coverage by a health benefit  
29 plan pursuant to section 252E.3.

30 4. "Enroll" means to be eligible for and covered  
31 by a health benefit plan.

32 5. "Health benefit plan" means any policy or  
33 contract of insurance, indemnity, subscription or  
34 membership issued by an insurer, health service  
35 corporation, health maintenance organization, or any  
36 similar corporation, organization, or a self-insured  
37 employee benefit plan, for the purpose of covering  
38 medical expenses. These expenses may include, but are  
39 not limited to hospital, surgical, major medical  
40 insurance, dental, optical, prescription drugs, office  
41 visits, or any combination of these or any other  
42 comparable health care expenses.

43 6. "Insurer" means any entity which provides a  
44 health benefit plan.

45 7. "Medical support" means either the provision of  
46 a health benefit plan, including a group or  
47 employment-related or an individual health benefit  
48 plan, or a health benefit plan provided pursuant to  
49 chapter 514E, to meet the medical needs of a dependent  
50 and the cost of any premium required by a health

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1 benefit plan, or the payment to the obligee of a  
2 monetary amount in lieu of a health benefit plan,  
3 either of which is an obligation separate from any  
4 monetary amount of child support ordered to be paid.  
5 Medical support is not alimony.

6 8. "Obligee" means a parent or another natural  
7 person legally entitled to receive a support payment  
8 on behalf of a child.

9 9. "Obligor" means a parent or another natural  
10 person legally responsible for the support of a  
11 dependent.

12 Sec. \_\_\_\_\_. NEW SECTION. 252E.2 ORDER FOR MEDICAL  
13 SUPPORT.

14 The entry of an order, pursuant to chapter 234,  
15 252A, 252C, 598, or 675, requiring the provision of  
16 coverage under a health benefit plan is authorization  
17 for enrollment of the dependent if the dependent is  
18 otherwise eligible to be enrolled. The dependent's  
19 eligibility and enrollment for coverage under such a  
20 plan shall be governed by all applicable terms and  
21 conditions, including, but not limited to, eligibility  
22 and insurability standards. The dependent, if  
23 eligible, shall be provided the same coverage as the  
24 obligor.

25 Sec. \_\_\_\_\_. NEW SECTION. 252E.3 HEALTH BENEFIT  
26 COVERAGE OF OBLIGEE.

27 For cases for which services are being provided  
28 pursuant to chapter 252B, the order may require an  
29 obligor providing a health benefit plan for a child to  
30 also provide a health benefit plan for the benefit of  
31 an obligee if the obligee is eligible for enrollment  
32 under the plan in which the child or the obligor is  
33 enrolled, and if the plan is available at no  
34 additional cost.

35 Sec. \_\_\_\_\_. NEW SECTION. 252E.4 COPY OF ORDER TO  
36 EMPLOYER.

37 The obligor shall take all steps necessary to  
38 enroll and maintain coverage under a health benefit  
39 plan for a dependent at present and all future places  
40 of employment, and shall send a copy of the order  
41 requiring the coverage to the obligor's employer.

42 1. Within fifteen days of entry of the order, the  
43 obligor shall provide written proof to the obligee and  
44 the department that the required coverage has been  
45 obtained or that application for coverage has been  
46 made.

47 2. If the obligor fails to provide written proof  
48 as required in subsection 1, a copy of the order for  
49 medical support shall be forwarded to the obligor's  
50 employer by the obligee or the department.

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1 3. The chapter shall be constructive notice to the  
2 obligor of enforcement and further notice prior to  
3 enforcement is not required.

4 4. The order requiring coverage is binding on all  
5 future employers or insurers if the dependent is  
6 eligible to be enrolled in the health benefit plan  
7 under the applicable plan terms and conditions.

8 Sec. \_\_\_\_\_. NEW SECTION. 252E.5 EFFECT OF ORDER ON  
9 EMPLOYER.

10 When the order has been forwarded to the obligor's  
11 employer pursuant to section 252E.4, the order is  
12 binding on the employer and the employer's insurer to  
13 the extent that the dependent is eligible to be  
14 enrolled in the plan under the applicable terms and  
15 conditions of the health benefit plan. The employer  
16 shall forward a copy of the order to the insurer and  
17 request enrollment of the dependent in the health  
18 benefit plan. Within sixty days of receipt of the  
19 order or within sixty days of receipt of application  
20 of the obligor pursuant to the order, whichever is  
21 earlier, the insurer shall determine whether the  
22 dependent is eligible for enrollment under the plan  
23 and shall notify the employer of the dependent's

24 eligibility status. If eligible, the employer shall  
25 withhold any required premium from the obligor's  
26 income or wages. If more than one plan is offered by  
27 the employer, the dependent shall be enrolled in the  
28 health benefit plan in which the obligor is enrolled.

29 Within thirty days of receipt of an order that  
30 requires an obligor to enroll a dependent in a health  
31 benefit plan, the obligor's employer shall provide the  
32 following information regarding the enrollment status  
33 of the dependent to the obligor, the obligee, and the  
34 department:

35 1. That the dependent has been enrolled in a  
36 health benefit plan.

37 2. That the dependent will be enrolled in the next  
38 enrollment period.

39 3. That the dependent is not eligible for  
40 enrollment and the reasons that the dependent is not  
41 eligible to be enrolled.

42 4. That the order has been forwarded to the  
43 insurer and a determination of eligibility for  
44 enrollment has not been made.

45 5. If either subsection 1 or 2 describes the  
46 enrollment status of the dependent, all of the  
47 following information:

48 a. The name of the insurer providing the health  
49 benefit plan.

50 b. The dependent's effective date of coverage.

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1 c. The health benefit plan or account number.  
2 d. The type of health benefit plan under which the  
3 dependent has been enrolled, including whether dental,  
4 optical, office visits, and prescription drugs are  
5 covered services. Additionally, the response shall  
6 include a brief description of the applicable  
7 deductibles, coinsurance, waiting periods for  
8 preexisting medical conditions, and other significant  
9 terms or conditions which materially affect the  
10 coverage.

11 If an order requiring that the obligor provide  
12 coverage under a health benefit plan for the dependent  
13 has been forwarded to the obligor's employer pursuant  
14 to section 252E.4, and the obligor's employment is  
15 terminated, the employer shall provide notice to the  
16 obligee and the department within ten days of  
17 termination of the obligor's employment. If an order  
18 requiring that the obligor provide coverage under a  
19 health benefit plan for the dependent has been  
20 forwarded to the obligor's employer pursuant to  
21 section 252E.4, and the employer's health benefit plan  
22 is terminated either in its entirety or with respect

23 to the obligor's insurance classification, or the  
24 employer has changed its insurer, the employer shall  
25 provide notice to the obligee and the department ten  
26 days prior to the termination of coverage or change in  
27 insurer.

28 This chapter does not preclude the exchange of  
29 required information between the department and  
30 employers or insurers through electronic data  
31 transfer.

32 Sec. \_\_\_\_\_. NEW SECTION. 252E.6 DURATION OF HEALTH  
33 BENEFIT PLAN COVERAGE.

34 1. A child is eligible for medical support for the  
35 duration of the obligor's child support obligation.  
36 However, the child's eligibility for coverage under a  
37 health benefit plan shall be governed by all  
38 applicable plan provisions including, but not limited  
39 to, eligibility and insurability standards.

40 2. For cases for which services are being provided  
41 pursuant to chapter 252B, termination of an obligee's  
42 medical support ordered pursuant to section 252E.3  
43 shall be governed by the insurer's health benefit plan  
44 provisions for termination and by applicable federal  
45 law.

46 Sec. \_\_\_\_\_. NEW SECTION. 252E.7 INSURER  
47 AUTHORIZATION.

48 1. The entry of an order requiring a health  
49 benefit plan is authorization for enrollment of the  
50 dependent if the dependent is otherwise eligible to be

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1 enrolled. If an order has been forwarded to the  
2 insurer pursuant to section 252E.5 and is not  
3 accompanied by an appropriate application for  
4 enrollment of the dependent signed by the obligor, the  
5 insurer shall attempt to obtain a signed application  
6 from the obligor. If the insurer is unsuccessful in  
7 obtaining a signed application from the obligor within  
8 thirty days after the insurer's initial request to the  
9 obligor, the insurer shall accept the signature of the  
10 obligee or an employee of the department as valid  
11 authorization for enrollment of the dependent under  
12 the health benefit plan.

13 2. For purposes of processing claims for payment,  
14 the insurer shall attempt to obtain the obligor's  
15 written authorization to accept the signature of the  
16 obligee or an employee of the department on all claim  
17 forms submitted to the insurer for medical services  
18 provided to the dependent. Upon receipt of such  
19 written authorization from the obligor on at least an  
20 annual basis, the insurer shall accept the signature  
21 of the obligee or an employee of the department as

22 valid authorization for purposes of processing any  
23 medical expense claims on behalf of the dependent for  
24 payment or reimbursement of medical services rendered  
25 to the dependent.

26 If the insurer is unsuccessful in obtaining such  
27 written authorization from the obligor within thirty  
28 days after the insurer's initial request to the  
29 obligor, the insurer shall accept the signature of the  
30 obligee or an employee of the department as valid  
31 authorization for purposes of processing any medical  
32 expense claims on behalf of the dependent for payment  
33 or reimbursement of medical services rendered to the  
34 dependent.

35 3. The insurer shall have immunity from any  
36 liability, civil or criminal, which might otherwise be  
37 incurred or imposed for actions taken in implementing  
38 this section including, but not limited to, the  
39 insurer's release of any information, or the payment  
40 of any claims for services by the insurer, or the  
41 insurer's acceptance of applications for enrollment of  
42 the dependent and medical expense claims for the  
43 dependent which are signed by the obligee or an  
44 employee of the department pursuant to this section.

45 4. This section does not preclude an insurer from  
46 issuing payment directly to the provider if such  
47 payment procedure is consistent with the health  
48 benefit plan under which the dependent is enrolled,  
49 except as provided pursuant to chapter 249A.

50 5. Payments remitted to the obligor by the insurer

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1 for services received by the dependent shall be  
2 recoverable by the obligee or the department from the  
3 obligor if not properly paid by the obligor to the  
4 provider or the obligee.

5 Sec. \_\_\_\_\_. NEW SECTION. 252E.8 RELEASES OF  
6 INFORMATION.

7 1. If an order for coverage under a health benefit  
8 plan has been forwarded pursuant to section 252E.5,  
9 the obligor's employer or insurer shall release to the  
10 obligee or the department upon receiving a written  
11 request, the information necessary to complete an  
12 application or to file a claim for medical expenses of  
13 the dependent, provided the obligor's employer or  
14 insurer is given sufficient opportunity to obtain  
15 written authorization for the release of such  
16 information from the obligor pursuant to this section.

17 2. The employer or insurer shall make available to  
18 the obligee or the department any necessary claim  
19 forms or enrollment membership cards if required to  
20 obtain services.

21 3. The obligor's employer and insurer shall have  
22 immunity from any liability, civil or criminal, which  
23 might otherwise be incurred or imposed for any  
24 information released by such employer or insurer  
25 pursuant to this chapter.

26 4. The department may release to the obligor's  
27 employer or insurer or to the obligee information  
28 necessary to obtain, enforce, and collect medical  
29 support.

30 Sec. \_\_\_\_\_. NEW SECTION. 252E.9 RESPONSIBILITIES  
31 OF THE OBLIGOR.

32 1. For cases for which services are being provided  
33 pursuant to chapter 252B, an obligor who fails to  
34 maintain medical support for the benefit of the  
35 dependent as ordered shall be liable to the obligee or  
36 the department for any medical expenses incurred from  
37 the date of the court order. Proof of failure to  
38 maintain medical support constitutes a showing of  
39 increased need and provides a basis for the  
40 establishment of a monetary amount for medical  
41 support.

42 2. For cases for which services are being provided  
43 pursuant to chapter 252B, the obligor shall notify the  
44 obligee and the department within ten days of a change  
45 in the terms or conditions of coverage under a health  
46 benefit plan. Such changes may include, but are not  
47 limited to, a change in deductibles, coinsurance,  
48 preadmission notification requirements, coverage for  
49 dental, optical, office visits, prescription drugs,  
50 inpatient and outpatient hospitalization, and any

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1 other changes which materially affect the coverage.  
2 Costs incurred by the obligee or the department as a  
3 result of the obligor's failure to provide  
4 notification as required are recoverable from the  
5 obligor.

6 Sec. \_\_\_\_\_. NEW SECTION. 252E.10 RESPONSIBILITY OF  
7 THE DEPARTMENT.

8 For cases for which services are being provided  
9 pursuant to chapter 252B, the department shall take  
10 steps required by federal regulations to implement and  
11 enforce an order for medical support.

12 Sec. \_\_\_\_\_. NEW SECTION. 252E.11 ASSIGNMENT.

13 If medical assistance coverage is provided by the  
14 department to a dependent, rights to medical support  
15 payments are assigned to the department pursuant to  
16 federal regulations.

17 Sec. \_\_\_\_\_. NEW SECTION. 252E.12 ENFORCEMENT.

18 For the purposes of enforcement pursuant to chapter  
19 252B, medical support may be reduced to a dollar

20 amount and may be collected through the same remedies  
 21 available for the collection and enforcement of child  
 22 support.

23 Sec. \_\_\_\_\_. NEW SECTION. 252E.13 MODIFICATION OF  
 24 SUPPORT ORDER.

25 1. When high potential for obtaining medical  
 26 support exists, the obligee or the department may  
 27 petition for a modification of the obligor's support  
 28 order to include medical support or a monetary amount  
 29 for medical support pursuant to this chapter.

30 2. In addition, if an administrative order entered  
 31 pursuant to chapter 252C does not provide medical  
 32 support as defined in this chapter or equivalent  
 33 medical support, the department may obtain a medical  
 34 support order pursuant to chapter 252C. A medical  
 35 support order obtained pursuant to chapter 252C may be  
 36 an additional or separate support judgment and shall  
 37 be known as an administrative order for medical  
 38 support.

39 Sec. \_\_\_\_\_. NEW SECTION. 252E.14 CHILD SUPPORT.

40 Unless the order specifies otherwise, medical  
 41 support is not included in the monetary amount of  
 42 child support ordered to be paid for orders entered on  
 43 or after July 1, 1990.

44 Sec. \_\_\_\_\_. NEW SECTION. 252E.15 RULEMAKING  
 45 AUTHORITY - COMPLIANCE.

46 The department shall adopt rules pursuant to  
 47 chapter 17A to implement this chapter for cases for  
 48 which services are being provided pursuant to chapter  
 49 252B. The department shall cooperate with any agency  
 50 of the state or federal government as may be necessary

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1 to qualify for federal funds in conformity with  
 2 provisions of this chapter and Title IV-D of the  
 3 federal Social Security Act.

4 Sec. 104. NEW SECTION. 252E.16 SCOPE AND EFFECT.

5 1. The provisions of this chapter take effect July  
 6 1, 1990, for all support orders entered pursuant to  
 7 chapter 234, 252A, 252C, 598, or 675.

8 2. If an obligor was ordered to provide a health  
 9 benefit plan or insurance coverage under an order  
 10 entered prior to July 1, 1990, but did not comply with  
 11 the order, insurers are not liable for medical  
 12 expenses incurred prior to July 1, 1990. However,  
 13 such an order may be implemented pursuant to the  
 14 provisions of this chapter following its enactment.  
 15 This chapter shall not be implemented retroactively;  
 16 however, previous orders for medical support not  
 17 otherwise complied with may be reduced to a dollar  
 18 amount and collected from the obligor.

19 Sec. \_\_\_\_\_. Section 598.1, subsection 2, Code 1989,  
20 is amended to read as follows:

21 2. "Support" or "support payments" means an amount  
22 which the court may require either of the parties to  
23 pay under a temporary order or a final judgment or  
24 decree, and may include alimony, child support,  
25 maintenance, and any other term used to describe these  
26 obligations. For orders entered on or after July 1,  
27 1990, unless the court specifically orders otherwise,  
28 medical support is not included in the monetary amount  
29 of child support. The obligations may include support  
30 for a child who is between the ages of eighteen and  
31 twenty-two years who is regularly attending an  
32 accredited school in pursuance of a course of study  
33 leading to a high school diploma or its equivalent, or  
34 regularly attending a course of vocational-technical  
35 training either as a part of a regular school program  
36 or under special arrangements adapted to the  
37 individual person's needs; or is, in good faith, a  
38 full-time student in a college, university, or area  
39 school; or has been accepted for admission to a  
40 college, university, or area school and the next  
41 regular term has not yet begun; or a child of any age  
42 who is dependent on the parties to the dissolution  
43 proceedings because of physical or mental disability.

44 Sec. \_\_\_\_\_. Section 598.21, subsection 4, paragraph  
45 a, Code Supplement 1989, is amended by adding the  
46 following new unnumbered paragraph:

47 NEW UNNUMBERED PARAGRAPH. Until such time as the  
48 supreme court incorporates the provision of medical  
49 support in the guidelines as required by paragraph  
50 "c", the court shall order as child medical support a

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1 health benefit plan as defined in chapter 252E if  
2 available to either parent at a reasonable cost. A  
3 health benefit plan is considered reasonable in cost  
4 if it is employment-related or other group health  
5 insurance, regardless of the service delivery  
6 mechanism. The premium cost of the health benefit  
7 plan may be considered by the court as a reason for  
8 varying from the child support guidelines. If a  
9 health benefit plan is not available at a reasonable  
10 cost, the court may order any other provisions for  
11 medical support as defined in chapter 252E.

12 Sec. \_\_\_\_\_. Section 598.21, Code Supplement 1989, is  
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 8A. Notwithstanding subsection 8,  
15 a substantial change of circumstances exists when the  
16 court order for child support deviates without  
17 explanation as to the reason for deviation from the

18 child support guidelines established pursuant to  
 19 section 598.21, subsection 4. Upon application for a  
 20 modification of an order for child support where  
 21 services are being received pursuant to chapter 252B,  
 22 the court shall act in accordance with section 598.21,  
 23 subsection 4.

24 Sec. \_\_\_\_\_. Section 598.22, unnumbered paragraph 1,  
 25 Code 1989, is amended to read as follows:

26 This Except as otherwise provided in section  
 27 598.22A, this section applies to all initial or  
 28 modified orders for support entered under this  
 29 chapter, chapter 234, 252A, 252C, 675, or any other  
 30 chapter of the Code. All orders or judgments entered  
 31 under chapter 234, 252A, 252C, or 675, or under this  
 32 chapter or any other chapter which provide for  
 33 temporary or permanent support payments shall direct  
 34 the payment of those sums to the clerk of the district  
 35 court or the collection services center in accordance  
 36 with section 252B.14 for the use of the person for  
 37 whom the payments have been awarded. Payments to  
 38 persons other than the clerk of the district court and  
 39 the collection services center do not satisfy the  
 40 support obligations created by the orders or  
 41 judgments, except as provided for trusts governed by  
 42 the federal Retirement Equity Act of 1984, Pub. L. No.  
 43 98-397, for tax refunds or rebates in section  
 44 602.8102, subsection 47, or for dependent benefits  
 45 paid to the child support obligee as the result of  
 46 disability benefits awarded to the child support  
 47 obligor under the federal Social Security Act. For  
 48 trusts governed by the federal Retirement Equity Act  
 49 of 1984, Pub. L. No. 98-397, the assignment of income  
 50 shall require the payment of such sums to the

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1 alternate payee in accordance with the federal Act.  
 2 Sec. \_\_\_\_\_. Section 598.22, Code 1989, is amended by  
 3 adding the following new unnumbered paragraph:  
 4 NEW UNNUMBERED PARAGRAPH. For the purpose of  
 5 enforcement, medical support is additional support  
 6 which, upon being reduced to a dollar amount, may be  
 7 collected through the same remedies available for the  
 8 collection and enforcement of child support.  
 9 Sec. 105. NEW SECTION. 598.22A SATISFACTION OF  
 10 SUPPORT PAYMENTS.  
 11 Notwithstanding sections 252B.14 and 598.22,  
 12 support payments ordered pursuant to any support  
 13 chapter for orders entered on or after July 1, 1985,  
 14 which are not made pursuant to the provisions of  
 15 section 252B.14 or 598.22, shall be credited only as  
 16 provided in this section.

17 1. For payment made pursuant to an order entered  
18 on or after July 1, 1985, the clerk of the district  
19 court or collection services center shall record a  
20 satisfaction as a credit on the official support  
21 payment record if its validity is confirmed by the  
22 court upon submission of an affidavit by the person  
23 entitled to receive the payment, after notice is given  
24 to all parties.

25 2. For purposes of this section, the state is a  
26 party to which notice shall be given when public funds  
27 have been expended pursuant to chapter 234, 239, or  
28 249A, or similar statutes in another state. If proper  
29 notice is not given to the state when required, any  
30 order of satisfaction is void.

31 3. The court shall not enter an order for  
32 satisfaction of payments not made through the clerk of  
33 the district court or collection services center if  
34 those payments have been assigned as a result of  
35 public funds expended pursuant to chapter 234, 239, or  
36 249A, or similar statutes in other states.

37 Sec. \_\_\_\_\_. Section 675.25, Code Supplement 1989, is  
38 amended to read as follows:

39 675.25 FORM OF JUDGMENT – CONTENTS OF SUPPORT  
40 ORDER – COSTS.

41 Upon a finding or verdict of paternity pursuant to  
42 section 675.24, the court shall establish the father's  
43 monthly support payment and the amount of the support  
44 debt accrued or accruing pursuant to section 598.21,  
45 subsection 4, until the child reaches majority or  
46 until the child finishes high school, if after  
47 majority. The court may order the father to pay  
48 amounts the court deems appropriate for the past  
49 support and maintenance of the child and for the  
50 reasonable and necessary expenses incurred by or for

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1 the mother in connection with prenatal care, the birth  
2 of the child, and postnatal care of the child and the  
3 mother, and other medical support as defined in  
4 section 252E.1. The court may award the prevailing  
5 party the reasonable costs of suit, including but not  
6 limited to reasonable attorney fees.

7 Sec. \_\_\_\_\_. NEW SECTION. 675.33 LIMITATIONS OF  
8 ACTIONS.

9 1. An action to establish paternity and support  
10 under this chapter may be brought within the time  
11 limitations set forth in section 614.8.

12 2. Notwithstanding subsection 1, an action to  
13 establish paternity and support under this chapter may  
14 be brought concerning a person who was under age  
15 eighteen on August 16, 1984, regardless of whether any

16 prior action was dismissed because a statute of  
 17 limitations of less than eighteen years was then in  
 18 effect. Such an action may be brought within the time  
 19 limitations set forth in section 614.8, or until July  
 20 2, 1992, whichever is later.

21 Sec. \_\_\_\_\_. RULES.

22 The department of human services may adopt  
 23 administrative rules under section 17A.4, subsection  
 24 2, and section 17A.5, subsection 2, paragraph "b", to  
 25 implement the provisions of sections 101, 102, and 103  
 26 through 104 of this Act, and the rules may be made  
 27 effective on or after July 1, 1990.

28 Sec. \_\_\_\_\_.

29 Section 105 of this Act applies retroactively to  
 30 payments under support orders entered on or after July  
 31 1, 1985."

32 \_\_\_\_\_. Title page, by striking lines 1 and 2 and  
 33 inserting the following: "An Act relating to  
 34 satisfaction of a support order by direct payment to  
 35 the person who is to receive the payment, medical  
 36 support for children receiving child support,  
 37 modification of child support orders, child support  
 38 enforcement, determination of paternity and  
 39 establishment of past child support obligations,  
 40 establishing an advisory committee, and providing an  
 41 effective date for certain provisions." " " "

Amendment H—6126 was adopted, placing out of order amend-  
 ment H—6103, found on page 2004 of the House Journal, previously  
 adopted.

The following amendment H—6135, to amendment H—6089, to  
 the Senate amendment H—5837, as amended, filed by Haverland of  
 Polk from the floor, was adopted by unanimous consent:

H—6135

1 Amend Senate amendment, H—5837, to House File 2422,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 14, line 37, by inserting before the word  
 5 "orders" the following: "and custody".

On motion by Haverland of Polk, amendment H—6089, as  
 amended, to the Senate amendment H—5837, was adopted.

On motion by Haverland of Polk, the House concurred in the  
 Senate amendment H—5837, as amended.

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

On the question "Shall the bill pass?" (H.F. 2422)

The ayes were, 86:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Blanshan		
	Presiding		

The nays were, 7:

Bennett	Brammer	Gruhn	Jay
Neuhauser	Schneklath	Shultz	

Absent or not voting, 7:

Chapman	Halvorson, R. A.	Hibbard	May
Muhlbauer	Stueland	Svoboda	

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

On motion by Arnould of Scott, the House was recessed at 12:25 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

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

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

Also: That the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date.

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

House File 2562, a bill for an act relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable.

Also: That the Senate has on April 5, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2011, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public.

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

Senate File 2349, a bill for an act relating to scheduled fines and court procedures for certain violations of snowmobile and all-terrain vehicle regulations, game and fish regulations, and parks.

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

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

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

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

JOHN F. DWYER, Secretary

**SENATE MESSAGE CONSIDERED**

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

Read first time and referred to committee on **appropriations**.

**IMMEDIATE MESSAGE**

(House File 2554)

Arnould of Scott asked and received unanimous consent that House File 2554 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE**

(House File 156)

Ollie of Clinton called up for consideration the report of the conference committee on House File 156 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 156**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5934.
2. That House File 156, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. NEW SECTION. 517.7 WORKERS' COMPENSATION PREMIUMS.

The insurance division of the department of commerce shall adopt rules providing that a workers' compensation insurance premium paid by an employer in the construction industry, as defined in the rules of the division of job service of the department of employment services, shall consist of two parts, one part relating to payment of medical costs based on hours worked and one part relating to payment of all other workers' compensation-related benefits based on payroll."

**ON THE PART OF THE HOUSE:**

C: ARTHUR OLLIE, Chair  
KAY CHAPMAN  
GARY SHERZAN

**ON THE PART OF THE SENATE:**

RICHARD RUNNING, Chair  
DONALD GETTINGS  
WILLIAM D. PALMER

A non-record roll call was requested.

The ayes were 48, nays 34.

The motion prevailed and the conference committee report was adopted.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 156)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shultz	Spear	Svoboda
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 42:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Fuller	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf
Millèr	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shoning
Siegrist	Spenner	Tabor	Trent
Tyrrell	Van Maanen		

Absent or not voting, 3:

Hatch	Stueland	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 156)

Arnould of Scott asked and received unanimous consent that House File 156 be immediately messaged to the Senate.

**MOTION TO RECONSIDER PREVAILED**  
(Senate File 2018)

Doderer of Johnson called up for consideration the motion to reconsider Senate File 2018, filed on March 26, 1990, and moved to reconsider the vote by which Senate File 2018, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district, passed the House and was placed on its last reading on March 26, 1990.

A non-record roll call was requested.

The ayes were 52, nays 24.

The motion prevailed and the House reconsidered Senate File 2018, placing out of order the motion to reconsider filed by Hanson of Delaware on March 26, 1990.

**House Refused to Concur**

Doderer of Johnson asked for unanimous consent to reconsider the vote by which the House concurred in the Senate amendment H-5782.

Objection was raised.

Doderer of Johnson moved to reconsider the vote by which the House concurred in the Senate amendment H-5782, found on page 1420 of the House Journal.

A non-record roll call was requested.

The ayes were 43, nays 23.

The motion prevailed and Senate amendment H-5782 was reconsidered.

Connors of Polk moved that the House concur in the Senate amendment H-5782.

A non-record roll call was requested.

The ayes were 21, nays 35.

The motion lost and the House refused to concur in the Senate amendment H-5782.

**IMMEDIATE MESSAGE**  
(Senate File 2018)

Arnould of Scott asked and received unanimous consent that Senate File 2018 be immediately messaged to the Senate.

**HOUSE INSISTS**

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

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 2413)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2413: Jay of Appanoose, Chair; Sherzan of Polk, Trent of Muscatine, Harbor of Mills and Peterson of Carroll.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2403**, a bill for an act relating to energy efficiency, previously deferred and placed on the unfinished business calendar.

The House stood at ease at 3:53 p.m., until the fall of the gavel.

The House resumed session and consideration of **Senate File 2403** at 4:13 p.m., Tabor of Jackson in the chair.

Johnson of Winneshiek asked and received unanimous consent to withdraw amendment H—5655 filed by the committee on energy and environmental protection on March 13, 1990, placing out of order the following amendments, to the committee amendment H—5655:

- H—5670 filed by Osterberg of Linn on March 14, 1990.
- H—5675 filed by McKean of Jones on March 14, 1990.
- H—5905 filed by Jay, et al., on March 27, 1990.
- H—5906 filed by Bisignano, et al., on March 27, 1990.
- H—5913 filed by Peterson of Carroll, et al., on March 28, 1990.

Johnson of Winneshiek offered the following amendment H—6007 filed by him:

H—6007

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "include" the following: "for those agencies which
- 5 pay for energy directly".
- 6 2. Page 3, line 32, by inserting after the word
- 7 "management," the following: "state building code
- 8 director, and state fire marshal,".
- 9 3. Page 4, line 11, by inserting after the word
- 10 "agency." the following: "The report shall also
- 11 address potential redundancy and conflicts within
- 12 existing state law regarding life cycle cost analysis
- 13 and recommend the resolution of any problems which are
- 14 identified."
- 15 4. Page 7, line 18, by striking the figure "1991"
- 16 and inserting the following: "1992".
- 17 5. Page 7, line 20, by striking the figure "1992"
- 18 and inserting the following: "1993".
- 19 6. Page 7, line 21, by striking the figure "1993"
- 20 and inserting the following: "1994".
- 21 7. Page 7, line 22, by striking the figure "1994"
- 22 and inserting the following: "1995".
- 23 8. Page 7, line 24, by striking the figure "1994"
- 24 and inserting the following: "1995".

- 25 9. By striking page 7, line 31, through page 8,  
 26 line 8.
- 27 10. Page 8, by striking lines 15 through 22, and  
 28 inserting the following: "continued, or renewed."
- 29 11. Page 8, line 23, by striking the words "prime  
 30 design professional" and inserting the following:  
 31 "designer".
- 32 12. Page 8, line 34, by striking the words "or  
 33 approved".
- 34 13. Page 9, by striking lines 14 through 17.
- 35 14. Page 10, line 9, by inserting after the words  
 36 "energy efficiency" the following: ", including, but  
 37 not limited to such persons as electrical engineers,  
 38 mechanical engineers, architects, and builders".
- 39 15. Page 10, line 13, by striking the words  
 40 "design professionals" and inserting the following:  
 41 "designers".
- 42 16. Page 10, line 22, by striking the figure  
 43 "1995" and inserting the following: "1996".
- 44 17. Page 10, line 24, by striking the figure  
 45 "1995" and inserting the following: "1996".
- 46 18. Page 10, line 25, by striking the figure  
 47 "1996" and inserting the following: "1997".
- 48 19. Page 11, line 7, by striking the words  
 49 "Design professional" and inserting the following:  
 50 "Designer".

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- 1 20. Page 11, line 9, by striking the words "  
 2 whether a registered design professional or not,".  
 3 21. By renumbering as necessary.

Schrader of Marion offered the following amendment H-6049, to amendment H-6007, filed by him and moved its adoption:

#### H-6049

- 1 Amend amendment, H-6007, to Senate File 2403, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 27 and 28, and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 8, by striking lines 10 through 22,  
 7 and inserting the following: "prospective lessee  
 8 whose rent does not include energy cost upon request."  
 9 2. By renumbering as necessary.

Amendment H-6049 was adopted.

On motion by Johnson of Winneshiek, amendment H-6007, as amended, was adopted.

Neuhauser of Johnson offered the following amendment H—5973 filed by Neuhauser, et al.:

H—5973

1 Amend Senate File 2403, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 28, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 18.115, subsection 4,  
6 unnumbered paragraph 2, Code Supplement 1989, is  
7 amended to read as follows:

8 In conjunction with the requirements of section  
9 18.3, subsection 1, effective January 1, 1990 1991,  
10 the state vehicle dispatcher, and any other state  
11 agency or local governmental political subdivision  
12 purchasing motor vehicles for other than law  
13 enforcement purposes, shall each year purchase new  
14 passenger automobiles vehicles and light trucks such  
15 that the average fuel efficiency for the fleet of new  
16 passenger automobiles vehicles and light trucks  
17 purchased in that year by the state vehicle dispatcher  
18 is not less than two miles per gallon under or other  
19 state agency or local governmental political  
20 subdivision equals or exceeds the average fuel economy  
21 standard for the automobiles' vehicles' model year as  
22 established by the United States secretary of  
23 transportation under 15 U.S.C. § 2002. This paragraph  
24 does not apply to automobiles vehicles purchased for  
25 any of the following: law enforcement purposes; off-  
26 road maintenance work; or work vehicles used to pull  
27 loaded trailers. The group of comparable automobiles  
28 vehicles within the total fleet purchased by the state  
29 vehicle dispatcher, or any other state agency or local  
30 governmental political subdivision purchasing motor  
31 vehicles for other than law enforcement purposes,  
32 shall have an average fuel efficiency rating not less  
33 than two miles per gallon under equal to or exceeding  
34 the average fuel economy rating for that model year  
35 for that class of comparable automobiles vehicles as  
36 defined in 40 C.F.R. § 315-82. As used in this  
37 paragraph, "fuel economy" means the average number of  
38 miles traveled by an automobile per gallon of gasoline  
39 consumed as determined by the United States  
40 environmental protection agency administrator in  
41 accordance with 26 U.S.C. § 4064(c). For purposes of  
42 this paragraph, "state agency" includes, but is not  
43 limited to, a community college or an institution  
44 under the control of the state board of regents."

45 2. By striking page 1, line 31, through page 2,  
46 line 13.

47 3. Page 2, line 14, by striking the letter "b"  
48 and inserting the following: "a".

49 4. Page 3, by striking line 3 and inserting the  
50 following:

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1 "b. As used in paragraph "a", "fuel economy"  
2 means".

3 5. Page 12, by striking lines 3 through 16, and  
4 inserting the following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 214A.19 DEMONSTRATION  
6 GRANTS AUTHORIZED.

7 1. The department of natural resources,  
8 conditioned upon the availability of funds, is  
9 authorized to award demonstration grants to persons  
10 who purchase vehicles which operate on alternative  
11 fuels, including but not limited to, high blend  
12 ethanol, compressed natural gas, electricity, solar  
13 energy, or hydrogen. A grant shall be for the purpose  
14 of conducting research connected with the fuel or the  
15 vehicle, and not for the purchase of the vehicle  
16 itself, except that the money may be used for the  
17 purchase of the vehicle if all of the following  
18 conditions are satisfied:

19 a. The department retains the title to the  
20 vehicle.

21 b. The vehicle is used for continuing research.

22 c. If the vehicle is sold or when the research  
23 related to the vehicle is completed, the proceeds of  
24 the sale of the vehicle shall be used for additional  
25 research."

26 6. Page 12, by striking lines 18 through 24, and  
27 inserting the following: "governors of other states  
28 willing to cooperate to establish an alternative fuels  
29 consortium. The purposes of the consortium may  
30 include, but are not limited to, coordinating the  
31 research, production, and marketing of alternative  
32 fuels within the participating states. The consortium  
33 may also coordinate presentation of consortium policy  
34 on alternative fuels to automakers and federal  
35 regulatory authorities."

36 7. By striking page 23, line 7, through page 25,  
37 line 13, and inserting the following:

38 "Sec. \_\_\_\_\_.  
39

40 1. The state department of transportation, in  
41 consultation with units of local government, including  
42 representatives of cities of 200,000 or more  
43 population, cities of 50,000 or more but less than  
44 200,000 population, and cities under 50,000  
45 population, shall conduct, conditioned upon the  
46 availability of funds, a comprehensive study of the  
47 relationship between transportation planning, systems  
48 development, and management to urban and rural  
49 development, land use planning, and energy demand.  
50 The purpose of the study shall be to identify  
opportunities to improve the long-term energy

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1 efficiency of transportation, as well as to improve  
2 traffic safety and service. The results of the study  
3 shall be reported to the general assembly and shall  
4 contain recommended policies and legislation.

5 The department may use any appropriation or other  
6 funds available to it for the purpose of this study,  
7 may contract with one or more universities located  
8 within the state for assistance with the study, and  
9 may contract with consultants for assistance with the  
10 study as necessary. An interim report shall be made  
11 to the general assembly by January 31, 1991.

12 2. The study shall include where appropriate:

13 a. An energy demand and planning survey to  
14 determine the amounts of energy which is consumed for  
15 transportation related purposes.

16 b. An analysis of regional commuting patterns.

17 c. Development of alternatives to commuting by  
18 single occupant motor vehicles, including:

19 (1) A feasibility study for implementing light  
20 rail passenger service as an alternative to highway  
21 construction or expansion, including specifically  
22 providing commuter service on existing rail lines in  
23 the Cedar Rapids-Iowa City area and the Des Moines-  
24 Ames area.

25 (2) A feasibility study for implementing high  
26 occupancy vehicle (HOV) lanes during rush hours on  
27 urban controlled access freeways or interstate  
28 highways within metropolitan areas.

29 d. An evaluation of the need to conduct a trial  
30 program, for a six-month period at minimum, of a ramp  
31 metering system on at least one metropolitan  
32 interchange of the interstate highway system.

33 e. The preparation of model legislation or rules  
34 to encourage the creation and use of vanpools or  
35 carpools for commuters. Proposed legislation or rules  
36 may include, but are not limited to, an interest-free  
37 loan program for vanpools and other incentives for the  
38 formulation and operation of vanpools or carpools.

39 f. The preparation of a feasibility study of using  
40 bike and pedestrian ways for movement of people from  
41 residential areas to work centers as an alternative to  
42 motor vehicles.

43 g. An analysis of the costs of each possible  
44 solution which shall include environmental, health,  
45 and other costs or benefits which are not otherwise  
46 accounted for.

47 Sec. \_\_\_\_\_

48 The state department of transportation shall,  
49 conditioned upon the availability of funds, compile an  
50 inventory of traffic signals and their use in the

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1 state. The inventory shall be detailed enough to  
2 allow consideration of the appropriateness of the  
3 signals and their operation following the most current  
4 policies both as identified by the institute of  
5 transportation engineers and identified in the manual  
6 on uniform traffic control devices for streets and  
7 highways by the federal highway administration. The  
8 assessment shall consider what improvements, if any,  
9 should be made to signals to improve energy  
10 efficiency, safety, and traffic service, and shall  
11 consider what signals, if any, should be eliminated.  
12 The department may identify and add other classes of  
13 or uses of traffic control devices to the inventory,  
14 and review the impact on energy usage, safety, and  
15 traffic service of specified classes of traffic  
16 control devices. The department shall recommend as  
17 part of the comprehensive report any changes needed in  
18 state statutes or policy to provide for the improved  
19 management, control, and use of all traffic devices.  
20 The inventory with a summary report shall be submitted  
21 to the general assembly on or before January 31, 1992.

## 22 Sec. \_\_\_\_\_.

23 1. The state department of transportation, in  
24 consultation with the department of management and  
25 other appropriate public agencies, shall recommend  
26 projects including but not limited to projects to  
27 encourage additional public employees to carpool,  
28 vanpool, or use public transportation.

29 2. Funds repaid from state transit assistance  
30 loans pursuant to section 307.38 may be used as  
31 necessary to provide the incentives for the projects.

32 3. The state department of transportation, in  
33 consultation with the department of management, shall  
34 report the recommendations to the general assembly on  
35 or before January 1, 1991.

36 4. The report shall include the cost of providing  
37 parking spaces at representative locations owned or  
38 operated by state government, including the capitol  
39 complex.

40 5. The report shall recommend specific sources of  
41 funding for incentives and other related expenses for  
42 promotion and administration.

## 43 Sec. \_\_\_\_\_.

44 The department of management, in consultation with  
45 the department of natural resources, division of  
46 energy and geological resources, shall conduct an  
47 interest survey of state employees' interest in and  
48 willingness to use telecommuting. The survey shall  
49 especially target state employees whose primary duties  
50 and services are typically performed by phone or upon

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1 a computer, and who currently have access to a  
2 computer or other telecommunication equipment at work,  
3 but need not be limited to such employees. The  
4 results of the survey shall be presented to the  
5 general assembly on or before January 15, 1991.

6 Sec. \_\_\_\_\_.

7 The department of natural resources shall make  
8 recommendations to reduce fuel costs and other  
9 expenses incurred by local school districts in both  
10 urban and rural areas to transport students. The  
11 recommendations may include methods or criteria for  
12 the bus scheduling and other strategies deemed  
13 economically feasible by the department.

14 Sec. \_\_\_\_\_.

15 The state board of education shall require driver  
16 education courses offered by schools under the board's  
17 jurisdiction to include instruction in the following  
18 additional subject areas:

19 1. Routine maintenance of motor vehicles to  
20 maximize energy efficiency and safety.

21 2. Operation of motor vehicles to maximize energy  
22 efficiency and safety.

23 Sec. \_\_\_\_\_.

24 The department of natural resources, subject to the  
25 availability of funds, shall contract with a qualified  
26 person or persons to offer a free car care clinic at  
27 least fourteen sites geographically distributed  
28 throughout the state. Each such clinic shall inspect  
29 vehicles of attendees and instruct owners and  
30 operators of motor vehicles in the maintenance of  
31 motor vehicles to maximize energy efficiency. Vehicle  
32 inspections conducted at the clinic may include minor  
33 adjustments, including, but not limited to, adjusting  
34 belt tensions or inflating tires. The department  
35 shall cooperate with appropriate vocational  
36 educational programs to utilize students skilled in  
37 the field to the extent possible. The administrator  
38 shall coordinate with local officials and vocational  
39 educational programs for each site the scheduling and  
40 promotion of the clinic."

41 8. By striking page 25, line 14, through page 26,  
42 line 20.

43 9. By striking page 26, line 21, through page 28,  
44 line 20 and inserting the following:

45 "Sec. \_\_\_\_\_.

46 The department of natural resources shall develop a  
47 proposal to phase in on a statewide basis, or on a  
48 multistate basis, automotive tailpipe emission  
49 standards as established by the state of California as  
50 of January 1, 1990. The department shall submit the

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- 1 proposal to the general assembly on or before January
- 2 15, 1991."
- 3 10. By renumbering as necessary.

Neuhauser of Johnson offered the following amendment H—6136, to amendment H—5973, filed by her from the floor and moved its adoption:

H—6136

- 1 Amend the amendment, H—5973, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 12, by inserting before the word
- 5 "motor" the following: "new".
- 6 2. Page 1, line 25, by inserting after the word
- 7 "purposes;" the following: "school buses;".

Amendment H—6136 was adopted.

Speaker Avenson in the chair at 4:45 p.m.

On motion by Neuhauser of Johnson, amendment H—5973, as amended, was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin, for the remainder of the day, on request of Fogarty of Palo Alto.

Swartz of Marshall offered the following amendment H—6141 filed by him from the floor and moved its adoption:

H—6141

- 1 Amend Senate File 2403 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 28, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 15.109, Code 1989, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 3. At the time the department
- 8 approves assistance for an applicant, provides the
- 9 person with information regarding the nature and
- 10 source of other technical assistance available in the
- 11 state to assist the applicant on design and management
- 12 matters concerning energy efficiency and waste
- 13 reduction. The department shall review the extent to
- 14 which recommendations made to grantees are in fact
- 15 implemented by the grantees."
- 16 2. Page 13, by striking lines 2 through 11.
- 17 3. By renumbering as necessary.

Amendment H—6141 was adopted.

Osterberg of Linn offered the following amendment H—6127 filed by him:

H—6127

1 Amend Senate File 2403, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, lines 23 and 24, by striking the words  
4 "to produce each dollar of gross state product".

5 2. Page 13, by inserting after line 1, the  
6 following:

7 "Sec. \_\_\_\_\_ NEW SECTION. 266.39C THE IOWA ENERGY  
8 CENTER.

9 1. The Iowa energy center is established at Iowa  
10 state university of science and technology. The  
11 center shall strive to increase energy efficiency in  
12 all areas of Iowa energy use. The center shall serve  
13 as a model for state efforts to decrease dependence on  
14 imported fuels and to decrease reliance on energy  
15 production from nonrenewable, resource-depleting  
16 fuels. The center shall conduct and sponsor research  
17 on energy efficiency and conservation that will  
18 improve the environmental, social, and economic well-  
19 being of Iowans, minimize the environmental impact of  
20 existing energy production and consumption, and reduce  
21 the need to add new power plants.

22 The center shall assist Iowans in assessing  
23 technology related to energy efficiency and  
24 alternative energy production systems and shall  
25 support educational and demonstration programs that  
26 encourage implementation of energy efficiency and  
27 alternative energy production systems.

28 The center shall also conduct and sponsor research  
29 to develop alternative energy systems that are based  
30 upon renewable sources and that will reduce the  
31 negative environmental and economic impact of energy  
32 production systems.

33 2. An advisory council is established consisting  
34 of the following members:

35 a. One person from Iowa state university of  
36 science and technology, appointed by its president.

37 b. One person from the university of Iowa,  
38 appointed by its president.

39 c. One person from the university of northern  
40 Iowa, appointed by its president.

41 d. One representative of private colleges and  
42 universities within the state, to be nominated by the  
43 Iowa association of independent colleges and  
44 universities, and appointed by the Iowa coordinating  
45 council for post-high school education.

46 e. One representative of community colleges,  
47 appointed by the state board for community colleges.

48 f. One representative of the energy and geological  
49 resources division of the department of natural

50 resources, appointed by the director.

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- 1 g. One representative of the state department of  
2 transportation, appointed by the director.
- 3 h. One representative of the office of consumer  
4 advocate, appointed by the consumer advocate.
- 5 i. One representative of the utilities board,  
6 appointed by the utilities board.
- 7 j. One representative of the rural electric  
8 cooperatives, appointed by the governing body of the  
9 Iowa association of electric cooperatives.
- 10 k. One representative of municipal utilities,  
11 appointed by the governing body of the Iowa  
12 association of municipal utilities.
- 13 l. Two representatives from investor-owned  
14 utilities, one representing gas utilities, appointed  
15 by the Iowa utility association, and one representing  
16 electric utilities, appointed by the Iowa utility  
17 association.
- 18 The terms of the members shall begin and end as  
19 provided in section 69.19 and any vacancy shall be  
20 filled by the original appointing authority. The  
21 terms shall be for four years and shall be staggered  
22 as determined by the president of Iowa state  
23 university of science and technology.
- 24 3. Iowa state university of science and technology  
25 shall employ a director for the center, who shall be  
26 appointed by the president of Iowa state university of  
27 science and technology. The director of the center  
28 shall employ necessary research and support staff.  
29 The director and staff shall be employees of Iowa  
30 state university of science and technology. No more  
31 than five hundred thousand dollars of the funds made  
32 available by appropriation from state revenues in any  
33 one year shall be expended by the center for the  
34 salaries and benefits of the employees of the center,  
35 including the salary and benefits of the director.  
36 The remainder of the funds appropriated from state  
37 funds shall be used to sponsor research grants and  
38 projects submitted on a competitive basis by Iowa  
39 colleges and universities and private nonprofit  
40 agencies and foundations. The center may also solicit  
41 additional grants and funding from public and private  
42 nonprofit agencies and foundations.
- 43 The director shall prepare an annual report.
- 44 4. The advisory council shall provide the  
45 president of Iowa state university of science and  
46 technology with a list of three candidates from which  
47 the director shall be selected. The council shall  
48 provide an additional list of three candidates if  
49 requested by the president. The council shall advise  
50 the director in the development of a budget, on the

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1 policies and procedures of the center, in the funding  
2 of research grant proposals, and regarding program  
3 planning and review."

4 3. Page 13, by striking lines 20 through 26 and  
5 inserting the following: "the programs meet the  
6 requirements of this paragraph."

7 4. By striking page 13, line 27, through page 14,  
8 line 8, and inserting the following:

9 "Sec. \_\_\_\_\_. Section 476.1A, Code Supplement 1989,  
10 is amended to read as follows:

11 476.1A APPLICABILITY OF AUTHORITY — CERTAIN  
12 ELECTRIC UTILITIES.

13 Electric public utilities having less fewer than  
14 ten thousand customers and electric cooperative  
15 corporations and associations are not subject to the  
16 rate regulation authority of the board. Such  
17 utilities are subject to all other regulation and  
18 enforcement activities of the board, including:

19 1. Assessment of fees for the support of the  
20 division.

21 2. Safety and engineering standards for equipment,  
22 operations, and procedures.

23 3. Assigned area of service.

24 4. Pilot projects of the board.

25 5. Assessment of fees for the support of the Iowa  
26 energy center created in section 266.39C and the  
27 center for global warming established by the state  
28 board of regents.

29 6. Filing energy efficiency plans and energy  
30 efficiency results with the board. The board may  
31 permit these utilities to file joint plans.

32 The board may waive all or part of the energy  
33 efficiency filing and review requirements for electric  
34 cooperative corporations and associations and electric  
35 public utilities which demonstrate superior results  
36 with existing energy efficiency programs.

37 However, sections 476.20, 476.21, 476.41 through  
38 476.44, 476.51, 476.56, 476.62, and 476.66 and  
39 chapters 476A and 478, to the extent applicable, apply  
40 to such electric utilities.

41 Electric cooperative corporations and associations  
42 and electric public utilities exempt from rate  
43 regulation under this section shall not make or grant  
44 any unreasonable preferences or advantages as to rates  
45 or services to any person or subject any person to any  
46 unreasonable prejudice or disadvantage.

47 The board of directors or the membership of an  
48 electric cooperative corporation or association  
49 otherwise exempt from rate regulation may elect to  
50 have the cooperative's rates regulated by the board.

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1 The board shall adopt rules prescribing the manner in  
2 which the board of directors or the membership of an  
3 electric cooperative may so elect. If the board of  
4 directors or the membership of an electric cooperative  
5 has elected to have the cooperative's rates regulated  
6 by the board, after two years have elapsed from the  
7 effective date of such election the membership of the  
8 electric cooperative may elect to exempt the  
9 cooperative from the rate regulation authority of the  
10 board."

11 5. Page 14, by striking lines 9 through 27 and  
12 inserting the following:

13 "Sec. \_\_\_\_\_. Section 476.1B; Code Supplement 1989,  
14 is amended to read as follows:

15 476.1B APPLICABILITY OF AUTHORITY – MUNICIPALLY  
16 OWNED UTILITIES.

17 1. Unless otherwise specifically provided by  
18 statute, a municipally owned utility is not subject to  
19 regulation by the board under this chapter, except for  
20 regulatory action pertaining to:

21 a. Assessment of fees for the support of the  
22 division and the office of consumer advocate, as set  
23 forth in section 476.10.

24 b. Safety standards.

25 c. Assigned areas of service, as set forth in  
26 sections 476.22 through 476.26.

27 d. Enforcement of civil penalties pursuant to  
28 section 476.51.

29 e. Disconnection of service, as set forth in  
30 section 476.20.

31 f. Discrimination against users of renewable  
32 energy resources, as set forth in section 476.21.

33 g. Encouragement of alternate energy production  
34 facilities, as set forth in sections 476.41 through  
35 476.45.

36 h. Enforcement of section 476.56.

37 i. Enforcement of section 476.66.

38 j. Enforcement of section 476.62.

39 2. Municipally owned utilities shall be required  
40 to adhere to the requirements of the following  
41 sections of the Code but all rules and regulations to  
42 enforce these sections shall lie with each local  
43 municipal utility's governing board. The board has no  
44 authority concerning these sections as they apply to  
45 municipal utilities:

46 a. Peak load management techniques, as set forth  
47 in section 476.17.

48 b. Promulgation of rules concerning the use of  
49 energy conservation strategies, as set forth in  
50 section 476.2.

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1 k. Assessment of fees for the support of the Iowa  
2 energy center created in section 266.39C and the  
3 global warming center created by the state board of  
4 regents.

5 l. Filing energy efficiency plans and energy  
6 efficiency results with the board. The board may  
7 permit these utilities to file joint plans.

8 2. The board may waive all or part of the energy  
9 efficiency filing and review requirements for  
10 municipally owned utilities which demonstrate superior  
11 results with existing energy efficiency programs."

12 6. By striking page 14, line 28, through page 15,  
13 line 2, and inserting the following:

14 "Sec. \_\_\_\_\_. Section 476.1C, subsection 1, Code  
15 1989, is amended to read as follows:

16 1. Gas public utilities having less fewer than two  
17 thousand customers are not subject to the regulation  
18 authority of the utilities board under this chapter  
19 unless otherwise specifically provided. Sections  
20 476.10, 476.20, 476.21, and 476.51 apply to such gas  
21 utilities.

22 Gas public utilities having fewer than two thousand  
23 customers shall be subject to the assessment of fees  
24 for the support of the Iowa energy center created in  
25 section 266.39C and the global warming center created  
26 by the state board of regents and shall file energy  
27 efficiency plans and energy efficiency results with  
28 the board. The board may waive all or part of the  
29 energy efficiency filing requirements if the gas  
30 utility demonstrates superior results with existing  
31 energy efficiency programs.

32 Gas public utilities having less fewer than two  
33 thousand customers shall keep books, accounts, papers  
34 and records accurately and faithfully in the manner  
35 and form prescribed by the board. The board may  
36 inspect the accounts of the utility at any time.

37 A gas public utility having less fewer than two  
38 thousand customers may make effective a new or changed  
39 rate, charge, schedule, or regulation after giving  
40 written notice of the proposed new or changed rate,  
41 charge, schedule, or regulation to all affected  
42 customers served by the public utility. The notice  
43 shall inform the customers of their right to petition  
44 for a review of the proposal to the utilities board  
45 within sixty days after notice is served if the  
46 petition contains the signatures of at least one  
47 hundred of the gas utility's customers. The notice  
48 shall state the address of the utilities board. The  
49 new or changed rate, charge, schedule, or regulation  
50 takes effect sixty days after such valid notice is

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1 served unless a petition for review of the new or  
2 changed rate, charge, schedule, or regulation signed  
3 by at least one hundred of the gas utility's customers  
4 is filed with the board prior to the expiration of the  
5 sixty-day period.

6 If such a valid petition is filed with the board  
7 within the sixty-day period, any new or changed rate,  
8 charge, schedule, or regulation shall take effect,  
9 under bond or corporate undertaking, subject to refund  
10 of all amounts collected in excess of those amounts  
11 which would have been collected under the rates or  
12 charges finally approved by the board. The board  
13 shall within five months of the date of filing make a  
14 determination of just and reasonable rates based on a  
15 review of the proposal, applying established  
16 regulatory principles. The board may call upon the  
17 gas public utility and its customers to furnish  
18 factual evidence in support of or opposition to the  
19 new or changed rate, charge, schedule, or regulation.  
20 If the gas public utility disputes the finding, the  
21 utility may within twenty days file for further  
22 review, and the board shall docket the case as a  
23 formal proceeding under section 476.6, subsection 7,  
24 and set the case for hearing. The gas public utility  
25 shall submit factual evidence and written argument in  
26 support of the filing.

27 A gas public utility having less fewer than two  
28 thousand customers shall not make effective a new or  
29 changed rate, charge, schedule, or regulation which  
30 relates to services for which a rate change is pending  
31 within twelve months following the date the petition  
32 to review the prior proposed rate, charge, schedule,  
33 or regulation was filed with the board or until the  
34 board has made its determination of just and  
35 reasonable rates, whichever date is earlier, unless  
36 the utility applies to the board for authority and  
37 receives authority to make a subsequent rate change at  
38 an earlier date.

39 Gas public utilities having less fewer than two  
40 thousand customers shall not make or grant any  
41 unreasonable preferences or advantages as to rates or  
42 services to any person or subject any person to any  
43 unreasonable prejudice or disadvantage. Rates charged  
44 by a gas public utility having less than two thousand  
45 customers for transportation of customer-owned gas  
46 shall not exceed the actual cost of such  
47 transportation services including a fair rate of  
48 return."

49 7. Page 15, by striking lines 3 and 4, and  
50 inserting the following:

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1 "Sec. \_\_\_\_\_. Section 476.2, Code 1989, is amended to  
2 read as follows:

3 476.2 POWERS — RULES.

4 1. The board shall have broad general powers to  
5 effect the purposes of this chapter notwithstanding  
6 the fact that certain specific powers are hereinafter  
7 set forth. The board shall have authority to issue  
8 subpoenas and to pay the same fees and mileage as are  
9 payable to witnesses in the courts of record of  
10 general jurisdiction and shall establish all needful,  
11 just and reasonable rules, not inconsistent with law,  
12 to govern the exercise of its powers and duties, the  
13 practice and procedure before it, and to govern the  
14 form, contents and filing of reports, documents and  
15 other papers provided for in this chapter or in the  
16 board's rules. In the establishment, amendment,  
17 alteration or repeal of any of such rules, the board  
18 shall be subject to the provisions of chapter 17A.

19 2. The board shall employ at rates of compensation  
20 consistent with current standards in industry such  
21 professionally trained engineers, accountants,  
22 attorneys, and skilled examiners and inspectors,  
23 secretaries, clerks, and other employees as it may  
24 find necessary for the full and efficient discharge of  
25 its duties and responsibilities as required by this  
26 chapter.

27 3. The board is hereby authorized and empowered to  
28 intervene in any proceedings before the federal power  
29 commission or any other federal or state regulatory  
30 body when it finds that any decision of such tribunal  
31 would adversely affect the costs of any public utility  
32 service within the state of Iowa.

33 4. The board shall have authority to inquire into  
34 the management of the business of all public  
35 utilities, and shall keep itself informed as to the  
36 manner and method in which the same is conducted, and  
37 may obtain from any public utility all necessary  
38 information to enable the board to perform its duties.

39 The board shall promulgate rules concerning the use  
40 of energy conservation strategies by rate or service-  
41 regulated gas and electric utilities by July 1, 1981.  
42 The board may prescribe appropriate rates for any  
43 approved energy conservation program. Nothing in this  
44 paragraph subjects the rates of municipal utilities to  
45 the regulatory authority of the board.

46 5. The board shall provide to the governor and the  
47 general assembly on or before December 1, 1992, a  
48 report on the level of intended energy efficiency  
49 activity of nonrate-regulated utilities based on the  
50 energy efficiency plans previously filed by the

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1 nonrate-regulated utilities. The report shall include  
 2 any recommendations of the board for legislative  
 3 action.

4 6. The board shall provide to the governor and  
 5 general assembly on or before December 1, 1994, a  
 6 report on the results of implementation of the energy  
 7 efficiency plans filed with the board by nonrate-  
 8 regulated utilities. The report shall include any  
 9 recommendations of the board for legislative action.

10 7. The board shall notice rules concerning the  
 11 filing requirements for energy efficiency plans by  
 12 rate-regulated gas and electric utilities on or before  
 13 October 1, 1990. Rate-regulated gas and electric  
 14 utilities shall be required to file initial plans no  
 15 later than four months after the effective date of the  
 16 rules required by this subsection. The board shall  
 17 also adopt rules concerning the filing requirements  
 18 for energy efficiency plans by all other utilities."

19 8. Page 15, by striking lines 5 through 13.

20 9. By striking page 15, line 17, through page 16,  
 21 line 2.

22 10. Page 16, by striking lines 6 through 22.

23 11. Page 16, by inserting after line 25 the  
 24 following:

25 "Sec. \_\_\_\_\_. Section 476.6, subsection 17, Code  
 26 Supplement 1989, is amended to read as follows:

27 **17. COMPREHENSIVE ENERGY MANAGEMENT REQUIRED FOR**  
 28 **ELECTRIC UTILITIES.** An electric utility shall not  
 29 have an increased revenue requirement finally approved  
 30 under this section in any application for increased  
 31 rates filed on or after January 1, 1992, unless the  
 32 utilities board finds that the electric utility has in  
 33 effect a comprehensive energy management program which  
 34 meets the primary objectives of section 476A.6,  
 35 subsection 4."

36 12. Page 17, by inserting after line 12, the  
 37 following:

38 "b. An energy efficiency plan and budget shall be  
 39 designed to expend annually, at a minimum, the  
 40 following designated percentage of the gas and  
 41 electric rate-regulated utility's gross operating  
 42 revenues during the previous calendar year derived  
 43 from intrastate public utility operations:

44 (1) For electric rate-regulated utilities, two  
 45 percent.

46 (2) For gas rate-regulated utilities, one and one-  
 47 half percent.

48 A rate-regulated electric utility or rate-regulated  
 49 gas utility shall have the designated expenditure  
 50 requirement included in its energy efficiency plan and

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1 budget on or before January 1, 1992. The board may  
2 waive up to twenty-five percent of the spending  
3 requirement for an individual utility until the next  
4 biennial energy efficiency plan and budget review if  
5 the board determines after the contested case  
6 proceeding in section 476.6, subsection 19, paragraph  
7 "a", that the expenditure level of the energy  
8 efficiency programs included in the utility's approved  
9 energy efficiency plan is less than the spending  
10 requirement.

11 Energy efficiency expenditures incurred on or after  
12 July 1, 1990, may be included in a utility's initial  
13 energy efficiency plan and budget submitted pursuant  
14 to paragraph "a".

15 c. A rate-regulated utility shall submit for  
16 consideration in its energy efficiency plan, at a  
17 minimum, the following programs, where relevant to the  
18 utility's services:

19 (1) A hot water heater insulation blanket  
20 distribution program.

21 (2) A commercial lighting program.

22 (3) A rebate, coupon, or other program for  
23 purchases of goods, including but not limited to light  
24 bulbs, which contribute to energy efficiency.

25 (4) A tree planting program to moderate the  
26 physical environment and to consume atmospheric carbon  
27 dioxide resulting from burning fossil fuels within the  
28 state for energy; provided, however, that the tree  
29 planting program is not required to itself be energy  
30 efficient or cost effective.

31 (5) A cooperative program with any community  
32 action agency within the utility's service area to  
33 implement countywide or communitywide energy  
34 efficiency programs for qualified low-income persons.

35 Each of these programs, except the tree planting  
36 program contained in subparagraph (4), shall be  
37 approved as part of the utility's plan only if the  
38 board determines the program to be cost effective for  
39 that utility."

40 13. Page 17, line 13, by striking the letter "b."  
41 and inserting the following: "d."

42 14. Page 17, line 18, by inserting after the word  
43 "board" the following: "; provided, however, that the  
44 board shall not allow energy efficiency to be  
45 represented in customer billings as a separate cost or  
46 expense".

47 15. Page 17, by striking lines 26 through 30, and  
48 inserting the following: "implementation of the  
49 energy efficiency project. The board may treat the  
50 expenditures and related costs incurred by a utility

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1 pursuant to the utility's approved energy efficiency  
2 plan and budget as capital items for ratemaking  
3 purposes. Recovery pursuant to this paragraph shall  
4 not be allowed until eighteen months after the board's  
5 final order in the initial contested case to review a  
6 utility's proposed energy efficiency plan and budget  
7 pursuant to paragraph "a."

8 16. By striking page 17, line 31 through page 18,  
9 line 6, and inserting the following:

10 "e. In addition to the expenditures and related  
11 costs collected pursuant to section 476.6, subsection  
12 19, paragraph "d", if the board determines sufficient  
13 justification exists for assessing a reward or penalty  
14 on the utility for its performance regarding energy  
15 efficiency, the board may allow the utility to collect  
16 an amount as a reward or may require an amount to be  
17 deducted from the recovery of expenditures and related  
18 costs as a penalty. The rewards and penalties of this  
19 paragraph shall be in addition to the provisions of  
20 section 476.52.

21 f. The legislative council shall consider the  
22 appointment of a legislative interim study committee  
23 in 1996 to review the success or failure of the  
24 substantive and procedural provisions for energy  
25 efficiency cost recovery contained in this section.  
26 The interim study committee, if appointed, shall make  
27 recommendations to the general assembly on any  
28 required changes due to the experience gained from the  
29 previous two biennial energy efficiency plan and  
30 budget cycles."

31 17. Page 19, by inserting after line 5, the  
32 following:

33 "Sec. \_\_\_\_\_. Section 476.10, unnumbered paragraph 4,  
34 Code Supplement 1989, is amended to read as follows:

35 Whenever the board shall deem it necessary in order  
36 to carry out the duties imposed upon it in connection  
37 with rate regulation under section 476.6,  
38 investigations under section 476.3, or review  
39 proceedings under section 476.31, the board may employ  
40 additional temporary or permanent staff, or may  
41 contract with persons who are not state employees for  
42 engineering, accounting, or other professional  
43 services, or both. The costs of these additional  
44 employees and contract services shall be paid by the  
45 public utility whose rates are being reviewed in the  
46 same manner as other expenses are paid under this  
47 section. The board shall increase quarterly  
48 assessments specified in unnumbered paragraph two, by  
49 amounts necessary to enable the board to hire  
50 additional staff and contract for services under this

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1 section. The authority to hire additional temporary  
2 or permanent staff that is granted to the board by  
3 this section shall not be subject to limitation by any  
4 administrative or executive order or decision that  
5 restricts the number of state employees or the filling  
6 of employee vacancies, and shall not be subject to  
7 limitation by any law of this state that restricts the  
8 number of state employees or the filling of employee  
9 vacancies unless that law is made applicable to this  
10 section by express reference to this section. Before  
11 the board expends or encumbers an amount in excess of  
12 the funds budgeted for rate regulation and before the  
13 board increases quarterly assessments pursuant to this  
14 paragraph, the director of the department of  
15 management shall approve the expenditure or  
16 encumbrance. Before approval is given, the director  
17 of the department of management shall determine that  
18 the expenses exceed the funds budgeted by the general  
19 assembly to the board for rate regulation and that the  
20 board does not have other funds from which the  
21 expenses can be paid. Upon approval of the director  
22 of the department of management the board may expend  
23 and encumber funds for the excess expenses, and  
24 increase quarterly assessments to raise the additional  
25 funds. The board and the office of consumer advocate  
26 may add additional personnel or contract for  
27 additional assistance to review and evaluate energy  
28 efficiency plans and the implementation of energy  
29 efficiency programs including, but not limited to,  
30 professionally trained engineers, accountants,  
31 attorneys, skilled examiners and inspectors, and  
32 secretaries and clerks. The board and the office of  
33 the consumer advocate may expend additional sums  
34 beyond those sums appropriated. However, the  
35 authority to add additional personnel or contract for  
36 additional assistance must first be approved by the  
37 department of management. The additional sums shall  
38 be provided to the board and the office of the  
39 consumer advocate by the utilities subject to the  
40 energy efficiency requirements in this chapter. The  
41 assessments shall be in addition to and separate from  
42 the quarterly assessment.

43 Sec. \_\_\_\_\_. NEW SECTION. 476.10A FUNDING FOR IOWA  
44 ENERGY CENTER AND GLOBAL WARMING CENTER.

45 The board shall direct all gas and electric  
46 utilities to remit to the treasurer of state one-tenth  
47 of one percent of the total gross operating revenues  
48 during the last calendar year derived from their  
49 intrastate public utility operations. The board shall  
50 by rule provide a schedule for remittances which shall

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1 require that the first remittance be made not before  
2 July 1, 1991. The amounts collected pursuant to this  
3 section shall be in addition to the amounts permitted  
4 to be assessed pursuant to section 476.10. The board  
5 shall allow inclusion of these amounts in the budgets  
6 approved by the board pursuant to section 476.6,  
7 subsection 19, paragraph "a". Eighty-five percent of  
8 the remittances collected pursuant to this section is  
9 appropriated to the Iowa energy center created in  
10 section 266.39C. Fifteen percent of the remittances  
11 collected pursuant to this section is appropriated to  
12 the center for global warming established by the state  
13 board of regents."

14 18. Page 19, by striking lines 23 through 27, and  
15 inserting the following:

16 "Sec. \_\_\_\_\_. Section 476.43, subsection 3,  
17 unnumbered paragraph 1, Code 1989, is amended by  
18 striking the unnumbered paragraph and inserting in  
19 lieu thereof the following:

20 The board may adopt individual utility or uniform  
21 statewide facility rates. The board shall consider  
22 the following factors in setting individual or uniform  
23 rates:"

24 19. Page 19, by inserting after line 32, the  
25 following:

26 "NEW PARAGRAPH. g. If the board adopts uniform  
27 statewide rates, the board shall use representative  
28 data in lieu of utility specific information in  
29 applying the factors listed in paragraphs "a" through  
30 "f"."

31 20. Page 21, line 21, by striking the word  
32 "twenty" and inserting the following: "twenty-five".

33 21. Page 21, line 31, by striking the word  
34 "twenty" and inserting the following: "twenty-five".

35 22. Page 23, by inserting after line 6, the  
36 following:

37 "Sec. \_\_\_\_\_.  
38

39 The department of natural resources shall make  
40 recommendations to the general assembly on or before  
41 January 1, 1991, on whether Iowa should adopt  
42 appliance standards and the extent to which such state  
43 appliance standards are not preempted by federal law.  
44 As used in this section "appliance" includes, but is  
45 not limited to, air conditioners, space heaters,  
46 commercial lighting, cooling, and cooking devices, and  
47 refrigerators."

48 23. By renumbering, relettering, and  
redesignating as necessary.

Bisignano of Polk asked and received unanimous consent to defer action on amendment H-6140.

Osterberg of Linn offered the following amendment H-6137, to amendment H-6127, filed by him and Johnson of Winneshiek from the floor and moved its adoption:

H-6137

- 1 Amend the amendment, H-6127, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 9, line 2, by striking the words "up to
- 5 twenty-five percent of".
- 6 2. Page 9, lines 3 and 4, by striking the words
- 7 "until the next biennial energy efficiency plan and
- 8 budget review".
- 9 3. Page 9, by inserting after line 41, the
- 10 following:
- 11 "\_\_\_\_\_. Page 17, line 15, by striking the word
- 12 "practices" and inserting the following:
- 13 "implementation of the utility's approved energy
- 14 efficiency plan and budget"."
- 15 4. Page 9, by inserting after line 46, the
- 16 following:
- 17 "\_\_\_\_\_. Page 17, line 22, by striking the word
- 18 "may" and inserting the following: "shall"."
- 19 5. By renumbering as necessary.

Amendment H-6137 was adopted.

Muhlbauer of Crawford offered the following amendment H-6134, to amendment H-6127, filed by him and Peterson of Carroll from the floor and moved its adoption:

H-6134

- 1 Amend the amendment, H-6127, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 11, line 43, through page 12,
- 5 line 13.
- 6 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 12, nays 43.

Amendment H-6134 lost.

Bisignano of Polk asked and received unanimous consent to withdraw amendment H-6140, previously deferred, to amendment H-6127, filed by him from the floor.

On motion by Osterberg of Linn, amendment H-6127, as amended, was adopted.

The following amendments were withdrawn by unanimous consent:

H-5802 filed by Muhlbauer of Crawford on March 21, 1990.

H-5904 filed by Shearer of Louisa on March 27, 1990.

Muhlbauer of Crawford offered the following amendment H-5931 filed by him and Shearer of Louisa and moved its adoption:

H-5931

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by inserting after line 22, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 93.13A, Code Supplement 1989,
- 6 is amended by adding the following new unnumbered
- 7 paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. The department shall not
- 9 require a school district, area school, area education
- 10 agency, city, or county to perform an engineering
- 11 analysis if the school district, area education
- 12 agency, city, or county demonstrates to the department
- 13 that the facility which is the subject of the proposed
- 14 engineering analysis at issue is unlikely to be in use
- 15 or operation in six years by the governmental entity
- 16 currently using or occupying the facility."
- 17 2. By renumbering as necessary.

Amendment H-5931 was adopted.

Koenigs of Mitchell in the chair at 5:45 p.m.

Schrader of Marion offered amendment H-6047 filed by him and requested division as follows:

H-6047

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-6047A

- 3 1. Page 7, line 28, by inserting after the word
- 4 "of" the following: "new".
- 5 2. Page 7, by striking lines 29 and 30, and
- 6 inserting the following:
- 7 "2. a. The energy efficiency rating shall be
- 8 disclosed at the request of the prospective purchaser
- 9 according to the terms of the offer to purchase."
- 10 3. Page 8, line 2, by striking the word "buyer"

H-6047A

- 11 and inserting the following: "purchaser".
- 12 4. Page 8, line 6, by striking the word "buyer"
- 13 and inserting the following: "purchaser".

H-6047B

- 14 5. Page 8, by striking lines 10 through 15, and
- 15 inserting the following: "prospective lessee whose
- 16 rent does not include energy cost upon request. The
- 17 prospective lessee may withdraw an".

H-6047A

- 18 6. Page 8, line 26, by inserting after the word
- 19 "building" the following: "design".
- 20 7. Page 8, line 27, by striking the word
- 21 "guidelines" and inserting the following:
- 22 "standards".
- 23 8. Page 8, by striking lines 28 through 30 and
- 24 inserting the following: "the department."
- 25 9. Page 9, by striking lines 6 through 8, and
- 26 inserting the following:
- 27 "(3) Notice to the prospective purchaser that the
- 28 seller must disclose a building's energy efficiency
- 29 rating upon the prospective purchaser's request."
- 30 10. By renumbering as necessary.

The Speaker announced that lines 10 through 13 of amendment H-6047A were out of order with the previous adoption of amendment H-6007.

On motion by Schrader of Marion, amendment H-6047A (excluding lines 10 through 13) was adopted.

Schrader of Marion asked and received unanimous consent to withdraw amendment H-6047B.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H-6124 filed by Trent, et al., on April 4, 1990.

Hibbard of Madison offered the following amendment H-5599 filed by him and Neuhauser of Johnson and moved its adoption:

H-5599

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 28, by inserting after line 20, the
- 4 following:
- 5 "Sec. \_\_\_\_\_.
- 6 The state department of transportation, shall in
- 7 consultation with other persons expert in the field of

- 8 asphalt or cement construction, investigate the use of  
 9 asphalt or cement-based railroad bed construction for  
 10 the following classes:  
 11 1. Light passenger rail service.  
 12 2. Freight rail service.  
 13 3. Passenger rail service.  
 14 4. High speed passenger rail service.  
 15 The research shall include an analysis of the  
 16 comparative energy efficiency and life-cycle cost of  
 17 asphalt or cement-based railroad bed construction  
 18 compared to alternatives in each class of rail  
 19 service."  
 20 2. By renumbering as necessary.

Amendment H—5599 lost.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2403)

The ayes were, 72:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connors
Corbett	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Koenigs
			Presiding

The nays were, 23:

Banks	Bennett	Branstad	Carpenter
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Iverson	Kremer	Maulsby	Mertz
Miller	Peters	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	

Absent or not voting, 5:

Fuller  
Swartz

Sherzan

Stueland

Svoboda

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

Speaker Avenson in the chair at 6:00 p.m.

**IMMEDIATE MESSAGE**  
(Senate File 2403)

Arnould of Scott asked and received unanimous consent that Senate File 2403 be immediately messaged to the Senate.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2488, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act.

Also: That the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has, on April 5, 1990, insisted on its amendment to House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, and the members of the Conference Committee on the part of the Senate are: The Senator from Marion, Senator Dieleman, Chair; the Senator from Story, Senator Bruner; the Senator from Tama, Senator Husak; the Senator from Muscatine, Senator Drake; the Senator from Potawattamie, Senator Hester.

JOHN F. DWYER, Secretary

**INTRODUCTION OF BILL**

**House File 2566**, by committee on ways and means, a bill for an act relating to the repeal of a local option sales and services tax.

Read first time and placed on the **ways and means calendar**.

## SENATE MESSAGE CONSIDERED

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

Read first time and referred to committee on **appropriations**.

## SENATE AMENDMENT CONSIDERED

Osterberg of Linn called up for consideration **House File 2407**, a bill for an act relating to the designation, inventory, and protection of wetlands, providing a civil penalty for violations, and providing a property tax exemption for wetlands, amended by the Senate, and moved that the House concur in the following Senate amendment H-6115:

H-6115

- 1 Amend House File 2407, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "district" the following: "or levee district".
- 5 2. Page 5, by striking lines 23 through 28 and
- 6 inserting the following: "prairie by a county
- 7 conservation board or by the department of natural
- 8 resources in an area not served by a county
- 9 conservation board or land designated as a protected
- 10 wetland by the department of natural resources
- 11 pursuant to section 108.12. Application for the
- 12 exemption shall be made on".
- 13 3. Page 5, line 29, by inserting after the word
- 14 "finance." the following: "Land designated as a
- 15 protected wetland shall be assessed at a value equal
- 16 to the average value of the land where the wetland is
- 17 located and which is owned by the person granted the
- 18 exemption."
- 19 4. Page 6, line 9, by inserting before the word
- 20 "wetland" the following: "protected".
- 21 5. Page 6, by inserting after line 25 the
- 22 following:
- 23 "The assessing authority each year may submit to
- 24 the department a claim for reimbursement of tax
- 25 revenue lost from the exemption. Upon receipt of the
- 26 claim, the department shall reimburse the assessing
- 27 authority an amount equal to the lost tax revenue
- 28 based on the value of the protected wetland as

29 assessed by the authority, unless the department  
 30 reimburses the authority based upon a departmental  
 31 assessment of the protected wetland. The authority  
 32 may contest the department's assessment as provided in  
 33 chapter 17A. The department is not required to honor  
 34 a claim submitted more than sixty days after the  
 35 authority has assessed land where the protected  
 36 wetland is located and which is owned by the person  
 37 granted the exemption."

38 6. Page 7, by inserting after line 2 the  
 39 following:

40 "Sec. \_\_\_\_\_. Section 654B.8, subsection 4, as  
 41 enacted in 1990 Iowa Acts, House File 2404, section  
 42 22, is amended to read as follows:

43 4. If the parties waive mediation, or if a  
 44 mediation agreement is not reached, the parties may  
 45 sign a statement prepared by the mediator that  
 46 mediation was waived or that the parties did not reach  
 47 an agreement. If any party does not sign the  
 48 statement, the mediator shall sign the statement. The  
 49 statement constitutes a mediation release. ~~Unless the~~  
 50 ~~farm resident waives mediation, the department shall~~

**Page 2**

1 not receive a mediation release until the party has  
 2 participated in at least one mediation meeting."

3 7. Title page, line 2, by inserting after the  
 4 word "wetlands," the following: "providing for  
 5 mediation,".

6 8. By renumbering, relettering, or redesignating  
 7 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6115.

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

On the question "Shall the bill pass?" (H.F. 2407)

The ayes were, 72:

- |          |               |                  |                  |
|----------|---------------|------------------|------------------|
| Adams    | Arnould       | Beatty           | Black            |
| Blanshan | Brammer       | Brand            | Branstad         |
| Brown    | Buhr          | Carpenter        | Chapman          |
| Clark    | Cphoon        | Connors          | Corbett          |
| Diemer   | Doderer       | Dvorsky          | Fey              |
| Fogarty  | Groninga      | Halvorson, R. A. | Halvorson, R. N. |
| Hammond  | Hansen, S. D. | Hanson, D. R.    | Harper           |
| Hatch    | Haverland     | Holveck          | Jay              |

Jesse	Jochum	Johnson	Knapp
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker
			Avenson

The nays were, 22:

Banks	Beaman	Bennett	Daggett
De Groot	Eddie	Garman	Harbor
Hermann	Hester	Iverson	Kistler
Koenigs	Maulsby	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Van Maanen		

Absent or not voting, 6:

Bisignano	Fuller	Gruhn	Hibbard
Stueland	Svoboda		

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

### HOUSE INSISTS

Pavich of Pottawattamie called up for consideration **House File 2329**, a bill for an act relating to elections and election procedures, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (House File 2329)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2329: Pavich of Pottawattamie, Chair; Lundby of Linn, Halvorson of Webster, Spenner of Henry and Knapp of Dubuque.

### SENATE AMENDMENT CONSIDERED

Rosenberg of Story called up for consideration **House File 2551**, a bill for an act relating to taxes administered and fees collected by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, special fuel taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates, amended by the Senate amendment H—6046 as follows:

H-6046

1 Amend House File 2551, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 9 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 422.43, subsection 11,  
6 unnumbered paragraph 1, Code 1989, is amended to read  
7 as follows:

8 The following enumerated services are subject to  
9 the tax imposed on gross taxable services: Alteration  
10 and garment repair; armored car; automobile repair;  
11 battery, tire and allied; investment counseling;  
12 service charges of all financial institutions; barber  
13 and beauty; boat repair; car wash and wax; carpentry;  
14 roof, shingle, and glass repair; dance schools and  
15 dance studios; dry cleaning, pressing, dyeing, and  
16 laundering; electrical and electronic repair and  
17 installation; rental of tangible personal property,  
18 except mobile homes which are tangible personal  
19 property; excavating and grading; farm implement  
20 repair of all kinds; flying service; furniture, rug,  
21 upholstery repair and cleaning; fur storage and  
22 repair; golf and country clubs and all commercial  
23 recreation; house and building moving; household  
24 appliance, television, and radio repair; jewelry and  
25 watch repair; machine operator; machine repair of all  
26 kinds; motor repair; motorcycle, scooter, and bicycle  
27 repair; oilers and lubricators; office and business  
28 machine repair; painting, papering, and interior  
29 decorating; parking facilities; pipe fitting and  
30 plumbing; wood preparation; licensed executive search  
31 agencies; private employment agencies, excluding  
32 services for placing a person in employment where the  
33 principal place of employment of that person is to be  
34 located outside of the state; sewing and stitching;  
35 shoe repair and shoeshine; storage warehousing of raw  
36 agricultural products; telephone answering service;  
37 test laboratories, except tests on humans; termite,  
38 bug, roach, and pest eradicators; tin and sheet metal  
39 repair; turkish baths, massage, and reducing salons;  
40 weighing; welding; well drilling; wrapping, packing,  
41 and packaging of merchandise other than processed  
42 meat, fish, fowl and vegetables; wrecking service;  
43 wrecker and towing; cable pay television; campgrounds;  
44 carpet and upholstery cleaning; gun and camera repair;  
45 janitorial and building maintenance or cleaning; lawn  
46 care, landscaping and tree trimming and removal; pet  
47 grooming; reflexology; security and detective  
48 services; tanning beds or salons; and water  
49 conditioning and softening."

50 2. Page 6, by inserting after line 32 the fol-

## Page 2

1 lowing:

2 "Sec. \_\_\_\_\_. Section 422.45, subsection 7, Code

3 Supplement 1989, is amended to read as follows:

4 7. A private nonprofit educational institution in

5 this state, nonprofit private museum or a tax-

6 certifying or tax-levying body or governmental

7 subdivision of the state, including the state board of

8 regents, state department of human services, state

9 department of transportation, a municipally owned

10 solid waste facility which sells all or part of its

11 processed waste as fuel to a municipally owned public

12 utility, and all divisions, boards, commissions,

13 agencies or instrumentalities of state, federal,

14 county or municipal government which do not have

15 earnings going to the benefit of an equity investor or

16 stockholder may make application to the department for

17 the refund of the sales, services, or use tax upon the

18 gross receipts of all sales of goods, wares or

19 merchandise, or from services rendered, furnished, or

20 performed, to a contractor, used in the fulfillment of

21 a written contract with the state of Iowa, any

22 political subdivision of the state, or a division,

23 board, commission, agency or instrumentality of the

24 state or a political subdivision, ~~or~~ a private

25 nonprofit educational institution in this state, ~~or~~ a

26 nonprofit private museum if the property becomes a

27 integral part of the project under contract and at the

28 completion of the project becomes public property, ~~or~~

29 is devoted to educational uses; or becomes a nonprofit

30 private museum except goods, wares or merchandise or

31 services rendered, furnished, or performed used in the

32 performance of any contract in connection with the

33 operation of any municipal utility engaged in selling

34 gas, electricity, or heat to the general public; and

35 except goods, wares, and merchandise used in the

36 performance of a contract for a "project" under

37 chapter 419 as defined in that chapter other than

38 goods, wares or merchandise used in the performance of

39 a contract for a "project" under chapter 419 for which

40 a bond issue was or will have been approved by a

41 municipality prior to July 1, 1968, or for which the

42 goods, wares, or merchandise becomes an integral part

43 of the project under contract and at the completion of

44 the project becomes public property or is devoted to

45 educational uses.

46 a. Such contractor shall state under oath, on

47 forms provided by the department, the amount of such

48 sales of goods, wares or merchandise or services

49 rendered, furnished, or performed and used in the

50 performance of such contract, and upon which sales or

## Page 3

1 use tax has been paid, and shall file such forms with  
2 the governmental unit, ~~or private nonprofit~~  
3 educational institution, or nonprofit private museum  
4 which has made any written contract for performance by  
5 ~~said the contractor. Such~~ The forms shall be filed by  
6 the contractor with the governmental unit, ~~or~~  
7 educational institution, or nonprofit private museum  
8 before final settlement is made.

9 b. Such governmental unit, ~~or educational~~  
10 institution, or nonprofit private museum shall, not  
11 more than six months after the final settlement has  
12 been made, make application to the department for any  
13 refund of the amount of such sales or use tax which  
14 shall have been paid upon any goods, wares or  
15 merchandise, or services rendered, furnished, or  
16 performed, such application to be made in the manner  
17 and upon forms to be provided by the department, and  
18 the department shall forthwith audit such claim and,  
19 if approved, issue a warrant to such governmental  
20 unit, ~~or educational institution, or nonprofit private~~  
21 museum in the amount of such sales or use tax which  
22 has been paid to the state of Iowa under such  
23 contract.

24 c. Any contractor who shall willfully make false  
25 report of tax paid under the provisions of this  
26 subsection shall be guilty of a simple misdemeanor and  
27 in addition thereto shall be liable for the payment of  
28 the tax with and any applicable penalty and interest  
29 ~~thereon.~~

30 Sec. \_\_\_\_\_. Section 422.45, Code Supplement 1989, is  
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 43. The gross receipts of all  
33 sales of goods, wares, merchandise, or services, used  
34 for educational, scientific, historic preservation, or  
35 aesthetic purpose to a nonprofit private museum."

36 3. Page 6, by inserting after line 32 the fol-  
37 lowing:

38 "Sec. \_\_\_\_\_. Section 422.45, Code Supplement 1989,  
39 is amended by adding the following new subsection:

40 NEW SUBSECTION. 44. The gross receipts from the  
41 sale of tangible personal property or the sale,  
42 furnishing, or servicing of electrical energy, natural  
43 or artificial gas, or communication service to another  
44 state or political subdivision of another state if the  
45 other state provides a similar reciprocal exemption  
46 for this state and political subdivisions of this  
47 state."

48 4. Page 6, by inserting after line 32 the follow-  
49 ing:

50 "Sec. \_\_\_\_\_. Section 422.45, Code Supplement 1989,

**Page 4**

- 1 is amended by adding the following new subsection:  
 2 **NEW SUBSECTION, 45.** The gross receipts from the  
 3 sale of tangible personal property consisting of  
 4 advertising material including paper to a person in  
 5 Iowa if that person or that person's agent will,  
 6 subsequent to the sale, send that advertising material  
 7 outside this state and the material is subsequently  
 8 used solely outside of Iowa. For the purpose of this  
 9 subsection, "advertising material" means any brochure,  
 10 catalog, leaflet, flyer, order form, return envelope,  
 11 or similar item used to promote sales of property or  
 12 services."  
 13 5. Page 9, line 4, by inserting after the word  
 14 "property." the following: "Subject to the previous  
 15 provision, a liability is deductible whether or not  
 16 the liability is legally enforceable against the  
 17 decendent's estate."  
 18 6. By renumbering, relettering, or redesignating  
 19 and correcting internal references as necessary.

Neuhauser of Johnson in the chair at 6:30 p.m.

Corbett of Linn offered the following amendment H—6053, to the Senate amendment H—6046, filed by Corbett, et al., and moved its adoption:

H—6053

- 1 Amend the Senate amendment, H—6046, to House File  
 2 2551, 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 2, by striking lines 27 through 35."  
 7 2. Page 4, by inserting after line 17 the  
 8 following:  
 9 "\_\_\_\_\_. Page 9, by striking lines 9 through 11."

A non-record roll call was requested.

The ayes were 35, nays 45.

Amendment H—6053 lost.

Speaker Avenson in the chair at 6:46 p.m.

Schnekloth of Scott offered the following amendment H—6057, to the Senate amendment H—6046, filed by Schnekloth, et al., and moved its adoption:

H-6057

- 1 Amend the Senate amendment, H-6046, to House File  
 2 2551, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, lines 35 and 36, by striking the words  
 5 "storage warehousing of raw agricultural products;"  
 6 and inserting the following: "storage warehousing of  
 7 raw agricultural products;"

Amendment H-6057 lost.

On motion by Rosenberg of Story, the House concurred in the Senate amendment H-6046.

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

On the question "Shall the bill pass?" (H.F. 2551)

The ayes were, 71:

Adams	Arnould	Beaman	Beatty
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Daggett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Garman	Groning	Gruhn	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 23:

Banks	Bennett	Branstad	Clark
Corbett	De Groot	Eddie	Halvorson, R. A.
Halvorson, R. N.	Hermann	Hester	Iverson
Lageschulte	Maulsby	McKean	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Van Maanen	

Absent or not voting, 6:

Bisignano  
Stueland

Fuller  
Svoboda

Peterson, M. K.

Shearer

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

**IMMEDIATE MESSAGE**  
(House File 2551)

Arnould of Scott asked and received unanimous consent that House File 2551 be immediately messaged to the Senate.

**RULES SUSPENDED**

Arnould of Scott moved to suspend the rules for the immediate consideration of Senate Files 2324, 514, and 2406, not eligible for debate today.

A non-record roll call was requested.

The ayes were 51, nays 34.

The motion prevailed and the rules were suspended.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

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

House File 2313, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

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

House File 2346, a bill for an act relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits.

Also: That the Senate has on April 5, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2533, a bill for an act relating to the courts, establishing a family court, and providing effective dates.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Appropriations Calendar

**Senate File 2324**, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Webster offered the following amendment H—6059 filed by the committee on appropriations and moved its adoption:

H—6059

1 Amend Senate File 2324, as passed by the Senate, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. MEDICAL ASSISTANCE ADMINISTRATIVE  
6 COSTS — AREA EDUCATION AGENCIES.

7 The area education agencies shall determine their  
8 administrative costs relating to recording and billing  
9 for medical assistance reimbursement for special  
10 education services provided pursuant to section  
11 281.15. Up to twelve percent of the federal funds  
12 received from the medical assistance reimbursement may  
13 be used to pay for the area education agencies'  
14 administrative costs."

15 2. Title page, by striking lines 1 through 4, and  
16 inserting the following: "An Act providing for area  
17 education agency administrative costs relating to  
18 special education services reimbursed under the  
19 medical assistance program."

The committee amendment H—6059 was adopted.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2324)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Blanshan	Fey	Fuller	Haverland
Shearer	Stueland	Svoboda	

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

### Ways and Means Calendar

**Senate File 514**, a bill for an act providing a state sales and use tax exemption for certain facilities, with report of committee recommending amendment and passage was taken up for consideration.

Tabor of Jackson asked and received unanimous consent to withdraw amendment H—4414 filed by the committee on ways and means on May 4, 1989, placing out of order amendment H—4433 filed by Garman, et al., on May 4, 1989, to the committee amendment H—4414.

Doderer of Johnson offered the following amendment H—6073 filed by her:

H—6073

- 1 Amend Senate File 514, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 422.45, subsection 22, Code
- 6 Supplement 1989, is amended by adding the following
- 7 new paragraphs:

- 8 NEW PARAGRAPH. f. Shelter facilities licensed by  
 9 the department of human services under chapter 232.
- 10 NEW PARAGRAPH. g. Substance abuse agencies which  
 11 contract with the Iowa department of public health  
 12 under chapter 125.
- 13 NEW PARAGRAPH. h. Agencies which contract with  
 14 the department of human services to provide family-  
 15 centered, home-based, and family preservation  
 16 services.
- 17 Sec. 2. Section 422.45, Code Supplement 1989, is  
 18 amended by adding the following new subsection:
- 19 NEW SUBSECTION. 43. The gross receipts from the  
 20 sale of equipment and supplies if purchased by any of  
 21 the following nonprofit health organizations which  
 22 receive federal funds:
- 23 a. Child health clinics, maternal health clinics,  
 24 and well-elderly clinics, as designated under section  
 25 135.11.
- 26 b. Family planning clinics, as designated under  
 27 section 234.21.
- 28 c. Area agencies on aging, as designated under  
 29 section 249D.32.
- 30 d. Medicare certified hospice programs, as  
 31 certified by the department of inspections and appeals  
 32 or as certified under the federal medicare program."

Banks of Plymouth offered the following amendment H—6100, to amendment H—6073, filed by him and moved its adoption:

H—6100

- 1 Amend the amendment, H—6073, to Senate File 514, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:
- 4 1. Page 1, by inserting after line 16 the  
 5 following:
- 6 "NEW PARAGRAPH. i. Child-placing agencies  
 7 licensed under chapter 238."

Amendment H—6100 lost.

Garman of Story offered the following amendment H—6101, to amendment H—6073, filed by Garman, et al., and moved its adoption:

H—6101

- 1 Amend amendment, H—6073, to Senate File 514, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:
- 4 1. Page 1, line 27, by inserting after the figure  
 5 "234.21" the following: ", except family planning  
 6 clinics which perform abortions".

Roll call was requested by Garman of Story and Banks of Plymouth.

On the question "Shall amendment H-6101, to amendment H-6073, be adopted?" (S.F. 514)

The ayes were, 33:

Banks	Beaman	Branstad	Corbett
Daggett	De Groot	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Iverson	Knapp	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Muhlbauer	Murphy	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Spenner	Trent	Tyrrell
Van Maanen			

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Diemer
Doderer	Dvorsky	Fey	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Koenigs
Lykam	May	McKinney	Metcalf
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shoultz	Siegrist
Spear	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 9:

Bennett	Fuller	Harper	Haverland
Hester	Kistler	Shearer	Stueland
Svoboda			

Amendment H-6101 lost.

On motion by Doderer of Johnson, amendment H-6073 was adopted, placing out of order the following amendments:

H-4415 filed by Garman, et al., on May 4, 1989.

H-4429, to amendment H-4415, filed by Garman of Story on May 4, 1989.

Doderer of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 514)

The ayes were, 76:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Clark	Cohoon	Connors	Daggett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker
			Avenson

The nays were, 18:

Banks	Bennett	Branstad	Carpenter
Corbett	De Groot	Eddie	Garman
Hermann	Kremer	Maulsby	Mertz
Petersen, D. F.	Plasier	Renken	Schnekloth
Tyrrell	Van Maanen		

Absent or not voting, 6:

Fuller	Haverland	Knapp	Shearer
Stueland	Svoboda		

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

CONFERENCE COMMITTEE APPOINTED  
(House File 2554)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2554: Tabor of Jackson, Chair; Schnekloth of Scott, Groninga of Cerro Gordo, Metcalf of Polk and Wise of Lee.

**Senate File 2406**, a bill for an act relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date, with report of committee recommending passage was taken up for consideration.

Metcalf of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2406)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 11:

Bisignano	Eddie	Fuller	Halvorson, R. N.
Hatch	Haverland	Hermann	Shearer
Stueland	Svoboda	Swartz	

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

**IMMEDIATE MESSAGES**  
(Senate Files 514 and 2406)

Arnould of Scott asked and received unanimous consent that Senate Files 514 and 2406 be immediately messaged to the Senate.

**SENATE AMENDMENTS CONSIDERED**

Gruhn of Dickinson called up for consideration **House File 2548**, a bill for an act relating to agricultural health and safety, amended by the Senate, and moved that the House concur in the following Senate amendment H-6107:

H-6107

- 1 Amend House File 2548, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 19 and 20, and
- 4 inserting the following: "entities to provide support
- 5 to programs emphasizing agricultural health, safety,
- 6 and rehabilitation for farm families."

The motion prevailed and the House concurred in the Senate amendment H-6107.

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

On the question "Shall the bill pass?" (H.F. 2548)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken

Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 3:

Banks	Eddie	Maulsby
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Absent or not voting, 8:

Bisignano	Fuller	Groninga	Haverland
Shearer	Stueland	Svoboda	Swartz

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

Peterson of Carroll called up for consideration **House File 121**, a bill for an act relating to parental leaves of absence for employees of the state and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—6139:

H—6139

- 1 Amend House File 121, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by striking lines 6 through 17 and
- 4 inserting the following: "institutions under the
- 5 control of the state board, unless the employee is
- 6 covered by a collective bargaining agreement providing
- 7 for a parental leave which is equal to or greater than
- 8 the parental leave provided in this section. An
- 9 additional unpaid leave of absence may be granted to
- 10 an employee with the approval of the employee's
- 11 supervisor. Parental leave, required by this section,
- 12 is subject to each of the following conditions:".

The motion prevailed and the House concurred in the Senate amendment H—6139.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 121)

The ayes were, 62:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lundby
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poney	Renaud	Rosenberg
Schrader	Shoultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 30:

Banks	Beaman	Bennett	Branstad
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Iverson	Kistler	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Pellet	Peters	Petersen, D. F.	Renken
Royer	Schneklath	Shoning	Trent
Tyrrell	Van Maanen		

Absent or not voting, 8:

Bisignano	Clark	Fuller	Haverland
Shearer	Sherzan	Stueland	Svoboda

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

IMMEDIATE MESSAGE  
(House File 121)

Arnould of Scott asked and received unanimous consent that House File 121 be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

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

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—6143 April 5, 1990.

**Senate File 2430**, a bill for an act relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered the following amendment H—6143 filed by the committee on appropriations:

H—6143

- 1 Amend Senate File 2430 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 29, by striking the words "the
- 4 use or availability of" and inserting the following:
- 5 "students living in".
- 6 2. Page 9, line 31, by striking the figure "1990"
- 7 and inserting the following: "1991".

Hatch of Polk offered the following amendment H—6147, to the committee amendment H—6143, filed by him and Carpenter of Polk from the floor and moved its adoption:

H—6147

- 1 Amend the amendment, H—6143, to Senate File 2430,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 5 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 3, by striking line 29 and inserting
- 7 the following: "attending the institution who are
- 8 living in the"."

Amendment H—6147 was adopted.

On motion by Hatch of Polk, the committee amendment H—6143, as amended, was adopted.

Shultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2430)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, 1:

Clark

Absent or not voting, 6:

Fuller	Haverland	Shearer	Stueland
Svoboda	Swartz		

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

IMMEDIATE MESSAGES  
(Senate Files 2324 and 2430)

Arnould of Scott asked and received unanimous consent that Senate Files 2324 and 2430 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED  
House Refused to Concur

Chapman of Linn called up for consideration **House File 2559**, a bill for an act relating to the process by which a taxpayer appeals a

decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—6142:

H—6142

1 Amend House File 2559, as passed by the House, as  
2 follows:

- 3 1. Page 1, line 4, by striking the figure "1."
- 4 2. Page 1, line 16, by inserting after the word  
5 "review" the following: "clerk of the board of  
6 review, the assessor, or deputy assessor".
- 7 3. Page 1, by striking lines 18 through 33.

The motion lost and the House refused to concur in the Senate amendment H—6142.

### SENATE AMENDMENTS CONSIDERED

Teaford of Black Hawk called up for consideration **Senate File 2011**, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6138 to the House amendment:

H—6138

- 1 Amend the House amendment, S—5910, to Senate File  
2 2011, as amended, passed, and reprinted by the Senate,  
3 as follows:
- 4 1. Page 1, by striking lines 15 through 19 and  
5 inserting the following: "in the uniform plumbing  
6 code."

The motion prevailed and the House concurred in the Senate amendment H—6138.

Teaford of Black Hawk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2011)

The ayes were, 64:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Carpenter	Chapman
Cohoon	Connors	Daggett	Doderer

Dvorsky	Fey	Fogarty	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Harper
Hatch	Hester	Hibbard	Holveck
Jesse	Jochum	Johnson	Knapp
Koenigs	Kremer	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shoning	Shoultz
Spear	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker Avenson

## The nays were, 29:

Banks	Bennett	Branstad	Buhr
Clark	Corbett	De Groot	Diemer
Eddie	Garman	Gruhn	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Iverson
Jay	Lundby	Maulsby	McKean
Metcalf	Miller	Petersen, D. F.	Renken
Royer	Schnekloth	Siegrist	Spanner
Van Maanen			

## Absent or not voting, 7:

Fuller	Haverland	Kistler	Lageschulte
Shearer	Stueland	Svoboda	

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

Harper of Black Hawk called up for consideration **House File 2440**, a bill for an act relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs, amended by the Senate, and moved that the House concur in the following Senate amendment H-6129:

H-6129

- 1 Amend House File 2440, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 235A.15, subsection 2,
- 6 paragraph e, Code Supplement 1989, is amended by
- 7 adding the following new subparagraph:
- 8 **NEW SUBPARAGRAPH. (7)** To the board of educational
- 9 examiners created under chapter 260 for purposes of
- 10 determining whether a practitioner's license should be
- 11 denied or revoked."

12 2. Page 1, line 16, by striking the words "By  
13 January 1, 1993, adopt" and inserting the following:  
14 "Adopt".

15 3. Page 1, by inserting after line 19 the  
16 following:

17 "Sec. \_\_\_\_\_. Section 260.2, Code Supplement 1989, is  
18 amended by adding the following new subsection:  
19 NEW SUBSECTION. 14. Adopt rules which permit the  
20 board to deny a license to or revoke a license of a  
21 person upon the board's finding by a preponderance of  
22 evidence that either the person has been convicted of  
23 a crime or that there has been a founded report of  
24 child abuse against the person. Rules adopted shall  
25 provide that in determining whether a person should be  
26 denied a license or that a practitioner's license  
27 should be revoked, the board shall consider the nature  
28 and seriousness of the founded abuse or crime in  
29 relation to the position sought, the time elapsed  
30 since the founded abuse or crime was committed, the  
31 degree of rehabilitation which has taken place since  
32 the incidence of founded abuse or the commission of  
33 the crime, the likelihood that the person will commit  
34 the same abuse or crime again, and the number of  
35 founded abuses committed or criminal convictions by  
36 the person involved."

37 4. Page 3, line 32, by striking the word "Rules"  
38 and inserting the following: "Except as otherwise  
39 provided in section 256.11, subsection 1, rules".

40 5. Page 10, by inserting after line 13, the  
41 following:

42 "Sec. \_\_\_\_\_. Section 692.2, subsection 1, Code  
43 Supplement 1989, is amended by adding the following  
44 new paragraph:

45 NEW PARAGRAPH. i. The board of educational  
46 examiners for the purpose of carrying out duties  
47 imposed under section 260.2, subsection 14."

48 6. By renumbering, relettering, or redesignating  
49 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6129.

Harper of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2440)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Shultz	Siegrist	Spear	Spenner
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Chapman	Fuller	Haverland	Johnson
Lageschulte	Shearer	Stueland	Svoboda
Swartz			

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 2440 and 2559 and Senate File 2011 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED House Refused To Concur

Peterson of Carroll called up for consideration **House File 2533**, a bill for an act relating to the courts, establishing a family court, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-6150:

H—6150

- 1 Amend House File 2533, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1.
- 6 The legislative council is requested to create an
- 7 interim study committee to consider the creation of a
- 8 family court to handle cases involving family issues.
- 9 The study committee shall submit a report of its
- 10 findings and recommendations to the legislative
- 11 council and the general assembly before the 1991
- 12 regular session."

The motion lost and the House refused to concur in the Senate amendment H—6150.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1990, adopted the conference committee report and passed Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast.

JOHN F. DWYER, Secretary

### Ways and Means Calendar

**Senate File 2412**, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Murphy of Dubuque offered the following amendment H—5962 filed by the committee on ways and means and moved its adoption:

H—5962

- 1 Amend Senate File 2412, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 8, by inserting after the word
- 4 "contribution." the following: " "Solicitation" does
- 5 not include an application for a grant from any
- 6 governmental entity or private nonprofit foundation."

The committee amendment H—5962 was adopted.

Jay of Appanoose offered the following amendment H—6132 filed from the floor by Jay, McKinney, Trent, Neuhauser, Hermann, Halvorson of Clayton, Wise, Sherzan, Doderer and Groninga and moved its adoption:

H-6132

- 1 Amend Senate File 2412, 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. REPEALS.
- 6 1. Sections 122.1 through 122.5, and 122.7, Code
- 7 Supplement 1989, are repealed.
- 8 2. Section 122.6, Code 1989, is repealed."
- 9 2. Title page, by striking lines 1 and 2, and
- 10 inserting the following: "An Act repealing the Code
- 11 provisions relating to the regulation of organizations
- 12 soliciting public donations."

A non-record roll call was requested.

The ayes were 32, nays 41.

Amendment H-6132 lost.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-6029 filed by him on April 2, 1990.

Murphy of Dubuque offered the following amendment H-6041 filed by him and moved its adoption:

H-6041

- 1 Amend Senate File 2412, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 10, and inserting the
- 4 following: "organization, a religious organization,
- 5 or a state, regionally, or nationally accredited
- 6 college or university."

Amendment H-6041 was adopted.

Murphy of Dubuque offered the following amendment H-5970 filed by him and Bennett of Ida and moved its adoption:

H-5970

- 1 Amend Senate File 2412, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "enforcement" the following: ", emergency medical
- 5 technician, paramedic,".

Amendment H-5970 was adopted.

Murphy of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Royer
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Clark	Fuller	Johnson	Pellett
Rosenberg	Shearer	Stueland	Svoboda

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

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 2057)**

Blanshan of Greene called up for consideration the report of the conference committee on Senate File 2057 as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2057**

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast, respectfully make the following report:

1. That the House recedes from its amendment, S-5553.

2. That Senate File 2057, as passed by the Senate, is amended to read as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 21.2, subsection 1, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A nonprofit corporation whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.

Sec. 2. NEW SECTION. 21.11 APPLICABILITY TO NONPROFIT CORPORATIONS.

This chapter applies to nonprofit corporations which are defined as governmental bodies subject to section 21.2, subsection 1, paragraph "f", only when the meetings conducted by the nonprofit corporations relate to the conduct of pari-mutuel racing and wagering pursuant to chapter 99D.

Sec. 3. Section 99B.6, subsection 1, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Except as provided in subsections 5, 6, 7, and 8, and 9 gambling is unlawful on premises for which a class "A", class "B", class "C", or class "D" liquor control license, or class "B" beer permit has been issued pursuant to chapter 123 unless all of the following are complied with:

Sec. 4. Section 99B.6, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Pari-mutuel wagering authorized under chapter 99D may be conducted within a racetrack enclosure which is licensed as an establishment that serves or sells alcoholic beverages as defined in section 123.3 if the pari-mutuel wagering is conducted pursuant to chapter 99D and rules adopted under chapter 99D."

2. Page 1, by striking lines 28 and 29 and inserting the following: "of the licensee on a day ~~and during the time,~~ when there is a are horse or dog ~~racing meet~~ aces being held at the racetrack. For".

3. Page 1, by inserting after line 33 the following:

"Sec. \_\_\_\_\_. Section 123.30, subsection 3, paragraph d, Code 1989, is amended to read as follows:

d. CLASS "D". A class "D" liquor control license may be issued to a railway corporation, to an air common carrier, and to passenger-carrying boats or ships for hire with a capacity of twenty-five persons or more operating in inland or boundary waters, and shall authorize the holder to sell or furnish alcoholic beverages, wine, and beer to passengers for consumption only on trains, watercraft as described in this section, or aircraft, respectively. Each license is valid throughout the state. Only one license is required for all trains, watercraft, or aircraft operated in the state by the licensee. However, if a watercraft is an excursion gambling boat licensed under chapter 99F, the owner shall obtain a separate class "D" liquor control license for each excursion gambling boat operating in the waters of this state.

Sec. \_\_\_\_ . Section 123.36, subsection 6, Code 1989, is amended to read as follows:

6. Any club, hotel, motel, or commercial establishment holding a liquor control license, subject to section 123.49, subsection 2, paragraph "b", may apply for and receive permission to sell and dispense alcoholic liquor and wine to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours of ten a.m. and twelve midnight on Sunday. A class "D" liquor control licensee may apply for and receive permission to sell and dispense alcoholic beverages to patrons for consumption on the premises only between the hours of ten a.m. and twelve midnight on Sunday. For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license.

Sec. \_\_\_\_ . Section 123.49, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. Knowingly permit any gambling, except in accordance with chapter 99B, 99D, 99E, or 99F, or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

Sec. \_\_\_\_ . EFFECTIVE DATE.

This Act, being deemed of immediate importance, takes effect upon enactment."

4. Title page, by striking line 2 and inserting the following: "authorizing wagering on simultaneous telecast races, by providing for the conduct of meetings by certain nonprofit corporations, by authorizing sales of alcoholic beverages at racetracks and on Sundays, by subjecting violators to existing penalties, and by providing an effective date."

ON THE PART OF THE HOUSE:

EUGENE H. BLANSHAN, Chair  
TONY BISIGNANO  
JOHN H. CONNORS

ON THE PART OF THE SENATE:

GEORGE R. KINLEY, Chair  
EUGENE S. FRAISE  
JULIA B. GENTLEMAN  
JIM LIND  
RICHARD V. RUNNING

Renaud of Polk in the chair at 9:05 p.m.

Speaker Avenson in the chair at 9:57 p.m.

Blanshan of Greene moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 48, nays 35.

The motion prevailed and the conference committee report was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2057)

The ayes were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brown
Buhr	Chapman	Cohoon	Connors
Diemer	Fey	Fogarty	Groninga
Halvorson, R. A.	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Jay	Jesse	Jochum	Kremer
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Royer
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker
			Avenson

The nays were, 37:

Banks	Beaman	Bennett	Brand
Carpenter	Clark	Corbett	Daggett
De Groot	Doderer	Dvorsky	Eddie
Garman	Gruhn	Halvorson, R. N.	Hammond
Hanson, D. R.	Hermann	Holveck	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Maulsby	McKean	Miller	Nielsen
Osterberg	Petersen, D. F.	Plasier	Renken
Schneklloth	Schrader	Shoning	Tyrrell
Van Maanen			

Absent or not voting, 7:

Branstad	Fuller	Iverson	Pellett
Rosenberg	Stueland	Svoboda	

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

IMMEDIATE MESSAGE

(Senate File 2057)

Arnould of Scott asked and received unanimous consent that Senate File 2057 be immediately messaged to the Senate.

MOTIONS TO RECONSIDER

(Senate File 2393)

I move to reconsider the vote by which Senate File 2393 passed the House on April 5, 1990.

OLLIE of Clinton

(Senate File 2412)

I move to reconsider the vote by which Senate File 2412 passed the House on April 5, 1990.

JAY of Appanoose

(House File 2422)

I move to reconsider the vote by which House File 2422 passed the House on April 5, 1990.

DODERER of Johnson

(House File 2422)

I move to reconsider the vote by which House File 2422 passed the House on April 5, 1990.

HAVERLAND of Polk

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 3, 1990. Had I been present, I would have voted "aye" on Senate File 2413.

ADAMS of Hamilton

#### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 5th day of April, 1990: House Files 2201, 2343, 2431, 2455, 2475, 2496 and 2540.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

#### COMMUNICATION FROM STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 4, 1990 and is on file in the office of the Chief Clerk:

April 3, 1990

Mr. Joseph O'Hern  
Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with

the Claims Committee of the House of Representatives.

These include 3 claims of a general nature that were denied by the State Appeal Board on March 12, 1990. This supplements our filing of January 18, 1990.

Index attached shows number of claim, name and address of claimant and the amount requested in claim.

Sincerely,  
Richard D. Johnson  
Chairman  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN, Chief Clerk

**DENIED GENERAL CLAIMS BY STATE APPEAL BOARD  
SUBMITTED TO THE 73RD GENERAL ASSEMBLY  
March 12, 1990**

<u>Claim</u>	<u>Claimant/City, State Type</u>	<u>Amount Requested</u>
G890848	Handicap Village, Inc. Clear Lake, IA Outdated Invoice	\$61,496.69
G891013	Handicap Village, Inc. Clear Lake, IA Outdated Invoice	61,496.69
G891278	Scott County Auditor Davenport, IA Outdated Invoice	<u>444.50</u>
Total:		\$123,437.88

**PRESENTATION OF VISITORS**

Bennett of Ida presented to the House the Honorable Delwyn Stromer, former member of the House representing Hancock County.

Kistler of Jefferson presented to the House the Honorable George Swearingen, former member of the House representing Keokuk County.

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Studebaker Elementary School, Des Moines, accompanied by Ted Shirley. By Bisignano of Polk.

Twenty students from Belle Plaine Community School, Belle Plaine, accompanied by Mr. Todd Bohler. By Brand of Benton.

Thirty-four fifth grade students from Chantry Elementary School, Malvern, accompanied by Cathy Paul. By Harbor of Mills.

Ninety students from Johnston, accompanied by Pat Kinsey and Dave Pitz. By Haverland of Polk.

Thirty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Jane Shick. By Jay of Appanoose.

Thirteen eighth grade students from Waukee Middle School, Waukee, accompanied by Pat Porter. By McKinney of Dallas.

Twenty high school students from Wilton High School, Wilton, accompanied by Brenda Grunder. By Petersen of Muscatine.

Twenty-three fifth grade students from Colo Elementary School, Colo, accompanied by Liz Robinson. By Rosenberg of Story.

Eighty sixth grade students from Garfield Elementary School, Clarinda, accompanied by Connie Richardson. By Royer of Page.

Forty sixth grade students from Clarinda, accompanied by Chris Campbell. By Royer of Page.

#### SUBCOMMITTEE ASSIGNMENT

##### Senate File 2427

Appropriations: Hansen of Woodbury, Chair; Miller and Peterson of Carroll.

#### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

**Senate File 2419**, a bill for an act relating to technology enterprise zones, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1990.

**Committee Bill** (Formerly House File 2521), relating to and making appropriations from the energy conservation trust.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1990.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 2415**, a bill for an act authorizing an additional tax levy and the creation of a reserve account by a benefited fire district.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1990.

**Committee Bill** (Formerly House Study Bill 830), relating to the repeal of a local option sales and services tax.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1990.

### RESOLUTIONS FILED

**SCR 130**, by Riordan, Mann, Murphy, Hannon, Lloyd-Jones, Varn and Bruner, a concurrent resolution on Namibian independence.

Laid over under **Rule 25**.

**SCR 131**, by Coleman, Connolly and Drake, a concurrent resolution expressing opposition to the proposed federal gas tax increase.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-6128	S.F.	2422	Lageschulte of Bremer
H-6130	H.F.	2537	Senate Amendment
H-6131	S.F.	2422	Plasier of Sioux
H-6133	S.F.	2422	Plasier of Sioux
H-6144	S.F.	2422	Jochum of Dubuque Hatch of Polk
H-6145	S.F.	2422	Jochum of Dubuque
H-6146	H.F.	2546	Senate Amendment
H-6148	S.F.	2422	Jochum of Dubuque
H-6149	H.F.	2313	Senate Amendment
H-6151	S.F.	2422	Halvorson of Clayton
H-6152	S.F.	2287	Fey of Scott
H-6153	H.F.	2422	Haverland of Polk Halvorson of Webster

On motion by Arnould of Scott, the House adjourned at 10:07 p.m., until 9:00 a.m., Friday, April 6, 1990.

# JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day — Sixty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 6, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Mike Orthel, pastor of First United Methodist Church, Colfax.

The Journal of Thursday, April 5, 1990 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Linn on request of Arnould of Scott; Sherzan of Polk on request of Swartz of Marshall; Haverland of Polk on request of Ollie of Clinton; Brown of Lucas on request of Jesse of Jasper, all until their arrival.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, appointed the conference committee to House File 2329, a bill for an act relating to elections and election procedures, and the members of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Palo Alto, Senator Kibbie; the Senator from Muscatine, Senator Drake; the Senator from Polk, Senator Gentleman.

Also: That the Senate has on April 6, 1990, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2534, a bill for an act relating to sanitary disposal projects.

Also: That the Senate has on April 6, 1990, appointed the conference committee to Senate File 2413, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who

cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties, and the members of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Johnson, Senator Varn; the Senator from Woodbury, Senator Doyle; the Senator from Buena Vista, Senator Fuhrman; the Senator from Des Moines, Senator Hagerla.

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

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

JOHN F. DWYER, Secretary

**IMMEDIATE MESSAGE**  
(House File 2533)

Arnould of Scott asked and received unanimous consent that House File 2533 be immediately messaged to the Senate.

**CONSIDERATION OF BILLS**  
Unfinished Business Calendar

The House resumed consideration of **Senate File 2287**, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date, previously deferred and placed on the unfinished business calendar.

Fey of Scott asked and received unanimous consent to withdraw amendment H-5589 filed by the committee on ways and means on March 12, 1990.

Fey of Scott offered the following amendment H-6152 filed by him and moved its adoption:

H-6152

1 Amend Senate File 2287, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "DIVISION II

6 QUAD CITIES TRANSIT AUTHORITY

7 Section 1. NEW SECTION. 330B.2 CITATION.

8 Chapter 330B, division II, may be cited as the  
9 "Quad Cities Transit Authority Act".

10 Sec. 2. NEW SECTION. 330B.3 PURPOSES.

11 1. Chapter 330B, division II, is enabling  
12 legislation for the quad cities interstate  
13 metropolitan authority compact, a compact entered into  
14 by the states of Illinois and Iowa as provided in  
15 section 330B.1.

16 2. The authority shall carry out the operation and  
17 service of a mass transit system including related  
18 facilities, fixtures, equipment, and property  
19 necessary, or appurtenant to the operations and  
20 services of a mass transit system. The authority  
21 shall be supportive of, and refrain from unnecessary  
22 and unreasonable competition with, private sector  
23 operations when possible.

24 Sec. 3. NEW SECTION. 330B.4 DEFINITIONS.

25 As used in this chapter, unless the context  
26 otherwise requires:

27 1. "Authority" means the quad cities transit  
28 authority created as provided in this division.

29 2. "Board" means the board of commissioners of the  
30 authority.

31 3. "Cost" of any project for a mass transit  
32 facility includes construction contract costs and the  
33 costs of engineering, architectural, technical, and  
34 legal services, preliminary reports, property  
35 valuations, estimates, plans, specifications, notices,  
36 acquisition of real and personal property,  
37 consequential damages or costs, easements, rights-of-  
38 way, supervision, inspection, testing, publications,  
39 printing and sale of bonds, if any, and provisions for  
40 contingencies.

41 4. "Greater metropolitan area" means the combined  
42 area of Rock Island county, Illinois, and Scott  
43 county, Iowa.

44 5. "Metropolitan area" means Rock Island county,  
45 Illinois, as a separate and distinct area, or Scott  
46 county, Iowa, as a separate and distinct area, or each  
47 as a part of the greater metropolitan area.

48 6. "Mass transit facility" means a structure,  
49 fixture, equipment, or property of any kind or nature  
50 directly related to the mass transit system which the

**Page 2**

1 authority may construct, acquire, own, lease, or  
2 operate, including all related facilities necessary,  
3 appurtenant, or incidental to the facilities. "Mass  
4 transit facility" does not include airports, related  
5 buildings, or equipment.

6 7. "Person" means an individual, firm,  
7 partnership, corporation, company, association, or  
8 joint stock association, and includes any trustee,  
9 receiver, assignee, or personal representative of any  
10 of the entities.

11 **Sec. 4. NEW SECTION. 330B.5 PETITION AND PUBLIC**  
12 **HEARING.**

13 1. Upon petition of eligible electors of a  
14 metropolitan area equal in number to at least ten  
15 percent of the persons who voted in the last general  
16 election held in the metropolitan area for the office  
17 of president of the United States or governor, or when  
18 the governing body of a county in this state within a  
19 metropolitan area desires to participate in the  
20 creation of an authority, the governing body of the  
21 county shall adopt a resolution signifying its  
22 intention to initiate the question of participating in  
23 the creation of an authority and shall publish the  
24 resolution at least once in a newspaper of general  
25 circulation in the metropolitan area giving notice of  
26 a hearing to be held on the question of the  
27 metropolitan area's entry into the authority. The  
28 resolution shall be published at least fourteen days  
29 prior to the date of hearing, and shall contain all of  
30 the following information:

31 a. Intention to join in the creation of the  
32 authority pursuant to this division.

33 b. That the greater metropolitan area will include  
34 Rock Island county, Illinois, and Scott county, Iowa,  
35 which have expressed their interest in the creation of  
36 the authority.

37 c. Name of the authority.

38 d. Place, date, and time of hearing.

39 2. After the hearing, if the governing body of a  
40 metropolitan area wishes to proceed in the creation of  
41 or to join the authority, the governing body shall  
42 direct the county commissioner of elections to submit  
43 the proposition to the electorate of the metropolitan  
44 area as provided in section 330B.6.

45 **Sec. 5. NEW SECTION. 330B.6 ELECTION.**

46 1. Upon receipt of the resolution, the county  
47 commissioner of elections shall place the proposition  
48 on the ballot of a general or special election called  
49 by the governing body of the metropolitan area. At  
50 the election, the proposition shall be submitted in

## Page 3

1 substantially the following form:

2 "Shall the Quad Cities Transit Authority be  
3 established effective on the \_\_\_\_\_ day of  
4 \_\_\_\_\_, 19\_\_\_\_?"

5 YES \_\_\_\_\_ NO \_\_\_\_\_"

6 2. Notice of the election shall be given by  
7 publication as required in section 49.53 in a  
8 newspaper of general circulation in the metropolitan  
9 area. At the election, the ballot used for submission  
10 of the proposition shall be substantially the form for  
11 submitting special questions at general elections.

12 3. The proposition is approved if the vote in  
13 favor of the proposition is a simple majority of the  
14 total votes cast on the proposition in the  
15 metropolitan area.

16 4. If the proposition is approved, the governing  
17 body of the county shall enact an ordinance  
18 authorizing the joining of the authority.

19 Sec. 6. NEW SECTION. 330B.7 BOARD OF  
20 COMMISSIONERS - APPOINTMENT.

21 1. The authority established under this division  
22 shall be governed by a board of commissioners  
23 appointed as provided in subsection 2. The  
24 appointment of the commissioners shall be made in  
25 writing and shall indicate the legal residence of the  
26 appointee.

27 2. The board of commissioners of the authority  
28 shall consist of the number of members as determined  
29 by the counties and cities who are party to the  
30 authority within the metropolitan area of each state,  
31 but an equal number of commissioners shall be  
32 appointed from each state. Within sixty days after  
33 the election which gives final approval for creation  
34 of the authority, each city with a metropolitan area,  
35 by motion of the council, shall notify the county of  
36 whether or not the city will be party to the  
37 authority. The county and cities of each state who  
38 are party to the authority shall apportion the  
39 commission membership among the cities and county.  
40 Commission members appointed by a city shall be  
41 appointed by the mayor with consent of the council.  
42 Commission members representing the county shall be  
43 appointed by its governing body.

44 Sec. 7. NEW SECTION. 330B.8 COMMISSIONERS -  
45 TERMS OF OFFICE.

46 1. All initial appointments of commissioners shall  
47 be made within ninety days after the establishment of  
48 the authority. The authority is considered  
49 established when the proposition is approved by the  
50 voters under section 330B.6. Each appointment shall

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1 be in writing and a certificate of appointment signed  
2 by the appointing officer shall be filed and made a  
3 matter of record in the office of the county recorder.  
4 A commissioner shall be appointed for a term of two  
5 years and shall serve at the pleasure of the  
6 appointing authority. A commissioner shall qualify by  
7 taking of an oath or affirmation to faithfully perform  
8 the duties of office. The members initially appointed  
9 to the board of commissioners shall serve from the  
10 date of appointment until June 30 of one or two years  
11 after the date of appointment and shall draw lots to  
12 determine the terms for which each shall be appointed.  
13 Lots shall be drawn so that two commissioners from the  
14 metropolitan area shall serve in each of two classes.  
15 Thereafter, commissioners shall be appointed for two-  
16 year terms beginning on July 1 of the year of  
17 appointment.

18 2. Within forty-five days after any vacancy occurs  
19 on the board by death, resignation, change of  
20 residence to outside of the metropolitan area, or for  
21 any other cause, a successor shall be appointed in the  
22 same manner as the commissioner's predecessor was  
23 appointed for the unexpired term of office.  
24 Commissioners and board officers of the board shall  
25 serve until a successor is appointed and qualifies. A  
26 commissioner shall not serve more than two consecutive  
27 two-year terms of office.

28 Sec. 8. NEW SECTION. 330B.9 ORGANIZATION —  
29 OFFICERS — MEETINGS — COMPENSATION.

30 1. The board of commissioners may exercise all of  
31 its legislative and executive powers granted under  
32 this division. Within thirty days after the  
33 appointment of the initial commissioners, the board  
34 shall meet and elect a chairperson. The office of  
35 chairperson shall not be held by a commissioner  
36 representing the same state for more than two  
37 consecutive years. The board shall also select a  
38 secretary, treasurer, and other officers or employees  
39 as necessary for the accomplishment of its corporate  
40 objectives, none of whom need be a commissioner. The  
41 board, at its first meeting, shall define by ordinance  
42 the first and subsequent fiscal years of the  
43 authority, and shall adopt a corporate seal and  
44 bylaws, which shall determine the times for the annual  
45 election of officers and for other regular and special  
46 meetings of the board. The bylaws shall contain the  
47 rules for the transaction of other business of the  
48 authority and for amending the bylaws. The board  
49 shall establish the principal executive offices of the  
50 quad cities transit authority in the metropolitan area

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1 that does not contain the bi-state metropolitan  
2 planning commission.

3 2. Each commissioner of the authority shall devote  
4 the amount of time to the duties of office as the  
5 faithful discharge of the duties may require. The  
6 board shall reimburse a commissioner for actual  
7 expenses incurred in the performance of official  
8 duties as approved by the board.

9 3. The commissioners shall comply with  
10 restrictions relating to conflicts of interest or  
11 acceptance of gifts as provided in chapter 68B or to  
12 similar laws of the state of Illinois as determined by  
13 the board.

14 4. The commissioners shall conduct the meetings as  
15 public meetings with appropriate notice pursuant to  
16 chapter 21 or similar laws of the state of Illinois as  
17 determined by the board.

18 Sec. 9. NEW SECTION. 330B.10 RIGHTS AND POWERS.

19 The authority constitutes a municipal corporation  
20 and body politic separate from any other municipality,  
21 state, or other public or governmental agency. The  
22 authority has the following express powers, subject to  
23 any restrictions or limitations contained in this  
24 division, and all other powers incidental, necessary,  
25 convenient, or desirable to carry out and effectuate  
26 the express powers to:

27 1. Sue and be sued.

28 2. Locate, acquire, own, establish, operate, and  
29 maintain one or more mass transit facilities upon any  
30 land within its corporate limits, and to construct,  
31 develop, expand, extend, and improve any mass transit  
32 facility.

33 3. Acquire, within the corporate limits of the  
34 authority, and in fee simple, rights in and over land,  
35 and easements upon, over, or across land, and  
36 leasehold interests in land, and tangible and  
37 intangible personal property, used or useful for the  
38 location, establishment, maintenance, development,  
39 expansion, extension, or improvement of one or more  
40 mass transit facilities. The acquisition may be by  
41 dedication, purchase, gift, agreement, lease, or by  
42 condemnation if within corporate limits of the  
43 authority. The authority may acquire land in fee  
44 simple subject to a mortgage and as part of the  
45 purchase price may assume the payment of the  
46 indebtedness secured by the mortgage. Land may be  
47 acquired, possessed, and used for its purposes by the  
48 authority, under a written contract for a deed  
49 conveying merchantable title and providing that the  
50 deed shall be placed in escrow and be delivered upon

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- 1 payment of the purchase price and containing other
- 2 terms as are reasonably incident to the contract.
- 3 Personal property may be purchased on an installment
- 4 contract basis.
- 5 4. Operate, maintain, manage, lease, sublease, and
- 6 make and enter into contracts for the use, operation,
- 7 or management of, and enact regulations for the
- 8 operation, management, or use of, a mass transit
- 9 facility.
- 10 5. Fix, charge, and collect reasonable rentals,
- 11 tolls, fees, and charges for the use of a metropolitan
- 12 facility or any part of a mass transit facility. The
- 13 authority shall develop a fair and equitable method of
- 14 assigning relevant costs of the mass transit facility
- 15 to political subdivisions which are served by the
- 16 facility.
- 17 6. Establish and maintain streets and approaches
- 18 on property of the authority.
- 19 7. Remove and relocate hazards or structures on
- 20 property of the authority.
- 21 8. Accept grants, contributions, or loans from,
- 22 and enter into contracts, leases, or other
- 23 transactions with, a city, county, state, or federal
- 24 government.
- 25 9. Borrow money and issue bonds, notes,
- 26 certificates, or other evidences of indebtedness for
- 27 the purpose of accomplishing any of the corporate
- 28 purposes, which obligations may be payable from other
- 29 sources as provided in this division, and refund or
- 30 advance refund any of the evidences of indebtedness
- 31 with bonds, notes, certificates, or other evidences of
- 32 indebtedness, which refunding or advanced refunding
- 33 obligations may be payable from any source, subject to
- 34 compliance with any condition or limitation set forth
- 35 in this division. The authority may enter into an
- 36 agreement with political subdivisions within the
- 37 greater metropolitan area for the joint exercise of
- 38 governmental powers to finance the establishment and
- 39 operation of a mass transit facility including the
- 40 borrowing of money and issuance of bonds, notes,
- 41 certificates, or other evidences of indebtedness as
- 42 provided in this division.
- 43 10. Employ or enter into contracts for the
- 44 employment of any person for professional services,
- 45 necessary or desirable for the accomplishment of the
- 46 corporate objectives of the authority or the proper
- 47 administration, management, protection, or control of
- 48 its property.
- 49 11. Establish, by ordinance of the board, all
- 50 regulations for the execution of the powers specified

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1 in this division, for the government of the authority,  
2 and for the protection of any mass transit facility  
3 within the jurisdiction of the authority, or deemed  
4 necessary or desirable to effect its corporate  
5 objectives. An ordinance may provide for the  
6 revocation, cancellation, or suspension of an existing  
7 privilege or franchise as a penalty for a second or  
8 subsequent violation by the holder or franchisee of a  
9 regulation pertaining to the enjoyment, use, or  
10 exercise of the privilege or franchise. The use of a  
11 mass transit facility of the authority shall be  
12 subject to the reasonable regulation and control of  
13 the authority and upon the reasonable terms and  
14 conditions as established by the board.

15 12. Establish a general operating fund and other  
16 funds as necessary.

17 13. Do all acts and things necessary or convenient  
18 for the promotion of its business and the general  
19 welfare of the authority, in order to carry out the  
20 powers granted to it by this chapter or any other  
21 laws.

22 The authority has no power to pledge the taxing  
23 power of this state or any political subdivision or  
24 agency of this state.

25 Bonds and notes issued by the authority are payable  
26 solely and only out of the moneys, assets, or revenues  
27 of the authority, and as provided in the agreement  
28 with bondholders or noteholders pledging any  
29 particular moneys, assets, or revenues. Bonds or  
30 notes are not an obligation of this state or any  
31 political subdivision of this state other than the  
32 authority within the meaning of any constitutional or  
33 statutory debt limitations, but are special  
34 obligations of the authority payable solely and only  
35 from the sources provided in this division, and the  
36 authority shall not pledge the credit or taxing power  
37 of this state or any political subdivision of this  
38 state other than the authority, or make its debts  
39 payable out of any moneys except those of the  
40 authority.

41 Sec. 10. NEW SECTION. 330B.11 REGULATIONS —  
42 ORDINANCES.

43 1. Regulations adopted pursuant to section 330B.10  
44 shall be contained in an ordinance which shall be  
45 placed on file in the office of the authority in  
46 typewritten or printed form for public inspection not  
47 less than fifteen days before adoption. The ordinance  
48 may impose fines as the board deems appropriate of not  
49 more than one hundred dollars upon conviction or  
50 guilty plea for each violation, and may provide that,

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1 in case of continuing violation, each day during which  
2 a violation occurs or continues constitutes a separate  
3 offense.

4 2. All fines, when collected for violations of an  
5 ordinance of the authority, shall be paid into the  
6 general operating fund of the authority.

7 3. The board shall provide, by intergovernmental  
8 agreement, for the enforcement of its ordinances by  
9 sworn peace officers of cities or counties within the  
10 greater metropolitan area.

11 Sec. 11. NEW SECTION. 330B.12 EMINENT DOMAIN  
12 PROCEDURES.

13 If land in fee simple, rights in land, easements or  
14 other interests in land, property, or property rights  
15 are acquired or sought to be acquired by the authority  
16 by condemnation, the condemnation procedure shall be  
17 in accordance with the eminent domain statutes of the  
18 state in which the affected property is located.

19 Sec. 12. NEW SECTION. 330B.13 AUTHORITY  
20 PROCEDURES.

21 Action of the board of a legislative character,  
22 including the adoption of regulations, shall be in the  
23 form of an ordinance, and after adoption shall be  
24 filed with the secretary and shall be made a matter of  
25 public record in the office of the authority. Other  
26 action of the board shall be by resolution, motion, or  
27 in other appropriate form. Executive or ministerial  
28 duties may be delegated to one or more commissioners  
29 or to an authorized officer, employee, agent, or other  
30 representative of the authority. A majority of the  
31 commissioners of each state constitutes a quorum to  
32 conduct business and the concurrence of a majority of  
33 the commissioners of each state is required to adopt  
34 or approve an action. The enacting clause of any  
35 ordinance shall be substantially as follows: "Be it  
36 ordained by the Board of Commissioners of the Quad  
37 Cities Transit Authority".

38 Sec. 13. NEW SECTION. 330B.14 OFFICIAL RECORDS  
39 AND OFFICER BONDS.

40 The board shall provide for the safekeeping of its  
41 permanent records and for the recording of the  
42 corporate action of the authority. The board shall  
43 keep a true and accurate account of its receipts and  
44 an annual audit shall be made of its books, records,  
45 and accounts by state or private auditors. All  
46 officers and employees authorized to receive or retain  
47 the custody of moneys or to sign vouchers, checks,  
48 warrants, or evidences of indebtedness binding upon  
49 the authority shall furnish surety bond for the  
50 faithful performance of their duties and the faithful

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1 accounting for all moneys that may come into their  
2 custody in an amount to be fixed and in a form to be  
3 approved by the board.

4 Sec. 14. NEW SECTION. 330B.15 BUDGET AND  
5 APPROPRIATION.

6 Annually, the board shall prepare and adopt a  
7 budget and provide appropriations as follows:

8 1. The budget shall show the amount required for  
9 each class of proposed expenditures, a comparison of  
10 the amounts proposed to be expended with the amounts  
11 expended for like purposes for the two preceding  
12 years, if available, and the revenues from all  
13 sources.

14 2. Not less than twenty days before the date that  
15 a budget must be certified as determined by the board  
16 and not less than ten days before the date set for the  
17 hearing under subsection 3, the board shall file the  
18 budget with the treasurer of the authority. The  
19 treasurer shall post a copy of the budget in the  
20 authority offices for public inspection and comment.

21 3. The board shall set a time and place for a  
22 public hearing on the budget before the final  
23 certification date and shall publish notice of the  
24 hearing not less than ten nor more than twenty days  
25 prior to the hearing in one or more newspapers serving  
26 the greater metropolitan area. Proof of publication  
27 shall be filed with and preserved by the treasurer.

28 4. At the hearing, any resident or taxpayer of the  
29 greater metropolitan area may present to the board  
30 objections to or arguments in favor of any part of the  
31 budget.

32 5. After the hearing, the board shall adopt by  
33 resolution a budget for the next fiscal year and shall  
34 direct the treasurer to properly certify and file the  
35 budget as adopted. A budget adopted for the following  
36 fiscal year becomes effective on the first day of that  
37 year.

38 6. The board shall appropriate, by resolution, the  
39 amounts deemed necessary for each of the different  
40 offices and departments during the ensuing fiscal  
41 year. Increases or decreases in these appropriations  
42 do not require a budget amendment, but may be provided  
43 by resolution at a regular meeting of the board.

44 Sec. 15. NEW SECTION. 330B.16 BONDS AND NOTES  
45 PAYABLE FROM REVENUE.

46 1. The bonds issued by the board pursuant to this  
47 division shall be authorized by resolution of the  
48 board after approval, is voted by a simple majority of  
49 the total votes cast on the proposition in each  
50 metropolitan area, and shall be either term or serial

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1 bonds, shall bear the date, mature at the time, not  
2 exceeding forty years from their respective dates,  
3 bear interest at the rate, not exceeding the rate  
4 permitted under chapter 74A or the rate authorized by  
5 another state within the greater metropolitan area,  
6 whichever rate is lower, payable semiannually, be in  
7 the denominations, be in the form, either coupon or  
8 fully registered, shall carry the registration,  
9 exchangeability and interchangeability privileges, be  
10 payable in the medium of payment and at the place,  
11 within or without the state, be subject to the terms  
12 of redemption and be entitled to the priorities on the  
13 revenues, rates, fees, rentals, or other charges or  
14 receipts of the authority as the resolution may  
15 provide. The bonds shall be executed either by manual  
16 or facsimile signature by the officers as the  
17 authority shall determine, provided that the bonds  
18 shall bear at least one signature which is manually  
19 executed on the bond, and the coupons attached to the  
20 bonds shall bear the facsimile signature of the  
21 officer as designated by the authority and the bonds  
22 shall have the seal of the authority, affixed,  
23 imprinted, reproduced, or lithographed on the bond,  
24 all as may be prescribed in a resolution. The bonds  
25 shall be sold at public sale at the price as the  
26 authority shall determine to be in the best interests  
27 of the authority provided that the bonds shall not be  
28 sold at less than the par value of the bond, plus  
29 accrued interest and provided that the net interest  
30 cost shall not exceed that permitted by applicable  
31 state law. Pending the preparation of definitive  
32 bonds, interim certificates or temporary bonds may be  
33 issued to the purchaser of the bonds, and may contain  
34 the terms and conditions as the board may determine.

35 2. The board, after the issuance of bonds, may  
36 borrow moneys for the purposes for which the bonds are  
37 to be issued in anticipation of the receipt of the  
38 proceeds of the sale of the bonds and within the  
39 authorized maximum amount of the bond issue. Any loan  
40 shall be paid within three years after the date of the  
41 initial loan. Bond anticipation notes shall be issued  
42 for all moneys so borrowed under this section, and the  
43 notes may be renewed, but all the renewal notes shall  
44 mature within the time above limited for the payment  
45 of the initial loan. The notes shall be authorized by  
46 resolution of the board and shall be in the  
47 denominations, shall bear interest at the rate not  
48 exceeding the maximum rate permitted by the resolution  
49 authorizing the issuance of the bonds, shall be in the  
50 form and shall be executed in the manner, all as the

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1 authority prescribes. The notes shall be sold at  
2 public or private sale or, if the notes are renewal  
3 notes, they may be exchanged for notes outstanding on  
4 the terms as the board determines. The board may  
5 retire any notes from the revenues derived from its  
6 mass transit facilities or from other moneys of the  
7 authority which are lawfully available or from a  
8 combination of revenues and other available moneys, in  
9 lieu of retiring them by means of bond proceeds.  
10 However, before the retirement of the notes by any  
11 means other than the issuance of bonds, the board  
12 shall amend or repeal the resolution authorizing the  
13 issuance of the bonds, in anticipation of the proceeds  
14 of the sale of the notes, so as to reduce the  
15 authorized amount of the bond issue by the amount of  
16 the notes so retired. The amendatory or repealing  
17 resolution shall take effect upon its passage.

18 3. Any resolution authorizing the issuance of any  
19 bonds may contain provisions which shall be part of  
20 the contract with the holders of the bonds, as to:

21 a. The pledging of all or any part of the  
22 revenues, rates, fees, rentals, or other charges or  
23 receipts of the authority derived by the authority  
24 from all or any of its mass transit facilities.

25 b. The construction, improvement, operations,  
26 extensions, enlargement, maintenance, repair, or lease  
27 of mass transit facilities and the duties of the  
28 authority with reference to the facilities.

29 c. Limitations on the purposes to which the  
30 proceeds of the bonds, or of any loan or grant by the  
31 federal government or the state government or the  
32 county or any city in the county, may be applied.

33 d. The fixing, charging, establishing, and  
34 collecting of rates, fees, rentals, or other charges  
35 for use of the services and facilities of the mass  
36 transit facilities of an authority, or any part of the  
37 facilities.

38 e. The setting aside of reserves or sinking funds  
39 or repair and replacement funds or other funds and the  
40 regulation and disposition of the funds.

41 f. Limitations on the issuance of additional  
42 bonds.

43 g. The terms and provisions of any deed of trust,  
44 mortgage, or indenture securing the bonds or under  
45 which the bonds may be issued.

46 h. Any other or additional agreements with the  
47 holders of the bonds as are customary and proper and  
48 which in the judgment of the authority will make the  
49 bonds more marketable.

50 4. The board of the authority may enter into any

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1 deeds of trust, mortgages, indentures, or other  
2 agreements, with any bank or trust company or any  
3 other lender within or without the state as security  
4 for the bonds, and may assign and pledge all or any of  
5 the revenues, rates, fees, rentals, or other charges  
6 or receipts of the authority. The deeds of trust,  
7 mortgages, indentures, or other agreements may contain  
8 the provisions as may be customary in the instruments,  
9 or, as the board may authorize, including, but without  
10 limitation, provisions as to:

11 a. The construction, improvement, operation,  
12 leasing, maintenance, and repair of the mass transit  
13 facilities and duties of the board with reference to  
14 the facilities.

15 b. The application of funds and the safeguarding  
16 and investment of funds on hand or on deposit.

17 c. The appointment of consulting engineers or  
18 architects and approval by the holders of the bonds.

19 d. The rights and remedies of the trustee and the  
20 holders of the bonds.

21 e. The terms and provisions of the bonds or the  
22 resolution authorizing the issuance of the bonds.

23 Any of the bonds issued pursuant to this section  
24 are negotiable instruments, and have all the qualities  
25 and incidents of negotiable instruments.

26 **Sec. 16. NEW SECTION. 330B.17 EXISTING**  
27 **JURISDICTIONS.**

28 Existing jurisdictions, including those involving  
29 mass transit within their jurisdictional boundaries,  
30 are protected from incorporation by the authority and  
31 shall not be incorporated in the authority except by  
32 their respective governing bodies. However, an  
33 existing mass transit system may negotiate with the  
34 authority to take over its mass transit powers,  
35 incomes, and debts. The authority may assume the  
36 powers, income, and debts for any type of mass transit  
37 facility authorized by this division.

38 **Sec. 17. NEW SECTION. 330B.18 COOPERATION WITH**  
39 **OTHER GOVERNMENTS.**

40 The authority may apply for and receive a grant or  
41 loan of moneys or other financial aid from the state  
42 or federal government or from any state or federal  
43 agency, department, bureau, or board, necessary or  
44 useful for the undertaking, performance, or execution  
45 of any of its corporate objectives or purposes, and  
46 the authority may undertake the acquisition,  
47 establishment, construction, development, expansion,  
48 extension, or improvement of mass transit facilities  
49 within its corporate limits, in cooperation with, or  
50 as a joint enterprise with the state or federal

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1 governments or with the aid of, or in cooperation  
2 with, or as a joint project with the state and federal  
3 governments. The authority shall assure, in  
4 compliance with any state or federal requirements or  
5 directives, that the proceeds of a state or federal  
6 grant, loan, or other financial assistance for the  
7 provision of facilities or services are used for the  
8 express purpose of the financial assistance and to the  
9 specific benefit of service areas or persons as  
10 designated by the local, state, or federal funding  
11 provider.

12 Sec. 18. NEW SECTION. 330B.19 TRANSFER OF  
13 EXISTING FACILITIES.

14 1. Any county, city, commission, authority, or  
15 person may sell, lease, lend, grant, or convey to the  
16 authority, a facility or any part of a facility, or  
17 any interest in real or personal property which may be  
18 used by an authority in the construction, improvement,  
19 maintenance, leasing, or operation of any mass transit  
20 facilities. Any county, city, commission, authority,  
21 or person may transfer and assign over to the  
22 authority a contract which may have been awarded by  
23 the county, city, commission, authority, or person for  
24 the construction of mass transit facilities not begun  
25 or, if begun, not completed.

26 2. A proposed action of the board, and a proposed  
27 agreement to acquire, shall be approved by the  
28 governing body of the owner of the mass transit  
29 facilities. If the governing body of a county, city,  
30 commission, or authority desires to sell, lease, lend,  
31 grant, or convey to the authority a mass transit  
32 facility or any part of a mass transit facility, the  
33 governing body shall adopt a resolution signifying its  
34 intention to do so and shall publish the resolution at  
35 least one time in a newspaper of general circulation  
36 in the county and in a newspaper or newspapers, if  
37 necessary, of general circulation in the area served  
38 by the county, city, commission, or authority giving  
39 notice of a hearing to be held on the question of the  
40 sale, lease, loan, grant, or conveyance. The  
41 resolution shall be published at least fourteen days  
42 prior to the date of hearing. After the hearing and  
43 if in the public interest, the county, city,  
44 commission, or authority shall enact an ordinance  
45 authorizing the sale, lease, loan, grant, or  
46 conveyance.

47 3. An owner transferring an existing mass transit  
48 facility to the authority under this section shall  
49 notify the board of and make provision in the transfer  
50 documents for, where necessary, existing rights,

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1 liens, securities, and rights of reentry belonging to  
2 the state or federal government.

3 4. This section, without reference to any other  
4 law, shall be deemed complete authority for the  
5 acquisition by agreement, of a facility as provided in  
6 subsection 1, and no proceedings or other action shall  
7 be required except as prescribed in this division.

8 Sec. 19. NEW SECTION. 330B.20 FUNDS OF THE  
9 AUTHORITY.

10 Moneys of an authority shall be paid to the  
11 treasurer of the authority who shall not commingle the  
12 moneys with any other moneys, but shall deposit them  
13 in a separate account or accounts. Moneys in the  
14 accounts shall be paid out on check of the treasurer  
15 on requisition of the chairperson of the authority, or  
16 of another person as the authority may authorize to  
17 make the requisition. An authority may deposit any of  
18 its rates, fees, rentals, or other charges, receipts,  
19 or income with any bank or trust company that is  
20 federally insured and may deposit the proceeds of any  
21 bonds issued with any bank or trust company that is  
22 federally insured, all as may be provided in any  
23 agreement with the holders of bonds issued under this  
24 division.

25 Sec. 20. NEW SECTION. 330B.21 AWARD OF  
26 CONTRACTS.

27 All contracts entered into by an authority for the  
28 construction, reconstruction, and improvement of mass  
29 transit facilities shall be entered into pursuant to  
30 and shall comply with applicable state laws. However,  
31 if an authority determines an emergency exists, it may  
32 enter into contracts obligating the authority for not  
33 in excess of one hundred thousand dollars per  
34 emergency without regard to the requirements of  
35 applicable state laws and the authority may proceed  
36 with the necessary action as expeditiously as possible  
37 to the extent necessary to resolve the emergency.

38 Sec. 21. NEW SECTION. 330B.22 EXEMPTION FROM  
39 TAXATION.

40 Since an authority is performing essential  
41 governmental functions, an authority is not required  
42 to pay any taxes or assessments of any kind or nature  
43 upon any property required or used by it for its  
44 purposes, or any rates, fees, rentals, receipts, or  
45 incomes at any time received by it, and the bonds  
46 issued by an authority, their transfer, and the  
47 income, including any profits made on the sale of  
48 bonds, shall be free from taxation of any kind by this  
49 state, or any political subdivision or taxing agency  
50 or instrumentality of this state.

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1 Sec. 22. NEW SECTION. 330B.23 DISSOLUTION —  
2 REFERENDUM.

3 The authority shall be dissolved only by a majority  
4 vote in a referendum undertaken in a manner similar to  
5 the referendum provided for in section 330B.6. The  
6 board shall initiate the petition calling for an  
7 election to approve or disapprove the dissolution.  
8 The authority shall provide by ordinance for the  
9 disposal of any remaining property, the proceeds of  
10 which shall first be applied against any outstanding  
11 obligation of the authority. The remaining balance  
12 shall be divided between the counties included in the  
13 authority and credited to the general fund of the  
14 respective counties.

15 Sec. 23. NEW SECTION. 330B.24 SUPREMACY OF  
16 COMPACT.

17 The provisions of this division II are subject to  
18 all of the provisions of the quad cities interstate  
19 metropolitan authority compact provided for in section  
20 330B.1.

21 Sec. 24. NEW SECTION. 330B.25 LIMITATION ON  
22 AUTHORITY.

23 Nothing in this division shall be construed to  
24 authorize the authority to construct or maintain  
25 public roads, streets, highways, or bridges.

26 Sec. 25. EFFECTIVE DATE.

27 This Act takes effect January 1, 1991."

28 2. Title page, line 1, by striking the words "an  
29 interstate metropolitan" and inserting the following:  
30 "a quad cities transportation".

31 3. Title page, lines 4 and 5, by striking the  
32 words "by providing for the imposition of a retail  
33 sales tax and the certification of a property tax  
34 levy,".

Amendment H—6152 was adopted, placing the following amend-  
ments out of order:

H—5577 filed by Schneklath of Scott and Fey of Scott on March  
8, 1990.

H—5637 filed by Hermann of Scott on March 13, 1990.

Fey of Scott moved that the bill be read a last time now and  
placed upon its passage which motion prevailed and the bill was read  
a last time.

On the question "Shall the bill pass?" (S.F. 2287)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poney	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker Avenson			

The nays were, 5:

Banks	Bennett	McKean	Petersen, D. F.
Van Maanen			

Absent or not voting, 10:

Brown	Connors	Haverland	Jay
Johnson	Mertz	Nielsen	Plasier
Shearer	Stueland		

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

#### Unfinished Business Calendar

The House resumed consideration of **Senate File 2395**, a bill for an act relating to the protection of trade secrets and providing remedies, previously deferred and placed on the unfinished business calendar.

Fogarty of Palo Alto in the chair at 9:46 a.m.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2395)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Ollie	Osterberg	Pavich
Pellett	Peters	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Fogarty			
Presiding			

The nays were, 1:

Peterson, M. K.

Absent or not voting, 10:

Brown	Connors	Fey	Haverland
Jay	Johnson	Nielsen	Petersen, D. F.
Plasier	Stueland		

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

**IMMEDIATE MESSAGE**

(Senate File 2395)

Arnould of Scott asked and received unanimous consent that Senate File 2395 be immediately messaged to the Senate.

**SENATE AMENDMENT CONSIDERED**

House Refused To Concur

Hibbard of Madison called up for consideration **House File 731**, a bill for an act relating to constructive notice of rights conferred upon

drainage districts by the filing of files and records with the county auditor, amended by the Senate amendment H—5718 as follows:

H—5718

1 Amend House File 731, as passed by the House, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 455B.280 RIGHT TO  
6 MAINTAIN DRAINAGE DITCH.

7 The department shall not restrict a person,  
8 including a board as defined in section 468.3, having  
9 jurisdiction over a drainage ditch from maintaining  
10 the drainage ditch by removing silt which has  
11 accumulated in the ditch. This section does not allow  
12 a person to deepen or expand a ditch beyond its  
13 deepest or widest measurement when established.

14 Sec. 2. Section 468.27, Code Supplement 1989, is  
15 amended by adding the following new unnumbered  
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. Records and files  
18 provided in this chapter, including but not limited to  
19 the surveys and reports made in compliance with  
20 sections 468.11 and 468.12; surveys, plats, profiles,  
21 or reports made pursuant to section 468.22; or the  
22 permanent survey, plat, or profile made pursuant to  
23 section 468.30, which are on file with the county  
24 auditor in the county responsible for recording the  
25 records and files, shall constitute constructive  
26 notice to all persons of the rights of the drainage  
27 district conferred in such records and files.

28 Sec. 3. NEW SECTION. 468.149A RIGHT TO MAINTAIN  
29 DRAINAGE IMPROVEMENTS.

30 A person, including a board as defined in section  
31 468.3, having jurisdiction over a drainage ditch or  
32 drainage tile, shall not be restricted from  
33 maintaining the ditch or tile, including by repairing  
34 the tile or removing silt which has accumulated in the  
35 ditch. This section does not allow a person to deepen  
36 or expand a ditch beyond its deepest or widest  
37 measurement when established or to expand tiling  
38 systems beyond established locations."

39 2. Title page, line 1, by striking the words  
40 "constructive notice of".

41 3. Title page, line 1, by striking the word  
42 "upon" and inserting the following: "in".

43 4. Title page, line 2, by striking the word "by"  
44 and inserting the following: "and".

Mertz of Kossuth asked and received unanimous consent to withdraw amendment H—5779, to the Senate amendment H—5718, filed by her on March 20, 1990.

Hibbard of Madison moved that the House concur in the Senate amendment H—5718.

The motion lost and the House refused to concur in the Senate amendment H—5718.

### IMMEDIATE MESSAGE

(House File 731)

Arnould of Scott asked and received unanimous consent that House File 731 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Files 2115 and 2416, not eligible for debate today.

### Ways and Means Calendar

**Senate File 2115**, a bill for an act relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date, with report of committee recommending passage was taken up for consideration.

Osterberg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2115)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby

May	McKean	McKinney	Mertz
Metcalfe	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Fogarty	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Bisignano	Brown	Daggett	Harbor
Haverland	Jay	Plasier	Royer
Stueland			

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

**Senate File 2416**, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—6110 filed by the committee on ways and means and moved its adoption:

H—6110

- 1 Amend Senate File 2416, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "sale." the following: "The delinquent tax lien
- 5 expires when the tax sale certificate expires."
- 6 2. Page 1, line 27, by inserting after the word
- 7 "sale." the following: "The delinquent tax lien
- 8 expires when the tax sale certificate expires."
- 9 3. Page 2, by striking lines 6 through 15.
- 10 4. Title page, line 1, by inserting after the
- 11 word "transfer" the following: "and expiration".

The committee amendment H—6110 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2416)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Ollie	Osterberg
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renken	Rosenberg
Royer	Schnekkoth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Fogarty	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Connors	Haverland	Hibbard	Jay
Maulsby	Nielsen	Pavich	Renaud
Stueland			

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

MOTION TO RECONSIDER PREVAILED  
(Senate File 2230)

Doderer of Johnson called up for consideration the motion to reconsider Senate File 2230, filed on March 13, 1990, and moved to reconsider the vote by which Senate File 2230, a bill for an act relating to membership qualifications of the board of review, passed the House and was placed on its last reading on March 13, 1990.

A non-record roll call was requested.

The ayes were 52, nays 19.

The motion prevailed and Senate File 2230 was reconsidered.

Doderer of Johnson offered the following amendment H—5660 filed by her and Hammond of Story and moved its adoption:

H—5660

- 1 Amend Senate File 2230, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "field." the following: "The membership of the board
- 5 shall be gender balanced in accordance with section
- 6 69.16A."

Amendment H—5660 was adopted.

Royer of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2230)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Holveck	Iverson	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbaauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader,
Shearer	Shenner	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Fogarty		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Banks	Diemer	Haverland	Hibbard
Jay	Jochum	Murphy	Sherzan
Stueland	Teaford		

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

### HOUSE INSISTS

Jesse called up for consideration **House File 2534**, a bill for an act relating to sanitary disposal projects, and moved that the House insist on its amendment, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED (House File 2534)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2534: Jesse of Jasper, Chair; Banks of Plymouth, Rosenberg of Story, Petersen of Muscatine and Lykam of Scott.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2423, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

JOHN F. DWYER, Secretary

The House stood at ease at 10:33 a.m., until the fall of the gavel.

The House resumed session at 11:45 a.m., Speaker Avenson in the chair.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House File 2534 and Senate Files 2115, 2230 and 2416 be immediately messaged to the Senate.

**GOVERNOR'S VETO MESSAGE**

A copy of the following communication was received and placed on file:

April 5, 1990

The Honorable Donald Avenson  
Speaker  
House of Representatives  
State Capitol Building  
L O C A L

Dear Mr. Speaker:

House Concurrent Resolution No. 112, a concurrent resolution relating to the board of regents' ten-year building program and providing for the financing of fire and life safety and deferred maintenance projects, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

The resolution authorizes the Board of Regents to issue a total of approximately \$18 million in revenue bonds for the purpose of funding a wide variety of maintenance projects and improvements at Regents' facilities.

Many of these projects should be undertaken but it is preferable to finance them through the current operating budgets of the institutions. However, I recognize that during the difficult times of the early 80's, many such projects were deferred.

Given these extraordinary circumstances, I would consider this method of financing certain critical maintenance projects. However, this resolution exceeds those critical needs.

For the above reason, I hereby respectfully disapprove House Concurrent Resolution 112.

Sincerely,  
Terry E. Branstad  
Governor

**GOVERNOR'S ITEM VETO MESSAGES**

A copy of the following communications were received and placed on file:

April 5, 1990

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

Dear Madam President:

I hereby transmit Senate File 2328, 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 office of the state public defender, the department of inspections and appeals, the department

of commerce, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and affecting certain regulated entities, and providing an effective date.

Senate File 2328 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, in its entirety. I have approved language in this bill to require the Department of Employment Services to establish and provide staff for an informal mediation process for workers compensation cases. This provision, directing the establishment of pilot projects for the same purpose, does not authorize the Department to do anything that cannot be accomplished under the approved language.

I am unable to approve the item designated as Section 9, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This provision would allow funds from the indigent defense appropriation to be transferred to the Legal Services Corporation of Iowa. The indigent defense appropriation in this bill falls short of my recommendation by over \$500,000. Monies allocated to the Legal Services Corporation of Iowa would add to that shortfall, and increase the already certain need for supplemental funds in this area next year.

I am unable to approve the item designated as Section 19, unnumbered and unlettered paragraph 5, in its entirety. Because I have previously acted upon the corresponding legislation referred to in this section, the authorization provided in this provision is not necessary.

I am unable to approve the designated portions of Sections 21, 22 and 23, and the item designated as Section 30, in its entirety. These provisions would remove the State Racing and Gaming Commission from the Department of Inspections and Appeals, and establish the Commission as a separate state agency. The functions of the Racing and Gaming Commission have been satisfactorily performed as a part of the Department of Inspections and Appeals, and I see no need to establish the Racing and Gaming Commission as a new state department.

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 2328 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

April 5, 1990

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

Dear Madam President:

I hereby transmit Senate File 2364, an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, and the department of natural resources, changing the distribution of certain fees, and providing an effective date.

Senate File 2364 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 1, subsection 5, paragraphs e and f, in their entirety. Paragraph e calls for a \$37,577 appropriation for the support of an assistant attorney general. This position should be funded from pesticide receipts, not general fund dollars. Paragraph f earmarks funding for a planner to review pesticide cases and this should also be funded by pesticide receipts.

I am unable to approve the item designated as Section 3, numbered paragraph 1, in its entirety. This item calls for a \$250,000 appropriation to be used to develop public/private partnerships to assist in the promotion, marketing, and selling of agricultural products. The Department of Economic Development is charged with this very same duty and the Department of Agriculture and Land Stewardship should work with the Department of Economic Development to prevent duplication.

I am unable to approve the item designated as Section 4, in its entirety. This section would require the Department of Agriculture and Land Stewardship to notify the chairpersons and ranking members of the Agriculture and Natural Resources Appropriations Subcommittee regarding fund transfers from dairy trade practices, the commercial feed fund, the fertilizer fund and the pesticide fund. This language is unnecessary, for Section 8.39 of the Code specifies the use of these funds.

I am unable to approve the item designated as Section 5, in its entirety. This section would allow the Department to spend increased revenues from potential fee increases in the fertilizer and pesticide funds for the administration and implementation of Chapters 200 and 206. These funds should be authorized through the appropriation process.

I am unable to approve the item designated as Section 8, subsection 8, paragraph b, in its entirety, which calls for a \$30,000 appropriation to be used to support the position of Environmental Specialist II for the development of preserves management plans. This task can be handled by the Department of Natural Resources within their existing budget.

I am unable to approve the item designated as Section 9, subsection 8, in its entirety. This item would require the Department to take all actions necessary to avoid using license receipts or other income for capitals and acquisitions unless the Code specifically designates the use. The Department would not be able to reduce personnel until all other actions necessitated by the expenditure reduction are exhausted. This could require the Department to turn back federal dollars for lack of a state match.

I am unable to approve the item designated as Section 12, in its entirety. This section appropriates \$50,000 to restore and repair a lowhead dam in Jones County. Several counties in the state have requested appropriations to pay for repairs of lowhead dams and the Resource Enhancement and Protection Act funds may be used for this purpose. Given the state's reduced revenues, I cannot approve this general fund expenditure.

I am unable to approve the item designated as Section 17, in its entirety. This section is ambiguous and is unnecessary, for the Department of Management currently notifies the chairpersons and ranking members of proposed transfer of funds.

I am unable to approve the item designated as Section 18, in its entirety. In lieu of divisional appropriations, this language was added to fiscal year 1990's appropriation bill. Senate File 2364 now includes divisional appropriations and this additional report is no longer necessary.

I am unable to approve the item designated as Section 22, in its entirety. This section eliminates Jones County from the list of four counties who were allowed to borrow ahead on their REAP allocations. Since I have vetoed Section 12 of this bill, there is no need for this section.

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 2364 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

On motion by Arnould of Scott, the House was recessed at 11:45 a.m., until 12:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty members present, twenty absent.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2270, a bill for an act relating to the department of human rights.

Also: That the Senate has on April 6, 1990, adopted the following resolution in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

### INTRODUCTION OF BILL

**House File 2567**, by committee on appropriations, a bill for an act relating to and making appropriations from the energy conservation trust.

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

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Johnson of Winneshiek, until his return, on request of Arnould of Scott.

**SENATE AMENDMENT CONSIDERED**

Teaford of Black Hawk called up for consideration **House File 2546**, a bill for an act relating to child day care and the state child and dependent care tax credit and providing a retroactive applicability date, amended by the Senate, and moved that the House concur in the following Senate amendment H—6146:

H—6146

- 1 Amend House File 2546, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 10, by inserting after the word
- 4 "pool." the following: "If a proposal for an
- 5 insurance pool is developed, 120 days prior to
- 6 proposing administrative rules for a pool, the
- 7 department of human services shall submit a report to
- 8 the legislative council providing a rationale as to
- 9 the need to establish the pool."

- 10 2. Page 4, by inserting after line 10 the
- 11 following:

12 "Sec. \_\_\_\_\_. **RESOURCE AND REFERRAL PROGRAMS, OTHER**

13 **CHILD CARE ASSISTANCE.**

14 There is appropriated from the general fund of the

15 state to the department of human services for the

16 fiscal year beginning July 1, 1990, and ending June

17 30, 1991, the following amounts, or so much thereof as

18 is necessary, to be used for the purposes designated:

- 19 1. For grants to public agencies and private
- 20 nonprofit organizations which provide child day care
- 21 resource and referral programs:
- 22 .....\$ 500,000

23 As a condition, qualification, and limitation of

24 the funds appropriated in this section, a task force

25 is established which shall include representatives of

26 all of the following entities: the department of

27 human services, the child development coordinating

28 council, the department of education, the area

29 education agencies, the cooperative extension service

30 of Iowa state university of science and technology,

31 the state day care advisory committee, and child day

32 care resource and referral agencies. The task force

33 shall develop, and provide for dissemination of, a

34 manual or materials to assist local school districts

35 and communities in conducting a needs assessment for  
 36 child day care services and in developing a community  
 37 support structure for meeting needs identified by the  
 38 assessment.

39 2. For grants to fund costs relating to child day  
 40 care start-up, fire safety, and equipment:

41 .....\$ 760,000

42 The funds appropriated in this subsection shall be  
 43 allocated and administered as provided in sections  
 44 237A.13 through 237A.18. However, \$50,000 shall be  
 45 used for start-up grants to child day care facilities  
 46 located in rural counties with a population of less  
 47 than 20,000 or in cities with a population of less  
 48 than 5,000. A child day care program established by a  
 49 school pursuant to section 279.49 may receive a grant.  
 50 The order of priority for granting funds appropriated

## Page 2

1 in this subsection is as follows: start-up; fire  
 2 safety; and equipment. If available, the funds  
 3 appropriated in this subsection shall be matched with  
 4 federal funds. The department shall adopt rules to  
 5 implement this subsection, including a provision that  
 6 the maximum amount granted to a grantee is \$10,000."

7 3. Page 4, by inserting before line 11, the  
 8 following:

9 "Sec. \_\_\_\_\_. RECEIPT OF FEDERAL FUNDS.

10 When unanticipated federal moneys are received  
 11 which may be used for the purposes of child day care  
 12 resource and referral programs or child day care  
 13 start-up grants, the federal moneys shall be used  
 14 before state moneys appropriated for these purposes  
 15 are further expended and the federal moneys received  
 16 shall be considered to be in addition to the amounts  
 17 of the state appropriations."

18 4. Page 4, line 13, by striking the words  
 19 "college aid commission" and inserting the following:  
 20 "department of human services".

21 5. Page 4, line 16, by inserting before the word  
 22 "commission" the following: "college aid".

23 6. Page 4, by striking line 23 and inserting the  
 24 following: "department shall report its findings,  
 25 including the commission's loan repayment program  
 26 proposal, to the general assembly".

27 7. Page 5, line 4, by striking the word "seventy"  
 28 and inserting the following: "sixty-five".

29 8. Page 5, line 7, by striking the word "sixty-  
 30 five" and inserting the following: "fifty-five".

31 9. Page 5, lines 9 and 10, by striking the words  
 32 "thirty thousand dollars, sixty percent" and inserting

33 the following: "thirty-five thousand dollars, fifty  
34 percent."  
35 10. Page 5, by striking lines 11 through 13.  
36 11. Page 5, line 14, by striking the letter "f"  
37 and inserting the following: "e".  
38 12. Page 5, by striking lines 17 through 19 and  
39 inserting the following:  
40 "f. For a taxpayer with an adjusted gross income  
41 of forty thousand dollars or more but less than forty-  
42 five thousand dollars, thirty percent.  
43 g. For a taxpayer with an adjusted gross income of  
44 forty-five thousand dollars or more but less than  
45 fifty thousand dollars, twenty percent.  
46 h. For a taxpayer with an adjusted gross income of  
47 fifty thousand dollars or more, ten percent."  
48 13. Page 5, by striking lines 25 through 32 and  
49 inserting the following:  
50 "3. Married taxpayers who have filed joint federal

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1 returns electing to file separate returns or to file  
2 separately on a combined return form must determine  
3 the child and dependent care credit under subsection 1  
4 based upon their combined adjusted gross income and  
5 allocate the total credit amount to each spouse in the  
6 proportion that each spouse's respective adjusted  
7 gross income bears to the total combined adjusted  
8 gross income.  
9 Sec. \_\_\_\_\_. Section 422.16, subsection 1, unnumbered  
10 paragraph 1, Code Supplement 1989, is amended to read  
11 as follows:  
12 Every withholding agent and every employer as  
13 defined in this chapter and further defined in the  
14 Internal Revenue Code, with respect to income tax  
15 collected at source, making payment of wages to a  
16 nonresident employee working in Iowa, or to a resident  
17 employee, shall deduct and withhold from the wages an  
18 amount which will approximate the employee's annual  
19 tax liability on a calendar year basis, calculated on  
20 the basis of tables to be prepared by the department  
21 and schedules or percentage rates, based on the wages,  
22 to be prescribed by the department. Every employee or  
23 other person shall declare to the employer or  
24 withholding agent the number of the employee's or  
25 other person's personal exemptions and dependency  
26 exemptions or credits to be used in applying the  
27 tables and schedules or percentage rates. However, no  
28 greater number of personal or dependency exemptions or  
29 credits may be declared by the employee or other  
30 person than the number to which the employee or other  
31 person is entitled except as allowed under section

32 3402(m)(1) of the Internal Revenue Code and as allowed  
 33 for the child and dependent care credit provided in  
 34 section 422.12C. The claiming of exemptions or  
 35 credits in excess of entitlement is a serious  
 36 misdemeanor.

37 Sec. \_\_\_\_\_. RULES.

38 The department of human services may adopt  
 39 administrative rules under section 17A.4, subsection  
 40 2, and section 17A.5, subsection 2, paragraph "b", to  
 41 implement the section of this Act relating to grants  
 42 for child day care start-up, fire safety, and  
 43 equipment. The rules shall be effective immediately  
 44 upon filing, unless a later date is specified in the  
 45 rules. The rules shall also be published as a notice  
 46 of intended action as provided in section 17A.4."

47 14. Page 6, by striking lines 9 through 15.

48 15. Title page, line 2, by striking the word  
 49 "credit" and inserting the following: "credit, making  
 50 an appropriation,".

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- 1 16. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6146.

Teaford of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2546)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Murphy	Neuhauser	Nielsen	Ollie

Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Bisignano	Haverland	Johnson	Miller
Muhlbauer	Osterberg	Peterson, M. K.	Shearer
Stueland			

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

The House stood at ease at 1:30 p.m., until the fall of the gavel.

The House resumed session at 3:10 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, appointed the conference committee to House File 2534, a bill for an act relating to sanitary disposal projects, and the members of the Senate are: The Senator from Scott, Senator Deluhery, Chair; the Senator from Kossuth, Senator Priebe; the Senator from Pottawattamie, Senator Gronstal; the Senator from Linn, Senator Pate; the Senator from Marshall, Senator Soorholtz.

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

Senate File 514, a bill for an act providing a state sales and use tax exemption for certain facilities.

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

Senate File 2277, a bill for an act relating to tourist-oriented signs.

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

Senate File 2403, a bill for an act relating to energy efficiency.

JOHN F. DWYER, Secretary

## RESOLUTION FILED

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

Read first time and referred to committee on **appropriations**.

The House stood at ease at 3:16 p.m., until the fall of the gavel.

The House resumed session at 3:30 p.m., Connors of Polk in the chair.

## SENATE AMENDMENT CONSIDERED

## House Refused to Concur

Doderer of Johnson called up for consideration **Senate File 514**, a bill for an act providing a state sales and use tax exemption for certain facilities, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6158 to the House amendment:

H-6158

1 Amend the House amendment, S-5945, to Senate File  
 2 514, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by inserting after line 4 the  
 5 following:  
 6 "Sec. \_\_\_\_\_. Section 422.45, subsection 7, Code  
 7 Supplement 1989, is amended to read as follows:  
 8 7. A private nonprofit educational institution or  
 9 nonprofit corporation under subsection 22 in this  
 10 state or a tax-certifying or tax-levying body or  
 11 governmental subdivision of the state, including the  
 12 state board of regents, state department of human  
 13 services, state department of transportation, a  
 14 municipally owned solid waste facility which sells all  
 15 or part of its processed waste as fuel to a  
 16 municipally owned public utility, and all divisions,  
 17 boards, commissions, agencies, or instrumentalities of  
 18 state, federal, county, or municipal government which  
 19 do not have earnings going to the benefit of an equity  
 20 investor or stockholder, may make application to the  
 21 department for the refund of the sales, services, or  
 22 use tax upon the gross receipts of all sales of goods,  
 23 wares ~~or~~, and merchandise, ~~or~~ and from services  
 24 rendered, furnished, or performed, to a contractor,  
 25 used in the fulfillment of a written contract with the

26 state of Iowa, any political subdivision of the state,  
 27 or a division, board, commission, agency, or  
 28 instrumentality of the state or a political  
 29 subdivision, or a private nonprofit educational  
 30 institution or nonprofit corporation under subsection  
 31 22 in this state, if the property becomes an integral  
 32 part of the project under contract and at the  
 33 completion of the project becomes public property or  
 34 property of a nonprofit corporation under subsection  
 35 22, or is devoted to educational uses; except goods,  
 36 wares or, and merchandise or and services rendered,  
 37 furnished, or performed used in the performance of any  
 38 a contract in connection with the operation of any a  
 39 municipal utility engaged in selling gas, electricity,  
 40 or heat to the general public; and except goods,  
 41 wares, and merchandise used in the performance of a  
 42 contract for a "project" under chapter 419 as defined  
 43 in that chapter other than goods, wares or, and  
 44 merchandise used in the performance of a contract for  
 45 a "project" under chapter 419 for which a bond issue  
 46 was or will have been approved by a municipality prior  
 47 to July 1, 1968, or for which the goods, wares, or  
 48 merchandise becomes an integral part of the project  
 49 under contract and at the completion of the project  
 50 becomes public property or property of a nonprofit

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1 corporation under subsection 22, or is devoted to  
 2 educational uses.

3 a. ~~Sueh~~ The contractor shall state under oath, on  
 4 forms provided by the department, the amount of such  
 5 sales of goods, wares, or and merchandise or and  
 6 services rendered, furnished, or performed, and used  
 7 in the performance of ~~sueh~~ the contract, and upon  
 8 which sales, services, or use tax has been paid, and  
 9 shall file ~~sueh~~ the forms with the governmental unit  
 10 or private nonprofit educational institution or  
 11 nonprofit corporation under subsection 22 which has  
 12 made any a written contract for performance by said  
 13 the contractor. ~~Sueh~~ The forms shall be filed by the  
 14 contractor with the governmental unit or educational  
 15 institution or nonprofit corporation under subsection  
 16 22 before final settlement is made.

17 b. ~~Sueh~~ The governmental unit or educational  
 18 institution or nonprofit corporation under subsection  
 19 22 shall, not more than six months after the final  
 20 settlement has been made, make application to the  
 21 department for any a refund of the amount of such  
 22 sales, services, or use tax which shall have has been  
 23 paid upon any goods, wares, or and merchandise, or and

24 services rendered, furnished, or performed, such the  
 25 application to be made in the manner and upon forms to  
 26 be provided by the department, and the department  
 27 shall forthwith audit such the claim and, if approved,  
 28 issue a warrant to such the governmental unit or  
 29 educational institution or nonprofit corporation under  
 30 subsection 22 in the amount of such the sales,  
 31 services, or use tax which has been paid to the state  
 32 of Iowa under such the contract.

33 c. Any A contractor who ~~shall~~ willfully ~~make~~ makes  
 34 a false report of tax paid under the provisions of  
 35 this subsection ~~shall be is~~ guilty of a simple  
 36 misdemeanor and in addition ~~thereto~~ shall be is liable  
 37 for the payment of the tax with penalty and interest  
 38 ~~thereon.~~"

39 2. Page 1, by inserting after line 32 the fol-  
 40 lowing:

41 "\_\_\_\_\_. Title page, line 1, by striking the word  
 42 "for" and inserting the following: "and refund for  
 43 certain nonprofit corporations and"."

The motion lost and the House refused to concur in the Senate amendment H-6158.

### SENATE AMENDMENTS CONSIDERED

Teaford of Black Hawk called up for consideration **Senate File 2277**, a bill for an act relating to tourist-oriented signs, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6159 to the House amendment:

H-6159

1 Amend House amendment, S-5611, to Senate File 2277,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking lines 3 through 10, and  
 5 inserting the following:

6 "\_\_\_\_\_. Page 1, by striking lines 1 through 17.

7 \_\_\_\_\_. Page 1, lines 25 and 26, by striking the  
 8 words and figures "under section 321.252, unnumbered  
 9 paragraph 4".

10 \_\_\_\_\_. Page 1, line 30, by striking the words "For  
 11 purposes of this division," and inserting the  
 12 following: "The rules shall include but are not  
 13 limited to the following:

14 a. Criteria for eligibility for signing.

15 b. Criteria for limiting or excluding businesses  
 16 that maintain advertising devices that do not conform  
 17 to the requirements of chapter 306B, chapter 306C,  
 18 division II, or other statutes or administrative rules

19 regulating outdoor advertising.

20 c. Provisions for a fee schedule to cover the  
 21 direct and indirect costs of sign erection and  
 22 maintenance and related administrative costs.

23 d. Provisions for specifying the maximum distance  
 24 to eligible businesses.

25 e. Provisions specifying the maximum number of  
 26 signs permitted per panel and per interchange.

27 f. Provisions for determining what businesses are  
 28 signed when there are more applicants than the maximum  
 29 number of signs permitted.

30 g. Provisions for removing signs when businesses  
 31 cease to meet minimum requirements for participation  
 32 and related costs.

33 For purposes of this division,"

34 \_\_\_\_\_. Page 1, lines 32 and 33, by striking the  
 35 words "outdoor recreation," and inserting the  
 36 following: "outdoor recreation,"

37 \_\_\_\_\_. Page 2, lines 12 and 13, by striking the  
 38 words and figures "section 321.252, unnumbered  
 39 paragraph 4," and inserting the following: "this  
 40 subsection."

41 2. Page 1, by striking lines 19 and 20 and  
 42 inserting the following:

43 "\_\_\_\_\_. Page 3, line 17, by striking the words "an  
 44 outdoor advertising agency" and inserting the  
 45 following: "the outdoor advertising association of  
 46 Iowa."

47 3. Page 1, line 30, by inserting after the word  
 48 "available," the following: "If an adjacent landowner  
 49 complains to the department about the placement of a  
 50 tourist oriented directional sign, the department

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1 shall attempt to reach an agreement with the landowner  
 2 for relocating the sign. If possible, the sign shall  
 3 be relocated from the place of objection. If the sign  
 4 must be located on an objectionable place, it shall be  
 5 located on the least objectionable place possible."

6 4. Page 1, by inserting after line 35 the  
 7 following:

8 "\_\_\_\_\_. Page 4, line 13, by inserting after the  
 9 word "basis," the following: "Faded signs shall be  
 10 replaced and the commercial vendor charged for the  
 11 cost of replacement based upon the fee schedule  
 12 adopted."

13 5. Page 2, line 8, by inserting after the word  
 14 "public," the following: "However, if it is not  
 15 reasonable and feasible to display specific historic  
 16 sites on the state transportation map, the department  
 17 shall consult with the agency managing the historic  
 18 site."

The motion prevailed and the House concurred in the Senate amendment H—6159.

Teaford of Black Hawk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2277)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Tyrrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, 3:

Corbett	Halvorson, R. N.	Nielsen
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Absent or not voting, 8:

Black	Hansen, S. D.	Hatch	Kistler
Lageschulte	Petersen, D. F.	Stueland	Trent

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

Doderer of Johnson called up for consideration **House File 2537**, a bill for an act relating to the sale of funeral services and merchandise, amended by the Senate, and moved that the House concur in the following Senate amendment H—6130:

H-6130

1 Amend House File 2537, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 4, by striking lines 10 through 16.

4 2. Page 4, by striking lines 17 through 26.

5 3. Page 4, by striking lines 27 through 34.

6 4. By striking page 8, line 19 through page 10,  
7 line 27.

8 5. Page 10, by inserting after line 27, the  
9 following:

10 "Sec. \_\_\_\_\_. NEW SECTION. 523E.1 TRUST FUND  
11 ESTABLISHED.

12 1. If an agreement is made by a person to furnish,  
13 upon the future death of a person named or implied in  
14 the agreement, cemetery merchandise, a minimum of one  
15 hundred twenty-five percent of the wholesale cost of  
16 the cemetery merchandise, based upon the current  
17 advertised prices available from a manufacturer or  
18 wholesaler who has delivered the same or substantially  
19 the same type of merchandise to the seller during the  
20 last twelve months, shall be and remain trust funds  
21 until purchase of the merchandise or the occurrence of  
22 the death of the person for whose benefit the funds  
23 were paid, unless the funds are sooner released to the  
24 person making the payment by mutual consent of the  
25 parties. Payments otherwise subject to this section  
26 are not exempt merely because they are held in  
27 certificates of deposit.

28 2. The seller shall keep copies of all price  
29 advertisements upon which the seller relies to  
30 determine the wholesale cost. The copies of price  
31 advertisements so maintained shall be made available  
32 to the commissioner upon request. The seller shall  
33 review wholesale costs no less than annually and make  
34 additional deposits as necessary to assure that the  
35 amount held in trust is always equal to or in excess  
36 of one hundred twenty-five percent of the wholesale  
37 cost of the merchandise. The seller and the  
38 manufacturer or wholesaler upon whose price the seller  
39 relies to determine the wholesale cost shall not be  
40 commonly owned or affiliated.

41 3. Interest or income earned on amounts deposited  
42 in trust under this subsection shall remain in trust  
43 under the same terms and conditions as the payments  
44 made under the agreement and purchasers shall have a  
45 right to a total refund of principal and interest or  
46 income in the event of nonperformance.

47 4. If an agreement subject to this subsection is  
48 to be paid in installment payments, the seller shall  
49 deposit fifty percent of each payment in trust until  
50 the full amount to be trusted has been deposited. If

## Page 2

1 the agreement is financed with or sold to a financial  
2 institution, the agreement shall be considered paid in  
3 full and the deposit requirements of this section  
4 shall be satisfied within fifteen days after the close  
5 of the month of receipt of the funds from the  
6 financial institution.

7 This section does not apply to payments for  
8 merchandise delivered to the purchaser. Delivery  
9 includes storage in a warehouse under the control of  
10 the seller or any other warehouse or storage facility  
11 approved by the commissioner when a receipt of  
12 ownership in the name of the purchaser is delivered to  
13 the purchaser, the merchandise is insured against  
14 loss, the merchandise is protected against damage,  
15 title has been transferred to the purchaser, the  
16 merchandise is appropriately identified and described  
17 in a manner that it can be distinguished from other  
18 similar items of merchandise, the method of storage  
19 allows for visual audits of the merchandise, and the  
20 annual reporting requirements of section 523E.2,  
21 subsection 1, are satisfied.

22 Sec. \_\_\_\_\_. NEW SECTION. 523E.2 DEPOSIT OF FUNDS –  
23 RECORDS – EXAMINATIONS – REPORTS.

24 1. a. All funds held in trust under section  
25 523E.1 shall be deposited in a state or federally  
26 insured bank, savings and loan association, or credit  
27 union authorized to conduct business in this state, or  
28 trust department thereof, or in a trust company  
29 authorized to conduct business in this state, within  
30 fifteen days after the close of the month of receipt  
31 of the funds and shall be held as provided in  
32 paragraph "g" for the designated beneficiary until  
33 released pursuant to section 523E.1.

34 b. The seller under an agreement referred to in  
35 section 523E.1 shall maintain accurate records of all  
36 receipts, expenditures, interest or earnings, and  
37 disbursements relating to funds held in trust, and  
38 shall make these records available to the commissioner  
39 for examination at any reasonable time upon request.

40 c. The seller under an agreement referred to in  
41 section 523E.1 shall file with the commissioner not  
42 later than March 1 of each year a report including the  
43 following information:

44 (1) The name and address of the seller and the  
45 name and address of the establishment that will  
46 provide the cemetery merchandise.

47 (2) The name of the purchaser, beneficiary, and  
48 the amount of each agreement under section 523E.1 made  
49 in the preceding year and the date on which it was  
50 made.

## Page 3

1 (3) The total value of agreements subject to  
2 section 523E.1 entered into, the total amount paid  
3 pursuant to those agreements, and the total amount  
4 deposited in trust as required under section 523E.1,  
5 during the preceding year.

6 (4) The amount of any payments received pursuant  
7 to agreements reported in previous years in accordance  
8 with subparagraphs (2) and (3) and the amount of those  
9 payments deposited in trust for each purchaser.

10 (5) The change in status of any trust account, for  
11 each purchaser, any other amounts withdrawn from trust  
12 and the reason for each withdrawal. However, regular  
13 increments of interest or income need not be reported  
14 on a yearly basis.

15 (6) The name and address of the financial  
16 institution in which trust funds were deposited, and  
17 the name and address of each insurance company which  
18 funds agreements under section 523E.1.

19 (7) The name and address of each purchaser of  
20 cemetery merchandise delivered in lieu of trusting  
21 pursuant to section 523E.1, and a description of that  
22 merchandise for each purchaser.

23 (8) The complete inventory of cemetery merchandise  
24 and its location in the seller's possession that has  
25 been delivered in lieu of trusting pursuant to section  
26 523E.1.

27 (9) Other information reasonably required by the  
28 commissioner for purposes of administration of this  
29 chapter.

30 The information required by subparagraphs (7) and  
31 (8) shall include a verified statement of a certified  
32 public accountant that the certified public accountant  
33 has conducted a physical inventory of the cemetery  
34 merchandise specified in subparagraph (8) and that  
35 each item of that merchandise is in the seller's  
36 possession at the specified location. The statement  
37 shall be on a form prescribed by the commissioner.  
38 The commissioner shall permit the filing of a unified  
39 annual report by a seller subject to both chapter 523A  
40 and this chapter.

41 The report shall be accompanied by a filing fee  
42 determined by the commissioner which shall be  
43 sufficient to defray the costs of administering this  
44 chapter.

45 d. A financial institution referred to in  
46 paragraph "a" shall file notice with the commissioner  
47 of all funds deposited under the trust agreement. The  
48 notice shall be on forms prescribed by the  
49 commissioner and shall be filed not later than March 1  
50 of each year. Each notice shall contain the required

## Page 4

1 information for all deposits made during the previous  
2 calendar year. Forms may be obtained from the  
3 commissioner.

4 e. Notwithstanding chapter 22, all records  
5 maintained by the commissioner under this subsection  
6 shall be confidential and shall not be made available  
7 for inspection or copying except upon approval of the  
8 commissioner or the attorney general.

9 f. The financial institution in which trust funds  
10 are held shall not be owned or under the control of  
11 the seller and shall not use any funds required to be  
12 held in trust pursuant to this chapter or chapter 566A  
13 to purchase an interest in any contract or agreement  
14 to which the seller is a party, or otherwise to  
15 invest, directly or indirectly, in the seller's  
16 business operations.

17 g. All funds required to be deposited for a  
18 purpose described in section 523E.1 shall be deposited  
19 in a manner consistent with one of the following:

20 (1) The payments shall be deposited directly by  
21 the purchaser in an irrevocable interest-bearing  
22 burial account in the name of the purchaser.

23 (2) The payments shall be deposited directly by  
24 the purchaser in a separate account in the name of the  
25 purchaser. The account may be made payable to the  
26 seller on the death of the purchaser or the designated  
27 beneficiary, provided that, until death, the purchaser  
28 retains the exclusive power to hold, manage, pledge,  
29 and invest the funds in the account and may revoke the  
30 trust and withdraw the funds, in whole or in part, at  
31 any time.

32 (3) The payments shall be deposited by the  
33 purchaser or the seller in a separate burial trust  
34 account in the name of the purchaser, as trustee, in  
35 trust for the named beneficiary, to be held, invested,  
36 and administered as a trust account for the benefit  
37 and protection of the person for whose benefit the  
38 funds were paid. The depositor shall notify the  
39 financial institution of the existence and terms of  
40 the trust, including at a minimum the name of each  
41 party to the agreement, the name and address of the  
42 trustee, and the name and address of the beneficiary.  
43 The account may be made payable to the seller upon  
44 death of the designated beneficiary.

45 (4) The payments shall be deposited in the name of  
46 the trustee, as trustee, under the terms of a master  
47 trust agreement and the trustee may invest, reinvest,  
48 exchange, retain, sell, and otherwise manage the trust  
49 fund for the benefit and protection of the person for  
50 whose benefit the funds were paid.

## Page 5

1 In addition to the methods provided for in this  
2 section, the commissioner may by rule authorize other  
3 methods of deposit upon a finding that that method  
4 provides equivalent safety of the principal and  
5 interest or income and the seller does not have the  
6 ability to utilize any of the proceeds prior to  
7 performance. Money deposited under the master trust  
8 agreement may be commingled for investment purposes as  
9 long as each deposit includes a detailed listing of  
10 the amount deposited in trust for each beneficiary and  
11 a separate accounting of each purchaser's principal,  
12 interest, and income is maintained. Subject to the  
13 master trust agreement, the seller may appoint an  
14 independent investment advisor to act in an advisory  
15 capacity with the trustee relative to the investment  
16 of the trust funds. The trust shall pay the cost of  
17 the operation of the trust and any annual audit fees.

18 The financial institution, or the trust department  
19 of the financial institution, in which trust funds are  
20 held may serve as trustee to the extent that the  
21 organization has been granted those powers under the  
22 laws of this state or the United States. The seller  
23 or any officer, director, agent, employee, or  
24 affiliate of the seller shall not serve as trustee.

25 2. In addition to complying with subsection 1,  
26 each seller under an agreement referred to in section  
27 523E.1 shall file annually with the commissioner an  
28 authorization for the commissioner or a designee to  
29 investigate, audit, and verify all funds, accounts,  
30 safe-deposit boxes, and other evidence of trust funds  
31 held by or in a financial institution.

32 3. The commissioner shall adopt rules under  
33 chapter 17A specifying the form, content, and cost of  
34 the forms for the notices and disclosures required by  
35 this section, and shall sell blank forms at that cost  
36 to any person on request.

37 4. If a seller under an agreement referred to in  
38 section 523E.1 ceases to do business, whether  
39 voluntarily or involuntarily, and the obligation to  
40 provide the merchandise and services has not been  
41 assumed by another funeral home or cemetery holding an  
42 establishment permit issued under this chapter, all  
43 funds held in trust under section 523E.1, including  
44 accrued interest or earnings, shall be repaid to the  
45 purchaser under the agreement.

46 5. The commissioner may require the performance of  
47 an audit of the seller's business by a certified  
48 public accountant if the commissioner receives  
49 reasonable evidence that the seller is not complying  
50 with this chapter. The audit shall be paid for by the

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1 seller, and a copy of the report of audit shall be  
2 delivered to the commissioner and to the seller.  
3 6. This chapter does not prohibit the funding of  
4 an agreement otherwise subject to section 523E.1 by  
5 insurance proceeds derived from a policy issued by an  
6 insurance company authorized to conduct business in  
7 this state. The seller of an agreement subject to  
8 this chapter which is to be funded by insurance  
9 proceeds shall obtain all permits required to be  
10 obtained under this chapter and comply with the  
11 reporting requirements of this section.

12 Sec. \_\_\_\_\_. NEW SECTION. 523E.5 SCOPE OF CHAPTER -  
13 DEFINITIONS.

14 1. This chapter applies only to the sale of  
15 cemetery merchandise.

16 2. As used in this chapter:

17 a. "Cemetery merchandise" means grave markers,  
18 tombstones, ornamental merchandise, and monuments if  
19 the agreement does not require installation within  
20 twelve months of the purchase.

21 b. "Commissioner" means the commissioner of  
22 insurance or the deputy appointed under section  
23 502.601.

24 Sec. \_\_\_\_\_. NEW SECTION. 523E.6 COMPLIANCE WITH  
25 OTHER LAWS.

26 The seller of cemetery merchandise shall comply  
27 with chapter 82 with respect to all contracts that are  
28 subject to regulation under this chapter. A failure  
29 to comply is subject to the remedies and penalties  
30 provided in that chapter.

31 Sec. \_\_\_\_\_. NEW SECTION. 523E.7 BOND IN LIEU OF  
32 TRUST FUND.

33 1. In lieu of the trust fund required by sections  
34 523E.1 and 523E.2, a seller may file with the  
35 commissioner a surety bond that is issued by a surety  
36 company authorized to do business in this state and  
37 that is conditioned on the faithful performance by the  
38 seller of agreements subject to this chapter. The  
39 liability of the surety extends to each agreement that  
40 is subject to this chapter and that is executed during  
41 the time the bond is in force and until performance of  
42 the agreement or rescission of the agreement by mutual  
43 consent of the parties; and, to the extent expressly  
44 agreed to in writing by the surety company under  
45 subsection 3, paragraph "b", the liability of the  
46 surety extends to each agreement that is subject to  
47 this chapter and that was executed prior to the time  
48 the bond was in force and until performance of the  
49 agreement or rescission of the agreement by mutual  
50 consent of the parties. A buyer who is aggrieved by a

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1 breach of a condition of the bond covering the  
2 contract of that buyer may maintain an action against  
3 the bond, provided that if, at the time of the breach,  
4 the buyer is aware of the buyer's rights under the  
5 bond and how to file a claim against the bond, the  
6 surety shall not be liable as a result of any breach  
7 of condition unless notice of a claim is received by  
8 the surety within sixty days following the discovery  
9 of the acts, omissions, or conditions constituting the  
10 breach of condition, except as otherwise provided in  
11 subsection 2. A surety bond submitted under this  
12 subsection shall not be canceled by a surety company  
13 except upon a written notice of cancellation given by  
14 the surety company to the commissioner by restricted  
15 certified mail, and the surety bond shall not be  
16 canceled prior to the expiration of sixty days after  
17 the receipt by the commissioner of the notice of  
18 cancellation.

19 2. If a seller becomes insolvent or otherwise  
20 ceases to engage in business prior to or within sixty  
21 days after the cancellation of a bond submitted under  
22 subsection 1, the seller shall be deemed to have  
23 breached the conditions of the surety bond with  
24 respect to all outstanding contracts subject to this  
25 chapter as of the day prior to cancellation of the  
26 bond. The commissioner shall mail written notice by  
27 restricted certified mail to the buyer under each  
28 outstanding contract of the seller that a claim  
29 against the bond must be filed with the surety company  
30 within sixty days after the date of mailing of the  
31 notice. The surety company shall cease to be liable  
32 with respect to all agreements except those for which  
33 claims are filed with the surety company within sixty  
34 days after the date the notices are mailed by the  
35 commissioner.

36 3. If a surety bond is canceled by a surety  
37 company under any conditions other than those  
38 specified in subsection 2, the seller shall comply  
39 with paragraphs "a" and "b":

40 a. The seller shall comply with the trust  
41 requirements of sections 523E.1 and 523E.2 with  
42 respect to all contracts subject to this chapter that  
43 are executed on or after the effective date of  
44 cancellation of the surety bond, or the seller may  
45 submit a substitute surety bond meeting the  
46 requirements of subsection 1, but the seller must  
47 comply with sections 523E.1 and 523E.2 with respect to  
48 any contracts executed on or after the effective date  
49 of cancellation of the earlier surety bond and prior  
50 to the date on which the later surety bond takes

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1 effect.

2 b. Within sixty days after the effective date of  
3 the cancellation of the surety bond, the seller shall  
4 submit to the commissioner an undertaking by another  
5 surety company that a substitute surety bond meeting  
6 the requirements of subsection 1 is in effect and that  
7 the liability of the substitute surety bond extends to  
8 all outstanding contracts of the seller that were  
9 executed but not performed or extinguished prior to  
10 the effective date of the substitute surety bond, or  
11 the seller shall submit to the commissioner a  
12 financial statement accompanied by an unqualified  
13 opinion based upon an audit performed by a certified  
14 public accountant licensed in this state certifying  
15 the total amount of outstanding liabilities of the  
16 seller on contracts subject to this chapter and proof  
17 of deposit by the seller in trust under sections  
18 523E.1 and 523E.2 of either the amount specified in  
19 sections 523E.1, including interest as set by the  
20 commissioner based on the interest which would have  
21 been earned had the funds been maintained in trust,  
22 with respect to all of those outstanding contracts or,  
23 where applicable, that delivery of merchandise has  
24 been made in compliance with section 523E.1. The  
25 surety may require such security as is necessary to  
26 comply with this section. Upon compliance by the  
27 seller with this paragraph, the surety company  
28 canceling the surety bond shall cease to be liable  
29 with respect to any outstanding contracts of the  
30 seller except those with respect to which a breach of  
31 condition occurred prior to cancellation and timely  
32 claims were filed.

33 4. Section 523E.2, subsection 1, paragraphs "b",  
34 "c", and "e", subsection 5, and, to the extent it is  
35 applicable, subsection 6, apply to sellers whose  
36 agreements are covered by a surety bond maintained  
37 under this section, and section 523E.2 continues to  
38 apply to any agreements of those sellers that are not  
39 covered by a surety bond maintained under this  
40 section.

41 5. Upon receiving a notice of cancellation of a  
42 surety bond, the commissioner shall notify the seller  
43 of the requirements of this chapter resulting from  
44 cancellation of the bond. The notice may be in the  
45 form of a copy of this section and sections 523E.1 and  
46 523E.2.

47 6. Upon receiving a notice of cancellation, unless  
48 the seller has complied with the requirements of this  
49 section, the attorney general shall seek an injunction  
50 to prohibit the seller from making further agreements

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1 subject to this chapter and shall commence an action  
2 to attach and levy execution upon property of the  
3 seller when the seller fails to perform an agreement  
4 subject to this chapter, to the extent necessary to  
5 secure compliance with this chapter, and the county  
6 attorney may bring criminal charges under section  
7 523E.15.

8 7. The surety under this section shall not be  
9 owned or under the control of the seller.

10 Sec. \_\_\_\_\_. NEW SECTION. 523E.8 DISCLOSURES.

11 1. Every agreement for cemetery merchandise under  
12 this chapter shall be written in clear, understandable  
13 language and shall be printed or typed in easy-to-read  
14 type, size, and style, and shall:

15 a. Identify the seller, the salesperson's permit  
16 and establishment name and permit number, the  
17 expiration date of the salesperson's permit, the  
18 purchaser, and the person for whom the cemetery  
19 merchandise is purchased if other than the purchaser.

20 b. Specify the cemetery merchandise to be  
21 provided, and the cost of each merchandise item.

22 c. State clearly the conditions on which  
23 substitution will be allowed.

24 d. Set forth the total purchase price and the  
25 terms under which it is to be paid.

26 e. State clearly whether the agreement is a  
27 guaranteed price contract or a nonguaranteed price  
28 contract.

29 f. State clearly whether the agreement is a  
30 revocable or irrevocable contract, and who has the  
31 authority to revoke the contract.

32 g. State the amount or percentage of money to be  
33 placed in trust.

34 h. Explain the disposition of the interest and  
35 disclose what fees and expenses may be charged if  
36 incurred.

37 i. Specify the purchaser's right to cancel and  
38 damages for cancellation, if any.

39 j. State the name and address of the commissioner.

40 2. Every agreement shall be signed by the  
41 purchaser and the seller.

42 Sec. \_\_\_\_\_. NEW SECTION. 523E.9 ESTABLISHMENT  
43 PERMITS.

44 1. A person, as defined in section 4.1, subsection  
45 13, shall not engage in the business of selling,  
46 promoting, or otherwise entering into agreements to  
47 furnish, upon the future death of a person named or  
48 implied in the agreement, cemetery merchandise without  
49 an establishment permit as provided for in this  
50 section. An establishment doing business shall obtain

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1 a permit for each location.

2 2. An applicant for a permit under this section  
3 shall submit to the commissioner an application on a  
4 form provided by the commissioner. The commissioner  
5 shall permit application for a permit under section  
6 523A.9 on the same form as for this section provided  
7 the scope of sales by the establishment is clearly  
8 indicated to include funeral services, funeral  
9 merchandise, or cemetery merchandise, or a combination  
10 of any of these. The application shall include at a  
11 minimum the following information:

12 a. The name and location of the applicant's  
13 business.

14 b. The name and location of the provider who will  
15 provide the cemetery merchandise.

16 c. The name and address of each owner, officer, or  
17 other official of the applicant's business, or in the  
18 event that the applicant is a corporation, the names  
19 and addresses of the chief executive officer and the  
20 members of the board of directors.

21 d. The types of cemetery merchandise to be sold.

22 An application for a permit pursuant to this  
23 section shall be accompanied by a copy of each sales  
24 agreement the permit holder will use for sales of  
25 cemetery merchandise under section 523E.1.

26 A permit holder shall inform the commissioner of  
27 changes in the information within thirty days of the  
28 change.

29 3. The applicant for a permit shall submit a fee  
30 in the amount of fifty dollars; provided, however,  
31 that if an applicant also applies for or has a permit  
32 under section 523A.9, no additional fee shall be  
33 required under this subsection.

34 4. Permits granted under this section are not  
35 assignable.

36 5. Upon the filing of an application for a permit,  
37 the commissioner shall issue the permit unless the  
38 commissioner finds any of the following:

39 a. The applicant is insolvent.

40 b. The applicant has failed to comply with any  
41 terms or conditions of this chapter and that failure  
42 is deemed by the commissioner to substantially impede  
43 the applicant's ability to abide by this chapter.

44 c. The applicant has been convicted of a criminal  
45 offense involving dishonesty or false statement.

46 d. The applicant cannot provide the cemetery  
47 merchandise the applicant purports to sell.

48 6. If the commissioner does not grant the permit,  
49 the commissioner shall notify the applicant in writing  
50 of the denial and the reasons for the denial. The

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1 commissioner shall approve or deny every application  
2 for a license within ninety days after the filing  
3 thereof, but any failure of the commissioner to act  
4 within that time period shall not be deemed to be an  
5 approval of the application.

6 Sec. \_\_\_\_\_. NEW SECTION. 523E.10 SALES PERMITS.

7 1. An individual shall not sell, promote, or  
8 otherwise enter into an agreement to furnish, upon the  
9 future death of a person named or implied in the  
10 agreement, cemetery merchandise without a permit as  
11 provided for in this section. An individual permit  
12 holder must be an employee or agent of an  
13 establishment which holds a permit pursuant to section  
14 523E.9 and which can deliver the cemetery merchandise  
15 being sold. The establishment is liable for the acts  
16 of its employees and agents, independent or otherwise,  
17 performed in the course of obtaining or attempting to  
18 obtain an agreement for the sale of cemetery  
19 merchandise under section 523E.1.

20 2. An applicant for a permit under this section  
21 shall submit to the commissioner an application on a  
22 form provided by the commissioner. The commissioner  
23 shall permit application for a permit under section  
24 523A.10 on the same form as for this section provided  
25 the scope of sales by the individual is clearly  
26 indicated to include funeral services, funeral  
27 merchandise, or cemetery merchandise, or a combination  
28 of any of these. The application shall include at a  
29 minimum the following information:

30 a. The name and address of the applicant.  
31 b. The name and address of the applicant's  
32 employer or the establishment on whose behalf the  
33 applicant will be making or attempting to make sales,  
34 and, if different, the name and address of the  
35 provider who will provide the cemetery merchandise.

36 A permit holder shall inform the commissioner of  
37 changes in the information within thirty days of the  
38 change.

39 3. The permit shall be deemed effective upon  
40 filing the application with the commissioner. The  
41 permit shall disclose on its face the permit holder's  
42 employer or the establishment on whose behalf the  
43 applicant will be making or attempting to make sales,  
44 the permit number, and the expiration date. A permit  
45 under this section shall expire one year from the date  
46 the application is filed.

47 4. The application fee shall be five dollars;  
48 provided, however, that if an applicant also applies  
49 for or has a permit under section 523A.10, no  
50 additional fee shall be required under this

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1 subsection.

2 5. Permits granted under this section are not  
3 assignable.

4 6. The commissioner may revoke a permit if the  
5 commissioner determines that the permit holder has  
6 been convicted of a criminal offense involving  
7 dishonesty or false statement or that the  
8 establishment cannot provide the cemetery merchandise  
9 the establishment purports to sell.

10 Sec. \_\_\_\_\_. NEW SECTION. 523E.11 INVESTIGATIONS.

11 The attorney general or the commissioner may, for  
12 the purpose of discovering violations of this chapter  
13 or any rules adopted under this chapter:

14 1. Investigate the business and examine the books,  
15 accounts, records, and files used by every permit  
16 holder under this chapter.

17 2. Administer oaths and affirmations, subpoena  
18 witnesses, receive evidence, and require the  
19 production of documents and records in connection with  
20 an investigation or proceeding being conducted  
21 pursuant to this chapter.

22 3. Apply to the district court for issuance of an  
23 order requiring a person's appearance before the  
24 commissioner or attorney general, or a designee of  
25 either or both, in cases where the person has refused  
26 to obey a subpoena issued by the commissioner or  
27 attorney general. The person may also be required to  
28 produce documentary evidence germane to the subject of  
29 the investigation. Failure to obey a court order  
30 under this subsection constitutes contempt of court.

31 Sec. \_\_\_\_\_. NEW SECTION. 523E.12 SUSPENSION OR  
32 REVOCATION OF PERMITS.

33 1. The commissioner may, pursuant to chapter 17A,  
34 suspend or revoke any permit issued pursuant to this  
35 chapter if the commissioner finds any of the  
36 following:

37 a. The permit holder has violated any provisions  
38 of this chapter or any rule adopted under this chapter  
39 or any other state or federal law applicable to the  
40 conduct of the permit holder's business.

41 b. Any fact or condition exists which, if it had  
42 existed at the time of the original application for  
43 the permit, would have warranted the commissioner  
44 refusing originally to issue the permit.

45 c. The permit holder is found upon investigation  
46 to be insolvent, in which case the permit shall be  
47 revoked immediately.

48 d. The permit holder, for the purpose of avoiding  
49 a trusting requirement under section 523A.1 or 523E.1,  
50 attributes amounts paid pursuant to the agreement to

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1 funeral merchandise or cemetery merchandise that is  
2 delivered under section 523A.1 or to cemetery  
3 merchandise rather than to funeral services sold to  
4 the purchaser. The sale of funeral services at a  
5 lower price when the sale is made in conjunction with  
6 the sale of funeral merchandise or cemetery  
7 merchandise to be delivered pursuant to section 523A.1  
8 than the services are regularly and customarily sold  
9 for when not sold in conjunction with funeral  
10 merchandise or cemetery merchandise is evidence that  
11 the permit holder is acting with the purpose of  
12 avoiding a trusting requirement under section 523A.1  
13 or 523E.1.

14 e. The permit holder is found upon investigation  
15 to have engaged in a deceptive act or practice or has  
16 deliberately misrepresented or omitted a material fact  
17 relative to the sale of funeral services, funeral  
18 merchandise, or cemetery merchandise under this  
19 chapter.

20 2. The commissioner may, on good cause shown,  
21 suspend any permit for a period not exceeding thirty  
22 days, pending investigation.

23 Except as provided in the preceding paragraph, a  
24 permit shall not be revoked or suspended except after  
25 notice and hearing in accordance with chapter 17A.

26 3. Any permit holder may surrender a permit by  
27 delivering to the commissioner written notice that the  
28 permit holder surrenders the permit, but the surrender  
29 shall not affect the permit holder's civil or criminal  
30 liability for acts committed before the surrender.

31 4. Revocation, suspension, or surrender of a  
32 permit does not impair or affect the obligation of any  
33 preexisting lawful contract between the permit holder  
34 and any person.

35 Sec. \_\_\_\_\_. NEW SECTION. 523E.13 PROSECUTION FOR  
36 VIOLATIONS OF LAW.

37 If the commissioner believes that grounds exist for  
38 the criminal prosecution of persons subject to this  
39 chapter for violations of this chapter or any other  
40 law of this state, the commissioner may forward to the  
41 attorney general or the county attorney the grounds  
42 for the belief, including all evidence in the  
43 commissioner's possession, in order that the attorney  
44 general or the county attorney may proceed with the  
45 matter as deemed appropriate. At the request of the  
46 attorney general, the county attorney shall appear and  
47 prosecute the action when brought in the county  
48 attorney's county.

49 Sec. \_\_\_\_\_. NEW SECTION. 523E.14 INJUNCTIONS.

50 The attorney general may apply to the district

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1 court in any county of the state for an injunction to  
2 restrain a person subject to this chapter and any  
3 agents, employees, or associates of the person from  
4 engaging in conduct or practices deemed contrary to  
5 the public interest. In any proceeding for an  
6 injunction, the attorney general may apply to the  
7 court for the issuance of a subpoena to require the  
8 appearance of a defendant and the defendant's agents  
9 and any documents, books, and records germane to the  
10 hearing upon the petition for an injunction. Upon  
11 proof of any of the offenses described in the petition  
12 for injunction the court may grant the injunction.

13 Sec. \_\_\_\_\_. NEW SECTION. 523E.15 FRAUDULENT  
14 PRACTICES.

15 A person who commits any of the following acts  
16 commits a fraudulent practice and is punishable as  
17 provided in chapter 714:

18 1. Knowingly fails to comply with any requirement  
19 of this chapter.

20 2. Knowingly makes, causes to be made, or  
21 subscribes to a false statement or representation in a  
22 report or other document required under this chapter,  
23 or renders such a report or document misleading  
24 through the deliberate omission of information  
25 properly belonging in the report or document.

26 3. Conspires to defraud in connection with the  
27 sale of cemetery merchandise under this chapter.

28 4. Fails to deposit funds in compliance with  
29 section 523E.1, or withdraws funds in a manner  
30 inconsistent with this chapter.

31 5. Knowingly sells or offers cemetery merchandise  
32 without an establishment permit.

33 6. Deliberately misrepresents or omits a material  
34 fact relative to the sale of cemetery merchandise  
35 under this chapter.

36 Sec. \_\_\_\_\_. NEW SECTION. 523E.16 RULES.

37 The commissioner may adopt rules necessary to  
38 administer this chapter, in accordance with chapter  
39 17A.

40 Sec. \_\_\_\_\_. NEW SECTION. 523E.17 CEASE AND DESIST  
41 ORDERS.

42 If an audit or investigation provides reasonable  
43 evidence that a seller has violated any provisions of  
44 this chapter or any rule adopted under this chapter,  
45 the commissioner may issue an order directed at the  
46 seller to cease and desist from engaging in such act  
47 or practice.

48 Sec. \_\_\_\_\_. NEW SECTION. 523E.18 VIOLATIONS AND  
49 PENALTIES.

50 A violation of this chapter or rules adopted by the

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1 commissioner pursuant to this chapter is a violation  
2 of section 714.16, subsection 2, paragraph "a". The  
3 remedies and penalties provided by section 714.16,  
4 including but not limited to, provisions relating to  
5 injunctive relief and penalties, apply to violations  
6 of this chapter.

7 Sec. \_\_\_\_\_. NEW SECTION. 523E.19 RECEIVERSHIPS.

8 1. The commissioner shall notify the attorney  
9 general if the commissioner finds that any seller  
10 engaged in the business subject to this chapter meets  
11 one or more of the following conditions:

12 a. Is insolvent.

13 b. Has utilized trust funds for personal or  
14 business purposes in a manner inconsistent with this  
15 chapter and the amount of funds currently held in  
16 trust is less than fifty percent of all payments made  
17 under the agreements referred to in section 523E.1.

18 c. Has refused to pay any just claim or demand  
19 based on an agreement referred to in section 523E.1.

20 d. The commissioner finds upon investigation that  
21 a seller is unable to pay any just claim or demand  
22 based on such agreements which have been legally  
23 determined to be just and outstanding.

24 2. The attorney general may apply to the district  
25 court in any county of the state for a receivership.  
26 Upon proof of any of the grounds for a receivership  
27 described in this section, the court may grant a  
28 receivership.

29 Sec. \_\_\_\_\_. NEW SECTION. 523E.20 INSURANCE  
30 DIVISION'S REGULATORY FUND.

31 The insurance division may authorize the creation  
32 of a special revenue fund in the state treasury, to be  
33 known as the insurance division regulatory fund.  
34 Commencing July 1, 1990, and annually thereafter, the  
35 commissioner shall allocate from the fees paid  
36 pursuant to section 523E.2, one dollar for each  
37 agreement reported on an establishment permit holder's  
38 annual report for deposit to the regulatory fund. The  
39 remainder of the fees collected pursuant to section  
40 523E.2 shall be deposited into the insurance revolving  
41 fund; provided, however, that if the balance of the  
42 regulatory fund on that July 1 exceeds two hundred  
43 thousand dollars, the allocation to the regulatory  
44 fund shall not be made and the total sum of the fees  
45 paid pursuant to section 523E.2 shall be deposited in  
46 the insurance revolving fund. The moneys in the  
47 regulatory fund shall be retained in the fund together  
48 with any interest or earnings that are earned on the  
49 balance. The moneys are appropriated and, subject to  
50 authorization by the commissioner, may be used to pay

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1 investigative expenses and the expenses of  
2 receiverships established pursuant to section 523E.19.  
3 An annual assessment shall not be imposed if the  
4 current balance of the fund exceeds two hundred  
5 thousand dollars.

6 Sec. \_\_\_\_\_. NEW SECTION. 566A.12 RECORDS.  
7 A cemetery subject to any trust requirement under  
8 this chapter shall file a copy of its report to the  
9 district court with the consumer protection division  
10 of the department of justice within seven days of  
11 filing the report with the district court, but in any  
12 event, not later than March 1 of each year. The  
13 cemetery shall maintain accurate records of all  
14 receipts, expenditures, interest or earnings, and  
15 disbursements relating to funds held in trust.

16 Sec. \_\_\_\_\_. NEW SECTION. 566A.13 VIOLATIONS AND  
17 PENALTIES.

18 A violation of this chapter or rules adopted by the  
19 attorney general pursuant to this chapter is a  
20 violation of section 714.16, subsection 2, paragraph  
21 "a". The remedies and penalties provided by section  
22 714.16, including but not limited to, provisions  
23 relating to injunctive relief and penalties, apply to  
24 a violation of this chapter.

25 Sec. \_\_\_\_\_. CODIFICATION.

26 The Code editor shall entitle new chapter 523E, as  
27 enacted in this Act, as "Sales of Cemetery  
28 Merchandise". Sections 523E.3 and 523E.4 shall be  
29 reserved."

30 6. By renumbering, relettering, or redesignating  
31 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6130.

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

On the question "Shall the bill pass?" (H.F. 2537)

The ayes were, 91:

- |          |          |                |           |
|----------|----------|----------------|-----------|
| Adams    | Arnould  | Avenson, Spkr. | Banks     |
| Beaman   | Beatty   | Bennett        | Bisignano |
| Black    | Blanshan | Brammer        | Brand     |
| Branstad | Brown    | Buhr           | Carpenter |
| Chapman  | Clark    | Corbett        | Daggett   |
| De Groot | Diemer   | Doderer        | Dvorsky   |

Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Johnson
Knapp	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Cohoon	Jochum	Kistler	Koenigs
Muhlbauer	Petersen, D. F.	Sherzan	Stueland
Swartz			

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1990, insisted on its amendment to House File 731, a bill for an act relating to constructive notice of rights conferred upon drainage districts by the filing of files and records with the county auditor, and the members of the Conference Committee on the part of the Senate are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Webster, Senator Coleman; the Senator from Palo Alto, Senator Kibbie; the Senator from Mahaska, Senator Hedge; the Senator from Buena Vista, Senator Fuhrman.

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

House File 2166, a bill for an act adding marijuana to the list of secondary noxious weeds.

Also: That the Senate has on April 6, 1990, insisted on its amendment to House File 2533, a bill for an act relating to the courts, establishing a family court, and providing effective dates, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Mann, Chair; the Senator from Linn, Senator Horn; the Senator from Fayette, Senator Murphy; the Senator from Polk, Senator Gentleman; the Senator from Buena Vista, Senator Fuhrman.

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

House File 2564, a bill for an act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties.

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

Senate File 2324, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

JOHN F. DWYER, Secretary

The House stood at ease at 3:47 p.m., until the fall of the gavel.

The House resumed session at 4:13 p.m., Speaker Avenson in the chair.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 2543)**

Blanshan of Greene called up for consideration the report of the conference committee on House File 2543 as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2543**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and Senate on House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6026.
2. That House File 2543, as amended, passed, and reprinted by the House, is amended as follows:
  1. Page 2, line 10, by inserting after the figure "1990," the following: "but before July 1, 1992,"
  2. Page 2, line 12, by striking the word "fifty-two" and inserting the following: "fifty-four".
  3. Page 2, by striking lines 14 through 21 and inserting the following:
 

"c. Commencing July 1, 1992, the board of trustees shall increase the percentage multiplier of the member's average final compensation by an additional two percent each July 1 until reaching sixty percent of the member's average final compensation."

4. Page 2, by striking lines 25 through 28 and inserting the following: "the amount provided in paragraphs "b" and "c", plus an additional percentage as set forth below:".

5. Page 2, lines 32 and 33, by striking the words "attaining the age of sixty-five years" and inserting the following: "retirement".

6. Page 3, lines 5 and 6, by striking the words "but before July 1, 1992,".

7. Page 3, lines 7 and 8, by striking the words "attaining the age of sixty-five years" and inserting the following: "retirement".

8. By striking page 3, line 14, through page 4, line 7.

9. Page 4, by inserting after line 34 the following:

"Sec. 1001. Section 97A.6, subsection 3, paragraph b, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 97A.6, subsection 8, Code 1985, effective July 1, 1990, for a member's surviving spouse who, prior to July 1, 1986, elected to receive pension benefits under this paragraph, the monthly pension benefit shall be equal to one-twelfth of forty percent of the average final compensation of the member."

10. By striking page 5, line 35, through page 6, line 35.

11. By striking page 7, line 1, through page 8, line 11, and inserting the following:

"Sec. 1002. NEW SECTION. 97A.6A OPTIONAL RETIREMENT BENEFITS.

In lieu of the retirement benefits otherwise provided upon service retirement for members of the system and the members' beneficiaries, members may elect to receive an optional retirement benefit during the member's lifetime and have the optional retirement benefit, or a designated fraction of the optional retirement benefit, continued and paid to the member's beneficiary after the member's death and during the lifetime of the beneficiary.

The member shall make the election request in writing to the board of trustees at the time of the member's service retirement. The election is subject to the approval of the board of trustees. If the member is married, the election of an option under this section requires the written acknowledgement of the member's spouse.

A member's optional retirement benefits shall be the actuarial equivalent of the amount of the retirement benefits payable to the member and the member's beneficiaries under the service retirement provisions of this chapter. The actuarial equivalent shall be based on the mortality and interest assumptions set out in section 97A.5.

If the member dies without a beneficiary prior to receipt in benefits of an amount equal to the total amount remaining to the member's credit at the time of separation from service, the election is void.

If the member dies with a beneficiary and the beneficiary subsequently dies prior to receipt in retirement benefits by both the member and the beneficiary of an amount equal to the total amount remaining to the member's credit at the time of separation from service, the election remains valid.

For the purpose of this section, "beneficiary" means a spouse, child, or a dependent parent."

12. Page 8, line 30, by striking the words "and five hundredths".
13. Page 9, by striking lines 2 through 4 and inserting the following: "provided, however, that. However, the aggregate payment by".
14. Page 9, line 25, by striking the word "four-tenths" and inserting the following: "one-tenth".
15. Page 9, line 29, by striking the word "seven-tenths" and inserting the following: "one-tenth".
16. Page 9, line 33, by striking the word "seven" and inserting the following: "six and one-tenth".
17. Page 10, line 2, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".
18. Page 10, line 6, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".
19. Page 10, line 10, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
20. Page 10, lines 26 and 27, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
21. Page 10, line 33, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".
22. Page 10, line 35, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
23. Page 11, line 5, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".
24. Page 11, line 7, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".
25. Page 11, line 9, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
26. Page 11, line 13, by striking the words "seven percent" and inserting the following: "six and one-tenth percent".
27. Page 11, line 15, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".
28. Page 11, lines 16 and 17, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".
29. Page 11, line 18, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".
30. Page 11, line 23, by striking the word "seven-tenths" and inserting the following: "one-tenth".

31. Page 11, line 25, by striking the word "seven" and inserting the following: "six and one-tenth".

32. Page 11, lines 26 and 27, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

33. Page 11, line 28, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

34. Page 11, line 30, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

35. By striking page 11, line 33, through page 12, line 19.

36. Page 13, by inserting after line 17 the following:

"Sec. 1003. Section 97B.41, subsection 1, paragraph a, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Wages for a member of the general assembly means the total compensation received by a member of the general assembly, whether paid in the form of per diem or annual salary, exclusive of expense and travel allowances paid to a member of the general assembly except as otherwise provided in this paragraph. Wages includes per diem payments paid to members of the general assembly during interim periods between sessions of the general assembly. Wages also includes daily allowances to members of the general assembly for nontravel expenses of office during a session of the general assembly, but does not include the portion of the daily allowance which exceeds the maximum established by law for members from Polk county."

37. Page 14, line 4, by striking the word "forty" and inserting the following: "fifty-five".

38. Page 14, by inserting after line 4 the following:

"If the annual actuarial valuation of the retirement system in any year indicates that the cost of the increase provided under this subparagraph and the increase in the monthly benefit formula provided in section 97B.49, subsection 5, paragraph "b", cannot be absorbed within the employer and employee contribution rates in effect under section 97B.11, the department shall reduce the increase provided in this subparagraph by an amount sufficient to pay for the increase in the benefit percent."

39. Page 14, by inserting after line 23 the following:

"Sec. 1004. Section 97B.41, subsection 3, paragraph b, Code 1989, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (15) Employees appointed by the state board of regents who, at the discretion of the state board of regents, elect coverage in a retirement system qualified by the state board of regents that meets the criteria of section 97B.2."

40. Page 15, line 25, by inserting after the word "employment" the following: "for".

41. Page 15, by inserting after line 27 the following:

"Sec. 1005. Section 97B.42, Code 1989, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of this section, commencing July 1, 1994, a member who is employed by an area vocational school or an area community college may elect coverage under an alternative retirement benefits system, which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees, in lieu of continuing or commencing contributions to the Iowa public employees' retirement system, if the board of directors of the area vocational school or area community college has approved the alternative system pursuant to section 280A.23. However, a vested member who elects to participate in the alternative benefits system does not have a right to withdraw funds from the member's Iowa public employees' retirement system account prior to retirement or termination of covered employment. The department shall cooperate with the boards of directors of the area vocational schools and area community colleges to facilitate the implementation of this unnumbered paragraph.

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of this section, a person newly entering employment with an area vocational school or area community college on or after the effective date of this Act may elect coverage under an alternative retirement benefits system, which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees, in lieu of coverage under the Iowa public employees' retirement system, but only if the person is already a member of the alternative system. An election to participate in the alternative retirement benefits system is irrevocable as to the person's employment with that area vocational school or area community college and any other area vocational school or area community college in this state."

42. Page 17, line 35, by inserting after the word "received." the following: "Effective January 1, 1991, a retired member of any age may receive a retirement allowance after return to covered employment, regardless of the amount of remuneration received, if the covered employment consists of holding an elective office."

43. Page 18, line 15, by inserting after the word "active" the following: "or inactive vested".

44. Page 18, line 21, by inserting after the word "active" the following: "or inactive vested".

45. Page 18, by inserting after line 34 the following:

"If the annual actuarial valuation of the retirement system in any year indicates that the full cost of the increase provided under this paragraph cannot be absorbed within the employer and employee contribution rates in effect under section 97B.11, the department shall reduce the increase to a level which the department determines can be so absorbed."

46. Page 20, line 14, by inserting after the word "active" the following: "or inactive vested".

47. Page 20, line 23, by inserting after the word "active" the following: "or inactive vested".

48. Page 20, lines 24 through 26, by striking the words "and has completed at least thirty years of membership service and prior service,".

49. Page 20, line 28, by inserting after the word "birthday" the following: "equals or".

50. Page 23, by inserting after line 10 the following:

"Sec. 1006. Section 97B.49, subsection 16, paragraph d, subparagraph (3), Code 1989, is amended to read as follows:

(3) A correctional officer or correctional supervisor employed by the Iowa department of corrections, in an applicable job classification and any other employee of that department whose primary purpose is, through ongoing direct inmate contact, to enforce and maintain discipline, safety, and security within a correctional facility. The department of corrections and the department of personnel shall jointly determine the applicable merit system job classifications of correctional officers.

Sec. 1007. Section 97B.49, subsection 16, paragraph d, Code 1989, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) An employee of the state department of transportation who is designated as a "peace officer" by resolution under section 321.477, but only if the employee retires on or after July 1, 1990. For purposes of this subparagraph, service as a traffic weight officer employed by the highway commission prior to the creation of the state department of transportation or as a peace officer employed by the Iowa state commerce commission prior to the creation of the state department of transportation shall be included in computing the employee's years of membership service.

Sec. 1008. Section 97B.49, subsection 16, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. For the fiscal year commencing July 1, 1990, and each succeeding fiscal year, the state department of transportation shall pay to the department of personnel, from funds appropriated to the state department of transportation from the road use tax fund and the primary road fund, the amount necessary to pay the employer share of the cost of the additional benefits provided to employees covered under paragraph "d", subparagraph (7)."

51. Page 25, line 29, by inserting after the word "state," the following: "including but not limited to the teachers insurance annuity association-college retirement equities fund."

52. Page 27, by inserting after line 28 the following:

"Sec. 1009. Section 97B.80, Code 1989, is amended to read as follows:

**97B.80 VETERAN'S CREDIT.**

An active member in service on July 1, 1988, who at any time served on active duty in the armed forces of the United States, upon submitting verification of the dates of the active duty service in the armed forces to the department, may make employer and employee contributions to the system based upon the member's covered wages for the calendar year beginning January 1, 1987, at the rates in effect under section 97B.11 on January 1, 1987, for the period of time of the active duty service, not to exceed four years, and receive credit for membership service and prior service for the period of time for which the contributions are made. Effective July 1, 1990, a vested or retired member with reportable wages in the most recent calendar year, who at any time served on active duty in the armed forces of the United States, upon submitting verification of the dates of the active duty service, may make employer and employee contributions to the system based upon the member's covered wages for

the most recent full calendar year at the applicable rates in effect for that year under sections 97B.11 and 97B.49, for the period of time of the active duty service, in one-year increments but not to exceed four years, and receive credit for membership service and prior service for the period of time for which the contributions are made. Verification of active duty service and payment of contributions shall be made to the department. However, a member is not eligible to make contributions under this section if the member is receiving or is eligible to receive retirement pay from the United States government for active duty in the armed forces."

53. Page 28, line 32, by striking the word "receives" and inserting the following: "recommends".

54. Page 29, by striking lines 5 and 6 and inserting the following: "POLICE OFFICERS, AND FIRE FIGHTERS — REFERENDUM.

1. As soon as possible after the effective date of this section, the department of personnel, in cooperation with the board of trustees of the public safety peace officers' retirement system and the board of trustees for the statewide fire and police retirement system created in section 411.36, shall submit to the members of retirement systems under chapters 97A and 411 in a referendum the question of requiring federal social security coverage for all persons newly hired as peace officers, as defined in section 97A.1, police officers, and fire fighters. The referendum shall be conducted before January 1, 1991. The referendum procedures shall comply with the requirements of federal law and regulations. If there is a favorable vote of a majority of the persons eligible to vote in the referendum, subsection 2 applies.

2. Upon a favorable vote in the referendum and notwithstanding sections 97A.3 and 411.3, all persons newly".

55. Page 29, by inserting before line 16 the following:

"Sec. 1010. Section 280A.23, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 15. Commencing July 1, 1994, provide for an alternative retirement benefits system, which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees, for persons employed by the area vocational school or area community college who are members of the Iowa public employees' retirement system on July 1, 1994, or who are new employees, and who elect coverage under the alternative retirement benefits system pursuant to section 97B.42, in lieu of continuing or commencing contributions to the Iowa public employees' retirement system. The system for employee and employer contributions under the alternative system shall be substantially the same as provided by the state board of regents under the teachers insurance annuity association-college retirement equities fund, and the employer's contribution shall not exceed the employer's contribution rate established for employees of the state board of regents who are under that system.

NEW SUBSECTION. 16. Provide for an alternative retirement benefits system, which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees, for persons newly employed after the effective date of this Act who are already members of the alternative system and who elect coverage under that system pursuant to section 97B.42, in lieu of coverage under the Iowa public employees' retirement system. The system for employee and employer contributions under the alternative system shall be substantially the

same as provided by the state board of regents under the teachers insurance annuity association-college retirement equities fund, and the employer's contribution rate shall not exceed the employer's contribution rate established for employees of the state board of regents who are under that system."

56. Page 38, line 27, by inserting after the figure "1990," the following: "but before July 1, 1992,".

57. Page 38, line 29, by striking the word "fifty-two" and inserting the following: "fifty-four".

58. By striking page 38, line 31, through page 39, line 3, and inserting the following:

"c. Commencing July 1, 1992, the system shall increase the percentage multiplier of the member's average final compensation by an additional two percent each July 1 until reaching sixty percent of the member's average final compensation."

59. Page 39, by striking lines 7 through 10 and inserting the following: "the amount provided in paragraphs "b" and "c", plus an additional percentage as set forth below:".

60. Page 39, lines 14 and 15, by striking the words "attaining the age of sixty-five years" and inserting the following: "retirement".

61. Page 39, lines 22 and 23, by striking the words "but before July 1, 1992,".

62. Page 39, lines 24 and 25, by striking the words "attaining the age of sixty-five years" and inserting the following: "retirement".

63. By striking page 39, line 31, through page 40, line 24.

64. Page 43, by inserting after line 15 the following:

"Sec. 1011. Section 411.6, subsection 8, paragraph b, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 411.6, subsection 8, Code 1985, effective July 1, 1990, for a member's surviving spouse who, prior to July 1, 1986, elected to receive pension benefits under this paragraph, the monthly pension benefit shall be equal to one-twelfth of forty percent of the average final compensation of the member."

65. By striking page 45, line 15, through page 46, line 15.

66. By striking page 46, line 16, through page 47, line 26, and inserting the following:

"Sec. 1012. NEW SECTION. 411.6A OPTIONAL RETIREMENT BENEFITS.

In lieu of the retirement benefits otherwise provided upon service retirement for members of the system and the members' beneficiaries, members may elect to receive an optional retirement benefit during the member's lifetime and have the optional retirement benefit, or a designated fraction of the optional retirement benefit, continued and paid to the member's beneficiary after the member's death and during the lifetime of the beneficiary.

The member shall make the election request in writing to the board of trustees at the time of the member's service retirement. The election is subject to the approval of the board of trustees. If the member is married, the election of an option under this section requires the written acknowledgement of the member's spouse.

A member's optional retirement benefits shall be the actuarial equivalent of the amount of the retirement benefits payable to the member and the member's beneficiaries under the service retirement provisions of this chapter. The actuarial equivalent shall be based on the mortality and interest assumptions set out in section 411.5.

If the member dies without a beneficiary prior to receipt in benefits of an amount equal to the total amount remaining to the member's credit at the time of separation from service, the election is void.

If the member dies with a beneficiary and the beneficiary subsequently dies prior to receipt in retirement benefits by both the member and the beneficiary of an amount equal to the total amount remaining to the member's credit at the time of separation from service, the election remains valid.

For the purpose of this section, "beneficiary" means a spouse, child, or a dependent parent."

67. Page 51, lines 5 and 6, by striking the words "and five hundredths".

68. Page 51, line 15, by striking the words "and five hundredths".

69. Page 51, by striking lines 17 through 25.

70. Page 51, by striking lines 26 and 27 and inserting the following:

"PARAGRAPH DIVIDED. The normal rate of contribution shall be determined".

71. Page 52, line 19, by striking the word "four-tenths" and inserting the following: "one-tenth".

72. Page 52, line 23, by striking the word "seven-tenths" and inserting the following: "one-tenth".

73. Page 52, line 27, by striking the word "seven" and inserting the following: "six and one-tenth".

74. Page 52, line 31, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

75. Page 52, line 35, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

76. Page 53, line 4, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

77. Page 53, by striking lines 16 and 17 and inserting the following: "tables adopted, multiplied by four-tenths, or nine and one-tenth percent, whichever is greater. However, the system shall increase this percentage for its members as necessary to cover any increase in cost to the system resulting from statutory changes which are enacted by any session of the general assembly meeting after January 1, 1991, if the increase cannot be absorbed within the contribution rates otherwise established pursuant to this paragraph, but subject to a maximum employee contribution rate of eleven and three-tenths percent. After the employee contribution reaches the maximum rate specified in this subparagraph, sixty percent of the additional cost of such statutory changes shall be paid by employers under paragraph "c" and forty percent of the additional cost shall be paid by employees under this paragraph."

78. Page 53, by striking lines 21 through 29 and inserting the following: "earnable compensation of the member."

79. Page 54, lines 18 and 19, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

80. Page 54, line 26, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

81. Page 54, line 28, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

82. Page 54, line 35, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

83. Page 55, line 2, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

84. Page 55, line 4, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

85. Page 55, line 10, by striking the words "seven percent" and inserting the following: "six and one-tenth percent".

86. Page 55, line 12, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

87. Page 55, lines 13 and 14, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

88. Page 55, line 15, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

89. Page 55, line 22, by striking the word "seven-tenths" and inserting the following: "one-tenth".

90. Page 55, line 24, by striking the word "seven" and inserting the following: "six and one-tenth".

91. Page 55, lines 25 and 26, by striking the words "eight and three-tenths" and inserting the following: "seven and one-tenth".

92. Page 55, line 27, by striking the words "nine and six-tenths" and inserting the following: "eight and one-tenth".

93. Page 55, line 29, by striking the words "ten and nine-tenths" and inserting the following: "nine and one-tenth".

94. By striking page 55, line 33, through page 56, line 19.

95. Page 59, line 3, by striking the words "and five hundredths".

96. Page 59, line 24, by striking the word and figures "July 1, 1991," and inserting the following: "January 1, 1992,".

97. Page 59, line 29, by striking the word and figures "July 1, 1991," and inserting the following: "January 1, 1992,".

98. Page 59, line 31, by striking the word and figures "July 1, 1991," and inserting the following: "January 1, 1992,".

99. Page 60, line 5, by striking the word "nine" and inserting the following: "thirteen".

100. Page 60, by striking line 6 and inserting the following: "members, including nine voting members and four nonvoting".

101. Page 60, by striking lines 8 and 9 and inserting the following:

"a. Two fire fighters from different participating cities, one of whom is an active member of the retirement system and one of whom is a retired member. The fire fighters shall be".

102. Page 60, by striking lines 12 and 13 and inserting the following:

"b. Two police officers from different participating cities, one of whom is an active member of the retirement system and one of whom is a retired member. The police officers shall be".

103. Page 60, by striking line 16 and inserting the following:

"c. The city treasurers of four participating cities, one of whom is from a city having a population of less than forty thousand, and three of whom are from cities having a population of forty thousand or more. The".

104. Page 60, by striking lines 19 through 25 and inserting the following:

"d. One citizen who does not hold another public office. The citizen shall be appointed by the other members of the board.

The nonvoting members of the board shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate."

105. Page 60, line 27, by striking the word "members" and inserting the following: "voting members".

106. Page 60, line 28, by striking the word "beginning" and inserting the following: ", and the nonvoting members shall be appointed for two-year terms. Terms begin".

107. Page 60, line 29, by striking the word "expiring" and inserting the following: "expire".

108. Page 62, by inserting after line 8 the following:

"It is the intent of the general assembly that a terminated city fire or police retirement system shall not subsidize any portion of any other system's unfunded liabilities in connection with the transition to the statewide system."

109. Page 62, line 11, by inserting after the word "system" the following: ", except the nonvoting members,".

110. Page 62, by striking lines 16 through 24 and inserting the following:

"a. One fire fighter shall be appointed for a term of four years and one for a term of two years.

b. One police officer shall be appointed for a term of three years and one for a term of one year.

c. One city treasurer shall be appointed for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year.

d. The citizen member shall be appointed for a term of four years.

e. The state representatives and state senators shall each be appointed for a term of two years."

111. Page 62, line 30, by striking the word "four" and inserting the following: "eight".

112. Page 62, line 33, by striking the word "members" and inserting the following: "member".

113. Page 65, line 15, by striking the words "July 1, 1991" and inserting the following: "January 1, 1992".

114. Page 65, by inserting after line 15 the following:

"\_\_\_\_\_. Section 1003 of this Act takes effect January 14, 1991."

115. By numbering and renumbering as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE;

EUGENE BLANSHAN, Chair  
JOHN CONNORS  
STEVEN HANSEN

JOHN P. KIBBIE, Chair  
BILL HUTCHINS  
WALLY HORN  
JACK NYSTROM  
JACK RIFE

Groninga of Cerro Gordo in the chair at 4:24 p.m.

Speaker Avenson in the chair at 5:20 p.m.

Blanshan of Greene moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Kremer of Buchanan and Diemer of Black Hawk.

Rule 75 was invoked.

Under the provisions of Rule 76, Doderer of Johnson refrained from voting.

On the question "Shall the conference committee report be adopted?" (H.F. 2543)

The ayes were, 58:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Brammer	Brand
Branstad	Brown	Chapman	Cohon

Connors	Corbett	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lundby	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Renaud	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Svoboda	Swartz	Tabor
Wise	Mr. Speaker Avenson		

The nays were, 40:

Banks	Bennett	Black	Buhr
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Hermann	Hester
Holveck	Iverson	Kistler	Kremer
Lageschulte	Maulsby	McKean	Metcalf
Miller	Neuhauser	Osterberg	Pellett
Petersen, D. F.	Plasier	Poney	Renken
Rosenberg	Royer	Schnecloth	Spenner
Teaford	Trent	Tyrrell	Van Maanen

Absent or not voting, 2:

Doderer	Stueland
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The motion prevailed and the conference committee report was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 76, Doderer of Johnson refrained from voting.

On the question "Shall the bill pass?" (H.F. 2543)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Chapman	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard

Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poñey	Renaud	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Trent	Tyrrell	Wise	Mr. Speaker Avenson

The nays were, 18:

Banks	Carpenter	Eddie	Halvorson, R. N.
Hammond	Hanson, D. R.	Hermann	Iverson
Kremer	Maulsby	Metcalf	Miller
Osterberg	Pellett	Plasier	Renken
Teaford	Van Maanen		

Absent or not voting, 2:

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

### IMMEDIATE MESSAGE

(House File 2543)

Arnould of Stott asked and received unanimous consent that House File 2543 be immediately messaged to the Senate.

### CONFERENCE COMMITTEE APPOINTED

(House File 2533)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2533: Peterson of Carroll, Chair; Plasier of Sioux, Shoning of Woodbury, Jay of Appanoose and Chapman of Linn.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth and Hibbard of Madison, until their return, on request of Arnould of Scott.

The House stood at ease at 5:48 p.m., until the fall of the gavel.

The House resumed session at 6:45 p.m., Speaker Avenson in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-seven members present, forty-three absent.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

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

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

JOHN F. DWYER, Secretary

### INTRODUCTION OF BILL

**House File 2568**, by Arnould and Van Maanen, a bill for an act relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus.

Read first time and referred to committee on **appropriations**.

### CONSIDERATION OF BILLS

#### Appropriations Calendar

**House File 2567**, a bill for an act relating to and making appropriations from the energy conservation trust, was taken up for consideration.

Schrader of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2567)

The ayes were, 85:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Gruhn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Metcalf	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 15:

Beaman	Cphoon	Fogarty	Groninga
Haverland	Hibbard	Koenigs	Mertz
Miller	Muhlbauer	Pellett	Schneklath
Sherzan	Shoning	Stueland	

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

### Ways and Means Calendar

**House File 2566**, a bill for an act relating to the repeal of a local option sales and services tax, was taken up for consideration.

Van Maanen of Mahaska rose on a point of order that House File 2566 was not eligible for debate today.

The Speaker ruled the point well taken.

Arnould of Scott asked and received unanimous consent to suspend the rules to immediately consider House File 2566.

Teaford of Black Hawk offered the following amendment H—6157 filed by her from the floor and moved its adoption:

H—6157

- 1 Amend House File 2566 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 "period" the following: "unless the county board of
- 4 supervisors had specified a date of repeal on the
- 5 ballot in the case of a local sales and services tax".

Amendment H—6157 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2566)

The ayes were, 83:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Metcalf	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Rosenberg
Schrader	Shearer	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 17:

Beaman	Cohoon	Fogarty	Haverland
Hibbard	Koenigs	Maulsby	Mertz
Miller	Muhlbauer	Pellett	Renken
Royer	Schneklath	Sherzan	Shoning
Stueland			

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

### SENATE AMENDMENTS CONSIDERED

Halvorson of Clayton called up for consideration **House File 677**, a bill for an act relating to written credit agreements between a creditor and debtor and rights of action on that agreement, amended by the Senate, and moved that the House concur in the following Senate amendment H-6027:

H-6027

1 Amend House File 677, as passed by the House, as  
2 follows:

3 1. By striking everything after the enacting

4 clause and inserting the following:

5 "Section 1. **NEW SECTION. 535.17 REQUIREMENTS OF**  
6 **CREDIT AGREEMENTS - STATUTE OF FRAUDS -**  
7 **MODIFICATIONS.**

8 1. A credit agreement is not enforceable in  
9 contract law by way of action or defense by any party  
10 unless a writing exists which contains all of the  
11 material terms of the agreement and is signed by the  
12 party against whom enforcement is sought.

13 2. Unless otherwise expressly agreed in writing, a  
14 modification of a credit agreement which occurs after  
15 the person asserting the modification has been  
16 notified in writing that oral or implied modifications  
17 to the credit agreement are unenforceable and should  
18 not be relied upon, is not enforceable in contract law  
19 by way of action or defense by any party unless a  
20 writing exists containing the material terms of the  
21 modification and is signed by the party against whom  
22 enforcement is sought. This notification can be  
23 included among the terms of a credit agreement, can be  
24 included on a separate form or together with other  
25 disclosures that are provided when the agreement is  
26 made, or can be given wholly apart from the agreement  
27 and at any time after the agreement has been made. To  
28 be effective, the notification and its language must  
29 be conspicuous. A person who gives a notification is  
30 bound by it to the same extent as the person notified.  
31 A notification with respect to any credit agreement is  
32 effective with respect to all other credit agreements  
33 then in effect between the parties if the notification  
34 conspicuously so provides. When a modification is  
35 required by this section to be in writing and signed,  
36 such requirement cannot be modified except by clear  
37 and explicit language in a writing signed by the  
38 person against whom the modification is to be  
39 enforced.

40 3. A notification referred to in subsection 2 in  
41 the following form in boldface, ten-point type,  
42 complies with the requirements of this section:  
43 **IMPORTANT: READ BEFORE SIGNING. THE TERMS OF THIS**  
44 **AGREEMENT SHOULD BE READ CAREFULLY BECAUSE ONLY THOSE**  
45 **TERMS IN WRITING ARE ENFORCEABLE. NO OTHER TERMS OR**  
46 **ORAL PROMISES NOT CONTAINED IN THIS WRITTEN CONTRACT**  
47 **MAY BE LEGALLY ENFORCED. YOU MAY CHANGE THE TERMS OF**  
48 **THIS AGREEMENT ONLY BY ANOTHER WRITTEN AGREEMENT.**

49 4. Notwithstanding subsections 1 and 2, a credit  
50 agreement or modification of a credit agreement which

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1 is not in writing, but which is valid in other  
2 respects, is enforceable if the party against whom  
3 enforcement is sought admits in court that the  
4 agreement or modification was made, but no agreement  
5 or modification is enforceable under this subsection  
6 beyond the terms admitted.

7 5. For purposes of this section, unless the  
8 context otherwise requires:

9 a. "Action" includes petition, complaint,  
10 counterclaim, cross-claim, or any other pleading or  
11 proceeding to enforce affirmatively any right or duty  
12 or to recover damages for the nonperformance of any  
13 duty.

14 b. "Contract" means a promise or set of promises  
15 for the breach of which the law would give a remedy or  
16 the performance of which the law would recognize a  
17 duty, and includes promissory obligations based on  
18 instruments and similar documents or on the contract  
19 doctrine of promissory estoppel.

20 c. "Credit agreement" means any contract made or  
21 acquired by a lender to loan money, finance any  
22 transaction, or otherwise extend credit for any  
23 purpose, and includes all of the terms of the  
24 contract. "Credit agreement" does not mean a contract  
25 to loan money, finance a transaction, or otherwise  
26 extend credit by means of or pursuant to a credit  
27 card, as defined in section 537.1301, subsection 16,  
28 or pursuant to open-end credit, as defined in section  
29 537.1301, subsection 28, or pursuant to a home equity  
30 line of credit, as defined in section 535.10 whether  
31 the loan, financing, or credit is for consumer or  
32 business purposes or a consumer rental purchase  
33 agreement as defined in section 537.3604, subsection  
34 8.

35 d. "Defense" includes setoff, recoupment, and any  
36 basis or means for barring or reducing liability or  
37 obligation on any claim.

38 e. "Lender" means any person primarily in the  
39 business of loaning money, or financing sales, leases,  
40 or other provision of property or services.

41 f. "Modification" includes change, addition,  
42 waiver, rescission, and any other variation of any  
43 kind whether expressly made or implied by, or inferred  
44 from, conduct of any kind.

45 6. This section shall be interpreted and applied  
46 purposively to ensure that contract actions and  
47 defenses on credit agreements are supported by clear  
48 and certain written proof of the terms of such  
49 agreements to protect against fraud and to enhance the  
50 clear and predictable understanding of rights and

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1 duties under credit agreements.  
 2 7. This section entirely displaces principles of  
 3 common law and equity that would make or recognize  
 4 exceptions to or otherwise limit or dilute the force  
 5 and effect of its provisions concerning the  
 6 enforcement in contract law of credit agreements or  
 7 modifications of credit agreements. However, this  
 8 section does not displace any additional or other  
 9 requirements of contract law, which shall continue to  
 10 apply, with respect to the making of enforceable  
 11 contracts, including the requirement of consideration  
 12 or other basis of validation.

13 8. This section does not apply to a credit  
 14 agreement made primarily for a personal, family, or  
 15 household purpose where the credit extended is twenty  
 16 thousand dollars or less.

17 Sec. 2.

18 This Act applies to credit agreements and  
 19 modifications of credit agreements entered into on or  
 20 after the effective date of this Act.

21 Sec. 3.

22 This Act takes effect on January 1, 1991."

The motion prevailed and the House concurred in the Senate amendment H-6027.

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

On the question "Shall the bill pass?" (H.F. 677)

The ayes were, 78:

- |                  |                  |                 |               |
|------------------|------------------|-----------------|---------------|
| Adams            | Arnould          | Banks           | Beatty        |
| Bennett          | Bisignano        | Black           | Blanshan      |
| Brammer          | Brand            | Brown           | Buhr          |
| Carpenter        | Chapman          | Clark           | Connors       |
| Corbett          | Daggett          | De Groot        | Diemer        |
| Doderer          | Dvorsky          | Eddie           | Fey           |
| Fuller           | Garman           | Groninga        | Gruhn         |
| Halvorson, R. A. | Halvorson, R. N. | Hammond         | Hansen, S. D. |
| Hanson, D. R.    | Harbor           | Harper          | Hatch         |
| Hester           | Holveck          | Iverson         | Jay           |
| Jesse            | Jochum           | Johnson         | Kistler       |
| Knapp            | Kremer           | Lageschulte     | Lundby        |
| Lykam            | McKean           | McKinney        | Metcalf       |
| Murphy           | Neuhauser        | Nielsen         | Ollie         |
| Pavich           | Peters           | Peterson, M. K. | Plasier       |

Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 4:

Branstad	Maulsby	Renken	Van Maanen
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Absent or not voting, 18:

Beaman	Cohoon	Fogarty	Haverland
Hermann	Hibbard	Koenigs	May
Mertz	Miller	Muhlbauer	Osterberg
Pellett	Petersen, D. F.	Schnekloth	Sherzan
Shoning	Stueland		

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

Jay of Appanoose called up for consideration **House File 2313**, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, amended by the Senate, and moved that the House concur in the following Senate amendment H—6149:

H—6149

- 1 Amend House File 2313, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 29 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 56.6, subsection 3, paragraph
- 6 i, Code Supplement 1989, is amended by striking the
- 7 paragraph.
- 8 Sec. \_\_\_\_\_. NEW SECTION. 56.31 REPORTING OF
- 9 HONORARIA.
- 10 1. The commission shall adopt rules requiring the
- 11 filing of periodic reports by officeholders showing
- 12 all honoraria received during the reporting period.
- 13 2. The rules shall require that:
- 14 a. Holders of statewide office must file reports
- 15 with the state commissioner of elections.
- 16 b. Holders of the office of state senator must
- 17 file reports with the secretary of the senate.
- 18 c. Holders of the office of state representative
- 19 must file reports with the chief clerk of the house of
- 20 representatives.

21 d. Holders of county and other offices must file  
22 reports with the county commissioner of elections.

23 3. The reports shall be available for public  
24 inspection."

25 2. Page 2, line 17, by striking the words "at  
26 least quarterly" and inserting the following: "at  
27 least quarterly on an annual basis".

28 3. Page 12, by inserting after line 10 the  
29 following:

30 "Sec. \_\_\_\_\_. Section 321E.16, Code 1989, is amended  
31 to read as follows:

32 321E.16 VIOLATIONS — PENALTIES.

33 Any person who is convicted of a violation of any  
34 provision of this chapter or of rules adopted under  
35 section 321E.15, other than length, height, width, or  
36 weight allowed by any permit issued under this chapter  
37 shall be punished by a fine of not less than one  
38 hundred dollars for the first conviction, two hundred  
39 fifty dollars for a second conviction within a twelve-  
40 month period, and five hundred dollars for a third  
41 conviction within a twelve-month period. The fine for  
42 violation of the length, height, width, and weight  
43 allowed by permit shall be based upon the difference  
44 between the actual length, height, width, and weight  
45 of the vehicle and load and the maximum allowable by  
46 permit and in accordance with section 321.482 for  
47 violations of length, height, or width limitations and  
48 sections 321.482 and 321.463 for violation of weight  
49 limitations. If a vehicle with indivisible load  
50 traveling under permit is found to be in violation of

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1 weight limitations, the vehicle operator shall be  
2 allowed a reasonable amount of time to remove any ice,  
3 mud, snow, and other weight attributable to climatic  
4 conditions accumulated along the route prior to  
5 application of the penalties prescribed in sections  
6 321.463 and 321.482. The department shall adopt rules  
7 to require peace officer escorts for permit holders  
8 convicted for the third time in a twelve-month period  
9 of violating a provision of this chapter or a  
10 provision of rules adopted pursuant to section  
11 321E.15."

12 4. Page 12, by striking lines 27 through 31, and  
13 inserting the following: "statutes. Each previous  
14 violation on which conviction or deferral of judgment  
15 was entered prior to the date of the violation charged  
16 shall be considered and counted as a separate previous  
17 offense without regard to whether each was complete as  
18 to commission and conviction or deferral of judgment  
19 following or prior to any other previous violation."

20 5. Page 14, lines 9 and 10, by striking the words  
21 "establishment and operation of a public defender's  
22 office," and inserting the following: "establishment  
23 and operation of a public defender's office,".

24 6. Page 14, by inserting after line 21, the  
25 following:

26 "Sec. \_\_\_\_\_. Section 331.555, subsection 4, Code  
27 1989, is amended to read as follows:

28 4. The treasurer shall make a complete settlement  
29 with the county semiannually and when the treasurer  
30 leaves office as provided in sections ~~452.6~~ and  
31 section 452.7."

32 7. Page 14, by striking lines 22 through 28.

33 8. Page 17, by inserting after line 13, the  
34 following:

35 "Sec. \_\_\_\_\_. Section 514F.1, Code Supplement 1989,  
36 is amended to read as follows:

37 514F.1 UTILIZATION AND COST CONTROL REVIEW  
38 COMMITTEES.

39 The boards of examiners under chapters 148, 149,  
40 150, 150A, 151, and 152, and ~~153~~ shall establish  
41 utilization and cost control review committees of  
42 licensees under the respective chapters, selected from  
43 licensees who have practiced in Iowa for at least the  
44 previous five years, or shall accredit and designate  
45 other utilization and cost control organizations as  
46 utilization and cost control committees under this  
47 section, for the purposes of utilization review of the  
48 appropriateness of levels of treatment and of giving  
49 opinions as to the reasonableness of charges for  
50 diagnostic or treatment services of licensees.

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1 Persons governed by the various chapters of Title XX  
2 of the Code and self-insurers for health care benefits  
3 to employees may utilize the services of the  
4 utilization and cost control review committees upon  
5 the payment of a reasonable fee for the services, to  
6 be determined by the respective boards of examiners.  
7 The respective boards of examiners under chapters 148,  
8 149, 150, 150A, 151, and 152, and ~~153~~ shall adopt  
9 rules necessary and proper for the implementation of  
10 this section pursuant to chapter 17A. It is the  
11 intent of this general assembly that conduct of the  
12 utilization and cost control review committees  
13 authorized under this section shall be exempt from  
14 challenge under federal or state antitrust laws or  
15 other similar laws in regulation of trade or  
16 commerce."

17 9. Page 21, by inserting after line 30 the  
18 following:

19 "Sec. \_\_\_\_\_. Section 904A.1, Code Supplement 1989,  
 20 is amended to read as follows:  
 21 904A.1 BOARD OF PAROLE.  
 22 The board of parole is created to consist of five  
 23 members. Each member, except the chairperson, shall  
 24 be compensated on a day-to-day basis. Each member  
 25 shall serve a term of four years beginning July 1 and  
 26 ending as provided by section 69.19, except for  
 27 members appointed to fill vacancies who shall serve  
 28 for the balance of the unexpired term. The terms  
 29 shall be staggered. The chairperson of the board  
 30 shall be a full-time, salaried member of the board. A  
 31 majority of the members of the board constitutes a  
 32 quorum to transact business.  
 33 Sec. \_\_\_\_\_. Section 452.6, Code 1989, is repealed."  
 34 10. Renumber as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6149.

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

On the question "Shall the bill pass?" (H.F. 2313)

The ayes were, 85:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Metcalfe	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shultz	Siegrist	Shear
Spenner	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 15:

Beaman	Cohoon	Fogarty	Haverland
Hibbard	Jochum	Koenigs	Mertz
Miller	Muhlbauer	Pellett	Schneklath
Shoning	Stueland	Tabor	

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

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 2287)**

Ollie of Clinton called up for consideration the report of the conference committee on House File 2287 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2287**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5812.
2. That House File 2287, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 96.7, subsection 2, paragraph b, Code Supplement 1989, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

**NEW UNNUMBERED PARAGRAPH.** The predecessor employer, prior to entering into a contract with a successor employer relating to the sale or transfer of the enterprise or business, or a clearly segregable and identifiable part of the enterprise or business, shall disclose to the successor employer the predecessor employer's record of charges of benefits payments and any layoffs or incidences since the last record that would affect the experience record. A predecessor employer who fails to disclose or willfully discloses incorrect information to a successor employer regarding the predecessor employer's record of charges of benefits payments is liable to the successor employer for any actual damages and attorney fees incurred by the successor employer as a result of the predecessor employer's failure to disclose or disclosure of incorrect information. The division shall include notice of the requirement of disclosure in the division's quarterly notification given to each employer pursuant to section 96.7, subsection 2, paragraph "a", subparagraph (6)."

2. Title page, line 2, by striking the word "small".

ON THE PART OF THE HOUSE:

C. ARTHUR OLLIE, Chair  
PATRICIA HARPER  
JIM LYKAM  
LEE J. PLASIER  
PHIL TYRRELL

ON THE PART OF THE SENATE:

WILLIAM D. PALMER, Chair  
LINN FUHRMAN  
THOMAS MANN, Jr.  
JOHN A. PETERSON  
RICHARD VANDE HOEF

The motion prevailed and the conference committee report was adopted.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2287)

The ayes were, 85:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Metcalf	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 15:

Beaman	Cohoon	Doderer	Fogarty
Haverland	Hibbard	Koenigs	Mertz
Miller	Muhlbauer	Pellett	Schneklath
Shoning	Stueland	Swartz	

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

MOTIONS TO RECONSIDER WITHDRAWN  
(Senate File 2048)

Black of Jasper asked and received unanimous consent to withdraw the motion to reconsider Senate File 2048, a bill for an act to prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties, filed by him on March 28, 1990.

(Senate File 2049)

Fey of Scott asked and received unanimous consent to withdraw the motion to reconsider Senate File 2049, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty, filed by him on March 28, 1990.

SENATE AMENDMENT CONSIDERED

Renaud of Polk called up for consideration **House File 2188**, a bill for an act relating to the issuance of alcoholic beverage licenses and permits for certain licensed premises and prescribing fees, amended by the Senate amendment H-5843 as follows:

H-5843

- 1 Amend House File 2188, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "ordinance" and inserting the following: "motion of
- 5 the local authority".
- 6 2. Page 1, line 8, by striking the word
- 7 "ordinance" and inserting the following: "motion of
- 8 the local authority".

Shultz of Black Hawk asked and received unanimous consent to withdraw amendment H-6079, to the Senate amendment H-5843, filed by him on April 3, 1990.

On motion by Renaud of Polk, the House concurred in the Senate amendment H-5843.

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

On the question "Shall the bill pass?" (H.F. 2188)

The ayes were, 79:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Connors	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 9:

Banks	Branstad	Clark	Corbett
Daggett	De Groot	Maulsby	McKean
Van Maanen			

Absent or not voting, 12:

Beaman	Cohoon	Fogarty	Haverland
Hibbard	Koenigs	Mertz	Miller
Pellett	Schnekloth	Shoning	Stueland

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 6, 1990, adopted the conference committee report and passed House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act.

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

JOHN F. DWYER, Secretary

## Unfinished Business Calendar

The House resumed consideration of **Senate File 2093**, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, and the committee amendment H—5636, found on page 1259 of the House Journal, previously deferred and retained on the unfinished business calendar.

Renaud of Polk asked and received unanimous consent to temporarily defer the committee amendment H—5636.

Tabor of Jackson offered the following amendment H—5958 filed by Tabor, et al., and moved its adoption:

H—5958

- 1 Amend Senate File 2093, as passed by the Senate, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1.
- 6 1. Notwithstanding section 123.24, subsection 4,
- 7 the administrator of the alcoholic beverages division
- 8 of the department of commerce shall select not more
- 9 than the top two selling products by case sales in the
- 10 one and three-fourths liter size in the categories of
- 11 blended whiskey, straight bourbon whiskey, scotch
- 12 whiskey, Canadian whiskey, Tennessee whiskey, eighty
- 13 proof domestic vodka, and domestic gin if those
- 14 products selected sold more than two thousand cases
- 15 annually for the twelve-month period ending January
- 16 31, 1990, to be sold to class "E" liquor control
- 17 licensees with a markup of forty percent of the
- 18 wholesale price paid by the division for the alcoholic
- 19 liquor.
- 20 2. The administrator shall also select not more
- 21 than the top two selling products by case sales in the
- 22 seven hundred fifty milliliter size in all remaining
- 23 categories providing those products selected sold more
- 24 than two thousand cases annually for the twelve-month
- 25 period ending January 31, 1990; to be sold to class
- 26 "E" liquor control licensees with a markup of forty
- 27 percent of the wholesale price paid by the division
- 28 for the alcoholic liquor.
- 29 3. A company shall not have more than one product
- 30 selected in a category. If the top two selling
- 31 products in a category are sold by the same company,
- 32 the administrator shall select the next highest
- 33 selling product in the category which is not sold by
- 34 that company, if the next highest selling product
- 35 selected sold more than two thousand cases annually

36 for the twelve-month period ending January 31, 1990.  
37 4. The division shall study the results of the  
38 markup reduction on the volume of sales of the  
39 selected products compared to the volume of sales of  
40 the preceding year and compared to other competitive  
41 products not selected for the price reduction. The  
42 administrator shall report the division's findings to  
43 the president or presiding officer of the senate and  
44 speaker of the house of representatives of this state  
45 by February 15, 1991.

46 5. This section is repealed effective June 30,  
47 1991."

48 2. Title page, line 2, by inserting after the  
49 word "sales" the following: "and provide a date of  
50 repeal".

Hansen of Woodbury in the chair at 7:36 p.m.

Halvorson of Webster offered the following amendment H-6032,  
to amendment H-5958, filed by him and moved its adoption:

H-6032

1 Amend the amendment, H-5958, to Senate File 2093,  
2 as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 50 and  
4 inserting the following:

5 "\_\_\_\_\_. Page 1, by inserting after line 11 the  
6 following:

7 "Sec. \_\_\_\_\_. STUDY - APPROPRIATION.

8 There is appropriated from the general fund of the  
9 state to the alcoholic beverages division of the  
10 department of commerce for the fiscal year beginning  
11 July 1, 1990, and ending June 30, 1991, the sum of  
12 \$50,000 or so much thereof as is necessary, to conduct  
13 a study of the impact of reducing the wholesale markup  
14 of alcoholic liquors from fifty percent to forty  
15 percent on the volume of sales of alcoholic liquors in  
16 this state and on the amount of revenue generated from  
17 the wholesale markup to the general fund of the state.  
18 In addition, the study shall evaluate the effect of  
19 the wholesale price reduction on the competitiveness  
20 of retail alcoholic liquor prices in Iowa compared to  
21 neighboring states, determine if the wholesale  
22 alcoholic liquor price reduction is being passed on to  
23 consumers, and determine the impact of tourism on the  
24 general pattern of lower per capita consumption of  
25 alcoholic beverages by Iowans compared to other  
26 states. The administrator shall report the division's  
27 findings to the president or presiding officer of the  
28 senate and the speaker of the house of representatives

29 of this state by February 15, 1991."  
 30 \_\_\_\_\_ Title page, line 2, by inserting after the  
 31 word "sales" the following: ", provide for a study,  
 32 and make an appropriation".  
 33 2. By numbering sections as required.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 40; nays 51.

Amendment H-6032 lost.

Speaker Avenson in the chair at 7:48 p.m.

On motion by Tabor of Jackson, amendment H-5958 was adopted, placing out of order the following amendments:

H-5636 filed by the committee on state government, previously deferred.

H-6030, to the committee amendment H-5636, filed by Halvorson of Webster on April 2, 1990.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 76, Halvorson of Clayton refrained from voting.

On the question "Shall the bill pass?" (S.F. 2093)

The ayes were, 58:

Arnould	Beatty	Bisignano	Black
Blanshan	Brown	Buhr	Chapman
Cohoon	Connors	Dvorsky	Eddie
Fey	Fuller	Groninga	Hansen, S. D.
Harbor	Harper	Hermann	Hester
Iverson	Jay	Jochum	Knapp
Koenigs	Kremer	Lundby	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Ollie	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Poney	Renaud
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 33:

Adams	Banks	Beaman	Bennett
Brammer	Brand	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Garman	Gruhn	Halvorson, R. N.
Hammond	Hanson, D. R.	Hatch	Holveck
Jesse	Johnson	Kistler	Lageschulte
Maulsby	McKean	Metcalf	Nielsen
Osterberg	Plasier	Renken	Rosenberg
Van Maanen			

Absent or not voting, 9:

Doderer	Fogarty	Halvorson, R. A.	Haverland
Hibbard	Mertz	Miller	Pellett
Stueland			

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

#### RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules for the immediate consideration of Senate File 2415.

Objection was raised.

Arnould of Scott moved to suspend the rules for the immediate consideration of Senate File 2415, not eligible for debate today.

A non-record roll call was requested.

The ayes were 53, nays 26.

The motion prevailed and the rules were suspended.

#### Ways and Means Calendar

**Senate File 2415**, a bill for an act authorizing an additional tax levy and the creation of a reserve account by a benefited fire district, with report of committee recommending passage was taken up for consideration.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2415)

The ayes were, 77:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan

Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	May	McKean	McKinney
Metcalf	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Trent	Tyrrell	Wise
Mr. Speaker Avenson			

The nays were, 13:

Banks	Branstad	Clark	De Groot
Eddie	Garman	Hermann	Iverson
Lageschulte	Maulsby	Renken	Schneklath
Van Maanen			

Absent or not voting, 10:

Fogarty	Haverland	Hibbard	Mertz
Miller	Murphy	Pellett	Stueland
Swartz	Teaford		

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

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 677, 2188, 2287, 2313, 2537, 2566 and 2567 and Senate Files 514, 2093, 2277 and 2415.

The House stood at ease at 8:10 p.m., until the fall of the gavel.

The House resumed session at 8:50 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

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

Also: That the Senate has, on April 6, 1990, insisted on its amendment to House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Dallas, Senator Riordan, Chair; the Senator from Woodbury, Senator Doyle; the Senator from Lee, Senator Fraise; the Senator from Pottawattamie, Senator Hester; the Senator from Marshall, Senator Soorholtz.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Adams of Hamilton called up for consideration **House File 2412**, a bill for an act providing for the enactment of municipal infractions relating to the environment and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-6163:

H-6163

1 Amend House File 2412, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 7 through 9, and  
4 inserting the following: "offense. However,  
5 notwithstanding section 364.3, a municipal infraction  
6 arising from noncompliance with a pretreatment  
7 standard or requirement, referred to in 40 C.F.R. §  
8 403.8, by an industrial user may be punishable by a  
9 civil penalty of not more than one thousand dollars  
10 for each day a violation exists or continues.

11 A city may classify a municipal infraction, other  
12 than a violation arising from noncompliance with a  
13 pretreatment standard or requirement, as an  
14 environmental violation if the infraction is a  
15 violation of chapter 455B or a violation of a standard  
16 established by the city in consultation with the  
17 department of natural resources, or both. The  
18 discharge of airborne residue from grain, created by  
19 the handling, drying, or storing of grain by a person,  
20 shall not be subject to an ordinance, the violation of  
21 which is classified as an environmental violation,  
22 unless the person is engaged in industrial production  
23 or manufacturing of grain products. The discharge of  
24 airborne residue from grain, created by the handling,  
25 drying, or storing of grain by a person engaged in

26 industrial production or manufacturing of grain  
 27 products, shall not be subject to an ordinance, the  
 28 violation of which is classified as an environmental  
 29 violation, if the discharge occurs from September 15  
 30 to January 15. A municipal infraction which is  
 31 classified an environmental violation is punishable by  
 32 a civil penalty of not more than one thousand dollars  
 33 for each occurrence. A person committing an  
 34 environmental violation is not subject to a civil  
 35 penalty, if all of the following conditions are  
 36 satisfied:

37 a. The violation results solely from the person  
 38 conducting an initial start-up, cleaning, repairing,  
 39 performing scheduled maintenance, testing, or  
 40 conducting a shutdown, of either equipment causing the  
 41 violation or the equipment designed to reduce or  
 42 eliminate the violation.

43 b. The person notifies the city of the violation  
 44 within twenty-four hours from the time that the  
 45 violation begins.

46 c. The violation does not continue in existence  
 47 for more than eight hours.

48 A city shall not enforce this section against a  
 49 person committing an environmental violation, until  
 50 the city offers to participate in informal

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1 negotiations with the person. If the person accepts  
 2 the offer, the city and the person shall participate  
 3 in good faith negotiations to resolve issues alleged  
 4 to be the basis for the violation."

5 2. Page 2, by inserting after line 12, the  
 6 following:

7 "Sec. \_\_\_\_\_. Section 364.22, Code Supplement 1989,  
 8 is amended by adding the following new subsection:

9 NEW SUBSECTION. 13. An action brought pursuant to  
 10 this section for a municipal infraction which is an  
 11 environmental violation does not preclude, and is in  
 12 addition to, any other enforcement action which may be  
 13 brought pursuant to chapter 455B, 455D, or 455E."

14 3. Page 2, by inserting after line 12 the  
 15 following:

16 "Sec. \_\_\_\_\_

17 If a conflict exists between a provision of this  
 18 Act, as enacted, and 1990 Iowa Acts, Senate File 2393,  
 19 as enacted, the provision contained in this Act shall  
 20 prevail."

21 4. By renumbering, relettering, or redesignating  
 22 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6163.

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

On the question "Shall the bill pass?" (H.F. 2412)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Nielsen	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Beatty	Cphoon	Halvorson, R. N.	Harper
Haverland	Miller	Neuhauser	Ollie
Pellett	Stueland		

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

**RULES SUSPENDED**

Arnould of Scott moved to suspend the rules for the immediate consideration of Senate File 2422, not eligible for debate today.

A non-record roll call was requested.

The ayes were 53, nays 32.

The motion prevailed and the rules were suspended.

### Appropriations Calendar

**Senate File 2422**, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—6111 filed by the committee on appropriations:

H—6111

- 1 Amend Senate File 2422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the figure
- 4 "77,300" and inserting the following: "76,100".
- 5 2. Page 1, line 17, by striking the figure
- 6 "74,200" and inserting the following: "73,000".
- 7 3. Page 1, by inserting after line 17 the
- 8 following:
- 9 "c. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
- 10 Salary for the secretary of agriculture:
- 11 ..... \$ 58,500
- 12 d. OFFICE OF THE AUDITOR OF STATE
- 13 Salary for the auditor of state:
- 14 ..... \$ 58,500
- 15 e. OFFICE OF THE SECRETARY OF STATE
- 16 Salary for the secretary of state:
- 17 ..... \$ 58,500
- 18 f. OFFICE OF THE TREASURER OF STATE
- 19 Salary for the treasurer of state:
- 20 ..... \$ 58,500"
- 21 4. Page 5, by striking lines 24 through 26 and inserting
- 22 the following: "commissioner."
- 23 5. Page 21, line 17, by striking the figure
- 24 "162,496" and inserting the following: "164,268".
- 25 6. Page 21, line 19, by striking the figure
- 26 "16,235" and inserting the following: "27,696".
- 27 7. Page 21, line 21, by striking the figure
- 28 "100,077" and inserting the following: "103,505".
- 29 8. Page 21, line 24, by striking the figure
- 30 "48,341" and inserting the following: "80,499".
- 31 9. Page 21, line 26, by striking the figure
- 32 "6,094" and inserting the following: "6,446".

33 10. Page 21, line 28, by striking the figure  
34 "115,129" and inserting the following: "99,705".

35 11. Page 22, by inserting after line 14 the  
36 following:

37 "Sec. \_\_\_\_\_.

38 There is appropriated from the general fund of the  
39 state to the state board of regents for the fiscal  
40 year beginning July 1, 1990, and ending June 30, 1991,  
41 the following amount, or so much thereof as may be  
42 necessary, to be used for the purpose designated:

43 To pay the cost of full-year increases for  
44 professional and scientific employees at the  
45 university of northern Iowa, the school for the deaf,  
46 and the Braille and sight-saving school:  
47 ..... \$ 208,723".

48 12. Page 23, by striking lines 26 through 28 and inserting  
49 the following: "lieutenant governor shall be paid at an annual  
50 salary rate of \$58,500 for the remainder".

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1 13. Page 24, line 25, by striking the word "twenty-six"  
2 and inserting the following: "twenty-seven".

3 14. Page 25, by striking lines 22 through 26 and  
4 inserting the following: "the house serving in that  
5 capacity. Expense and travel allowances shall be the".

6 15. Page 25, by striking lines 28 and 29 and  
7 inserting the following: "the senate and the majority and".

8 16. By renumbering, relettering, or redesignating  
9 and correcting internal references as necessary.

Halvorson of Clayton offered the following amendment H—6151,  
to the committee amendment H—6111, filed by him and moved its  
adoption:

**H—6151**

- 1 Amend amendment H—6111 to Senate File 2422,
- 2 as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 35 through 47.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 52.

Amendment H—6151 lost.

Plasier of Sioux offered the following amendment H—6133, to the  
committee amendment H—6111, filed by him and moved its adoption:

H-6133

1 Amend amendment, H-6111, to Senate File 2422 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 2, by striking lines 1 through 7, and  
5 inserting the following:  
6 " \_\_\_\_\_. By striking page 24, line 17, through page  
7 25, line 31 and inserting the following:  
8 "1. Every member of the general assembly except  
9 the president presiding officer of the senate, the  
10 speaker of the house, and majority and minority floor  
11 leader of each house shall receive an annual salary of  
12 eighteen sixteen thousand one six hundred dollars for  
13 the year 1991 and subsequent years while serving as a  
14 member of the general assembly. The presiding officer  
15 of the senate and the majority and minority floor  
16 leader of each house shall receive an annual salary of  
17 twenty-five twenty-two thousand nine hundred seventy-  
18 five dollars for the year 1991 and subsequent years  
19 while serving in the capacity. In addition, each such  
20 member shall receive the sum of fifty dollars per day  
21 for expenses of office, except travel, for each day  
22 the general assembly is in session commencing with the  
23 first day of a legislative session and ending with the  
24 day of final adjournment of each legislative session  
25 as indicated by the journals of the house and senate,  
26 except that in the event the length of the first  
27 regular session of the general assembly exceeds one  
28 hundred ten calendar days and the second regular  
29 session exceeds one hundred calendar days, such  
30 payments shall be made only for one hundred ten  
31 calendar days for the first session and one hundred  
32 calendar days for the second session. However,  
33 members from Polk county shall receive thirty-five  
34 dollars per day. Each member shall receive a seventy-  
35 five dollar per month allowance for legislative  
36 district constituency postage, travel, telephone  
37 costs, and other expenses. Travel expenses shall be  
38 paid at the rate established by section 18.117 for  
39 actual travel in going to and returning from the seat  
40 of government by the nearest traveled route for not  
41 more than one time per week during a legislative  
42 session. However, any increase from time to time in  
43 the mileage rate established by section 18.117 shall  
44 not become effective for members of the general  
45 assembly until the convening of the next general  
46 assembly following the session in which the increase  
47 is adopted; and this provision shall prevail over any  
48 inconsistent provision of any present or future  
49 statute.

50 3. The speaker of the house and the presiding

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1 officer of the senate shall receive an annual salary  
 2 of ~~twenty-seven~~ twenty-two thousand nine hundred  
 3 dollars for the year 1991 and subsequent years while  
 4 the speaker of the house serving in that capacity.  
 5 Expense and travel allowances shall be the same for  
 6 the speaker of the house and the presiding officer of  
 7 the senate and the majority and minority leader of  
 8 each house as provided for other members of the  
 9 general assembly.” ”

Roll call was requested by Plasier of Sioux and Bennett of Ida.

On the question “Shall amendment H—6133, to the committee amendment H—6111, be adopted?” (S.F. 2422)

The ayes were, 12:

Eddie	Hermann	Iverson	Kistler
Kremer	Lageschulte	Maulsby	Pellett
Plasier	Renken	Spenner	Tyrrell

The nays were, 69:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Connors	Corbett
Daggett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Neuhauser	Nielsen	Ollie	Osterberg
Peters	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Swartz	Tabor
Teaford	Trent	Van Maanen	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 19:

Banks	Bennett	Brammer	Chapman
De Groot	Garman	Halvorson, R. N.	Haverland
Miller	Muhlbauer	Murphy	Pavich
Petersen, D. F.	Peterson, M. K.	Royer	Schnekloth
Sherzan	Stueland	Svoboda	

Amendment H—6133 lost.

On motion by Jochum of Dubuque, the committee amendment H—6111 was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—6144 filed by him on April 5, 1990.

Jochum of Dubuque offered the following amendment H—6148 filed by him and moved its adoption:

H—6148

- 1 Amend Senate File 2422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by inserting after line 7 the
- 4 following:
- 5 "It is the intent of the general assembly to fund
- 6 critical unmet needs that result from the elimination
- 7 of the past practice of the state board of regents, of
- 8 diverting salary adjustment funds to equipment
- 9 purchases, utility costs, and other nonsalary needs.
- 10 If after expending all of the salary adjustment funds
- 11 to increase salaries, the state board of regents have
- 12 critical unmet needs that the board had planned on
- 13 meeting with salary adjustment funds, the board shall
- 14 submit a list of those needs to the education
- 15 appropriations subcommittees no later than February 1,
- 16 1991."

Amendment H—6148 was adopted.

Plasier of Sioux asked and received unanimous consent to withdraw amendment H—6131 filed by him on April 5, 1990.

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H—6128 filed by him on April 5, 1990.

Kremer of Buchanan offered the following amendment H—6095 filed by him and moved its adoption:

H—6095

- 1 Amend Senate File 2422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 24, line 34, by striking the word "ten"
- 4 and inserting the following: "ten".
- 5 2. Page 24, line 35, by striking the word "one"
- 6 and inserting the following: "one".
- 7 3. Page 25, line 1, by striking the word
- 8 "hundred" and inserting the following: "hundred
- 9 ninety".
- 10 4. Page 25, line 2, by striking the word "ten"
- 11 and inserting the following: "ten".
- 12 5. Page 25, lines 2 and 3, by striking the words

13 "one hundred" and inserting the following: "one  
14 hundred ninety".

Roll call was requested by Kremer of Buchanan and Tyrrell of Iowa.

On the question "Shall amendment H — 6095 be adopted?"  
(S.F. 2422)

The ayes were, 25:

Banks	Carpenter	Corbett	De Groot
Diemer	Eddie	Halvorson, R. A.	Hanson, D. R.
Hermann	Iverson	Kistler	Kremer
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Schneklath	Trent	Tyrrell
Van Maanen			

The nays were, 67:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Branstad
Brown	Buhr	Chapman	Clark
Cohoon	Connors	Daggett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 8:

Bennett	Brammer	Brand	Haverland
Lageschulte	Royer	Stueland	Svoboda

Amendment H — 6095 lost.

Plasier of Sioux asked and received unanimous consent to withdraw amendment H — 6106 filed by him on April 4, 1990.

Jochum of Dubuque offered the following amendment H — 6145 filed by him and moved its adoption:

H-6145

1 Amend Senate File 2422 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 26, by inserting after line 31, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 28B.4, Code 1989, is amended to  
6 read as follows:

7 28B.4 REPORT.

8 The commission shall report to the governor and to  
9 the legislature within fifteen days after the  
10 convening of each general assembly, and at such other  
11 time as it deems appropriate. Its members and the  
12 members of all committees which it establishes shall  
13 be reimbursed for their travel and other necessary  
14 expenses in carrying out their obligations under this  
15 chapter and legislative members shall be paid a per  
16 diem of forty dollars as specified in section 7E.6 for  
17 each day in which engaged in the performance of their  
18 duties, ~~such the~~ per diem and legislators' expenses to  
19 be paid from funds appropriated by sections 2.10 and  
20 2.12. Expenses of administrative officers, state  
21 officials, or state employees who are members of the  
22 Iowa commission on interstate co-operation or a  
23 committee appointed by the commission shall be paid  
24 from funds appropriated to the agencies or departments  
25 which such persons represent except as may otherwise  
26 be provided by the general assembly. Expenses of  
27 citizen members who may be appointed to committees of  
28 the commission may be paid from funds as authorized by  
29 the general assembly. Expenses of the secretary or  
30 employees of the secretary and support services in  
31 connection with the administration of the commission  
32 shall be paid from funds appropriated to the  
33 legislative service bureau unless otherwise provided  
34 by the general assembly. Expenses of commission  
35 members shall be paid upon approval of the chairperson  
36 or the secretary of the commission.

37 Sec. \_\_\_\_\_. Section 42.5, subsection 1, paragraph d,  
38 Code 1989, is amended to read as follows:

39 d. Members of the commission shall receive a per  
40 diem of forty dollars as specified in section 7E.6,  
41 travel expenses at the rate provided by section 79.9,  
42 and reimbursement for other necessary expenses  
43 incurred in performing their duties under this section  
44 and section 42.6. The per diem and expenses shall be  
45 paid from funds appropriated by section 2.12.

46 Sec. \_\_\_\_\_. Section 56.9, subsection 3, Code 1989,  
47 is amended to read as follows:

48 3. Members of the commission shall, while serving  
49 on the business of the commission, be entitled to  
50 receive a per diem of forty dollars as specified in

Page 2

1 section 7E.6 and actual and necessary expenses  
 2 actually incurred in the performance of their duties.  
 3 Sec. \_\_\_\_\_. Section 67.12, Code 1989, is amended to  
 4 read as follows:

5 67.12 COMPENSATION AND EXPENSES OF COMMISSIONERS.

6 These commissioners shall be paid a ~~forty dollar~~  
 7 per diem as specified in section 7E.6 and be  
 8 reimbursed for actual and necessary expenses, which  
 9 sum shall be paid out of any unappropriated funds in  
 10 the state treasury.

11 Sec. \_\_\_\_\_. Section 68B.10, unnumbered paragraph 2,  
 12 Code 1989, is amended to read as follows:

13 The two individuals appointed by the chief justice  
 14 of the supreme court shall receive a per diem of ~~forty~~  
 15 ~~dollars~~ as specified in section 7E.6 and travel  
 16 expenses at the same rate as paid members of interim  
 17 committees for attending meetings of the ethics  
 18 committee. Members of the general assembly shall  
 19 receive a per diem of ~~forty dollars~~ as specified in  
 20 section 7E.6 and travel expenses at the same rate as  
 21 paid members of interim committees for attending  
 22 meetings held when the general assembly is not in  
 23 session. The per diem and expenses shall be paid from  
 24 funds appropriated by section 2.12.

25 Sec. \_\_\_\_\_. Section 80B.8, Code 1989, is amended to  
 26 read as follows:

27 80B.8 COMPENSATION AND EXPENSES.

28 The members of the council, who are not employees  
 29 of the state or a political subdivision, shall be paid  
 30 a ~~forty dollar~~ per diem as specified in section 7E.6.  
 31 All members of the council shall be reimbursed for  
 32 necessary and actual expenses incurred in attending  
 33 meetings and in the performance of their duties. All  
 34 per diem and expense moneys paid to nonlegislative  
 35 members shall be paid from funds appropriated to the  
 36 Iowa law enforcement academy. Legislative members of  
 37 the council shall receive payment pursuant to section  
 38 2.10 and section 2.12.

39 Sec. \_\_\_\_\_. Section 97B.76, subsection 2, Code 1989,  
 40 is amended to read as follows:

41 2. The members of the committee shall be  
 42 reimbursed for actual and necessary expenses incurred  
 43 in the performance of their duties and shall be paid  
 44 ~~forty dollars~~ a per diem as specified in section 7E.6  
 45 for each day in which they engaged in the performance  
 46 of their duties. However, per diem compensation and  
 47 expenses shall not be paid when the general assembly  
 48 is actually in session at the seat of government.  
 49 Expenses and per diem shall be paid from funds  
 50 appropriated pursuant to section 2.12.

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1 Sec. \_\_\_\_\_. Section 103A.14, subsection 5, Code  
2 1989, is amended to read as follows:

3 5. Each member of the council shall receive per  
4 diem compensation at the rate of forty dollars per day  
5 as specified in section 7E.6 for each day spent in the  
6 performance of the member's duties, but not to exceed  
7 twenty-five hundred dollars per year. All members of  
8 the council shall receive necessary expenses incurred  
9 in the performance of their duties.

10 Sec. \_\_\_\_\_. Section 135.62, subsection 2, paragraph  
11 c, Code 1989, is amended to read as follows:

12 c. MEETINGS. The council shall hold an  
13 organizational meeting in July of each odd-numbered  
14 year, or as soon thereafter as the new appointee or  
15 appointees are confirmed and have qualified. Other  
16 meetings shall be held at least once each month, and  
17 may be held more frequently if necessary to enable the  
18 council to expeditiously discharge its duties.  
19 Meeting dates shall be set upon adjournment or by call  
20 of the chairperson upon five days' notice to the other  
21 members. Each member of the council shall receive a  
22 forty dollar per diem as specified in section 7E.6 and  
23 reimbursement for actual expenses while engaged in  
24 official duties.

25 Sec. \_\_\_\_\_. Section 169.5, subsection 4, Code 1989,  
26 is amended to read as follows:

27 4. Members of the board shall, in addition to  
28 necessary traveling and other expenses, set their own  
29 per diem compensation at a rate not exceeding forty  
30 dollars per day the per diem specified in section 7E.6  
31 for each day actually engaged in the discharge of  
32 their duties including compensation for the time spent  
33 traveling to and from the place of conducting the  
34 examination and for a reasonable number of days for  
35 the preparation of examination and the reading of  
36 papers, in addition to the time actually spent in  
37 conducting examinations, within the limits of funds  
38 appropriated to the board.

39 Sec. \_\_\_\_\_. Section 173.8, Code 1989, is amended to  
40 read as follows:

41 173.8 COMPENSATION AND EXPENSES.

42 A member of the board elected at the annual  
43 convention shall be paid a forty dollar per diem as  
44 specified in section 7E.6 and shall be reimbursed for  
45 actual and necessary expenses incurred while engaged  
46 in official duties. All per diem and expense moneys  
47 paid to a member shall be paid from funds of the state  
48 fair board.

49 Sec. \_\_\_\_\_. Section 173.12, Code 1989, is amended to  
50 read as follows:

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1 173.12 SALARY OF TREASURER.

2 The treasurer shall receive such compensation for  
3 services as the board may fix, not to exceed five  
4 hundred dollars a year, and shall be paid a ~~forty-~~  
5 ~~dollar~~ per diem as specified in section 7E.6 and shall  
6 be reimbursed for actual and necessary expenses  
7 incurred while engaged in official duties.

8 Sec. \_\_\_\_\_. Section 175.3, subsection 4, Code 1989,  
9 is amended to read as follows:

10 4. The appointed members of the authority are  
11 entitled to receive ~~forty dollars a~~ per diem as  
12 specified in section 7E.6 for each day spent in  
13 performance of duties as members, and shall be  
14 reimbursed for all actual and necessary expenses  
15 incurred in the performance of duties as members.

16 Sec. \_\_\_\_\_. Section 175A.3, subsection 4, Code 1989,  
17 is amended to read as follows:

18 4. The members of the authority appointed pursuant  
19 to subsection 1 are entitled to receive ~~forty dollars~~  
20 a per diem as specified in section 7E.6 for each day  
21 spent in performance of duties as members, and shall  
22 be reimbursed for all actual and necessary expenses  
23 incurred in the performance of duties as members.

24 Sec. \_\_\_\_\_. Section 217.4, Code 1989, is amended to  
25 read as follows:

26 217.4 MEETINGS OF COUNCIL.

27 The council shall meet at least monthly.

28 Additional meetings shall be called by the chairperson  
29 or upon written request of any three members thereof  
30 as necessary to carry out the duties of the council.

31 The chairperson shall preside at all meetings or in  
32 the absence of the chairperson the vice chairperson  
33 shall preside. The members of the council shall be  
34 paid a per diem of ~~forty dollars per day~~ as specified  
35 in section 7E.6 and their reasonable and necessary  
36 expenses.

37 Sec. \_\_\_\_\_. Section 220.2, subsection 1, paragraph  
38 c, Code 1989, is amended to read as follows:

39 c. Members of the board are entitled to receive  
40 ~~forty dollars a~~ per diem as specified in section 7E.6  
41 for each day spent in performance of duties as members  
42 and shall be reimbursed for all actual and necessary  
43 expenses incurred in the performance of duties as  
44 members.

45 Sec. \_\_\_\_\_. Section 220.2, subsection 4, Code 1989,  
46 is amended to read as follows:

47 4. Members of the authority are entitled to  
48 receive ~~forty dollars a~~ per diem as specified in  
49 section 7E.6 for each day spent in performance of  
50 duties as members, and shall be reimbursed for all

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1 actual and necessary expenses incurred in the  
2 performance of duties as members.

3 Sec. \_\_\_\_\_. Section 225C.5, subsection 3, Code 1989,  
4 is amended to read as follows:

5 3. Members of the commission shall qualify by  
6 taking the oath of office prescribed by law for state  
7 officers. At its first meeting of each year, the  
8 commission shall organize by electing a chairperson  
9 and a vice chairperson for terms of one year.  
10 Commission members are entitled to forty dollars a per  
11 diem as specified in section 7E.6 and reimbursement  
12 for actual and necessary expenses incurred while  
13 engaged in their official duties, to be paid from  
14 funds appropriated to the department.

15 Sec. \_\_\_\_\_. Section 246.803, subsection 2, Code  
16 1989, is amended to read as follows:

17 2. Biennially, the industries board shall organize  
18 by election of a chairperson and a vice chairperson,  
19 as soon as reasonably possible after the new  
20 appointees have been named. Other meetings shall be  
21 held at the call of the chairperson or of any three  
22 members, as necessary to enable the industries board  
23 to discharge its duties. Board members shall be  
24 reimbursed for expenses actually and necessarily  
25 incurred in the discharge of their duties, and those  
26 members not state employees shall also be entitled to  
27 forty dollars a per diem as specified in section 7E.6  
28 for each day they are so engaged.

29 Sec. \_\_\_\_\_. Section 249A.4, subsection 8, unnumbered  
30 paragraph 2, Code Supplement 1989, is amended to read  
31 as follows:

32 For each council meeting, other than those held  
33 during the time the general assembly is in session,  
34 each legislative member of the council shall be  
35 reimbursed for actual traveling and other necessary  
36 expenses and shall receive a per diem of forty dollars  
37 as specified in section 7E.6 for each day in  
38 attendance, as shall the public representatives,  
39 regardless of whether the general assembly is in  
40 session.

41 Sec. \_\_\_\_\_. Section 249D.13, Code 1989, is amended  
42 to read as follows:

43 **249D.13 MEETINGS – OFFICERS.**

44 Members of the commission shall elect from the  
45 commission's membership a chairperson, and other  
46 officers as commission members deem necessary, who  
47 shall serve for a period of two years. The commission  
48 shall meet at regular intervals at least six times  
49 each year and may hold special meetings at the call of  
50 the chairperson or at the request of a majority of the

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1 commission membership. The commission shall meet at  
 2 the seat of government or such other place as the  
 3 commission may designate. Members shall be paid ~~forty~~  
 4 ~~dollars~~ a per diem as specified in section 7E.6 and  
 5 shall receive reimbursement for actual expenses for  
 6 their official duties.

7 Sec. \_\_\_\_\_. Section 258A.7, subsection 3, Code 1989,  
 8 is amended to read as follows:

9 3. Licensees appointed to serve on a hearing panel  
 10 pursuant to section 258A.6, subsection 2, shall be  
 11 compensated at the rate of forty dollars specified in  
 12 section 7E.6 for each day of actual duty, and shall be  
 13 reimbursed for actual expenses reasonably incurred in  
 14 the performance of duties.

15 Sec. \_\_\_\_\_. Section 261.4, Code 1989, is amended to  
 16 read as follows:

17 261.4 FUNDS – COMPENSATION AND EXPENSES OF  
 18 COMMISSION.

19 The director of revenue and finance shall keep an  
 20 accounting of all funds received and expended by the  
 21 commission. The members of the commission, except  
 22 those members who are employees of the state, shall be  
 23 paid a forty-dollar per diem as specified in section  
 24 7E.6 and shall be reimbursed for actual and necessary  
 25 expenses. All per diem and expense moneys paid to  
 26 nonlegislative members shall be paid from funds  
 27 appropriated to the commission. Legislative members  
 28 of the commission shall receive payment pursuant to  
 29 section 2.10 and section 2.12.

30 Sec. \_\_\_\_\_. Section 307B.6, subsection 4, Code 1989,  
 31 is amended to read as follows:

32 4. Members of the board are entitled to receive  
 33 forty dollars a per diem as specified in section 7E.6  
 34 for each day spent in performance of their functions  
 35 and duties as members and reimbursement for all actual  
 36 and necessary expenses incurred in the performance of  
 37 their functions and duties as members.

38 Sec. \_\_\_\_\_. Section 333A.3, subsection 2, Code 1989,  
 39 is amended to read as follows:

40 2. Each member is entitled to reimbursement for  
 41 actual and necessary expenses incurred in the  
 42 performance of committee duties. Each member, except  
 43 officers and employees of the state and full-time  
 44 elected county officials, is entitled to receive a per  
 45 diem of forty dollars as specified in section 7E.6 for  
 46 each day spent in the performance of committee duties.

47 Sec. \_\_\_\_\_. Section 442A.5, subsection 4, Code 1989,  
 48 is amended to read as follows:

49 4. The appointed members of the authority receive  
 50 forty dollars a per diem as specified in section 7E.6

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1 for each day spent in performance of duties as  
2 members, and shall be reimbursed for all actual and  
3 necessary expenses incurred in the performance of  
4 duties as members.

5 Sec. \_\_\_\_\_. Section 455B.444, unnumbered paragraph  
6 2, Code 1989, is amended to read as follows:

7 Temporary members who may be appointed under this  
8 section shall serve on the commission only during  
9 discussion and proceedings relating to the application  
10 for a site license which the temporary members were  
11 appointed to consider and shall vote only on questions  
12 relating to the issuance of that site license.

13 Temporary members shall serve on the commission until  
14 final action is taken on the application for the site  
15 license which the temporary members were appointed to  
16 consider. Temporary members who are not public  
17 employees shall receive ~~forty dollars~~ a per diem as  
18 specified in section 7E.6 and actual and necessary  
19 expenses incurred in performance of their official  
20 duties. Temporary employees who are public employees  
21 shall receive reimbursement for expenses only. Per  
22 diem and expenses under this section shall be paid by  
23 the state.

24 Sec. \_\_\_\_\_. Section 543A.4, subsection 1, Code  
25 Supplement 1989, is amended to read as follows:

26 1. The Iowa grain indemnity fund board is  
27 established to advise the department on matters  
28 relating to the fund and to perform the duties  
29 provided it in this chapter. The board is composed of  
30 the secretary of agriculture or a designee who shall  
31 serve as president; the commissioner of insurance or a  
32 designee who shall serve as secretary; the state  
33 treasurer or a designee who shall serve as treasurer;  
34 and four representatives of the grain industry  
35 appointed by the governor, subject to confirmation by  
36 the senate, two of whom shall be representatives of  
37 producers and who shall be actively participating  
38 producers, and two of whom shall be representatives of  
39 grain dealers and warehouse operators and who shall be  
40 actively participating grain dealers and warehouse  
41 operators, each of whom shall be selected from a list  
42 of three nominations made by the secretary of  
43 agriculture. The term of membership of the grain  
44 industry representatives is three years, and the  
45 representatives are eligible for reappointment.  
46 However, only actively participating producers, and  
47 grain dealers and warehouse operators are eligible for  
48 reappointment. The grain industry representatives are  
49 entitled to ~~forty dollars~~ a per diem as specified in  
50 section 7E.6 for each day spent in the performance of

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1 the duties of the board, plus actual expenses incurred  
2 in the performance of those duties. Four members of  
3 the board constitute a quorum, and the affirmative  
4 vote of four members is necessary for any action taken  
5 by the board, except that a lesser number may adjourn  
6 a meeting. A vacancy in the membership of the board  
7 does not impair the rights of a quorum to exercise all  
8 the rights and perform all the duties of the board.

9 Sec. \_\_\_\_\_. Section 568.9, Code 1989, is amended to  
10 read as follows:

**11 568.9 COMMISSIONERS' COMPENSATION AND EXPENSES.**

12 Commissioners, for their services in making such  
13 appraisement shall be paid a ~~forty-dollar~~ per diem as  
14 specified in section 7E.6 and shall be reimbursed for  
15 actual and necessary expenses. All per diem moneys  
16 paid to the commissioners shall be paid from funds  
17 appropriated to the secretary of state.

18 Sec. \_\_\_\_\_. Section 601A.4, Code 1989, is amended to  
19 read as follows:

**20 601A.4 COMPENSATION AND EXPENSES — RULES.**

21 Commissioners shall be paid a ~~forty-dollar~~ per diem  
22 as specified in section 7E.6 and shall be reimbursed  
23 for actual and necessary expenses incurred while on  
24 official commission business. All per diem and  
25 expense moneys paid to commissioners shall be paid  
26 from funds appropriated to the commission. The  
27 commission shall adopt, amend or rescind such rules as  
28 ~~shall~~ be necessary for the conduct of its meetings. A  
29 quorum shall consist of four commissioners.

30 Sec. \_\_\_\_\_. Section 601K.54, Code 1989, is amended  
31 to read as follows:

**32 601K.54 MEETINGS OF THE COMMISSION.**

33 The commission shall meet at least six times each  
34 year, and shall hold special meetings on the call of  
35 the chairperson. The commission shall adopt rules  
36 pursuant to chapter 17A as it deems necessary for the  
37 commission and division. The members of the  
38 commission shall receive a per diem of ~~forty dollars~~  
39 as specified in section 7E.6 and be reimbursed for  
40 actual expenses while engaged in their official  
41 duties. Members may also be eligible to receive  
42 ~~compensation~~ as provided in section 7E.6. Legislative  
43 members of the commission shall receive payment  
44 pursuant to sections 2.10 and 2.12.

45 Sec. \_\_\_\_\_. Section 602.1513, Code 1989, is amended  
46 to read as follows:

**47 602.1513 PER DIEM COMPENSATION.**

48 The supreme court shall set the per diem  
49 compensation under sections 602.1511 and 602.1512 at  
50 forty dollars a rate per day not exceeding the rate

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1 specified in section 7E.6.

2 Sec. \_\_\_\_\_. Section 602.10106, Code 1989, is amended  
3 to read as follows:

4 602.10106 OATH — COMPENSATION.

5 The members thus appointed shall take and subscribe  
6 an oath to be administered by one of the judges of the  
7 supreme court to faithfully and impartially discharge  
8 the duties of the office. The members shall, in  
9 addition to receiving actual and necessary expenses,  
10 set the per diem compensation for themselves and the  
11 temporary examiners appointed under section 602.10107  
12 at a rate not exceeding forty dollars the per diem  
13 specified in section 7E.6 for each day actually  
14 engaged in the discharge of their duties. ~~Such The~~  
15 duties shall include the traveling to and from the  
16 place of examination, the preparation and conducting  
17 of examinations, and the reading of the examination  
18 papers. The per diem authorized under this section  
19 shall be reasonably apportioned in relation to the  
20 funds appropriated to the board.

21 Sec. \_\_\_\_\_. Section 679B.7, Code 1989, is amended to  
22 read as follows:

23 679B.7 COMPENSATION AND EXPENSES.

24 The members of the board shall be paid a ~~forty-~~  
25 ~~dollar~~ per diem as specified in section 7E.6 and shall  
26 be reimbursed for actual and necessary expenses, these  
27 moneys to be payable out of the state treasury upon  
28 warrants drawn by the director of revenue and  
29 finance.”

Amendment H — 6145 was adopted.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2422)

The ayes were, 79:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby

Lykam	May	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 17:

Banks	Bennett	Branstad	De Groot
Halvorson, R. A.	Harbor	Iverson	Kistler
Kremer	Maulsby	McKean	Miller
Pellett	Plasier	Renken	Royer
Van Maanen			

Absent or not voting, 4:

Brammer	Haverland	Hermann	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGE (Senate File 2422)

Arnould of Scott asked and received unanimous consent that Senate File 2422 be immediately messaged to the Senate.

#### CONFERENCE COMMITTEE APPOINTED (House File 731)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 731: Hibbard of Madison, Chair; Fogarty of Palo Alto, Branstad of Winnebago, Eddie of Buena Vista and Osterberg of Linn.

#### CONFERENCE COMMITTEE APPOINTED (House File 2559)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2559: Chapman of Linn, Chair; Brand of Benton, Bennett of Ida, De Groot of Lyon and Tabor of Jackson.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 2306).

Ollie of Clinton called up for consideration the report of the conference committee on Senate File 2306 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2306

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5908.
2. That the House recedes from its amendment, S—5534.
3. That Senate File 2306, as amended, passed, and reprinted by the Senate, is amended as follows:
  1. Page 1, line 1, by inserting after the figure “2,” the following: “3,”.
  2. Page 1, line 28, by striking the words and figure “November 1 deadline” and inserting the following: “deadline of October 30 of the previous year”.
  3. Page 1, line 29, by inserting after the word “deadline” the following: “or if the request is to enroll a child in kindergarten in a public school in another district”.
  4. Page 1, line 34, by inserting after the word “year” the following: “and shall transmit any approved request within five days after board action on the request”.
  5. Page 1, line 35, by inserting after the word “year” the following: “unless the board of the receiving district has acted on the request”.
  6. Page 2, line 15, by striking the words “ten fifteen” and inserting the following: “ten”.
  7. Page 3, by striking lines 15 and 16, and inserting the following: “permitted to appeal the decision of the board either directly to the director of the department of education or to the state board under chapter 290, but not to both. If the matter is to be heard by the director, or the director’s designee, the matter shall be heard de”.
  8. Page 3, line 18, by striking the words “by the director, or the director’s designee”.
  9. Page 3, by inserting before line 22, the following:

“Each district shall provide notification to the parent or guardian relating to the transmission or denial of the request. A district of residence shall provide for notification of transmission or denial to a parent or guardian within three days of board action

on the request. A receiving district shall provide notification to a parent or guardian, within fifteen days of receipt of board action on the request, of whether the child will be enrolled in that district or whether the request is to be denied."

10. Page 3, by striking lines 33 through 35 and inserting the following: "district within five days of the receipt of the request. The new receiving district shall".

11. Page 5, line 7, by inserting after the word "years." the following: "If a request to transfer is due to a change in family residence, change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, and the child, who is the subject of the request, is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the lower of the two district costs per pupil or other costs to the receiving district until the start of the first full year of enrollment of the child."

12. By striking page 6, line 33 through page 7, line 2, and inserting the following:

"If a child, for which a request to transfer has been filed with a district, has been suspended or expelled in the district, the receiving district named in the request may refuse the request the child shall not be permitted to transfer until the child has been reinstated in the sending district. Once the child has been reinstated, however, the child shall be permitted to transfer in the same manner as if the child had not been suspended by the sending district. If a child, for whom a request to transfer has been filed with a district, is expelled in the district, the child shall be permitted to transfer to a receiving district under this section if the child applies for and is reinstated in the sending district. However, if the child applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The parent or guardian of the child shall be permitted to appeal the decision of the receiving district to the director of the department of education. If the director rules in favor of permitting the transfer, the child shall be permitted to transfer, but the transfer shall be conditioned upon the expiration of the expulsion period without the student incurring a new violation."

13. Page 8, line 9, by inserting before the word "participation" the following: "or".

14. Page 8, line 11, by inserting after the word "circumstances" the following: "consistent with the definition of good cause".

15. Page 8, by striking lines 15 and 16 and inserting the following: "reorganization plan, or a similar set of circumstances consistent with the definition of good cause. If the good cause relates to a change".

16. Page 8, line 29, by inserting after the word "notwithstanding" the following: "the enrollment loss provisions and, if a district has a minority enrollment of less than ten percent of the total district student population, the desegregation provisions of".

17. Page 8, line 32, by inserting after the figure "1990" the following: "and the board of the district of residence shall grant the request. Children who are the subject of requests, which are filed prior to August 1, 1990, and which meet the good cause

requirements for a change in the status of the children's resident district due to rejection of a whole grade sharing agreement, are not subject to the restrictions on athletic participation contained in section 282.18 if the district to which the child is to transfer under the request is or was a participant in a whole grade sharing agreement".

18. Page 8, by inserting after line 32, the following: "If a pupil transfers for the balance of the 1989-1990 school year, or for succeeding years, as a result of the filing of a request prior to August 1, 1990, the sending district shall pay to the receiving district for the balance of the 1989-1990 school year, if that year is covered by the request, and for the 1990-1991 school year, only the state aid portion of the lower district cost per pupil of the two districts."

19. Page 8, by inserting before line 33, the following:

"Sec. 100. Section 279.19A, subsection 3, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board of directors of a school district may require an employee who has resigned from an extracurricular contract to accept, as a condition of employment under section 279.13, the extracurricular contract for the subsequent no longer than one additional school year if all the following conditions apply:

Sec. \_\_\_\_ . JOINT STUDY.

The state board of education and the board of educational examiners shall review current rules and educational requirements relating to extracurricular contracts and licensing or endorsement requirements for teaching and nonteaching personnel who perform duties relating to school athletic programs. The state board of education and the board of educational examiners shall develop recommendations for uniform rules relating to the education and licensing of persons performing duties relating to school athletic programs and submit the recommendations in a report to the general assembly by January 1, 1992.

Sec. \_\_\_\_ . CODIFICATION.

The Code editor shall divide section 282.18 into appropriate subsections and paragraphs."

20. Page 8, line 34, by inserting after the word "Act," the following: "except for section 1 of this Act".

21. Page 9, by inserting after line 1, the following:

"Sec. \_\_\_\_ .

Section 100 of this Act takes effect July 1, 1993."

22. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

C. ARTHUR OLLIE, Chair  
JANET ADAMS  
HORACE DAGGETT  
PHILIP WISE

ON THE PART OF THE SENATE:

LARRY MURPHY, Chair  
C. JOSEPH COLEMAN  
WALLY HORN

The motion prevailed and the conference committee report was adopted.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2306)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hanson, D. R.
Harbor	Harper	Hatch	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 7:

Brown	Daggett	Hansen, S. D.	Maulsby
McKean	Svoboda	Tyrrell	

Absent or not voting, 6:

Brammer	Halvorson, R. N.	Haverland	Hermann
Neuhauser	Stueland		

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

### IMMEDIATE MESSAGE (Senate File 2306)

Arnould of Scott asked and received unanimous consent that Senate File 2306 be immediately messaged to the Senate.

The House stood at ease at 10:16 p.m., until the fall of the gavel.

The House resumed session at 11:29 p.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, for the remainder of the evening, on request of Van Maanen of Mahaska.

### SENATE AMENDMENT CONSIDERED

Brown of Lucas called up for consideration **House File 2495**, a bill for an act relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges, amended by the Senate, and moved that the House concur in the following Senate amendment H—6164:

H—6164

- 1 Amend House File 2495, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 20 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. NEW SECTION. 384.84A SPECIAL
- 6 ELECTION.
- 7 1. The governing body of a city may institute
- 8 proceedings to issue revenue bonds for storm water
- 9 drainage construction projects under section 384.84,
- 10 subsection 1, by causing notice of the proposed
- 11 project, with a description of the proposed project
- 12 and a description of the formula for the determination
- 13 of the rate or rates applied to users for payment of
- 14 the bonds, and a description of the bonds and maximum
- 15 rate of interest and the right to petition for an
- 16 election if the project meets the requirement of
- 17 subsection 2, to be published at least once in a
- 18 newspaper of general circulation within the city at
- 19 least thirty days before the meeting at which the
- 20 governing body proposes to take action to institute
- 21 proceedings for issuance of revenue bonds for the
- 22 storm water drainage construction project.
- 23 2. If, before the date fixed for taking action to
- 24 authorize the issuance of revenue bonds for the storm
- 25 water drainage construction project, a petition signed
- 26 by three percent of the qualified electors of the
- 27 city, asking that the question of issuing revenue
- 28 bonds for the storm water drainage construction

29 project be submitted to the qualified electors of the  
30 city, the council, by resolution, shall declare the  
31 project abandoned or shall direct the county  
32 commissioner of elections to call a special election  
33 upon the question of issuing the bonds for the storm  
34 water drainage construction project if the cost of the  
35 project and population of the city meet one of the  
36 following criteria:  
37 a. The project cost is seven hundred fifty  
38 thousand dollars or more in a city having a population  
39 of five thousand or less.  
40 b. The project cost is one million five hundred  
41 thousand dollars or more in a city having a population  
42 of more than five thousand but not more than seventy-  
43 five thousand.  
44 c. The project cost is two million dollars or more  
45 in a city having a population of more than seventy-  
46 five thousand.  
47 3. The proposition of issuing revenue bonds for a  
48 storm water drainage construction project under this  
49 section is not approved unless the vote in favor of  
50 the proposition is equal to a majority of the votes

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1 cast on the proposition.  
2 4. If a petition is not filed, or if a petition is  
3 filed and the proposition is approved at an election,  
4 the council may issue the revenue bonds.  
5 5. If a city is required by the federal  
6 environmental protection agency to file application  
7 for storm water sewer discharge or storm water  
8 drainage system under the federal Clean Water Act of  
9 1987, this section does not apply to that city with  
10 respect to improvements and facilities required for  
11 compliance with EPA regulations, or any city that  
12 enters into a chapter 28E agreement to implement a  
13 joint storm water discharge or drainage system with a  
14 city that is required by the federal environmental  
15 protection agency to file application for storm water  
16 discharge or storm water drainage system.”

The motion prevailed and the House concurred in the Senate amendment H—6164.

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

On the question "Shall the bill pass?" (H.F. 2495)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Brammer	Daggett	Haverland	Pellett
Stueland			

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

SENATE AMENDMENT CONSIDERED

Hatch of Polk called up for consideration **Senate File 2423**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6156 to the House amendment:

H-6156

- 1 Amend the House amendment, S-5881, to Senate File  
2 2423, as amended, passed, and reprinted by the Senate,  
3 as follows:
- 4 1. Page 1, by striking lines 3 and 4.
  - 5 2. Page 1, line 6, by striking the figure  
6 "250,000" and inserting the following: "286,600".
  - 7 3. Page 1, by inserting after line 19, the  
8 following:  
9 "\_\_\_\_\_. Page 9, by striking lines 11 and 12, and  
10 inserting the following: "before selection of any  
11 system or systems. Funds appropriated in this  
12 subsection may be"."
  - 13 4. Page 1, by striking lines 22 through 29, and  
14 inserting the following:  
15 "\_\_\_\_\_. Page 10, by striking lines 4 through 6, and  
16 inserting the following: "appropriated in this  
17 subsection, of the \$3,200,215 available, \$25,000 shall  
18 be used to develop guidelines for school lunch and  
19 breakfast programs and to plan a nutrition pilot  
20 project, if a pilot project to establish model  
21 nutrition".
  - 22 5. Page 3, by inserting after line 22 the  
23 following:  
24 "\_\_\_\_\_. Page 17, by striking lines 6 through 27."
  - 25 6. Page 3, by inserting after line 28, the  
26 following:  
27 "\_\_\_\_\_. Page 28, by inserting after line 17, the  
28 following:  
29 "As a condition, limitation, and qualification of  
30 the funds appropriated in this subsection, in cases  
31 where a resident student of the school for the deaf or  
32 the Braille and sight-saving school is physically or  
33 sexually abused or assaulted and is physically removed  
34 from the school by a court order pursuant to a finding  
35 by the court that the child has been sexually or  
36 physically abused or assaulted, payment for placement  
37 of the student in another facility for the deaf or  
38 blind, either in state or out of state, shall be made  
39 by the school from which the student is removed out of  
40 funds allocated for the operation of the school.  
41 Before a student is placed at another facility, the  
42 school from which the student is removed shall be  
43 consulted, and the placement shall reflect, as nearly  
44 as possible, comparable education, accessibility, and  
45 cost. Students placed at another facility under this  
46 paragraph shall not be returned to the school for the  
47 deaf or the Braille and sight-saving school until the  
48 court rules that the student will not be adversely  
49 affected if returned to the school. If the student is  
50 counted by the Iowa school for the deaf or the Braille

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1 and sight-saving school, for the purpose of generating  
2 school foundation aid for the student, those funds  
3 generated by the student shall be forwarded to the  
4 facility in which the student is placed and the school  
5 for the deaf or the Braille and sight-saving school  
6 shall pay the difference between the funds generated  
7 by the student and the cost of tuition, room, and  
8 board at the other facility.””

9 7. Page 3, by striking lines 38 and 39, and  
10 inserting the following:

11 “\_\_\_\_\_. Page 29, by inserting after line 34, the  
12 following:”

13 8. Page 4, line 20, by striking the figure  
14 “250,000” and inserting the following: “125,000”.

15 9. Page 5, by striking lines 28 through 48, and  
16 inserting the following:

17 “Sec.\_\_\_\_\_. SUPPLEMENTAL ENROLLMENT PAYMENTS.

18 1. There is appropriated from the general fund of  
19 the state to the school budget review committee for  
20 the fiscal year beginning July 1, 1990, and ending  
21 June 30, 1991, the amount of \$150,000, or so much  
22 thereof as is necessary to make supplemental  
23 enrollment payments to school districts, for  
24 compensation for enrollment losses which are greater  
25 than 5 percent of the district’s certified enrollment  
26 for the previous year due to enrollment of the  
27 district’s resident children in another school  
28 district during the school year beginning July 1,  
29 1990, under 1990 Iowa Acts, Senate File 2306, section  
30 2, if Senate File 2306 is enacted by the general  
31 assembly.

32 A supplemental enrollment payment for a child under  
33 this section is equal to the state aid transmitted to  
34 the receiving district for that child for that fiscal  
35 year.

36 A school district eligible for supplemental  
37 enrollment payments under this section shall make  
38 application for payment to the school budget review  
39 committee not later than September 1, 1990. If the  
40 moneys appropriated in this section are insufficient  
41 to make all supplemental payments, the school budget  
42 review committee shall prorate the payments to school  
43 districts.

44 2. If moneys appropriated exceed the amount  
45 required to make supplemental enrollment payments to  
46 school districts under subsection 1, school districts  
47 receiving supplemental enrollment payments under  
48 subsection 1, and school districts which have  
49 experienced losses of less than 5 percent of the  
50 district’s certified enrollment for the previous year

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1 but have experienced enrollment loss due to enrollment  
 2 of the district's resident children in another school  
 3 district during the school year beginning July 1,  
 4 1990, under Senate File 2306, section 2, shall be  
 5 eligible to receive supplemental enrollment payments  
 6 under this section, if the district applies for the  
 7 payments to the school budget review committee by  
 8 October 15, 1990. If necessary, the school budget  
 9 review committee shall prorate the payments to school  
 10 districts under this subsection.

11 Sec. 100.

12 Notwithstanding 1990 Iowa Acts, Senate File 2306,  
 13 if Senate File 2306 is enacted by the general  
 14 assembly, parents filing requests for open enrollment  
 15 under the good cause exception provisions of that Act  
 16 shall file the request for open enrollment by June 30,  
 17 1990.

18 Sec. \_\_\_\_\_. DEPARTMENTAL STUDY.

19 The department of education shall conduct a study  
 20 relating to the costs associated with extended year  
 21 special education based on reteaching periods for  
 22 acquired critical skills of varying lengths. The  
 23 department, in conducting the study, shall solicit  
 24 testimony from experts and review national studies and  
 25 data relating to extended year special education. The  
 26 department shall submit its findings, along with any  
 27 recommendations, in a report to the general assembly  
 28 by December 1, 1990."

29 \_\_\_\_\_. Page 34, by striking lines 19 and 20, and  
 30 inserting the following: "the state board of regents,  
 31 based upon duties".

32 \_\_\_\_\_. Page 34, line 24, by inserting after the  
 33 word "area." the following: "However, in establishing  
 34 classifications and allocating positions to  
 35 classifications, with respect to positions within the  
 36 division of area schools in the department of  
 37 education, the department shall ensure that  
 38 classifications are designed to attract persons with  
 39 superior qualifications in the field of higher  
 40 education to that division."

41 \_\_\_\_\_. Page 35, by striking lines 11 through 13,  
 42 and inserting the following: "excluding employees of  
 43 the state board of regents, after consultation with  
 44 the governor and appointing".

45 \_\_\_\_\_. Page 35, line 16, by inserting after the  
 46 word "commission." the following: "Pay plans for  
 47 positions in the division of area schools, department  
 48 of education, shall be designed to attract persons  
 49 with superior qualifications in the field of higher  
 50 education to that division."

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- 1 \_\_\_\_\_ Page 35, by striking lines 23 through 25,  
2 and inserting the following: "branch, excluding  
3 employes of the state board of regents, shall be paid  
4 at one of the rates set forth in the".
- 5 10. Page 6, by striking line 4.
- 6 11. Page 9, line 12, by inserting after the word  
7 "to" the following: "an accredited higher education  
8 institution for".
- 9 12. Page 9, line 31, by inserting after the word  
10 "need." the following: "Grants awarded shall be  
11 distributed to the appropriate accredited higher  
12 education institution for payment of educational  
13 expenses, including tuition, room, board, and  
14 mandatory fees, with any balance to be distributed to  
15 the student for whom the grant is awarded."
- 16 13. Page 10, line 17, by inserting after the word  
17 "program" the following: "except a federal, state, or  
18 institutional work-study program".
- 19 14. Page 10, line 21, by striking the word  
20 "state's".
- 21 15. Page 10, line 22, by striking the words  
22 "contribution to" and inserting the following: "aid  
23 for".
- 24 16. Page 10, line 24, by striking the words  
25 "tuition and mandatory fees" and inserting the  
26 following: "student's financial need".
- 27 17. Page 10, by striking lines 37 through 41, and  
28 inserting the following: "for grants, and determining  
29 priority of grants. If resources are insufficient to  
30 award grants to all eligible applicants, the  
31 commission shall give priority to students who have  
32 the greatest demonstrated financial need. In  
33 determining".
- 34 18. Page 11, by striking lines 18 through 20, and  
35 inserting the following:  
36 "Sec. \_\_\_\_\_ NEW SECTION. 261.98 ACCESS TO  
37 EDUCATION PROGRAM.  
38 An access to education program is established".
- 39 19. Page 11, line 29, by striking the words  
40 "pilot project" and inserting the following:  
41 "program".
- 42 20. Page 11, line 34, by striking the words  
43 "pilot project" and inserting the following:  
44 "program".
- 45 21. Page 11, line 35, by striking the words  
46 "pilot project" and inserting the following:  
47 "program".
- 48 22. Page 12, by inserting after line 24, the  
49 following:  
50 " \_\_\_\_\_ Page 53, by striking lines 11 through 14."

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- 1 23. Page 12, by striking lines 42 and 43.
- 2 24. Page 12, by inserting before line 44 the
- 3 following:
- 4 \_\_\_\_\_ Page 56, line 34, by striking the word and
- 5 figure "and 67" and inserting the following: "67, and
- 6 100".
- 7 25. By numbering, renumbering, and changing
- 8 internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6156.

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

On the question "Shall the bill pass?" (S.F. 2423)

The ayes were, 68:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker
			Avenson

The nays were, 26:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	De Groot	Diemer
Eddie	Halvorson, R. A.	Hanson, D. R.	Harbor
Harper	Hermann	Hester	Iverson
Maulsby	McKean	Metcalf	Miller
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Van Maanen		

Absent or not voting, 6:

Brammer  
Pellett

Daggett  
Stueland

Haverland

Ollie

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

**IMMEDIATE MESSAGE**  
(Senate File 2423)

Arnould of Scott asked and received unanimous consent that Senate File 2423 be immediately messaged to the Senate.

**COMMITTEE RECOMMENDATION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

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

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

**ADOPTION OF SENATE CONCURRENT RESOLUTION 133**

Hatch of Polk called up for consideration Senate Concurrent Resolution 133, as follows:

- 1 Senate Concurrent Resolution 133
- 2 By Committee On Appropriations
- 3 A Concurrent Resolution relating to the state board of
- 4 regents' ten-year building program and providing for
- 5 the financing of certain building and remodeling
- 6 projects.
- 7 *Whereas*, pursuant to section 262A.3, the state
- 8 board of regents prepared and within seven days after
- 9 the convening of the Seventy-third General Assembly of
- 10 the State of Iowa, Second Session, submitted to the
- 11 Seventy-third General Assembly, Second Session, for
- 12 approval the proposed ten-year building program for
- 13 each institution of higher learning under the
- 14 jurisdiction of the board, containing a list of the
- 15 buildings and facilities which the board deems
- 16 necessary to further the educational objectives of the

17 institutions, together with an estimate of the cost of  
18 each of the buildings and facilities and an estimate  
19 of the maximum amount of bonds which the board expects  
20 to issue under chapter 262A for the fiscal period  
21 beginning July 1, 1990, and ending June 30, 1992; and

22 *Whereas*, the projects contained in the building  
23 program are deemed necessary for the proper  
24 performance of the instructional, research, and  
25 service functions of the institutions; and

26 *Whereas*, section 262A.4 provides that the state  
27 board of regents, after authorization by a  
28 constitutional majority of each house of the general  
29 assembly and approval by the governor, may undertake  
30 and carry out at the institutions of higher learning

**Page 2**

1 under the jurisdiction of the board any project as  
2 defined in chapter 262A; and

3 *Whereas*, chapter 262A authorizes the state board of  
4 regents to borrow money and to issue and sell  
5 negotiable revenue bonds to pay all or any part of the  
6 cost of carrying out projects at any institution  
7 payable solely from and secured by an irrevocable  
8 pledge of a sufficient portion of the student fees and  
9 charges and institutional income received by the  
10 particular institution; and

11 *Whereas*, to further the educational objectives of  
12 the institutions, the state board of regents requests  
13 authorization to undertake and carry out certain  
14 projects at this time and to finance their cost by  
15 borrowing money and issuing negotiable bonds under  
16 chapter 262A in a total amount not to exceed  
17 \$41,300,000, the remaining cost of the projects to be  
18 financed by capital appropriations or by federal or  
19 other funds lawfully available; *Now Therefore*,

20 *Be It Resolved By The Senate, The House Concurring*,  
21 That the proposed ten-year building program submitted  
22 by the state board of regents for each institution of  
23 higher learning under its jurisdiction is approved.

24 *Be It Further Resolved*, That no commitment is  
25 implied or intended by approval to fund any portion of  
26 the proposed ten-year building program submitted by  
27 the state board of regents beyond the portion that is  
28 approved by the Seventy-third General Assembly, Second  
29 Session, and the governor.

30 *Be It Further Resolved*, That during the fiscal

**Page 3**

1 period which commences July 1, 1990, and which ends  
2 June 30, 1992, the maximum amount of bonds which the  
3 state board of regents expects to issue under chapter

4 262A unless additional bonding is authorized is  
 5 \$41,300,000, all or any part of which may be issued  
 6 during the fiscal year ending June 30, 1991, and if  
 7 all that amount should not be issued during the fiscal  
 8 year ending June 30, 1991, any remaining balance may  
 9 be issued during the fiscal year ending June 30, 1992,  
 10 and this plan of financing is approved.

11 *Be It Further Resolved*, That the state board of  
 12 regents is authorized to undertake and carry out the  
 13 following projects and to pay all or any part of the  
 14 cost of carrying out the projects by borrowing money  
 15 and issuing negotiable revenue bonds under chapter  
 16 262A in a total amount not to exceed \$41,300,000:

17 State Board of Regents

18 Fire and life safety deficiency corrections at the  
 19 three state universities to be distributed by the  
 20 state board of regents from the initial proceeds of the  
 21 negotiable revenue bonds issued pursuant to this reso-  
 22 lution

23 .....	\$	6,000,000
24 <u>State University of Iowa</u>		
25 Academic building construction		
26 Cost of issuance of bonds		
27 .....	\$	24,000,000
28 <u>Iowa State University of Science and Technology</u>		
29 Sweeney hall remodeling		
30 Cost of issuance of bonds		

Page 4

1 .....	\$	6,600,000
2 <u>University of Northern Iowa</u>		
3 Seerley hall remodeling		
4 Cost of issuance of bonds		
5 .....	\$	4,700,000
6 Total	\$	\$41,300,000

Wise of Lee in the chair at 12:15 a.m., Saturday, April 7, 1990.

Speaker Avenson in the chair at 12:24 a.m.

Hatch of Polk moved the adoption of Senate Concurrent Resolu-  
tion 133.

A non-record roll call was requested.

The ayes were 55, nays 33.

The motion prevailed and the resolution was adopted.

**IMMEDIATE MESSAGE**  
(Senate Concurrent Resolution 133)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 133 be immediately messaged to the Senate.

**CONFERENCE COMMITTEE REPORT FILED**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

Senate File 149, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties.

**ON THE PART OF THE HOUSE:**

PATRICIA HARPER, Chair  
JANET ADAMS  
RAY LAGESCHULTE  
DON SHOULTZ

**ON THE PART OF THE SENATE:**

PATRICK DELUHERY, Chair  
CHARLES BRUNER  
JOY CORNING  
WALLY HORN

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Thursday evening, April 5, 1990. Had I been present, I would have voted "aye" on House Files 121, 2407, 2440, 2548, 2551; Senate Files 514, 2011, 2324, 2403, 2406, 2412, 2430 and "nay" on Senate File 2057.

FULLER of Hardin

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 5, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2321, an act relating to the acquisition and possession of firearms, increasing penalties for certain offenses, and providing an effective date.

Senate File 368, an act relating to procedures for accepting offers from federal agencies for full or partial cession or retrocession of federal jurisdiction over lands in federal enclaves within the state.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2425**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**Senate File 2426**

State Government: Buhr, Chair; Blanshan and Hanson of Delaware.

**Senate File 2428**

Appropriations: Hammond, Chair; Carpenter and McKinney.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

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

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

**Senate File 2418**, a bill for an act providing for payment in lieu of property taxes on certain state properties under the jurisdiction of the department of natural resources and including applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

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

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

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

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

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

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

## COMMITTEE ON HUMAN RESOURCES

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

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

## COMMITTEE ON STATE GOVERNMENT

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

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1990.

## AMENDMENTS FILED

H—6154	H.F.	2558	Iverson of Wright
H—6155	H.F.	2267	Brammer of Linn
			Doderer of Johnson
			Rosenberg of Story
			Shoultz of Black Hawk
H—6161	H.F.	2166	Senate Amendment
H—6162	H.F.	2564	Senate Amendment

On motion by Arnould of Scott, the House adjourned at 12:32 a.m., Saturday, until 9:00 a.m., Saturday, April 7, 1990.

# JOURNAL OF THE HOUSE

Ninetieth Calendar Day — Sixty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Saturday, April 7, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

A poem was offered by House Pages Michael Clabaugh, Angela Jones, Veronica Driscoll, Brenda Ehr, Jeff Fuhrman, Darci Wade, Eugenia Hamilton, and Brooke Baysinger, followed with the Lord's Prayer led by Speaker Avenson.

The Journal of Friday, April 6, 1990 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 366, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property.

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

House File 2500, a bill for an act relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties.

Also: That the Senate has on April 7, 1990, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 514, a bill for an act providing a state sales and use tax exemption for certain facilities.

JOHN F. DWYER, Secretary

The House stood at ease at 9:29 a.m., until the fall of the gavel.

The House resumed session at 9:45 a.m., Speaker Avenson in the chair.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to make eligible for consideration all bills appearing on the Saturday, April 7, 1990 addendum to the calendar.

### SENATE AMENDMENT CONSIDERED

Sherzan of Polk called up for consideration **House File 658**, a bill for an act relating to savings and loan associations and their regulation by the superintendent of savings and loans, amended by the Senate, and moved that the House concur in the following Senate amendment H—5669:

H—5669

- 1 Amend House File 658, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 14, by striking the figure "1989"
- 4 and inserting the figure "1990".
- 5 2. Page 2, line 17, by inserting after the word
- 6 "due" the following: "or, alternatively, a rate
- 7 based upon any other independently verifiable index
- 8 approved by the superintendent".

The motion prevailed and the House concurred in the Senate amendment H—5669.

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

On the question "Shall the bill pass?" (H.F. 658)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Metcalfe

Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Jay	Jochum	Mertz	Shoultz
Stueland	Swartz		

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

### Appropriations Calendar

**Senate File 2427**, a bill for an act codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2427)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Jay	Mertz	Shearer	Shoultz
Stueland	Swartz		

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

#### IMMEDIATE MESSAGE (Senate File 2427)

Arnould of Scott asked and received unanimous consent that Senate File 2427 be immediately messaged to the Senate.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin on request of Peters of Woodbury.

#### MOTION TO OVERRIDE GOVERNOR'S ITEM VETO LOST

Haverland of Polk called up for consideration **House File 2371**, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, and providing an effective date, item vetoed by the Governor on April 4, 1990.

Bisignano of Polk in the chair at 10:27 a.m.

Speaker Avenson in the chair at 10:32 a.m.

Haverland of Polk moved that the House on reconsideration agree to pass House File 2371, the objections of the Governor to the contrary notwithstanding. (See pages 1973 and 1974 of the House Journal for Governor's Item Veto Message.)

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 2371)

The ayes were, 54:

Adams	'Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Connors
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Lykam	May	McKinney
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 36:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklloth	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

Absent or not voting, 10:

Beaman	Cphoon	Fuller	Halvorson, R. N.
Hatch	Koenigs	Mertz	Muhlbauer
Shoning	Stueland		

The motion having failed to receive a two-thirds majority is declared to have lost and the Governor's item vetoes are sustained.

#### CONFERENCE COMMITTEE APPOINTMENT (Senate File 2280)

The Speaker announced that Blanshan of Greene replaces Fuller of Hardin as a member of the conference committee on Senate File 2280.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

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

Senate File 2049, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty.

Also: That the Senate has on April 7, 1990, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales.

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

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

Also: That the Senate has on April 7, 1990, adopted the following resolution in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

### Appropriations Calendar

**Senate File 2420**, a bill for an act relating to the transfer of appropriations within and between state departments, institutions, and agencies, with report of committee recommending passage was taken up for consideration.

Bisignano of Polk in the chair at 10:40 a.m.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 2420)

The ayes were, 57:

Adams	Arnould	Avenson, Spkr.	Beatty
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Tabor	Teaford	Wise
Bisignano			
Presiding			

The nays were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

Absent or not voting, 5:

Black	Fuller	Jay	Stueland
Swartz			

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

## IMMEDIATE MESSAGE

(Senate File 2420)

Arnould of Scott asked and received unanimous consent that Senate File 2420 be immediately messaged to the Senate.

Speaker Avenson in the chair at 11:00 a.m.

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

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Brown	Fuller	Groninga	Jay
Ollie	Pellett	Stueland	Swartz

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

### Regular Calendar

**Senate File 2425**, a bill for an act relating to the care of children when a legally responsible adult is unavailable to provide the care, with report of committee recommending passage was taken up for consideration.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2425)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Schnekloth

Absent or not voting, 10:

Chapman	Fey	Fuller	Hatch
Hibbard	Jay	Ollie	Schrader
Stueland	Swartz		

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

### IMMEDIATE MESSAGE

(House File 2568)

Arnould of Scott asked and received unanimous consent that House File 2568 be immediately messaged to the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

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

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

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

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

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

JOHN F. DWYER, Secretary

The House stood at ease at 11:17 a.m., until the fall of the gavel.

The House resumed session at 11:36 a.m., Speaker Avenson in the chair.

The House stood at ease at 11:37 a.m., until the fall of the gavel.

The House resumed session at 1:15 p.m., Speaker Avenson in the chair.

## SENATE MESSAGE CONSIDERED

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

Read first time and referred to committee on **judiciary and law enforcement**.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 2554)**

Tabor of Jackson called up for consideration the report of the conference committee on House File 2554 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2554**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2554, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6092.

2. That House File 2554, as amended, passed and reprinted by the House, is amended as follows:

1. By striking page 2, line 9, through page 3, line 34, and inserting the following:

"Sec. \_\_\_\_ . NEW SECTION. Section 331.438 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, 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. 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. \_\_\_\_ . Section 333A.3, subsection 3, Code 1989, is amended to read as follows:

3. The committee shall select its own officers and meet at the call of the director of the department of management or at the request of a majority of the board.

Sec. \_\_\_\_ . Section 384.15, subsection 2, Code 1989, is amended to read as follows:

2. Select its officers and meet at the call of the director of the department of management or upon an appeal of the director's decision at the request of a majority of the board.

Sec. 100. Section 425.11, subsection 2, Code Supplement 1989, is amended to read as follows:

2. The word "owner" shall mean the person who holds the fee simple title to the homestead, and in addition shall mean the person occupying as a surviving spouse or the person occupying under a contract of purchase which contract has been recorded in the office of the county recorder of the county in which the property is located, or the person occupying the homestead under devise or by operation of the inheritance laws where the whole interest passes or where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption, or the person occupying the homestead is a shareholder of a family farm corporation that owns the property, or the person occupying the homestead under a deed which conveys a divided interest where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption or where the person occupying the homestead holds a life estate with the reversion interest held by a non-profit corporation organized under chapter 504A, provided that the holder of the life estate is liable for and pays property tax on the homestead or where the person occupying the homestead holds an interest in a horizontal property regime under chapter 499B, regardless of whether the underlying land committed to the horizontal property regime is in fee or as a leasehold interest, provided that the holder of the interest in the horizontal property regime is liable for and pays property tax on the homestead. For the purpose of this chapter the word "owner" shall be construed to mean a bona fide owner and not one for the purpose only of availing the person of the benefits of this chapter. In order to qualify for the homestead tax credit, evidence of ownership shall be on file in the office of the clerk of the district court or recorded in the office of the county recorder at the time the owner files with the assessor a verified statement of the homestead claimed by the owner as provided in section 425.2."

2. Page 4, line 21, by inserting after the word "estate" the following: "and was not claimed as a dependent on any other person's tax return for the base year".

3. Page 9, line 5, by striking the words "thirteen million five hundred thousand" and inserting the following: "ten million".

4. Page 10, by inserting after line 24 the following:  
"\_\_\_\_\_. "Crop" or "crop production" includes pastureland."

5. By striking page 14, line 17 through page 15, line 16, and inserting the following:  
"Sec. 200. SPECIAL MENTAL HEALTH SERVICES FUND.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the special mental health services fund:  
..... \$ 10,500,000

1. A special mental health services fund to reimburse counties for expenditures for mental health, mental retardation, and developmental disabilities services in accordance with this section is established in the office of the treasurer of state. The fund is established to reduce the growth of county expenditures for mental health services.

2. In order to be reimbursed from the special mental health services fund, a county shall document its expenditures for mental health, mental retardation, and developmental disabilities services.

3. The general assembly recognizes the importance of providing appropriate services to persons with disabilities in a community setting and in particular encourages counties to make services from the following categories available to persons with chronic mental illness who have legal settlement within the county:

a. Case management in accordance with standards adopted by the mental health and mental retardation commission.

b. Community-based services intended to prevent institutional placement of persons with chronic mental illness.

c. Support services to assist a person with chronic mental illness in remaining in the community which may include but are not limited to medical support, crisis and emergency intervention, and efforts to improve the person's community living skills.

4. A county's documentation of expenditures shall be submitted in October 1990, with the county's annual application for a share of the general allocation of the state community mental health and mental retardation services fund pursuant to section 225C.10. A county which provides its documentation is entitled to receive the moneys in the special mental health services fund multiplied by a factor equal to the county's proportionate share of the total state population.

5. As soon after July 1, 1991, as reasonably possible, the administrator shall certify to the director of revenue and finance the amount to which a county is entitled from the special mental health services fund and the director of revenue and finance shall issue warrants in the amounts certified, drawn upon the fund in favor of the respective counties.

6. Nothing in this section is intended by the general assembly to be the provision of a fair and equitable funding formula specified in 1985 Iowa Acts, chapter 249, section 9. Nothing in this section shall be construed, is intended, or shall imply a claim of entitlement to any programs or services specified in section 225C.28.

#### Sec. \_\_\_\_ . COUNTY CHART OF ACCOUNTS.

The department of management, the mental health and mental retardation commission, and the county finance committee shall cooperate in revising the county chart of accounts to structure an accounting system that will provide for the consistent and accurate accounting of expenditures for mental health, mental retardation, and developmental disabilities services and indicate the settings in which the services are provided. The revisions in the chart of accounts applicable to the fiscal year beginning July 1, 1991, shall be completed on or before November 1, 1990.

#### Sec. \_\_\_\_ . INTERIM STUDY COMMITTEE REQUESTED.

The legislative council is requested to establish an interim study committee to develop a funding formula for state participation in funding of mental health, mental retardation, and developmental disabilities services for fiscal years beginning on or after July 1, 1992. The committee shall develop a funding formula that ties responsibility for funding the services to administrative control and oversight of the services and that ensures financial incentives in the formula are directed toward providing care and services to persons in communities and community settings and that appropriate

services are available to all persons across the state. In its deliberations, the committee may also consider development of a fair and equitable funding formula for the bill of rights contained in chapter 225C. The committee shall submit to the general assembly on January 2, 1991, a report containing its proposal for a funding formula."

6. Page 15, by inserting after line 27 the following:

"Sec. \_\_\_\_\_.

Section 100 of this Act is effective January 1, 1991, for homestead tax credits allowed for property taxes payable in fiscal years beginning on or after July 1, 1991."

7. Page 15, line 29, by striking the figure "2" and inserting the following: "200".

8. Title page, by striking line 3 and inserting the following: "mental health services, by modifying the homestead tax credit."

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

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

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

The motion prevailed and the conference committee report was adopted.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth

Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Chapman	Fuller	Hansen, S. D.	Haverland
Mertz	Neuhauser	Shultz	Stueland
Svoboda			

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

### IMMEDIATE MESSAGE (Senate File 2287)

Arnould of Scott asked and received unanimous consent that Senate File 2287 be immediately messaged to the Senate.

### SENATE AMENDMENTS CONSIDERED

Bisignano of Polk called up for consideration **House File 2166**, a bill for an act adding marijuana to the list of secondary noxious weeds, amended by the Senate, and moved that the House concur in the following Senate amendment H-6161:

H-6161

1 Amend House File 2166, as passed by the House, as  
 2 follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 80.9, subsection 2, Code 1989,  
 6 is amended by adding the following new paragraph:  
 7 NEW PARAGRAPH. g. To identify and eradicate  
 8 marijuana plants found growing on public or private  
 9 property when growing marijuana plants are reported to  
 10 the department, and adopt rules governing the  
 11 identification and eradication of marijuana plants in  
 12 cooperation with local law enforcement officials.  
 13 Sec. 2. Section 317.4, Code 1989, is amended to  
 14 read as follows:  
 15 317.4 DIRECTION AND CONTROL.  
 16 As used in this chapter, "commissioner" means the  
 17 county weed commissioner or the commissioner's deputy  
 18 within each county. Each commissioner, subject to  
 19 direction and control by the county board of  
 20 supervisors, shall supervise the control and  
 21 destruction of all noxious weeds in the county,

22 including those growing within the limits of cities,  
 23 within the confines of abandoned cemeteries, and along  
 24 streets and highways unless otherwise provided. A  
 25 commissioner shall notify the department of public  
 26 safety of the location of marijuana plants found  
 27 growing on public or private property. A commissioner  
 28 may enter upon any land in the county at any time for  
 29 the performance of the commissioner's duties, and  
 30 shall hire the labor and equipment necessary subject  
 31 to the approval of the board of supervisors.

32 Sec. 3. Section 317.22, Code 1989, is amended to  
 33 read as follows:

34 317.22 DUTY OF HIGHWAY MAINTENANCE PERSONNEL.

35 It shall be the duty of all All officers directly  
 36 responsible for the care of public highways to shall  
 37 make a complaint to the weed commissioners or board of  
 38 supervisors, whenever if it shall appear appears that  
 39 the provisions of this chapter may not be complied  
 40 with in time to prevent the blooming and maturity of  
 41 noxious weeds or the unlawful growth of weeds or  
 42 marijuana, whether in the streets or highways for  
 43 which they are responsible or upon lands adjacent to  
 44 the same."

45 2. Title page, by striking line 1, and inserting  
 46 the following: "An Act relating to the identification  
 47 and eradication of marijuana."

The motion prevailed and the House concurred in the Senate amendment H-6161.

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

On the question "Shall the bill pass?" (H.F. 2166)

The ayes were, 89:

- |          |               |                  |                  |
|----------|---------------|------------------|------------------|
| Adams    | Arnould       | Banks            | Beaman           |
| Beatty   | Bennett       | Bisignano        | Black            |
| Blanshan | Brammer       | Brand            | Branstad         |
| Brown    | Buhr          | Carpenter        | Clark            |
| Cohoon   | Connors       | Corbett          | Daggett          |
| De Groot | Diemer        | Doderer          | Dvorsky          |
| Eddie    | Fey           | Fogarty          | Garman           |
| Groninga | Gruhn         | Halvorson, R. A. | Halvorson, R. N. |
| Hammond  | Hanson, D. R. | Harbor           | Harper           |
| Hatch    | Hermann       | Hester           | Hibbard          |
| Holveck  | Iverson       | Jay              | Jochum           |
| Johnson  | Kistler       | Knapp            | Koenigs          |
| Kremer   | Lageschulte   | Lundby           | Lykam            |
| Maulsby  | May           | McKean           | McKinney         |

Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Pony	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 11:

Chapman	Fuller	Hansen, S. D.	Haverland
Jesse	Mertz	Neuhauser	Schneklath
Sherzan	Shoultz	Stueland	

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

Hatch of Polk called up for consideration **House File 2294**, a bill for an act relating to the establishment of an Iowa affordable heating program, amended by the Senate, and moved that the House concur in the following Senate amendment H—6168:

H—6168

- 1 Amend House File 2294, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 5, line 6, by striking the word "state".

The motion prevailed and the House concurred in the Senate amendment H—6168.

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

On the question "Shall the bill pass?" (H.F. 2294)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard

Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Shoning	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Chapman	Eddie	Fey	Fuller
Maulsby	Petersen, D. F.	Schnekloth	Sherzan
Shultz	Stueland		

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

### IMMEDIATE MESSAGE (House File 2554)

Arnould of Scott asked and received unanimous consent that House File 2554 be immediately messaged to the Senate.

Connors of Polk called up for consideration **House File 366**, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property, amended by the Senate amendment H-6165 as follows:

H-6165

- 1 Amend House File 366, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 10 through 16.
- 4 2. By relettering paragraphs as required.

Fogarty of Palo Alto offered the following amendment H-6170, to the Senate amendment H-6165, filed by him and Connors of Polk from the floor and moved its adoption:

H-6170

- 1 Amend Senate Amendment, H-6165, to House File 366,
- 2 as amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, line 3, by striking the figure "10"

5 and inserting the following: "13".

Amendment H—6170 was adopted.

On motion by Connors of Polk, the House concurred in the Senate amendment H—6165, as amended.

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

On the question "Shall the bill pass?" (H.F. 366)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Chapman	Fuller	Harper	Neuhauser
Sherzan	Shoultz	Stueland	

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

IMMEDIATE MESSAGE  
(House File 366)

Arnould of Scott asked and received unanimous consent that House File 366 be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2319**, a bill for an act relating to private farm railway crossings, previously deferred and placed on the unfinished business calendar.

Doderer of Johnson in the chair at 1:50 p.m.

Schneklath of Scott offered the following amendment H-5627 filed by him and Pellett of Cass and moved its adoption:

H-5627

- 1 Amend Senate File 2319 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 13, the
- 4 following:
- 5 "An owner may grant permission for a third party to
- 6 use a private farm crossing for any purpose that does
- 7 not violate a local zoning ordinance, or endanger
- 8 public safety."

A non-record roll call was requested.

The ayes were 25, nays 45.

Amendment H-5627 lost.

Metcalf of Polk offered the following amendment H-6065 filed by her:

H-6065

- 1 Amend Senate File 2319, 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 327G.21, Code 1989, is amended
- 6 to read as follows:
- 7 327G.21 CONDITION AFTER CHANGE, ALTERATION, OR
- 8 REPAIR - TEMPORARY WAYS - NOTICE.
- 9 When a railroad company changes, alters, or repairs
- 10 a highway, road, street, or alley grade crossing, it
- 11 shall upon completion of the work leave it free from
- 12 obstructions to travel and in good condition. If
- 13 travel will be obstructed while any alterations or
- 14 repairs are being made, the railroad company shall

15 provide safe and convenient temporary ways for the  
 16 public to avoid or pass such obstructions. The  
 17 railroad company shall provide the department, in the  
 18 case of primary highways, the county in which such  
 19 crossing is located, in the case of secondary roads,  
 20 or the city, in the case of streets and alleys located  
 21 within the city, seven days' notice of any change,  
 22 alteration, or repair if the highway, road, street, or  
 23 alley will be obstructed to the extent that travel is  
 24 not permitted. If the highway, road, street, or alley  
 25 is obstructed for emergency repairs, or if the  
 26 department, county, or city agrees to waive the notice  
 27 period, a seven-day notice is not required."

28 2. Title page, line 1, by striking the words  
 29 "private farm".

30 3. By renumbering as necessary.

Koenigs of Mitchell rose on a point of order that amendment H-6065 was not germane.

The Speaker ruled the point well taken and amendment H-6065 not germane.

Black of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2319)

The ayes were, 57:

Adams	Arnould	Avenson, Spkr.	Beatty.
Bennett	Bisignano	Blanshan	Brammer
Brand	Brown	Carpenter	Clark
Cohoon	Connors	Dvorsky	Fey
Fogarty	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hermann	Holveck	Jay	Knapp
Koenigs	Lundby	Lykam	May
McKinney	Mertz	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Poncy
Renaud	Renken	Rosenberg	Shearer
Sherzan	Spear	Spenner	Svoboda
Swartz	Tabor	Tyrrell	Wise
Doderer			
Presiding			

The nays were, 30:

Banks	Beaman	Black	Branstad
Buhr	Daggett	De Groot	Diemer
Eddie	Garman	Hanson, D. R.	Hester

Hibbard	Iverson	Johnson	Kistler
Kremer	Lageschulte	Maulsby	McKean
Miller	Pellett	Petersen, D. F.	Plasier
Royer	Schneklath	Schrader	Shoning
Trent	Van Maanen		

Absent or not voting, 13:

Chapman	Corbett	Fuller	Groninga
Harbor	Hatch	Jesse	Jochum
Peterson, M. K.	Shoultz	Siegrist	Stueland
Teaford			

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

### SENATE MESSAGES CONSIDERED

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

Read first time and referred to committee on **appropriations**.

**Senate File 2435**, by committee on appropriations, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

Read first time and referred to committee on **appropriations**.

The House stood at ease at 2:07 p.m., until the fall of the gavel.

The House resumed session at 2:10 p.m., Doderer of Johnson in the chair.

### PRESENTATION TO RETIRING MEMBERS AND LEADERS AND PRESENTATION OF GIFTS

Connors of Polk and Harbor of Mills invited to the well of the House for special recognition members of the House who will be retiring or are candidates for the Iowa Senate. Plaques were presented by Teaford of Black Hawk and Metcalf of Polk to the following members:

Paul W. Johnson, District 31 — 1985-1990  
 Florence D. Buhr, District 85 — 1983-1990  
 Donald F. Hermann, District 40 — 1983-1990  
 David M. Tabor, District 34 — 1983-1990  
 Thomas H. Fey, District 41 — 1982-1990  
 Ralph Rosenberg, District 73 — 1982-1990  
 Vic Stueland, District 37 — 1981-1990  
 Thomas E. Swartz, District 72 — 1981-1990  
 Betty Jean Clark, District 29 — 1977-1990  
 Hugo A. Schnekloth, District 39 — 1977-1990  
 Wendell C. Pellett, District 97 — 1971-1990

The House rose and expressed its appreciation.

Minority Leader Harold Van Maanen and Majority Leader Robert Arnould were invited to the Speaker's station for a special presentation.

Connors of Polk and Harbor of Mills, assisted by Teaford of Black Hawk and Metcalf of Polk, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Seventy-third General Assembly.

The House rose and expressed its appreciation.

#### SPECIAL PRESENTATION TO SPEAKER OF THE HOUSE

Doderer of Johnson announced that the Speaker's wife, Diane; children, Eric, Clay and Nicolle; Wilma Avenson, mother of Speaker Avenson, and brothers Jim Avenson and Richie Avenson; as well as other members of his immediate family were present, as the House of Representatives honored the Speaker.

#### REMARKS BY SPEAKER AVENSON

Speaker Avenson offered the following remarks:

Madam Speaker, Ladies and Gentlemen of the House, I chose to speak from the floor because this is where I'm most comfortable and have always been most comfortable.

Some of the members suggested that I ask Harold to use his desk for the day because I loved that role that he plays and enjoyed it for four years. I deeply respect Harold Van Maanen because he's taken on a tough role very quickly and he's done very well.

In 1972, when I was first elected and in 1973, when I first came to the General Assembly, I was 27 years old and I was part of a freshmen class of 55 members. We controlled the body if we wanted to, we had a majority of the members of the democratic caucus. My first debate was on whether to give Bill Harbor a pay raise as Chief Clerk. I lost.

We had no staff, whatsoever, none. The Speaker had part-time staff, the majority leader had none, the caucus staff was nonexistent, we had the non-partisan legislative service bureau, but that was it. We didn't have a computer; our salaries were very, very low; and we worked that year until the 24th of June with no air conditioning, there wasn't one. This place has changed a lot and I've grown a lot. I've grown a lot both in size, unfortunately in the wrong direction. I've grown a lot in age and I've grown a lot in respect and love for this institution. I have a few thoughts that I want to extend, but first of all I want to thank some people.

I want to thank Diane, for her love, her understanding of my addiction to this place. It's been her help and her partnership and her sacrifice that's made it possible. I want to thank my kids, Eric and Clay and Nicole, and I want to ask them to forgive me for a thousand failings because of this place. I wish that I could take back every moment that I failed to share with them. Eric's first letter as a varsity athlete was given to him while I was here. I wish I could have seen that.

This is a very egocentric place and it's our family that sacrifices. We have to thank them all the time for that. I want to thank my constituents who have surprised me nine times with their support. They're wonderful people and it's a wonderful part of the state. I invite you there anytime.

I want to thank the partisan staff, all of them. They've been a part of making this place grow and develop. I want to thank all of the House staff that goes unnamed; people who are in the well; who are behind the well; who are in all the little cubby-holes that we've chopped up in this place to house them, they do a great job every day. Nothing ever goes wrong and we hardly ever think of thanking them.

I want to thank the lobby, they're honorable people. I've enjoyed working with the third house.

I want to thank the press corps. I think it's sometimes a lot harder to have to listen to us for a living than it is as a member of the House.

I want to thank my own staff, Joe, Cathy and Mark, who I love as brothers and sisters. I want to thank Sharon, Tom, and Mary and Bill and Paulee and the whole partisan staff for providing so much to this system.

Finally, and more importantly than all of them, as far as this day is concerned, I want to thank you, my colleagues, for the tremendous honor that you have given me and all of us that are retiring today. It's more honor than one person could ever expect in a lifetime. This is truly a wonderful place to serve. It's the culmination of what democracy is about, it's what they're doing all over the world now, discovering how this can work. It's a place that isn't very pretty and it's easy to hate and easy to dislike, but it works. It works every day, where ordinary people like you and I do extraordinary people things every day. It's a great, great system and a tremendous honor to even be here for a few years. I've been honored more than most.

I say, and I believe this, "That there is more political courage exercised in this House and that Senate, every day, than there is in the Congress in a month." I'm only half joking about that. We have to stand up and be counted. We have to do what we know is right out here on the floor every day. I thank you for that. I thank you for your courage and your honesty.

The Iowa House is a place that doesn't take much to succeed in. There's no seniority system. It takes hard work and intelligence and honor, and that's it. You can succeed with those three things. That's probably why it's such a wonderful place.

My feelings are a mixture of hesitation and anticipation. I've had rushes of emotion, now, for about a week and they're very strong because I truly love this institution and the people who are here; but, I look forward to other challenges, hopefully in state government, but if not state government, challenges even so.

I believe this is where the action will be for the next few decades, in state government. Congress isn't working as well as it should, I don't think, so it's for us to grab the momentum and do what we need to do for people.

One feeling that I have, and it is absolutely pure, is a feeling of deep honor and deep privilege. We are all honored and privileged people and today I feel both of those emotions very strongly.

It's been an honor to have the opportunity to make things change for the better. It's been an honor to have the opportunity to make a difference. It's been an honor to have a chance to make government work, to speak out, to do what you think is right every day. That's an honor that our constituents give us and I can't thank them enough.

A lot of people talk about things. A lot of institutions talk about things, but we make things work. This body makes a difference, it makes things better. It does it every day. It's a great, great place.

Finally, I'm honored to work with so many friends, so many good people, so many honest people. Decent people, who many feel quite differently than I do about government, about politics, about religion, about many things, but all of you mean well and work hard at doing what you think is right. I thank you for the chance to let me work for you up there. I hope I have conducted the role of Speaker in a way that you didn't feel cut out, in a way that made that job a wholly non-partisan job, I think I did that. Republicans and Democrats sat in that chair and we all made the same rulings, and I think that's the way it should be. Speakers ought to be able to express their partisanship out here or in the caucuses, but not up there. I think that's the way it should stay.

I don't have a lot of advice about things you should do. I'd have some advice about what I hope you don't do. I hope you don't change. I hope you don't become something different than what this House is right now. I hope you stay close together, packed together. I hope you have to look each other in the eye every day of the week. I hope you don't cloister yourselves, off in some cold, new office building. I hope you have to sit next to each other and work out your differences. I hope you have to be so close that friendship is the most important emotion here. I hope you don't change very much, because this place really does work well.

I hope you don't stop thinking for yourselves. Even though I said we didn't have staff, and I'm glad we do have staff, I think it's very important that legislators know what they represent, know what they stand for, and represent and stand for those things every day; tell the staff what to prepare for and research, and not let the opposite take place that's taking place in other institutions. I have a pet peeve, that's that some people choose to run against this institution. Don't run against the place that nurtures you. We have enough troubles with our public image without members talking about the legislature. It's a wonderful body. You ought to educate people about how well it works.

Finally, let me say this. I was told this by Grumpy Fischer, and not many of you know Grumpy. Grumpy was sometimes — he expressed his feelings differently than most of us, and very strongly. After being dressed down, as a matter of fact, by Grumpy Fischer, for opposing Bill Harbor's pay raise, Grumpy came over with a smile on his face and shook my hand and slapped me on the back and said, "There, I showed you, didn't I." He did. He said, "But I'm not mad at you, I'm a friend."

That's something you ought to remember. Never say anything to any of your colleagues that prevents you being able to shake their hand and work with them the next day. He taught me an invaluable lesson in the first couple of weeks that I was in the General Assembly and I think that's still a lesson that everybody ought to learn and relearn. Never let these emotions and feelings take you so far that you can't work with that member the next day. There's nothing that's worth the loss of a friendship. There's nothing worth the loss of your honor or your integrity. None of these issues are that important, even though at the moment we feel very, very strong about them. Remember that there's always tomorrow, and another year and that bill can pass some other time.

I hope you remain bold. I think the last eight years have been eight bold years. When we took on some of the toughest problems this state has ever faced. We took on an environment that was starting to slip; an economy that was in a shambles; a state government that was losing morale; an educational system that was starting to move in the wrong direction, and we solved those problems together. As a body, I think we've shown unusual innovation, unusual willingness to look at new ideas and deal with people who have new ideas and try to make them into something better for the people of the state. I think that's something that we ought to remain, a laboratory for the nation. I think we can be a leader, here in Iowa, if this body just maintains the attitude it's had for the eight years that we're willing to try new things and new ideas and we're willing to make them into something better for the people of this state.

I'm proud that this institution is stronger than it was before my watch. I'm proud that we have moved forward and made progress. I'm proud that we have staff now, and the technology to deal with a rapidly changing world. I'm proud of the boldness and I'm proud of our willingness to push forward to make things better.

We have a wonderful state, the best there is. We're blessed with natural resources and decent, hardworking people. To be a part of making it better, even in a small way, has been the privilege of a lifetime. I thank you for that privilege. I love you and I respect you all.

Thank you very much.

#### PRESENTATION OF GIFT TO SPEAKER AVENSON

Doderer of Johnson invited Speaker Avenson to the Speaker's station for a special presentation.

Black of Jasper, on behalf of the Majority caucus, presented a brass sculpture of the Speaker's black labrador Magic by artist Nick Klipinger.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

The House resumed session at 2:59 p.m., Doderer of Johnson in the chair.

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for immediate meetings of the committees on appropriations and judiciary and law enforcement.

The House stood at ease at 3:00 p.m., until the fall of the gavel.

The House resumed session at 3:45 p.m., Connors of Polk in the chair.

SENATE AMENDMENT CONSIDERED  
House Refused to Concur

Jochum of Dubuque called up for consideration **Senate File 2422**, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6171 to the House amendment:

H-6171

- 1 Amend the House amendment, S-5987, to Senate File
- 2 2422, as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, line 4, by striking the figure
- 5 "76,100" and inserting the following: "76,700".
- 6 2. Page 1, line 6, by striking the figure
- 7 "73,000" and inserting the following: "73,600".
- 8 3. Page 1, line 11, by striking the figure
- 9 "58,500" and inserting the following: "62,800".
- 10 4. Page 1, line 14, by striking the figure
- 11 "58,500" and inserting the following: "62,800".
- 12 5. Page 1, line 17, by striking the figure
- 13 "58,500" and inserting the following: "62,800".
- 14 6. Page 1, line 20, by striking the figure,
- 15 "58,500" and inserting the following: "62,800".
- 16 7. Page 2, by striking lines 17 through 21.
- 17 8. By renumbering, relettering, or redesignating
- 18 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-6171.

IMMEDIATE MESSAGE  
(Senate File 2422)

Arnould of Scott asked and received unanimous consent that Senate File 2422 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 7, 1990, receded from the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2115, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates.

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

Senate File 205, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

JOHN F. DWYER, Secretary

The House stood at ease at 3:52 p.m., until the fall of the gavel.

The House resumed session at 4:37 p.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2235, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards.

Also: That the Senate has on April 7, 1990, adopted the conference committee report and passed Senate File 2402, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board.

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

Senate File 2416, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date.

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Hammond of Story called up for consideration **House File 209**, a bill for an act relating to the limitations on smoking, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-6177:

H-6177

- 1 Amend House File 209, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 1 through 33.
- 4 2. Page 3, line 2, by inserting after the word
- 5 "state." the following: "For the purpose of equitable
- 6 and uniform implementation, application, and
- 7 enforcement of state and local laws and regulations,
- 8 the provisions of this chapter shall supersede any
- 9 local law or regulation which is inconsistent with or
- 10 conflicts with the provisions of this chapter."
- 11 3. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6177.

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

On the question "Shall the bill pass?" (H.F. 209)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper

Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 5:

Gruhn	Jay	Knapp	Pavich
Svoboda			

Absent or not voting, 5:

Fey	Fuller	Mertz	Peters
Stueland			

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

**HOUSE INSISTS**

Renaud of Polk called up for consideration **Senate File 2093**, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, and moved that the House insist on its amendment, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 2093)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2093: Renaud of Polk, Chair; Tabor of Jackson, Blanshan of Greene, Carpenter of Polk and Shoning of Woodbury.

**IMMEDIATE MESSAGE**  
(Senate File 2093)

Arnould of Scott asked and received unanimous consent that Senate File 2093 be immediately messaged to the Senate.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Kremer of Buchanan, until his return, on request of Tyrrell of Iowa.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 2402)

Cohoon of Des Moines called up for consideration the report of the conference committee on Senate File 2402 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2402

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2402, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5937.
2. That the House recedes from its amendment, S—5680.
3. That Senate File 2402, as amended, passed, and reprinted by the Senate, is amended as follows:
  1. Page 1, line 12, by striking the figure "961,617" and inserting the following: "953,617".
  2. Page 1, line 25, by striking the letter "a."
  3. Page 1, by striking lines 33 and 34.
  4. Page 2, line 4, by striking the figure "320,482" and inserting the following: "307,271".
  5. Page 2, line 5, by striking the figure "13" and inserting the following: "12".
  6. Page 2, line 10, by striking the figure "133,934" and inserting the following: "143,934".
  7. Page 2, by inserting after line 11, the following:

"As a condition, limitation, and qualification of the appropriation in this paragraph, \$10,000 shall be used for the purchase of POW/MIA flags."
  8. Page 2, by striking lines 12 through 18.
  9. Page 3, line 5, by striking the figure "75,000" and inserting the following: "25,000".
  10. Page 3, line 8, by inserting after the word "enforcement," the following: "and for river boat gambling enforcement."

11. Page 3, line 14, by striking the figure "6,557,018" and inserting the following: "6,534,828".

12. Page 3, line 15, by striking the figure "137" and inserting the following: "136".

13. Page 3, line 17, by striking the figure "250,000" and inserting the following: "75,000".

14. Page 3, by inserting after line 17 the following:

"The department of public safety shall prepare a status report for the legislative fiscal committee, the transportation and safety appropriations subcommittee, and the legislative fiscal bureau, on or before November 1, 1990, which details the actual and planned expenditures from the appropriation made in this paragraph."

15. Page 3, line 21, by striking the figure "20,000" and inserting the following: "10,000".

16. Page 4, line 14, by striking the figure "50,000" and inserting the following: "25,000".

17. Page 4, by striking lines 15 through 17.

18. Page 4, by inserting after line 21 the following:

"7. For funding the department's administrative functions to implement the accreditation for law enforcement agencies:  
..... \$ 25,000".

19. Page 5, by inserting after line 2, the following:

"The unfunded liability of the peace officers' retirement, accident, and disability system, as of July 1, 1989, is not a liability of funds paid to the state racing and gaming commission under section 99D.14."

20. Page 5, by striking lines 9 and 10.

21. Page 5, line 11, by striking the figure "2".

22. Page 6, by inserting after line 11 the following:

"The unfunded liability of the peace officers' retirement, accident, and disability system, under chapter 97A is not a liability of the road use tax fund as of July 1, 1986."

23. Page 6, line 25, by striking the word "purchase" and inserting the following: "lease/purchase".

24. Page 6, line 28, by striking the figure "300,000" and inserting the following: "350,000".

25. Page 7, line 1, by striking the figure "200,000" and inserting the following: "133,334".

26. Page 7, by striking line 19 and inserting the following:

..... \$ 30,000

9. For the purchase of a new office facility as a law enforcement headquarters for the department:  
..... \$ 220,000

Proceeds from the sale of any existing facility shall be deposited in the road use tax fund.

Sec. \_\_\_\_\_

There is appropriated from use tax receipts collected under chapter 423 prior to deposit in the road use tax fund, to the department of public safety, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

For the purchase of automated fingerprint information system local remote terminals: ..... \$ 279,800

It is the intent of the general assembly that moneys shall be appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for costs associated with the automated fingerprint information system local remote terminals."

27. Page 7, line 22, by striking the words "general fund of the state" and inserting the following: "road use tax fund".

28. Page 8, line 17, by striking the figure "105,000" and inserting the following: "55,000".

29. Page 9, line 9, by striking the figure "655,900" and inserting the following: "705,900".

30. Page 9, by inserting after line 10 the following:

"As a condition, limitation, and qualification of the appropriation in this paragraph, \$50,000, or so much thereof as is necessary, shall be used to conduct a demonstration study to assess the economic and technical feasibility of establishing an intermodal transportation facility at or near a location on the Mississippi river that has access to year-round navigation. The demonstration study shall be conducted by a regional planning agency. The department shall coordinate the demonstration study with the department of economic development and shall report to the general assembly, not later than March 31, 1991, on the outcome of the study, on the applicability of integrating intermodal transportation analysis into regional economic development studies, and on the contribution that regional planning can make to statewide planning."

31. Page 9, by inserting after line 12, the following:

"Notwithstanding section 8.33, the funds appropriated in this subsection shall remain available for obligation until June 30, 1992, and once obligated shall remain available until expended. Public or private entities willing to donate land for scenic highway projects shall be given preference in project selection if the land is accepted by the department."

32. Page 10, line 33, by striking the figure "2,883" and inserting the following: "2,889".

33. Page 11, by striking lines 5 through 8 and inserting the following:

"(3) For parcel acquisition: ..... \$ 306,000".

34. Page 11, line 25, by striking the figure "2,000,000" and inserting the following: "1,750,000".

35. Page 14, by inserting after line 35 the following:

"Sec. \_\_\_\_\_ .

The Iowa highway research board may conduct an experimental roadway paving project using recycled rubber in hot asphalt concrete. The materials shall be applied by a company with experience in the use of recycled tire rubber.

Sec. \_\_\_\_\_ . RULES VALID.

The administrative rules adopted by the state fire marshal pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2, are valid.

Sec. \_\_\_\_\_ .

Notwithstanding the manual on uniform traffic control devices for streets and highways, the state department of transportation shall adopt rules regulating travel in the left-hand lane of uphill traffic lanes by posting signs which shall state "KEEP RIGHT EXCEPT TO PASS".

Sec. \_\_\_\_\_ .

The state department of transportation shall contact other states' transportation departments for the purpose of initiating a lawsuit in conjunction with the other states, to seek an injunction to prevent the United States department of transportation from impounding the states' portions of the federal gas tax.

Sec. 399.

Notwithstanding section 8.33, funds appropriated under 1989 Iowa Acts, chapter 317, section 19, subsection 2, shall not revert until after October 1, 1990, and shall remain available for expenditure until such date."

36. Page 16, by striking lines 20 through 31 and inserting the following:

"Sec. \_\_\_\_\_ . Section 135C.2, subsection 5, paragraph b, Code Supplement 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A facility must be located in an area zoned for single or multiple-family housing and must be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2."

37. Page 17, by inserting after line 14 the following:

"Sec. \_\_\_\_\_ . Section 309.10, unnumbered paragraph 2, Code 1989, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are at least seventy-five percent of the maximum funds the county could have transferred in the

prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a" and "b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Sec. \_\_\_\_\_. Section 312.2, subsection 8, Code Supplement 1989, is amended to read as follows:

8. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the maximum funds that the county could have transferred in the prior fiscal year under section 331.429, subsection 1, paragraphs "a" and "b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

Sec. \_\_\_\_\_. Section 312.3, subsection 1, Code 1989, is amended to read as follows:

1. Apportion among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state for each fiscal year based upon the total needs of secondary roads of the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department, sixty seventy percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportion among the counties in the ratio that the area of each county bears to the total area of the state, forty thirty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties. However, for a hold harmless period in a fiscal year each county is guaranteed a hold harmless base year amount. The amount in the secondary road fund of the counties in each fiscal year during the hold harmless period in excess of the sum of the hold harmless base period year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Hold harmless Base period" means the fiscal years beginning July 1, 1979 and ending June 30, 1985 three-year period ending June 30, 1989.

b. "Base year amount" means the amount of the secondary road fund of the counties received by a county for the fiscal year beginning July 1, 1977. "Local effort" means

the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state as shown by the latest quadrennial need study by the state department of transportation, and which is on record at the department, sixty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportioned among the counties in the ratio that the area of each county bears to the total area of the state, forty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>"LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
96% .....	unlimited	100% of old formula amount
92% .....	96%	96% of old formula amount
88% .....	92%	92% of old formula amount
84% .....	88%	88% of old formula amount
Less than 84%		\$0"

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in secondary road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year, the department shall prepare and deliver to the treasurer of state an estimate of the increase of secondary road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection.

Sec. \_\_\_\_ . Section 312.5, Code 1989, is amended to read as follows:

312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

1. The road use tax funds credited to the farm-to-market road fund and federal aid secondary road funds received by the state by the treasurer of state are hereby divided as follows, and are to be known respectively as:

- 1 a. Need allotment farm-to-market road funds, sixty seventy percent; and
- 2 b. Area allotment farm-to-market road funds, forty thirty percent.

2. All farm-to-market road funds, except funds which under section 310.20 come from any county's allotment of the road use tax funds, shall be allotted among the counties by the department.

3. Area allotment farm-to-market road funds and federal aid secondary road funds received by the state, shall be allotted among all the counties of the state in the ratio that the area of each county bears to the total area of the whole state.

4. Need allotment farm-to-market road funds shall be allotted among the counties in the ratio that the needs of the farm-to-market roads in each county bear to the total needs of the farm-to-market roads in the state for each fiscal year based upon the total needs of the farm-to-market roads in the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department.

5. Notwithstanding subsections 1 through 4, in a fiscal year each county is guaranteed a hold harmless base year amount. The amount of farm-to-market road funds in each fiscal year in excess of the sum of the hold harmless base year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Base period" means the three-year period ending June 30, 1989.

b. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties with the federal aid secondary road funds being apportioned by one hundred percent area allotment and the road use tax funds credited to the farm-to-market road fund apportioned to the counties with a sixty percent need allotment and forty percent area allotment.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>"LOCAL EFFORT"</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
<u>96%</u>	<u>unlimited</u>	<u>100% of old formula amount</u>
<u>92%</u>	<u>96%</u>	<u>96% of old formula amount</u>
<u>88%</u>	<u>92%</u>	<u>92% of old formula amount</u>
<u>84%</u>	<u>88%</u>	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0"</u>

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in the farm-to-market road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year the department shall prepare and deliver to the treasurer of state an estimate of the increase of the farm-to-market road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection."

38. Page 17, by inserting after line 23 the following:

"Sec. \_\_\_\_\_. Section 313.2A, subsection 1, Code Supplement 1989, is amended to read as follows:

1. PURPOSE. It is the purpose of this section to enhance opportunities for the development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network, primary highway funds shall not be spent beyond continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network ~~except as provided in subsection 4.~~

Sec. \_\_\_\_\_. Section 313.2A, subsection 4, Code Supplement 1989, is amended by striking the subsection.

Sec. \_\_\_\_\_. Section 317.13, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The program of weed control shall include a program of permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This paragraph applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan."

39. Page 18, by inserting after line 18 the following:

"Sec. \_\_\_\_\_. Section 321L.2, subsection 3, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

A handicapped person who owns a motor vehicle for which the handicapped person has been issued radio operator registration plates under section 321.34, subsection 3, or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at a cost not to exceed five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

Sec. \_\_\_\_ . NEW SECTION. 325.37 ADVERTISING BY MOTOR CARRIERS OF PROPERTY.

Any advertising of available service provided by a motor carrier of property shall contain or display the number of the certificate issued by the department pursuant to this chapter.

Sec. \_\_\_\_ . Section 331.660, Code 1989, is amended to read as follows:

**331.660 APPROPRIATION – INDIAN SETTLEMENT OFFICER.**

There is appropriated annually from the general fund of the state to the county of Tama the sum of three thousand three hundred sixty-five thousand dollars to be used by the county only for the payment of the salary and expenses of an additional deputy sheriff for the county. The principal duty of the deputy sheriff is to provide law enforcement on the Sac and Fox Indian settlement in the county of Tama. If possible, the deputy sheriff shall reside on the settlement. Additional funds necessary to pay the salary and expenses of the deputy sheriff shall be paid by the county of Tama. The state shall not be held liable for the performance or nonperformance of law enforcement duties pursuant to this section.

Sec. 400. Section 455G.9, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 2, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552, is amended to read as follows:

Total payments for claims pursuant to this subparagraph are limited to no more than six eight million dollars. Claims for eligible retroactive releases shall be prorated if claims filed in a permitted application period or for a particular priority class of applicants exceed six eight million dollars or the then remaining balance of six eight million dollars. If claims remain partially or totally unpaid after total payments equal six eight million dollars, all remaining claims are void, and no entitlement exists for further payment.

Sec. 401. Section 455G.9, subsection 1, paragraph a, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552, is amended by inserting the following new subparagraph:

NEW SUBPARAGRAPH. (3) Corrective action for an eligible release reported to the department of natural resources on or after January 1, 1985, but prior to July 1, 1987. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release under this subparagraph, the remedial program shall pay no more than the lesser of twenty-five thousand dollars or one-third of the total costs of corrective action for that release, subsection 4 notwithstanding. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

(a) The owner or operator applying for coverage must be currently engaged in the business for which the tank connected with the release was used prior to the report of the release.

(b) The owner or operator applying for coverage shall not be a person who is maintaining, or has maintained, proof of financial responsibility for federal regulations through self-insurance.

(c) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after January 1, 1985.

(d) The claim for coverage pursuant to this subparagraph must have been filed with the board prior to September 1, 1990.

(e) The owner or operator at the time the release was reported to the department of natural resources must have been in compliance with then current monitoring requirements, if any, or must have been in the process of compliance efforts with anticipated requirements, including installation of monitoring devices, a new tank, tank improvements or retrofit, or any combination.

Sec. 402. 1990 Iowa Acts, House File 2552, section 43, is amended to read as follows:

SEC. 43.

Provided that amounts reserved for the retroactive portion of the remedial account claims pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), do not exceed ~~six~~ eight million dollars, the administrator shall from the effective date of this Act, through September 1, 1990, reopen applications previously received but denied based upon section 455G.9, subsection 1, paragraph "a", subparagraph (1), subparagraph subdivision (a), Code Supplement 1989, which subparagraph subdivision is repealed by this Act, and may accept new applications under section 455G.9, subsection 1, paragraph "a", subparagraph (1) for that period. If claims reopened or received exceed the remaining balance of unobligated or unreserved funds of the six ~~eight~~ million dollars, the remaining balance shall be prorated among the reopened and newly received claims. If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account exceed six million dollars, all remaining claims are void, and no entitlement exists for further payment. If claims paid pursuant to this section do not exceed the remaining balance of unobligated or unreserved funds of the six million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the six million dollars allocated for retroactive claims to zero. distributed according to the following priority:

1. Claims reopened or submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), first; provided, however, that payments pursuant to this subsection shall not exceed one million two hundred thousand dollars.

2. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), second, on a first-come-first-served basis.

3. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), not previously accepted for payment or paid because the claim was ineligible solely on the basis of section 455G.9, subsection 1, paragraph "a", subparagraph (3), subparagraph subdivision (a), third.

4. If claims paid pursuant to subsections 1, 2, and 3 do not exceed the remaining balance of unobligated or unreserved funds of the eight million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the eight million dollars allocated for retroactive claims to zero.

If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account equal eight million dollars, all remaining claims are void, and no entitlement exists for further payment."

40. Page 18, by inserting after line 20 the following:

"Sec. \_\_\_\_\_ .

Sections 399, 400, 401, and 402 of this Act, being deemed of immediate importance, take effect upon enactment."

41. Title page, line 6, by striking the word "purchases and" and inserting the following: "purchases,".

42. Title page, line 7, by inserting after the word "board" the following: ", providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date".

43. By renumbering and relettering as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

DENNIS M. COHOON, Chair  
 JACK BEAMAN  
 DEO A. KOENIGS  
 LOUIS J. MUHLBAUER  
 DON SHONING

DONALD E. GETTINGS, Chair  
 EMIL J. HUSAK  
 JIM LIND  
 JOE WELSH

A non-record roll call was requested.

The ayes were 43, nays 30.

The motion prevailed and the conference committee report was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 65:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Brand
Buhr	Chapman	Cohoon	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Fey	Groninga	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
Lykam	McKinney	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg

Schnekloth	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker Avenson			

The nays were, 31:

Banks	Bennett	Blanshan	Branstad
Brown	Carpenter	Clark	De Groot
Eddie	Fogarty	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Iverson	Kistler	Maulsby	May
McKean	Mertz	Miller	Petersen, D. F.
Plasier	Renken	Royer	Spenner
Trent	Tyrrell	Van Maanen	

Absent or not voting, 4:

Fuller	Kremer	Shoultz	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

(Senate File 2402)

Arnould of Scott asked and received unanimous consent that Senate File 2402 be immediately messaged to the Senate.

### Appropriations Calendar

**Senate File 2428**, a bill for an act relating to and making appropriations of federal and other nonstate funds including funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants, with report of committee recommending passage was taken up for consideration.

Hammond of Story offered the following amendment H-6167 filed from the floor by Hammond, Hatch and Jochum and moved its adoption:

H-6167

- 1 Amend Senate File 2428, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 8, by inserting after line 1 the follow-
- 4 ing:
- 5 "1A. If 1990 Iowa Acts, House File 2294, is
- 6 enacted, of the funds appropriated under subsection 1,

7 \$3,500,000 shall be used to fund the affordable  
 8 heating program.  
 9 1B. Not more than \$1,000,000 of the funds  
 10 appropriated under subsection 1 shall be used for  
 11 assessment and resolution of energy problems."  
 12 2. Page 8, by striking lines 22 and 23 and  
 13 inserting the following: "federal fiscal year  
 14 beginning October 1, 1990, 15 percent of the funds  
 15 appropriated".

Amendment H—6167 was adopted.

Hammond of Story offered the following amendment H—6174  
 filed by her from the floor and moved its adoption:

H—6174

1 Amend Senate File 2428, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 9, line 4, by striking the figure  
 4 "31,974,906" and inserting the following:  
 5 "32,101,333".  
 6 2. Page 9, line 14, by striking the figure  
 7 "1,844,952" and inserting the following: "1,852,247".  
 8 3. Page 9, line 30, by striking the figure  
 9 "12,652,703" and inserting the following:  
 10 "12,680,027".  
 11 4. Page 9, line 32, by striking the figure  
 12 "147,084" and inserting the following: "147,666".  
 13 5. Page 9, line 34, by striking the figure  
 14 "4,684,324" and inserting the following: "4,702,845".  
 15 6. Page 10, line 1, by striking the figure  
 16 "1,365,329" and inserting the following: "1,370,727".  
 17 7. Page 10, line 3, by striking the figure  
 18 "11,152,614" and inserting the following:  
 19 "11,219,416".  
 20 8. Page 10, line 5 by striking the figure  
 21 "127,900" and inserting the following: "128,405".

Amendment H—6174 was adopted.

Hammond of Story moved that the bill be read a last time now  
 and placed upon its passage which motion prevailed and the bill was  
 read a last time.

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

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark

Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Bisignano	Fuller	Hibbard	Kremer
Schneklath	Stueland	Swartz	Teaford

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

### IMMEDIATE MESSAGE

(Senate File 2428)

Arnould of Scott asked and received unanimous consent that Senate File 2428 be immediately messaged to the Senate.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 431**, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and applicators, providing registration requirements, and providing for fees and civil penalties, previously deferred and placed on the unfinished business calendar.

Black of Jasper in the chair at 5:34 p.m.

Johnson of Winneshiek asked and received unanimous consent to withdraw amendment H — 5656 filed by the committee on energy and environmental protection, placing out of order the following amendments, to the committee amendment H — 5656:

- H—5808 filed by Koenigs of Mitchell on March 22, 1990.  
 H—5710 filed by Eddie of Buena Vista on March 15, 1990.  
 H—5725 filed by Kremer of Buchanan on March 15, 1990.  
 H—5764 filed by Johnson of Winneshiek on March 20, 1990.  
 H—5687 filed by Petersen of Muscatine, et al., on March 14, 1990.  
 H—5691 filed by Banks of Plymouth on March 14, 1990.  
 H—5725 filed by Kremer of Buchanan on March 15, 1990.

The following amendments were withdrawn by unanimous consent:

- H—5692 filed by Eddie of Buena Vista on March 14, 1990.  
 H—5726 filed by Kremer of Buchanan on March 15, 1990.  
 H—5898 filed by Gruhn of Dickinson on March 27, 1990, placing out of order amendment H—6002, to amendment H—5898, filed by Gruhn of Dickinson on March 30, 1990.

Johnson of Winneshiek offered the following amendment H—6173 filed by him from the floor and moved its adoption:

H—6173

- 1 Amend Senate File 431, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1 through page 2,
- 4 line 28.
- 5 2. By striking page 5, line 34 through page 7,
- 6 line 5.
- 7 3. Title page, line 2, by striking the words "and
- 8 applicators".
- 9 4. Title page, lines 3 and 4, by striking the
- 10 words "and civil penalties".

Amendment H—6173 was adopted.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 431)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Black	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Bisignano	Branstad	Fuller	Hibbard
Kremer	Mertz	Renaud	Schnekloth
Stueland			

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

### IMMEDIATE MESSAGE (Senate File 431)

Arnould of Scott asked and received unanimous consent that Senate File 431 be immediately messaged to the Senate.

Speaker Avenson in the chair at 5:52 p.m.

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

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

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1990.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, appointed the conference committee to Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, and the members of the Senate are: The Senator from Linn, Senator Horn, Chair; the Senator from Palo Alto, Senator Kibbie; the Senator from Lee, Senator Fraise; the Senator from Muscatine, Senator Rife; the Senator from Boone, Senator Nystrom.

JOHN F. DWYER, Secretary

### Regular Calendar

**Senate File 2429**, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions, with report of committee recommending passage was taken up for consideration.

Hansen of Woodbury in the chair at 6:02 p.m.

Halvorson of Webster offered the following amendment H-6172 filed from the floor by Halvorson of Webster, Brand, Corbett, Daggett and Jay and moved its adoption:

H-6172

- 1 Amend the Senate File 2429, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by striking lines 14 and 15, and
- 4 inserting the following:
- 5 "k. Changes in technology related to determination
- 6 of paternity, subject to the following conditions and
- 7 limitations:
- 8 (1) (a) For orders entered before July 1, 1990, a
- 9 petition to modify must be filed by July 1, 1991,
- 10 provided that the child is under the age of nineteen
- 11 years at the time the petition to modify is filed.
- 12 (b) For orders entered on or after July 1, 1990, a
- 13 petition to modify must be filed within five years of
- 14 the date of entry of the dissolution decree or the
- 15 order establishing paternity, provided that the child
- 16 is under the age of nineteen years at the time the

17 petition to modify is filed.  
 18 (2) Any modification of child support brought  
 19 under this lettered paragraph can be made retroactive  
 20 only to the date on which the notice of the pending  
 21 petition for modification is served on the opposing  
 22 party.

23 (3) The cost of testing related to the  
 24 determination of paternity shall be paid by the person  
 25 requesting the modification.

26 1. Other factors the court determines to be  
 27 relevant in an individual case."

A non-record roll call was requested.

The ayes were 50, nays 33.

Amendment H—6172 was adopted.

Haverland of Polk offered the following amendment H—6175 filed by him from the floor and moved its adoption:

H—6175

1 Amend Senate File 2429, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 23, by striking lines 3 through 11, and  
 4 inserting the following:  
 5 "NEW SUBSECTION. 8A. Notwithstanding subsection  
 6 8, a substantial change of circumstances exists when  
 7 the court order for child support deviates from the  
 8 child support guidelines established pursuant to  
 9 section 598.21, subsection 4 for a reason other than  
 10 that stated in the original order, unless the  
 11 provisions of the guidelines themselves have changed  
 12 since the entry or subsequent modification of the  
 13 original order. Upon application for a modification  
 14 of an order for child support where services are being  
 15 received pursuant to chapter 252B, the court shall act  
 16 in accordance with section 598.21, subsection 4."

Amendment H—6175 was adopted.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter

Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Hansen, S. D.			
Presiding			

The nays were, 2:

Hibbard            Jay

Absent or not voting, 5:

Fuller	Jesse	Siegrist	Stueland
Tabor			

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

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

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 2416)**

Harper of Black Hawk called up for consideration the report of the conference committee on House File 2416 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2416**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2416, a bill for an act relating to corporal punishment, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5719.
2. That House File 2416, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 280.21, Code Supplement 1989, is amended to read as follows:

**280.21 CORPORAL PUNISHMENT.**

An employee of an accredited public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this section, "corporal punishment" means the intentional physical punishment of a student. An employee's physical contact with the body of a student is justified shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force, as defined under section 704.1, for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student's control; or for the protection of property. The department of education shall adopt rules to implement this section.

**Sec. 2.**

By September 1, 1990, the department of education shall adopt rules to be included in 281 I.A.C. ch. 102, and rules in another chapter, entitled "Corporal Punishment Ban," in order to implement section 280.21, as amended in this Act."

**ON THE PART OF THE HOUSE:**

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

**ON THE PART OF THE SENATE:**

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

The motion prevailed and the conference committee report was adopted.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellet	Peters
Petersen, D. F.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Hansen, S. D. Presiding

The nays were, none.

Absent or not voting, 8:

Chapman	Fey	Fuller	Jay
Jesse	Peterson, M. K.	Siegrist	Stueland

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

### IMMEDIATE MESSAGE (House File 2416)

Arnould of Scott asked and received unanimous consent that House File 2416 be immediately messaged to the Senate.

Speaker Avenson in the chair at 6:34 p.m.

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(House File 2559)

Chapman of Linn called up for consideration the report of the conference committee on House File 2559 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2559

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2559, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6142.

2. That House File 2559 passed by the House, is amended as follows:

1. Page 1, line 14, by inserting after the word "by" the following: "filing".

2. Page 1, by striking lines 15 through 33 and inserting the following: "written notice to that effect to the chairperson or presiding officer of the board of review and served as an original notice of appeal with the clerk of district court. Filing of the written notice of appeal shall preserve all rights of appeal of the appellant."

2. Notice of appeal shall be served as an original notice on the chairperson, presiding officer, or clerk of the board of review after the filing of notice under subsection 1 with the clerk of district court."

3. Page 2, by inserting after line 7 the following:

"Any rights of appeals reinstated as a result of this section shall be exercised by filing of notice of appeal by June 30, 1991, as provided for in section 441.38, subsection 1 and served as provided for in section 441.38, subsection 2."

ON THE PART OF THE HOUSE:

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

ON THE PART OF THE SENATE:

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

The motion prevailed and the conference committee report was adopted.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Fuller	Jay	Jesse	Muhlbauer
Plasier	Royer	Stueland	Teaford

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

### IMMEDIATE MESSAGE

(House File 2559)

Arnould of Scott asked and received unanimous consent that House File 2559 be immediately messaged to the Senate.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

The House stood at ease at 6:55 p.m., until the fall of the gavel.

The House resumed session at 7:12 p.m., Speaker Avenson in the chair.

## SENATE AMENDMENT CONSIDERED

Swartz of Marshall called up for consideration **Senate File 2153**, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6182 to the House amendment:

H-6182

- 1 Amend the House amendment, S-5915, to Senate File
- 2 2153, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, line 28, by striking the word "Fifty-
- 5 nine" and inserting the following: "Fifty-nine and
- 6 five-tenths".
- 7 2. Page 3, by striking lines 23 through 27 and
- 8 inserting the following:
- 9 "f. Three and five-tenths percent to the

10 groundwater protection fund created in section 455E.11  
 11 to provide grants to counties for rural water testing  
 12 under section 455B.172, subsection 5."

13 3. Page 3, line 41, by striking the word "Two"  
 14 and inserting the following: "One and five-tenths".

15 4. Page 4, by striking lines 22 through 24, and  
 16 inserting the following: "water protection fund  
 17 pursuant to section 467F.4 and may also qualify for  
 18 cost-sharing funds pursuant to section 467A.48."

19 5. Page 4, by striking lines 43 through 50 and  
 20 inserting the following:

21 "\_\_\_\_\_. Fourteen and one-tenth percent, to the Iowa  
 22 energy center of which up to one-third, not to exceed  
 23 one hundred fifty thousand dollars, may be used for  
 24 administration costs of the center and the remainder  
 25 shall be used for transportation studies and projects  
 26 which enhance energy efficiency and self-sufficiency.

27 \_\_\_\_\_. Fourteen and one-tenth percent, to the  
 28 department of agriculture and land stewardship, for  
 29 on-farm alternative fuels demonstration projects."

30 6. Page 5, line 1, by striking the words "Twenty-  
 31 five and four-tenths" and inserting the following:  
 32 "Twenty-two and three-tenths".

33 7. Page 5, by inserting after line 27, the  
 34 following:

35 "\_\_\_\_\_. Six and two-tenths percent to the department  
 36 of natural resources for the administration of energy  
 37 efficiency programs and projects created in this Act  
 38 or in Senate File 2403, if enacted by the Seventy-  
 39 third General Assembly, 1990 Session."

40 8. Page 5, line 31, by striking the word "Four"  
 41 and inserting the following: "Three".

42 9. Page 5, line 35, by inserting after the word  
 43 "water" the following: "and for the state rural well  
 44 water survey in conjunction with the department of  
 45 natural resources".

46 10. Page 5, line 41, by striking the words  
 47 "Spring Brook" and inserting the following:  
 48 "Springbrook".

49 11. Page 5, line 48, by striking the words "Two  
 50 hundred" and inserting the following: "One hundred

## Page 2

1 fifty".

2 12. Page 6, line 28, by striking the words "Four  
 3 hundred" and inserting the following: "Three hundred  
 4 twenty-five".

5 13. Page 6, line 43, by striking the words "fifty  
 6 thousand" and inserting the following: "thirty-three  
 7 thousand three hundred thirty-three".

8 14. Page 6, line 45, by striking the words

9 "twenty-five thousand" and inserting the following:  
10 "sixteen thousand six hundred sixty-seven".

11 15. Page 6, lines 47 and 48 by striking the words  
12 "twenty-five thousand" and inserting the following:  
13 "sixteen thousand six hundred sixty-seven".

14 16. Page 6, by inserting after line 48 the fol-  
15 lowing:

16 "(4) Jones county, the sum of thirty-three  
17 thousand three hundred thirty-three dollars.  
18 \_\_\_\_\_. One hundred thousand dollars, to the depart-  
19 ment of natural resources to be used in grant programs  
20 for towns with a population of three thousand five  
21 hundred or less for the construction of swimming  
22 pools.

23 \_\_\_\_\_. One hundred thousand dollars, to the  
24 Poweshiek rural water association for costs relating  
25 to the laying of water pipelines to cross the Iowa  
26 river.

27 \_\_\_\_\_. Twenty-five thousand dollars, to the depart-  
28 ment of natural resources for a pilot project on  
29 energy efficiency and savings from computerizing  
30 energy use."

31 17. Page 7, by inserting after line 23 the  
32 following:

33 "\_\_\_\_\_. The agency or entity to which moneys are  
34 appropriated or which oversee a fund to which moneys  
35 are appropriated under this section may use some of  
36 those moneys for administrative costs relating to the  
37 use of those moneys, including additional full-time  
38 equivalent positions. The acquisition of additional  
39 full-time equivalent positions authorized under this  
40 subsection are not subject to any freeze, set by the  
41 governor, or the limit, set by the general assembly,  
42 on the number of full-time equivalent positions that  
43 such agency or entity may have. The agency or entity  
44 that adds additional full-time equivalent positions  
45 shall report the fact and the purpose at the end of  
46 the applicable quarter to the fiscal committee of the  
47 legislative council."

48 18. Page 9, line 42, by inserting after the word  
49 "insufficiency." the following: "However, the moneys  
50 in the security account that have not been spent for

**Page 3**

1 such payments by March 1 of the fiscal year shall be  
2 immediately transferred to the general fund of the  
3 state."

4 19. Page 9, by striking lines 43 through 50.

5 20. Page 11, line 13, by inserting after the word  
6 "district." the following: "This subsection shall not  
7 create a lien against the property of a person who is

- 8 not a rural water subscriber.”
- 9 21. Page 11, by striking lines 14 through 24.
- 10 22. Page 11, by inserting before line 25 the
- 11 following:
- 12 “\_\_\_\_\_. By striking page 10, line 31 through page
- 13 12, line 9.”
- 14 23. Page 12, by striking lines 11 through 36.
- 15 24. By striking page 16, line 41 through page 17,
- 16 line 4.
- 17 25. Page 22, line 25, by striking the words “Two
- 18 of the” and inserting the following: “The”.
- 19 26. Page 22, line 31, by inserting after the word
- 20 “pounds.” the following: “Conditionally exempt small
- 21 quantity generators which deliver their hazardous
- 22 wastes to the site shall not be required to obtain a
- 23 permit to transport the hazardous waste to the site.”
- 24 27. Page 23, by inserting after line 8, the
- 25 following:
- 26 “Sec. \_\_\_\_\_. Section 467A.48, subsection 1, Code
- 27 Supplement 1989, is amended to read as follows:
- 28 1. a. An owner or occupant of land in this state
- 29 is not required to establish any new permanent or
- 30 temporary soil and water conservation practice unless
- 31 public or other cost-sharing funds have been
- 32 specifically approved for that land and actually made
- 33 available to the owner or occupant.
- 34 b. The owner or occupant of land is eligible to
- 35 receive state cost-sharing funds to establish a
- 36 permanent grass and buffer zone, including an erosion
- 37 control structure or an erosion control practice to
- 38 mitigate the effects of concentrated runoff on surface
- 39 water quality.
- 40 c. The amount of cost-sharing funds made available
- 41 shall not exceed seventy-five fifty percent of the
- 42 estimated cost as established by the commissioners of
- 43 a permanent soil and water conservation practice, or
- 44 seventy-five fifty percent of the actual cost,
- 45 whichever is less, or an amount set by the committee
- 46 for a temporary soil and water conservation practice,
- 47 except as otherwise provided by law with respect to
- 48 land classified as agricultural land under
- 49 conservation cover.
- 50 The amount of cost-sharing funds made available to

**Page 4**

- 1 establish a permanent grass and buffer zone may be up
- 2 to one hundred percent of the estimated cost as
- 3 established by the commissioners or one hundred
- 4 percent of the actual cost, whichever is less.
- 5 **PARAGRAPH DIVIDED.** The commissioners shall
- 6 establish the estimated cost of permanent soil and

7 water conservation practices in the district based  
 8 upon one and two-tenths of the average cost of the  
 9 practices installed in the district during the  
 10 previous year. The average costs shall be reviewed  
 11 and approved by the commissioners each calendar year."

12 28. Page 24, by inserting after line 27 the  
 13 following:

14 "\_\_\_\_\_. Page 17, by striking lines 25 through 27."

15 29. Page 24, lines 37 and 38, by striking the  
 16 words "for city storm water drainage systems,".

17 30. By renumbering, relettering, or redesignating  
 18 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6182.

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

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

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker
			Avenson

The nays were, 16:

Banks	Bennett	Carpenter	Eddie
Garman	Hermann	Iverson	Maulsby
Miller	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Spenner	Van Maanen

Absent or not voting, 4:

Fuller                      Pavich                      Pellett                      Stueland

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

The House stood at ease at 7:50 p.m., until the fall of the gavel.

The House resumed session at 8:30 p.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

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

JOHN F. DWYER, Secretary

### SENATE AMENDMENT CONSIDERED

Buhr of Polk called up for consideration **House File 2235**, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards, amended by the Senate amendment H-6178 as follows:

H-6178

- 1 Amend House File 2235, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 601K.91, Code 1989, is amended
- 6 by adding the following new subsection 1, and
- 7 renumbering subsequent subsections:
- 8 **NEW SUBSECTION. 1.** "Commission" means the
- 9 commission on community action agencies."
- 10 2. Page 1, by striking lines 1 through 5, and
- 11 inserting the following:
- 12 "Sec. \_\_\_\_\_. Section 601K.92, Code 1989, is amended
- 13 to read as follows:
- 14 **601K.92 DIRECTOR ADMINISTRATOR DUTIES.**
- 15 The administrator shall:
- 16 1. Administer the division.
- 17 2. Implement programs required in the division.

18 3. Adopt rules pursuant to chapter 17A to  
 19 administer the division.  
 20 4 3. Issue an annual report to the governor and  
 21 general assembly on January 15 of each year regarding  
 22 the community action programs conducted within the  
 23 state.  
 24 Sec. \_\_\_\_\_. NEW SECTION. 601K.92A COMMISSION  
 25 ESTABLISHED.  
 26 1. The commission on community action agencies is  
 27 created, composed of nine members appointed by the  
 28 governor, subject to confirmation by the Senate. The  
 29 membership of the commission shall reflect the  
 30 composition of local community action agency boards as  
 31 follows:  
 32 a. One-third of the members shall be elected  
 33 officials.  
 34 b. One-third of the members shall be  
 35 representatives of business, industry, labor,  
 36 religious, welfare, and educational organizations, or  
 37 other major interest groups.  
 38 c. One-third of the members shall be persons who,  
 39 according to federal guidelines, have incomes at or  
 40 below poverty level.  
 41 2. Commission members shall serve three-year terms  
 42 which shall begin and end pursuant to section 69.19.  
 43 Vacancies on the commission shall be filled for the  
 44 remainder of the term of the original appointment.  
 45 Members whose terms expire may be reappointed.  
 46 Members of the commission shall receive actual  
 47 expenses for their services. Members may also be  
 48 eligible to receive compensation as provided in  
 49 section 7E.6. The membership of the commission shall  
 50 also comply with the political party affiliation and

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1 gender balance requirements of sections 69.16 and  
 2 69.16A.  
 3 3. The commission shall select from its membership  
 4 a chairperson and other officers as it deems  
 5 necessary. A majority of the members of the  
 6 commission shall constitute a quorum.  
 7 Sec. \_\_\_\_\_. NEW SECTION. 601K.92B DUTIES OF THE  
 8 COMMISSION.  
 9 The commission shall:  
 10 1. Meet at least quarterly to review the progress  
 11 of programs of the division.  
 12 2. Adopt rules pursuant to chapter 17A as it deems  
 13 necessary for the commission and division, including  
 14 rules concerning programs and policies for all bureaus  
 15 of the division.  
 16 3. Supervise the collection of data relative to

17 the scope of services provided by the community action  
18 agencies.

19 4. Recommend legislation to the governor and the  
20 general assembly designed to improve the status of  
21 low-income persons in the state."

22 3. Page 1, by striking lines 25 and 26.

23 4. Page 1, by inserting after line 27 the  
24 following:

25 "Sec. \_\_\_\_\_. CONTINGENCY – CREATION OF COMMISSION  
26 ON COMMUNITY ACTION AGENCIES.

27 If the commission on community action agencies is  
28 established, the provisions of 1990 Iowa Acts, House  
29 File 2294, creating the affordable heating program  
30 advisory council, shall not be implemented."

31 5. By renumbering, relettering, or redesignating  
32 and correcting internal references as necessary.

Buhr of Polk offered the following amendment H–6180, to the Senate amendment H–6178, filed by her and Carpenter of Polk from the floor and moved its adoption:

H–6180

1 Amend the Senate amendment, H–6178, to House File  
2 2235, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 2, by striking lines 25 through 30 and  
5 inserting the following:

6 "Sec. \_\_\_\_\_.

7 The provisions of 1990 Iowa Acts, House File 2294,  
8 creating the affordable heating program advisory  
9 council, are repealed July 1, 1992."

Amendment H–6180 was adopted.

On motion by Buhr of Polk, the House concurred in the Senate amendment H–6178, as amended.

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

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

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer

Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Fuller	Hermann	Hibbard	Plasier
Stueland			

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

**IMMEDIATE MESSAGES**  
(House File 2235 and Senate File 2153)

Arnould of Scott asked and received unanimous consent that House File 2235 and Senate File 2153 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE**  
(House File 2534)

Jesse of Jasper called up for consideration the report of the conference committee on House File 2534 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2534**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2534, a bill for an act relating to sanitary disposal projects, respectfully make the following report:

1. That the House recedes from its amendment, S-5914.

2. That the Senate recedes from its amendment, H-5745.

3. That House File 2534, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking everything after the enacting clause, and inserting the following:

"Section 1. **NEW SECTION. 455B.305A LOCAL APPROVAL OF SANITARY LANDFILL AND INFECTIOUS WASTE INCINERATOR PROJECTS.**

1. Prior to the siting of a proposed, new sanitary landfill or infectious waste incinerator, a city, county, or private agency, with the exception of a private agency disposing of waste which the agency generates on property owned by the agency as of January 1, 1990, shall submit a request for local siting approval to the city council or county board of supervisors which governs the city or county in which the proposed site is to be located. The city council or county board of supervisors shall approve or disapprove the site for each sanitary landfill or infectious waste incinerator.

2. An applicant for siting approval shall submit information to the city council or county board of supervisors to demonstrate compliance with the requirements prescribed by this chapter regarding a sanitary landfill or infectious waste incinerator. Siting approval shall be granted only if the proposed project meets all of the following criteria:

a. The project is necessary to accommodate the solid waste management needs of the area which the project is intended to serve.

b. The project is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.

c. The project is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. The city council or county board of supervisors shall consider the advice of the appropriate planning and zoning commission regarding the application.

d. The plan of operations for the project is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents.

e. The traffic patterns to or from the project are designed in order to minimize the impact on existing traffic flows.

f. Information regarding the previous operating experience of a private agency applicant and its subsidiaries or parent corporation in the area of solid waste management or related activities are made available to the city council or county board of supervisors.

g. The department of natural resources has been consulted by the city council or board of supervisors prior to the approval.

3. No later than fourteen days prior to a request for siting approval, the applicant shall cause written notice of the request to be served either in person or by restricted certified mail on the owners of all property within the proposed local site area not solely owned by the applicant, and on the owners of all property within one thousand feet in each direction of the lot line of the proposed local site property if the proposed local site is within the city limits, or within two miles in each direction of the lot line of the proposed local site property if the proposed local site is outside of the city limits. The owners shall be identified based upon the authentic tax records of the county in which the project is to be located.

Written notice shall be published in the official newspaper of the county in which the site is located. The notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on the request.

4. An applicant shall file a copy of its request with the department and with the city council or the county board of supervisors in which the proposed site is located. The request shall include the substance of the applicant's proposal and all documents, if any, submitted as of that date to the department pertaining to the proposed project. All documents or other materials pertaining to the proposed project on file with the city council or county board of supervisors shall be made available for public inspection at the office of the city council or county board of supervisors and may be copied upon payment of the actual cost of reproduction.

Any person may file written comment with the city council or county board of supervisors concerning the appropriateness of the proposed site for its intended purpose. The city council or county board of supervisors shall consider any comment received or postmarked not later than thirty days after the date of the last public hearing.

5. At least one public hearing shall be held by the city council or county board of supervisors no sooner than ninety days but no later than one hundred twenty days from receipt of the request for siting approval. A hearing shall be preceded by published notice in an official newspaper of the county of the proposed site, including in any official newspaper located in the city of the proposed site. The public hearing shall develop a record sufficient to form the basis of an appeal of the decision.

6. Decisions of the city council or the county board of supervisors shall be in writing, specifying the reasons for the decision. The written decision of the city council or the county board of supervisors shall be available for public inspection at the office of the city council or county board of supervisors and may be copied upon payment of the actual cost of reproduction. Final action shall be taken by the city council or the county board of supervisors within one hundred eighty days after the filing of the request for site approval.

At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for questioning by the city council or the county board of supervisors and members of the public, the applicant may file not more than one amended application upon payment of additional fees pursuant to subsection 9. The time limitation for final action on an amended application shall be extended for an additional ninety days.

7. Construction of a project which is granted local siting approval under this section shall commence within one calendar year from the date upon which it was granted or the permit shall be nullified. If the local siting decision is appealed, the one-year period shall begin on the date upon which the appeal process is concluded.

8. The local siting approval, criteria, and appeal procedures provided for in this section and in section 455B.305B are the exclusive local siting procedures and appeal procedures. Local zoning, ordinances, or other local land use requirements may be considered in such siting decisions.

9. A city council or a county board of supervisors shall charge an applicant for siting approval, under this section, a fee to cover the reasonable and necessary costs incurred by the city or county in the siting approval process.

10. An applicant shall not file a request for local siting approval which is substantially the same as a request which was denied within the preceding two years pursuant to a finding against the applicant under the established criteria.

#### Sec. 2. NEW SECTION. 455B.305B APPEAL FROM DECISION.

1. If the city council or the county board of supervisors does not approve a siting request under section 455B.305A, the applicant, within sixty days of notice of the decision, may petition for a hearing before the commission or the commission's designee to contest the decision. The city council or the county board of supervisors shall appear as respondent in the hearing. At the hearing, the burden of proof shall be on the petitioner. In making its orders and determinations under this section, the commission or the commission's designee shall consider the written decision and reasons for the decision of the city council or the county board of supervisors and the transcribed record of the hearing held pursuant to section 455B.305A. The commission or the commission's designee shall transmit a copy of its decision to the office of the city council or the county board of supervisors where it shall be available for public inspection and copied upon payment of the actual cost of reproduction. Final action by the commission or the commission's designee shall be taken within one hundred twenty days.

2. If the city council or the county board of supervisors grants approval under section 455B.305A, a third party other than the applicant who participated in the public hearing conducted by the city council or the county board of supervisors, may petition the commission or the commission's designee within sixty days of filing of the written decision at the office of the city council or county board of supervisors for a hearing to contest the approval. Unless the commission or the commission's designee determines that the petition is duplicitous or frivolous, the commission or the commission's designee shall hear the petition in accordance with the procedures of subsection 1. The burden of proof shall be on the petitioner, and the city council or the county board of supervisors and the applicant shall be named as correspondents.

The commission or the commission's designee shall transmit a copy of its decision to the office of the city council or the county board of supervisors where it shall be available for public inspection and may be copied upon payment of the actual cost of reproduction.

3. Any person who files a petition to contest a decision of the city council or the county board of supervisors shall pay a reasonable filing fee.

4. Judicial review may be sought of actions of the commission or the commission's designee in accordance with chapter 17A.

**Sec. 3. NEW SECTION. 455B.315 RADIOACTIVE MATERIALS – PROHIBITED DEPOSIT IN SANITARY LANDFILLS.**

A person shall not dispose of, and a sanitary landfill shall not accept for final disposal, radioactive materials, as defined as of January 1, 1990, pursuant to section 136C.1.

Sec. 4. Section 455D.9, subsection 2, Code Supplement 1989, is amended to read as follows:

2. The department shall assist local communities in the development of collection systems for yard waste generated from residences and shall assist in the establishment of local composting facilities. By July 1, 1990, Within one hundred twenty days of the adoption of rules by the department regarding yard waste, each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. Municipalities which provide a collection system for solid waste shall provide for a collection system for yard waste which is not composted.

**Sec. 5. MORATORIUM – COMMERCIAL INFECTIOUS WASTE INCINERATORS.**

The department of natural resources shall not grant a permit for the construction or operation of a commercial infectious waste incinerator prior to July 1, 1991. The moratorium does not apply to a hospital licensed pursuant to chapter 135B which accepts waste from other infectious waste generators if the total amount of infectious waste accepted from other generators is less than sixty-six percent of the infectious waste incinerated.

**Sec. 6. DEAD ANIMAL DISPOSAL – RULES – REPORT REQUIRED.**

1. The disposal of dead animals is an issue of great importance to the state both in terms of protection of animal populations from the transmission of diseases and the protection of groundwater from contamination. The preference for the disposal of dead animals is rendering. If rendering is not possible, or the operator is unwilling to accept dead animals, then land disposal is an acceptable option.

2. The department of natural resources shall provide the Iowa state university of science and technology extension service with copies of the rules related to the on-farm disposal of dead animals. The department of natural resources shall also cooperate in the preparation and circulation of information which explains how to comply with the rules and encourages the practice as an alternative to disposal of dead animals at a landfill.

At the October 1990 meeting of the administrative rules review committee of the legislative council, the department of natural resources shall provide a report on the implementation of the rules and shall report on changes which are being made to address problems which have been identified.

**Sec. 7. RETROACTIVITY.**

Section 5 of this Act is retroactively applicable to January 1, 1990.

**Sec. 8. REPEAL.**

Section 2 of this Act is repealed effective June 30, 1991.

**Sec. 9. EFFECTIVE DATE.**

This Act, being deemed of immediate importance, takes effect upon enactment."

2. Title page, line 1, by striking the words "sanitary disposal projects" and inserting the following: "waste disposal, providing a retroactive applicability date, and providing an effective date".

ON THE PART OF THE HOUSE:

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

ON THE PART OF THE SENATE:

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

The motion prevailed and the conference committee report was adopted.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2534)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Fuller                      Hermann                      Ollie                      Stueland

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

Hanson of Delaware in the chair at 8:45 p.m.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 123

Svoboda of Tama called up for consideration Senate Concurrent Resolution 123, relating to manipulative practices by the Chicago Board of Trade and the Commodity Futures Commission causing hardship on agricultural economies, and emphasizing the need to support fair and equitable pricing of agricultural commodities.

The motion prevailed and the resolution was adopted.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 366, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property.

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

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

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

House File 2057, a bill for an act relating to prohibited interests in public contracts.

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

House File 2235, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards.

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

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

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

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

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

House File 2557, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges.

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

House File 2567, a bill for an act relating to and making appropriations from the energy conservation trust.

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

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

Also: That the Senate has on April 7, 1990, insisted on its amendment to Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Kinley, Chair; the Senator from Marion, Senator Dieleman; the Senator from Polk, Senator Szymoniak; the Senator from Black Hawk, Senator Lind; the Senator from Black Hawk, Senator Corning.

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

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

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

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

JOHN F. DWYER, Secretary

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on appropriations.

The House stood at ease at 8:46 p.m., until the fall of the gavel.

The House resumed session at 9:56 p.m., Speaker Avenson in the chair.

**IMMEDIATE MESSAGE**

(House File 2534)

Arnould of Scott asked and received unanimous consent that House File 2534 be immediately messaged to the Senate.

**MOTION TO RECONSIDER LOST**

(Senate File 2429)

Chapman of Linn called up for consideration the motion to reconsider Senate File 2429, filed by her from the floor on April 7, 1990, and moved to reconsider the vote by which Senate File 2429, a bill for an act relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions, passed the House and was placed on its last reading on April 7, 1990.

A non-record roll call was requested.

The ayes were 14, nays 45.

The motion to reconsider lost.

**IMMEDIATE MESSAGE**

(Senate File 2425)

Arnould of Scott asked and received unanimous consent that Senate File 2425 be immediately messaged to the Senate.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Hermann of Scott, for the remainder of the day, on request of Iverson of Wright.

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 2422)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2422: Jochum of Dubuque, Chair; Miller of Cherokee, Hansen of Woodbury, Halvorson of Clayton and Arnould of Scott.

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules to immediately consider Senate File 2433, not eligible for debate today.

**COMMITTEE RECOMMENDATION**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6191** April 7, 1990.

**Appropriations Calendar**

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

Swartz of Marshall offered the following amendment H-6191 filed by the committee on appropriations and moved its adoption:

H-6191

1 Amend Senate File 2433, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, lines 6 and 7, by striking the words  
 4 "two million" and inserting the following: "one  
 5 million five hundred thousand".  
 6 2. Page 12, by inserting after line 3, the  
 7 following:  
 8 "\_\_\_\_\_. To the department of public defense, the sum  
 9 of five hundred thousand dollars for construction of a  
 10 STARC armory at Camp Dodge to house national guard  
 11 units and to use the basement area to continue state  
 12 government activities which include the state  
 13 alternate emergency operations center, the Iowa  
 14 communications network primary "HUB", and associated  
 15 disaster service divisions required to maintain  
 16 continuity of state government."

The committee amendment H-6191 was adopted.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 40:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalfe	Miller

Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

Absent or not voting, 7:

Brown	Fuller	Hermann	Jesse
Shearer	Shoultz	Stueland	

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

**IMMEDIATE MESSAGE**  
(Senate File 2433)

Arnould of Scott asked and received unanimous consent that Senate File 2433 be immediately messaged to the Senate.

**SENATE AMENDMENT CONSIDERED**

Connors of Polk called up for consideration **House File 2557**, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges, amended by the Senate, and moved that the House concur in the following Senate amendment H—6183:

H—6183

- 1 Amend House File 2557, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 30, by striking the words "one or
- 4 more of the utility or enterprise" and inserting the
- 5 following: "water".
- 6 2. Page 1, line 30, by inserting after the word
- 7 "are" the following: "separately metered and".
- 8 3. Page 1, line 34, by inserting after the word
- 9 "charges" the following: "and a deposit not exceeding
- 10 the usual cost of ninety days of water service is paid
- 11 to the utility or enterprise".
- 12 4. By striking page 1, line 35 through page 2,
- 13 line 1, and inserting the following: "or enterprise
- 14 shall acknowledge the notice and deposit. A written".
- 15 5. Page 2, line 5, by inserting after the word
- 16 "notice" the following: "and deposit. When the
- 17 tenant moves from the rental property, the utility or
- 18 enterprise shall return the deposit if the water
- 19 service charges are paid in full and the lien
- 20 exemption shall be lifted from the rental property".
- 21 6. Page 2, line 6, by striking the words "utility
- 22 or enterprise" and inserting the following: "water".
- 23 7. Page 2, line 7, by inserting after the word
- 24 "delinquent." the following: "When one or more of the
- 25 utility or enterprise services become delinquent, the

26 utility or enterprise shall give delinquency notice to  
 27 the landlord who has filed a request containing the  
 28 name and address of the person to be notified when the  
 29 tenant is notified of the delinquency.”  
 30 8. Page 2, line 11, by inserting after the word  
 31 “record” the following: “who has filed a request  
 32 containing the name and address of the person to be  
 33 notified”.

The motion prevailed and the House concurred in the Senate amendment H—6183.

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

On the question “Shall the bill pass?” (H.F. 2557)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Rosner	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Blanshan	Brown	Doderer	Fuller
Hermann	Jesse	Shoultz	Stueland

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

Hansen of Woodbury in the chair at 11:30 p.m.

SENATE AMENDMENT CONSIDERED

Schrader of Marion called up for consideration **House File 656**, a bill for an act relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind, amended by the Senate, and moved that the House concur in the following Senate amendment H—6187:

H—6187

1 Amend House File 656, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 1, by inserting after the word  
4 "Code" the following: "Supplement".

5 2. Page 1, by striking lines 6 through 12 and  
6 inserting the following: "product. The department of  
7 general services shall also purchase, whenever the  
8 price is reasonably competitive and the quality  
9 intended, and in keeping with the schedule established  
10 in this subsection, soybean-based inks and starch-  
11 based plastics, including but not limited to starch-  
12 based plastic garbage can liners".

13 3. Page 1, line 19, by striking the figure "1990"  
14 and inserting the following: "1991".

15 4. Page 1, by inserting before line 21 the  
16 following:

17 "\_\_\_\_\_. By July 1, 1991, a minimum of twenty-five  
18 percent of the purchases of inks, other than inks  
19 which are used for newsprint printing services, and  
20 which are used internally or contracted for by the  
21 department of general services, shall be soybean-based  
22 to the extent formulations for such inks are  
23 available. The percentage of purchases by the  
24 department of the soybean-based inks, to the extent  
25 formulations for such inks are available, shall  
26 increase by July 1, 1992, to fifty percent of the  
27 total purchases of the inks, and shall increase by  
28 July 1, 1993, to one hundred percent of the total  
29 purchases of the inks."

30 5. Page 1, by striking lines 24 through 30 and  
31 inserting the following: "liners. The percentage  
32 purchased shall increase by five percent annually  
33 until fifty percent of the purchases of garbage can  
34 liners are purchases of starch-based plastic garbage  
35 can liners."

36 6. Page 2, line 11, by striking the words "based,  
37 and methods of disposing of the inks and liners" and

38 inserting the following: "based".

39 7. Page 2, line 12, by inserting after the word  
40 "Code" the following: "Supplement".

41 8. Page 2, by striking lines 15 through 22 and  
42 inserting the following: "personal, belonging to the  
43 institutions. The board shall purchase or require the  
44 purchase of, whenever the price is reasonably  
45 competitive and the quality intended, and in keeping  
46 with the schedule established in this subsection,  
47 soybean-based inks and starch-based plastics,  
48 including but not limited to starch-based plastic  
49 garbage can liners."

50 9. Page 2, line 28, by striking the figure "1990"

## Page 2

1 and inserting the following: "1991".

2 10. Page 2, by inserting after line 30 the  
3 following:

4 "\_\_\_\_\_. By July 1, 1991, a minimum of twenty-five  
5 percent of the purchases of inks, other than inks  
6 which are used for newsprint printing services, and  
7 which are used internally or contracted for by the  
8 board shall be soybean-based to the extent  
9 formulations for such inks are available. The  
10 percentage of purchases by the board of the soybean-  
11 based inks, to the extent formulations for such inks  
12 are available, shall increase by July 1, 1992, to  
13 fifty percent of the total purchases of the inks, and  
14 shall increase by July 1, 1993, to one hundred percent  
15 of the total purchases of the inks."

16 11. By striking page 2, line 33 through page 3,  
17 line 5, and inserting the following: "starch-based  
18 plastic garbage can liners. The percentage purchased  
19 shall increase by five percent annually until fifty  
20 percent of the purchases of garbage can liners are  
21 purchases of starch-based plastic garbage can liners."

22 12. Page 3, by striking lines 6 and 7 and  
23 inserting the following:

24 "c. The board shall report to the general assembly  
25 on ~~January~~ February 1 of each year, the".

26 13. Page 3, by striking lines 19 and 20 and  
27 inserting the following: "liners purchased which are  
28 starch-based."

29 14. Page 3, line 21, by inserting after the word  
30 "Code" the following: "Supplement".

31 15. Page 3, by striking lines 23 and 24 and  
32 inserting the following:

33 "NEW PARAGRAPH. d. The department of natural  
34 resources shall".

35 16. Page 4, by striking lines 1 and 2 and  
36 inserting the following:

37 "NEW PARAGRAPH. h. The department of natural  
38 resources shall cooperate with the".

39 17. Page 4, line 4, by inserting after the word  
40 "Code" the following: "Supplement".

41 18. Page 4, by striking lines 6 through 13 and  
42 inserting the following:

43 "4. a. Provide centralized purchasing services  
44 for the department, in co-operation with the  
45 department of general services. The administrator  
46 shall, whenever the price is reasonably competitive  
47 and the quality intended, purchase soybean-based inks  
48 and starch-based plastics, including but not limited  
49 to starch-based garbage can liners, and shall purchase  
50 these items in accordance with the schedule

**Page 3**

1 established in section 18.18. However, the  
2 administrator need not purchase garbage can liners in  
3 accordance with the schedule if the liners are  
4 utilized by a facility approved by the environmental  
5 protection commission created under section 455A.6,  
6 for purposes of recycling.

7 b. The administrator shall ~~also, in conjunction~~  
8 with recommendations made by the department of natural  
9 resources, purchase do all of the following:

10 (1) Purchase and use recycled printing and writing  
11 paper in accordance with the schedule established in  
12 section 18.18; shall establish and in conjunction with  
13 recommendations made by the department of natural  
14 resources.

15 (2) Establish a wastepaper recycling program by  
16 January 1, 1990, in accordance with recommendations  
17 made by the department of natural resources and the  
18 requirements of section 18.20; shall comply.

19 (3) Comply with the recycling goal, recycling  
20 schedule, and ultimate termination of purchase and use  
21 of polystyrene products for the purpose of storing,  
22 packaging, or serving food for immediate consumption  
23 pursuant to section 455D.16; and shall, in accordance  
24 with section 18.6, require.

25 (4) Require in accordance with section 18.6  
26 product content statements, the provision of  
27 information regarding on-site review of waste  
28 management in product bidding and contract procedures,  
29 and compliance with requirements regarding procurement  
30 specifications."

31 19. Page 4, by striking lines 14 and 15 and  
32 inserting the following:

33 "c. The department shall report to the general  
34 assembly by February 1 of each year, the following:"

35 20. Page 4, by striking lines 26 and 27 and

36 inserting the following: "percentage of liners  
37 purchased which are starch-based."

38 21. Page 4, line 28, by inserting after the word  
39 "Code" the following: "Supplement".

40 22. By striking page 4, line 34 through page 5,  
41 line 1 and inserting the following: "this subsection,  
42 whenever, the price is reasonably competitive and the  
43 quality intended, purchase soybean-based inks and  
44 starch-based plastics, including but not limited to  
45 starch-based garbage can liners."

46 23. Page 5, line 7, by striking the figure "1990"  
47 and inserting the following: "1991".

48 24. Page 5, by striking lines 12 through 18 and  
49 inserting the following: "be starch-based plastic  
50 garbage can liners. The percentage purchased shall

**Page 4**

1 increase by five percent annually until fifty percent  
2 of the purchases of garbage can liners are purchases  
3 of starch-based plastic garbage can liners.

4 \_\_\_\_\_. By July 1, 1991, a minimum of twenty-five  
5 percent of the purchases of inks, other than inks  
6 which are used for newsprint printing services, and  
7 which are used internally or contracted for by the  
8 commission, shall be soybean-based to the extent  
9 formulations for such inks are available. The  
10 percentage of purchases by the commission of the  
11 soybean-based inks, to the extent formulations for  
12 such inks are available, shall increase by July 1,  
13 1992, to fifty percent of the total purchases of the  
14 inks, and shall increase by July 1, 1993, to one  
15 hundred percent of the total purchases of the inks."

16 25. Page 5, by striking lines 19 and 20 and  
17 inserting the following:

18 "c. The commission shall report to the general  
19 assembly on January February 1 of each year, the".

20 26. Page 5, by striking lines 32 and 33 and  
21 inserting the following: "percentage of liners  
22 purchased which are starch-based."

23 27. Page 5, line 34, by inserting after the word  
24 "Code" the following: "Supplement".

25 28. Page 6, by striking lines 1 and 2 and  
26 inserting the following:

27 "NEW PARAGRAPH. d. The department of natural  
28 resources shall".

29 29. Page 6, by striking lines 15 and 16 and  
30 inserting the following:

31 "NEW PARAGRAPH. g. The department of natural  
32 resources shall cooperate with the".

33 30. Page 6, by striking lines 18 through 21.

34 31. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6187.

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

On the question "Shall the bill pass?" (H.F. 656)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Röyer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Hansen, S. D.			
Presiding			

The nays were, none.

Absent or not voting, 7:

Clark	Doderer	Fuller	Hermann
Jesse	Jochum	Stueland	

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

Speaker Avenson in the chair at 11:37 p.m.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass, for the remainder of the evening, on request of Van Maanen of Mahaska.

## SENATE AMENDMENTS CONSIDERED

Beatty of Warren called up for consideration **House File 2268**, a bill for an act relating to discovery and the statute of limitations in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act's applicability, amended by the Senate, and moved that the House concur in the following Senate amendment H—6188:

H—6188

- 1 Amend House File 2268 as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 25, by inserting after the word
- 4 "child" the following: ", but not discovered until
- 5 after the injured person is of the age of majority,".

The motion prevailed and the House concurred in the Senate amendment H—6188.

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

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

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhausser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier

Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Blanshan	Branstad	Carpenter	Doderer
Fuller	Gruhn	Hermann	Jochum
Siegrist	Stueland		

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

Jay of Appanoose called up for consideration **House File 2517**, a bill for an act establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date, amended by the Senate amendment H—5817 as follows:

H—5817

- 1 Amend House File 2517 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 135H.6, subsection 5, Code
- 6 Supplement 1989, is amended by striking the subsection
- 7 and inserting in lieu thereof the following:
- 8 5. The department of human services has submitted
- 9 written approval of the application based on the
- 10 department of human services' determination of need.
- 11 The department of human services shall identify the
- 12 location and number of children in the state who
- 13 require the services of a psychiatric medical
- 14 institution for children. Approval of an application
- 15 shall be based upon the location of the proposed
- 16 psychiatric institution relative to the need for
- 17 services identified by the department of human
- 18 services and an analysis of the applicant's ability to
- 19 provide services and support consistent with
- 20 requirements under chapter 232, particularly regarding
- 21 community-based treatment. If the proposed
- 22 psychiatric institution is not freestanding from a
- 23 facility licensed under chapter 135B or 135C, approval

24 under this subsection shall not be given unless the  
25 department of human services certifies that the  
26 proposed psychiatric institution is capable of  
27 providing a resident with a living environment similar  
28 to the living environment provided by a licensee which  
29 is freestanding from a facility licensed under chapter  
30 135B or 135C. Unless a psychiatric institution was  
31 accredited to provide psychiatric services by the  
32 joint commission on the accreditation of health care  
33 organizations under the commission's consolidated  
34 standards for residential settings prior to June 1,  
35 1989, the department of human services shall not  
36 approve an application for a license under this  
37 chapter until the federal health care financing  
38 administration has approved a state Title XIX plan  
39 amendment to include coverage of services in a  
40 psychiatric medical institution for children. In  
41 addition, either of the following conditions must be  
42 met:

43 a. The department of human services shall not give  
44 approval to an application which would cause the total  
45 number of beds licensed under this chapter to exceed  
46 three hundred sixty beds, except as provided in  
47 paragraph "b", with not more than three hundred of the  
48 beds licensed under chapter 237 before January 1,  
49 1989, and not more than sixty of the beds licensed  
50 under chapter 237 on or after January 1, 1989.

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1 b. The department of human services shall not give  
2 approval to an application which would cause the total  
3 number of beds licensed under this chapter after June  
4 30, 1990, which specialize in providing substance  
5 abuse treatment to children to exceed seventy beds.

6 Sec. 2. Section 135H.6, subsection 6, Code  
7 Supplement 1989, is amended to read as follows:

8 6. The proposed psychiatric institution is under  
9 the direction of an agency which has operated a  
10 facility licensed under section 237.3, subsection 2,  
11 paragraph "a", subparagraph (3), for three years or of  
12 an agency which has operated a facility for three  
13 years providing psychiatric services exclusively to  
14 children or adolescents and the facility meets or  
15 exceeds requirements for licensure under section  
16 237.3, subsection 2, paragraph "a", subparagraph (3).

17 Sec. 3. Section 217.8, Code 1989, is amended to  
18 read as follows:

19 217.8 DIVISION OF CHILD AND FAMILY SERVICES.

20 The administrator of the division of child and  
21 family services shall be qualified by training,  
22 experience and education in the field of welfare and

23 social problems. The administrator shall be entrusted  
 24 is charged with the administration of programs  
 25 involving neglected, dependent and delinquent  
 26 children, child welfare, aid to dependent children,  
 27 and aid to disabled persons and shall administer and  
 28 be in control of the Iowa juvenile home, the state  
 29 training school, and other related programs  
 30 established for the general welfare of families,  
 31 adults and children as directed by the director.

32 Sec. 4. Section 218.9, unnumbered paragraph 2,  
 33 Code 1989, is amended by striking the paragraph.

34 Sec. 5. Section 220.3, Code 1989, is amended by  
 35 adding the following new subsection:

36 NEW SUBSECTION. 13A. There is a need in areas of  
 37 the state to establish facilities providing  
 38 residential housing or treatment facilities for  
 39 juveniles requiring a more enhanced level of services  
 40 than those services currently available in the state's  
 41 existing foster care system.

42 Sec. 6. NEW SECTION. 220.155 RESIDENTIAL  
 43 TREATMENT FACILITIES.

44 1. The authority may issue its bonds and notes and  
 45 loan the proceeds of the bonds or notes to a nonprofit  
 46 corporation for the purpose of financing the  
 47 acquisition or construction of residential housing or  
 48 treatment facilities serving juveniles or handicapped  
 49 or disabled persons.

50 2. The authority may enter into a loan agreement

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1 with a nonprofit corporation for the purpose of  
 2 financing the acquisition or construction of  
 3 residential housing or treatment facilities serving  
 4 juveniles or handicapped or disabled persons and shall  
 5 provide for payment of the loan and security for the  
 6 loan as the authority deems advisable.

7 3. In the resolution authorizing the issuance of  
 8 the bonds or notes pursuant to this section, the  
 9 authority may provide that the related principal and  
 10 interest are limited obligations payable solely out of  
 11 the revenues derived from the debt obligation,  
 12 collateral, or other security furnished by or on  
 13 behalf of the nonprofit corporation, and the principal  
 14 or interest does not constitute an indebtedness of the  
 15 authority or a charge against the authority's general  
 16 credit or general fund.

17 4. The powers granted the authority under this  
 18 section are in addition to the authority's other  
 19 powers under this chapter. All other provisions of  
 20 this chapter, except section 220.28, subsection 4,  
 21 apply to bond or notes issued pursuant to, and powers

22 granted to the authority under this section, except to  
23 the extent the provisions are inconsistent with this  
24 section.

25 Sec. 7. Section 232.52, subsection 2, paragraph e,  
26 Code 1989, is amended to read as follows:

27 e. An order transferring the guardianship of the  
28 child, subject to the continuing jurisdiction of the  
29 court for the purposes of section 232.54, to the  
30 director of the department of human services for  
31 purposes of placement in the state training school or  
32 other facility provided that the child is at least  
33 twelve years of age and the court finds the placement  
34 to be in the best interests of the child or necessary  
35 for the protection of the public, and that the child  
36 has been found to have committed an act which is a  
37 forcible felony, as defined in section 702.11, or the  
38 court finds any three of the following conditions  
39 exist:

40 (1) The child is at least twelve fifteen years of  
41 age; and.

42 (2) The court finds such placement to be in the  
43 best interests of the child or necessary to the  
44 protection of the public. The child has committed an  
45 act which would be an aggravated misdemeanor or a  
46 felony if the act were committed by an adult.

47 (3) The child has previously been found to have  
48 committed a delinquent act.

49 (4) The child has previously been placed outside  
50 the child's home.

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1 Sec. 8. Section 232.52, Code 1989, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 8. a. Upon receipt of an  
4 application from the director of the department of  
5 human services, the court shall enter an order to  
6 temporarily transfer a child who has been placed in  
7 the state training school pursuant to subsection 2,  
8 paragraph "e", to a facility which has been designated  
9 to be an alternative placement site for the state  
10 training school, provided the court finds both of the  
11 following conditions exist:

12 (1) There is insufficient time to file a motion  
13 and hold a hearing for a substitute dispositional  
14 order under section 232.54.

15 (2) Immediate removal of the child from the state  
16 training school is necessary to safeguard the child's  
17 physical or emotional health.

18 b. If the court finds the conditions in paragraph  
19 "a" exist and there is insufficient time to provide  
20 notice as required under rule of juvenile procedure

21 4.6, the court may enter an ex parte order temporarily  
22 transferring the child to the alternative placement  
23 site.

24 c. Within three days of the child's transfer, the  
25 director shall file a motion for a substitute  
26 dispositional order under section 232.54 and the court  
27 shall hold a hearing concerning the motion within  
28 fourteen days of the child's transfer.

29 Sec. 9. Section 232.54, Code 1989, is amended by  
30 adding the following new subsection:

31 NEW SUBSECTION. 6. With respect to a temporary  
32 transfer order made pursuant to section 232.52,  
33 subsection 8, if the court finds that removal of a  
34 child from the state training school is necessary to  
35 safeguard the child's physical or emotional health,  
36 the court shall grant the director's motion for a  
37 substitute dispositional order to place the child in a  
38 facility which has been designated to be an  
39 alternative placement site for the state training  
40 school.

41 Sec. 10. Section 232.102, subsection 3, Code 1989,  
42 is amended to read as follows:

43 3. After a dispositional hearing and upon written  
44 findings of fact based upon evidence in the record  
45 that an alternative placement set forth in subsection  
46 1, paragraph "b" has previously been made and is not  
47 appropriate the court may enter an order transferring  
48 the guardianship of the court for the purposes of  
49 subsection 7, to the ~~commissioner~~ director of human  
50 services for the purposes of placement in the Iowa

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1 Juvenile Home juvenile home at Toledo.

2 Sec. 11. Section 232.102, Code 1989, is amended by  
3 adding the following new subsection:

4 NEW SUBSECTION. 3A. a. Upon receipt of an  
5 application from the director of the department of  
6 human services, the court shall enter an order to  
7 temporarily transfer a child who has been placed in  
8 the Iowa juvenile home at Toledo pursuant to  
9 subsection 3, to a facility which has been designated  
10 to be an alternative placement site for the juvenile  
11 home, provided the court finds both of the following  
12 conditions exist:

13 (1) There is insufficient time to file a motion  
14 and hold a hearing for a new dispositional order under  
15 section 232.103.

16 (2) Immediate removal of the child from the  
17 juvenile home is necessary to safeguard the child's  
18 physical or emotional health.

19 b. If the court finds the conditions in paragraph

20 "a" exist and there is insufficient time to provide  
21 notice as required under rule of juvenile procedure  
22 4.6, the court may enter an ex parte order temporarily  
23 transferring the child to the alternative placement  
24 site.

25 c. Within three days of the child's transfer, the  
26 director shall file a motion for a new dispositional  
27 order under section 232.103 and the court shall hold a  
28 hearing concerning the motion within fourteen days of  
29 the child's transfer.

30 Sec. 12. Section 232.103, Code 1989, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 7. With respect to a temporary  
33 transfer order made pursuant to section 232.102,  
34 subsection 3A, if the court finds that removal of a  
35 child from the Iowa juvenile home is necessary to  
36 safeguard the child's physical or emotional health,  
37 the court shall grant the director's motion for a new  
38 dispositional order to place the child in a facility  
39 which has been designated to be an alternative  
40 placement site for the juvenile home.

41 Sec. 13. Section 232.142, subsection 3, Code 1989,  
42 is amended to read as follows:

43 3. Approved A county or multicounty juvenile homes  
44 home approved pursuant to this section shall be  
45 entitled to receive financial aid from the state in  
46 the amount and in such a manner as determined approved  
47 by the director. Aid paid by the state shall not  
48 exceed be at least ten percent and not more than fifty  
49 percent of the total cost of the establishment,  
50 improvements, operation, and maintenance of such a the

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1 home.

2 Sec. 14. NEW SECTION. 237.14 ENHANCED FOSTER  
3 CARE SERVICES.

4 The department shall provide for enhanced foster  
5 care services by establishing supplemental per diem or  
6 performance-based contracts which include payment of  
7 costs relating to payments of principal and interest  
8 for bonds and notes issued pursuant to section 220.155  
9 with facilities licensed under this chapter which  
10 provide special services to children who would  
11 otherwise be placed in a state juvenile institution or  
12 an out-of-state program. Before completion of the  
13 department's budget estimate as required by section  
14 8.23, the department shall determine and include in  
15 the estimate the amount which should be appropriated  
16 for enhanced foster care services for the forthcoming  
17 fiscal year in order to provide sufficient services.

18 Sec. 15. Section 242.1, Code 1989, is amended to

19 read as follows:

20 242.1 OFFICIAL DESIGNATION.

21 The training school for juvenile delinquents at  
22 Eldora and the unit for delinquent juveniles at the  
23 Iowa juvenile home at Toledo shall together be known  
24 as the "state training school". For the purpose of  
25 this chapter the word "administrator" or "director"  
26 shall mean means the administrator of the division of  
27 child and family services director of the department  
28 of human services.

29 Sec. 16. Section 242.2, Code 1989, is amended by  
30 striking the section and inserting in lieu thereof the  
31 following:

32 242.2 SUPERINTENDENT — POWERS AND DUTIES.

33 The superintendent has charge and custody of the  
34 juveniles committed to the state training school. The  
35 superintendent shall administer the state training  
36 school and direct the staff in order to provide a  
37 positive living experience designed to prepare the  
38 juveniles for a productive future.

39 Sec. 17. Section 242.4, Code 1989, is amended by  
40 striking the section and inserting in lieu thereof the  
41 following:

42 242.4 EDUCATION AND TRAINING.

43 The state training school shall provide a positive  
44 living experience for older juveniles who require  
45 secure custody and who live at the state training  
46 school for an extended period of time. The education  
47 and training programs provided to the juveniles shall  
48 reflect the age level and extended period of stay by  
49 focusing upon appropriate developmental skills to  
50 prepare the juveniles for productive living.

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1 Sec. 18. Section 244.1, subsection 1, Code 1989,  
2 is amended to read as follows:

3 1. "Administrator" or "director" means the  
4 administrator of the division of child and family  
5 services director of the department of human services.

6 Sec. 19. Section 244.4, Code 1989, is amended to  
7 read as follows:

8 244.4 PROCEDURE.

9 The procedure for commitment to said homes shall be  
10 the same as the home is as provided by chapter 232.

11 Sec. 20. STATE JUVENILE INSTITUTIONS — POPULATION  
12 GUIDELINES.

13 The judicial department, in consultation with the  
14 department of human services, shall develop population  
15 guidelines to indicate the number of children which  
16 may be placed at the state training school or the Iowa  
17 juvenile home at any one time. Within the population

18 guidelines, the judicial department shall allocate to  
19 each judicial district a number of children which may  
20 be placed in a juvenile institution from the district.  
21 The judicial department shall develop procedures to  
22 manage the number of children placed in a juvenile  
23 institution within the population guideline  
24 established for the institution. The guidelines,  
25 allocations, and procedures required by this section  
26 shall be implemented on or before January 1, 1991.

27 Sec. 21. DEVELOPMENT OF CHILDREN'S PROGRAMS IN  
28 COMMUNITY SETTINGS AND OTHER CONCERNS RELATING TO  
29 JUVENILE JUSTICE.

30 1. a. The department of human services and the  
31 supreme court, in consultation with existing providers  
32 of services, 4 members of the general assembly equally  
33 representing the house and senate and both political  
34 parties, and experts in child welfare and juvenile  
35 justice, shall conduct a study identifying the types  
36 of residential programs which should be developed,  
37 either by enhancing reimbursement of foster care  
38 services or of psychiatric medical institutions for  
39 children, to serve the children who are currently in  
40 the following placements: the Iowa juvenile home,  
41 out-of-state facilities at high cost to the state, and  
42 the state training school when the children could be  
43 served in community settings if the proper type of  
44 program were available. The recommendations of the  
45 juvenile justice advisory committee, established by  
46 the legislative council in 1989, regarding the state  
47 training school and the Iowa juvenile home shall be  
48 considered. In addition, the need to develop specific  
49 programs to serve children who are sexual abuse  
50 perpetrators, substance abusers, or have a dual

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1 diagnosis, and the regions of the states where the  
2 specific programs should be located in order to serve  
3 children in community settings, shall be identified.  
4 The department and the supreme court shall complete  
5 the study of the items required under this section on  
6 or before June 1, 1990.

7 b. Based upon the study findings, the department  
8 shall request proposals to develop a total of 120  
9 additional residential placement slots in community  
10 settings and the slots shall be available on or before  
11 October 1, 1991. The department shall work with the  
12 Iowa finance authority and service providers to  
13 finance the development of resources for these slots  
14 at the lowest possible cost. The requests for  
15 proposals shall be issued on or before July 1, 1990.

16 c. Notwithstanding the provisions of section

17 135H.6, subsection 5, psychiatric medical institution  
 18 for children beds developed under this section are not  
 19 subject to the limit upon the number of beds which may  
 20 be provided under psychiatric medical institution for  
 21 children licensure.

22 2. The study group established in subsection 1  
 23 shall continue to study the state juvenile justice  
 24 system and related issues and shall perform other  
 25 tasks when the tasks listed in subsection 1 are com-  
 26 pleted. The study group shall conduct a review and  
 27 develop recommendations regarding certain aspects of  
 28 the system and perform the tasks designated in this  
 29 subsection, and report to the governor and to the  
 30 legislative council as recommendations are developed  
 31 and tasks are performed and submit a final report no  
 32 later than December 1, 1991. The system aspects  
 33 studied and tasks performed shall include but are not  
 34 limited to the following:

35 a. The study group shall seek public-private  
 36 partnerships to modernize the educational and  
 37 vocational programs offered at the state juvenile  
 38 institutions.

39 b. The study group shall develop potential  
 40 placement and program criteria for the state juvenile  
 41 home, based upon the expectation that the home will  
 42 continue to serve as a coeducational juvenile facility  
 43 for 90 youth but shall consider that residential  
 44 treatment program expansions may eliminate the need  
 45 for placements of children found to be in need of  
 46 assistance (CHINA) at the home and that the population  
 47 and population needs may change.

48 c. The study group shall explore the need for  
 49 transitional programs for youth who turn 18 years of  
 50 age while part of the juvenile system, including the

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1 potential for developing a youthful offenders facility  
 2 to deal with youth up to age 21. As part of this  
 3 study, the study group shall review the merit of  
 4 converting the state training school at Eldora to this  
 5 purpose, and the potential for establishing a number  
 6 of regional facilities to serve the population which  
 7 is currently served at the state training school at  
 8 Eldora. The study group also is directed to explore  
 9 the needs for aftercare and extended supervision of  
 10 youth who leave the juvenile system at age 18.

11 **Sec. 22. EFFECTIVE DATES.**

12 1. Sections 1, 2, 5, 6, 14, and 21 of this Act,  
 13 being deemed of immediate importance, take effect upon  
 14 enactment.

15 2. Section 7 of this Act takes effect October 1,

16 1991.”

17 2. Title page, by striking lines 1 through 6 and  
18 inserting the following: “An Act relating to the care  
19 and treatment of juveniles and other persons by  
20 establishing certain dispositional requirements  
21 concerning the state juvenile institutions and their  
22 administration, providing for financing and funding of  
23 certain facilities serving juveniles and other  
24 persons, and providing effective dates.”

Jay of Appanoose offered the following amendment H—6185, to the Senate amendment H—5817, filed by him and Rosenberg of Story from the floor and moved its adoption:

H—6185

1 Amend the amendment, H—5817, to House File 2517, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, line 36, by inserting after the word  
5 “There” the following: “is a need to provide for  
6 early intensive intervention on behalf of juveniles  
7 which is designed to meet the juveniles’ needs and  
8 prevent future antisocial and criminal behavior and  
9 there”.

10 2. Page 3, line 28, by inserting after the word  
11 “jurisdiction” the following: “and custody”.

12 3. Page 3, by striking lines 42 through 44, and  
13 inserting the following: “The court finds such  
14 placement to be in the best interests of the child or  
15 necessary to the protection of the public. The child  
16 has committed an”.

17 4. Page 3, line 45, by inserting after the word  
18 “which” the following: “is a crime against a person  
19 and which”.

20 5. Page 3, line 49, by inserting after the word  
21 “placed” the following: “in a treatment facility”.

22 6. Page 4, line 10, by striking the word “both”  
23 and inserting the following: “that all”.

24 7. Page 4, by inserting after line 17, the  
25 following:

26 “(3) That reasonable attempts to notify the  
27 parents, guardian ad litem, and attorney for the child  
28 have been made.”

29 8. Page 4, line 35, by inserting after the word  
30 “health” the following: “and is in the best interests  
31 of the child”.

32 9. Page 5, line 11, by striking the word “both”  
33 and inserting the following: “that all”.

34 10. Page 5, by inserting after line 18, the  
35 following:

36 “(3) That reasonable attempts to notify the

37 parents, guardian ad litem, and attorney for the child  
38 have been made."

39 11. Page 5, line 36, by inserting after the word  
40 "health" the following: "and is in the best interests  
41 of the child".

42 12. Page 6, by inserting after line 28 the  
43 following:

44 "Sec. 100. Section 242.1, Code 1989, as amended by  
45 this Act, is amended by striking the section and  
46 inserting in lieu thereof the following:

47 242.1 OFFICIAL DESIGNATION.

48 1. Effective January 1, 1992, a diagnosis and  
49 evaluation center and other units are established at  
50 Eldora to provide to juvenile delinquents a program

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1 which focuses upon appropriate developmental skills,  
2 treatment, placements, and rehabilitation.

3 2. The diagnosis and evaluation center which is  
4 used to identify appropriate treatment and placement  
5 alternatives for juveniles and any other units for  
6 juvenile delinquents which are located at Eldora and  
7 the unit for juvenile delinquents at Toledo shall  
8 together be known as the "state training school". For  
9 the purposes of this chapter "director" means the  
10 director of human services and "superintendent" means  
11 the administrator in charge of the diagnosis and  
12 evaluation center for juvenile delinquents and other  
13 units at Eldora and the unit for juvenile delinquents  
14 at Toledo."

15 13. Page 7, line 31, by inserting after the word  
16 "with" the following: "a planning group consisting  
17 of".

18 14. Page 7, line 34, by inserting after the word  
19 "parties," the following: "attorneys who are  
20 experienced in representing juveniles and in juvenile  
21 law,".

22 15. Page 7, line 35, by striking the words  
23 "conduct a study" and inserting the following:  
24 "develop a plan".

25 16. Page 8, line 5, by striking the words "study  
26 of" and inserting the following: "plan involving".

27 17. Page 8, line 7, by striking the words "study  
28 findings" and inserting the following: "plan".

29 18. Page 8, line 22, by striking the word "study"  
30 and inserting the following: "planning".

31 19. Page 8, line 23, by striking the words  
32 "continue to study" and inserting the following:  
33 "also develop a plan for".

34 20. Page 8, line 26, by striking the word "study"  
35 and inserting the following: "planning".

36 21. Page 8, by striking lines 32 through 34 and  
37 inserting the following: "later than December 1,  
38 1991. The plan and planning activities for the state  
39 juvenile justice system shall include but are not  
40 limited to all of the following:".

41 22. Page 8, line 35, by striking the words "The  
42 study group shall seek" and inserting the following:  
43 "Seeking".

44 23. By striking page 8, line 48 through page 9,  
45 line 10 and inserting the following:

46 "d. Developing a plan for converting the state  
47 training school at Eldora, or parts of the facility,  
48 to a statewide diagnosis and evaluation center used to  
49 identify appropriate treatment and placement  
50 alternatives. The plan shall include provisions,

### Page 3

1 including estimated costs, to establish regional  
2 secure treatment facilities for youth who require  
3 intensive treatment in this type of setting for  
4 extended periods of time. The planning group shall  
5 consider potential locations for the facilities near  
6 areas of the state in which a wide variety of support  
7 services, work and training opportunities, and  
8 educational program support are available.

#### 9 Sec. \_\_\_\_\_. YOUTHFUL OFFENDERS PROGRAM.

10 1. Effective July 1, 1992, a youthful offenders  
11 program is established within the department of  
12 corrections to provide for the control, treatment, and  
13 rehabilitation of offenders who are 18 to 21 years of  
14 age.

15 2. The department of corrections shall work with a  
16 task force which shall include representatives of the  
17 supreme court, the department of human services, and  
18 the criminal and juvenile justice planning division of  
19 the department of human rights to develop a proposal  
20 to establish a youthful offenders program within adult  
21 corrections which shall be submitted to the general  
22 assembly and the governor on or before January 2,  
23 1991. The program shall be targeted to persons who  
24 are 18 to 21 years of age and have committed a first  
25 offense and youth who turn 18 years of age while under  
26 the jurisdiction of the juvenile court by providing  
27 aftercare and extended supervision of the youth  
28 through age 21. The task force proposal shall provide  
29 a comprehensive description of the program, including  
30 characteristics of persons to be referred to the  
31 program, a survey of existing state institutions to  
32 identify facilities which may be converted to house  
33 the program, recommended sentencing criteria and  
34 options including deferral of sentence, and

35 recommendations relating to the court's ability to  
 36 place individuals directly in the program."  
 37 24. Page 9, line 16, by striking the figure  
 38 "1991." and inserting the following: "1991.  
 39 3. Section 100 of this Act takes effect January 1,  
 40 1992."  
 41 25. Page 9, line 19, by inserting after the word  
 42 "juveniles" the following: ", youthful offenders,".  
 43 26. Page 9, line 24, by inserting after the word  
 44 "persons," the following: "establishing a youthful  
 45 offenders program in the department of corrections."

Amendment H—6185 was adopted.

On motion by Jay of Appanoose, the House concurred in the Senate amendment H—5817, as amended.

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

On the question "Shall the bill pass?" (H.F. 2517)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 14:

Branstad	Carpenter	Clark	Cohon
Fey	Fogarty	Fuller	Hermann
Holveck	Murphy	Plasier	Stueland
Swartz	Tabor		

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

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, adopted the conference committee report and passed House File 2534, a bill for an act relating to sanitary disposal projects.

JOHN F. DWYER, Secretary

**IMMEDIATE MESSAGE  
(House File 2517)**

Arnould of Scott asked and received unanimous consent that House File 2517 be immediately messaged to the Senate.

**SENATE AMENDMENT CONSIDERED**

Schrader of Marion called up for consideration **House File 2567**, a bill for an act relating to and making appropriations from the energy conservation trust, amended by the Senate amendment H-6189 as follows:

H-6189

1 Amend House File 2567 as passed by the House as  
2 follows:

3 1. Page 1, by striking lines 29 through 33 and  
4 inserting the following: "advisory group shall assist  
5 the soil conservation division of the department of  
6 agriculture and land stewardship in the project design  
7 and implementation, with representation consisting of  
8 the energy and geological resources division of the  
9 department of natural resources and the".

10 2. Page 1, line 35, by striking the figure  
11 "600,000" and inserting the figure "500,000".

12 3. Page 2, by inserting after line 10 the  
13 following:

14 "3. To the department of economic development for  
15 the energy-related activities of the amorphous  
16 semiconductor project at Iowa state university of  
17 science and technology, from the Stripper well fund:  
18 .....\$ 500,000".

19 4. Page 2, by inserting after line 10 the fol-

20 lowing:

21 "4. To the state department of transportation to  
22 conduct, through a contract with a regional planning  
23 agency, a demonstration study to assess the economic  
24 and technical feasibility of establishing an  
25 intermodal transportation facility at or near a  
26 location on the Mississippi river that has access to  
27 year-round navigation, from the Exxon fund.

28 .....\$ 25,000

29 Moneys appropriated under this subsection shall  
30 only be appropriated in an amount which does not  
31 exceed the balance of moneys returned from payments on  
32 the revolving loan used to fund the Quad Cities  
33 intermodal project, at the time of execution of the  
34 contract with the regional planning agency. The  
35 department shall coordinate the demonstration study  
36 with the department of economic development and shall  
37 report to the general assembly, not later than March  
38 31, 1991, on the outcome of the study, on the  
39 applicability of integrating intermodal transportation  
40 analysis into regional economic development studies,  
41 and on the contribution that regional planning can  
42 make to statewide planning."

43 5. Page 2, line 13, by striking the figure  
44 "\$300,000" and inserting the figure "\$200,000".

45 6. By renumbering, relettering, or redesignating  
46 and correcting internal references as necessary.

Schrader of Marion offered the following amendment H—6194, to the Senate amendment H—6189, filed by him from the floor and moved its adoption:

H—6194

1 Amend the amendment, H—6189, to House File 2567, as  
2 passed by the House, as follows:

3 1. Page 1, by inserting after line 2, the  
4 following:

5 "\_\_\_\_\_. Page 1, by striking line 19, and inserting  
6 the following:

7 2. To the department of agriculture and land  
8 stewardship for the establishment and implementation  
9 of not less".

10 2. Page 1, by striking lines 10 and 11.

11 3. Page 1, line 18, by striking the figure  
12 "500,000" and inserting the following: "300,000".

13 4. Page 1, by inserting after line 18, the  
14 following:

15 "As a condition, limitation, and qualification of  
16 the appropriation made in this subsection, the  
17 department of economic development shall provide a  
18 complete report of the current status of the project

- 19 which shall include the degree of financial or other  
 20 participation by Iowa state university of science and  
 21 technology and the other participants in the project.  
 22 The report shall be submitted to the fiscal committee  
 23 of the legislative council no later than October 1,  
 24 1990."  
 25 5. Page 1, by striking lines 43 and 44.

A non-record roll call was requested.

The ayes were 24, nays 9.

Amendment H—6194 was adopted.

On motion by Schrader of Marion, the House concurred in the Senate amendment H—6189, as amended.

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

On the question "Shall the bill pass?" (H.F. 2567)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Buhr	Carpenter
Chapman	Clark	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Payich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 3:

Banks	Garman	Iverson
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Absent or not voting, 10:

Blanshan	Brown	Cohoon	Fuller
Hatch	Hermann	Pellett	Plasier
Stueland	Swartz		

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

**IMMEDIATE MESSAGE**  
(House File 2567)

Arnould of Scott asked and received unanimous consent that House File 2567 be immediately messaged to the Senate.

**SENATE MESSAGE CONSIDERED**

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

Read first time and referred to committee on **judiciary and law enforcement**.

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1990, adopted the conference committee report and passed Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales.

JOHN F. DWYER, Secretary

**COMMITTEE RECOMMENDATION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-6190** April 7, 1990.

## Appropriations Calendar

**Senate File 2435**, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration by unanimous consent.

The House stood at ease at 12:04 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2435 at 12:59 a.m., Speaker Avenson in the chair.

Hammond of Story offered the following amendment H-6190 filed by the committee on appropriations and moved its adoption:

H-6190

- 1 Amend Senate File 2435, as passed by the Senate, as
- 2 follows:
- 3 1. Page 45, line 24, by striking the word "For"
- 4 and inserting the following: "a. For".
- 5 2. Page 45, by inserting after line 34 the
- 6 following:
- 7 "b. If the ending balance in the general fund of
- 8 the state for the fiscal year beginning July 1, 1989,
- 9 and ending June 30, 1990, is \$100,000,000 or more,
- 10 effective January 1, 1991, the cost reimbursement rate
- 11 for residential care facilities reimbursed by the
- 12 department shall be increased by \$.37 per day over the
- 13 maximum cost reimbursement rate in effect on December
- 14 31, 1990. The flat reimbursement rate for facilities
- 15 electing not to file semiannual cost reports shall be
- 16 increased by \$.27 per day over the flat reimbursement
- 17 rate in effect on December 31, 1990. The maximum
- 18 reimbursement rate for providers reimbursed under the
- 19 in-home health-related care program shall be increased
- 20 by 2 percent over the rates in effect on December 31,
- 21 1990."
- 22 3. Page 45, line 35, by striking the word "For"
- 23 and inserting the following: "a. For".
- 24 4. Page 46, by inserting after line 11 the
- 25 following:
- 26 "b. If the ending balance in the general fund of
- 27 the state for the fiscal year beginning July 1, 1989,
- 28 and ending June 30, 1990, is \$100,000,000 or more,
- 29 effective January 1, 1991, services provided by social
- 30 service providers reimbursed by the department rates
- 31 shall be increased by 2 percent over the unreduced
- 32 rates in effect on December 31, 1990, except for

33 family foster care provider rates which shall remain  
 34 at the rates in effect on December 31, 1990.  
 35 Increases in rates for foster group care and shelter  
 36 care services shall not exceed \$1.42 per day over the  
 37 maximum rate in effect on December 31, 1990. The  
 38 reimbursement rate increase for providers whose cost  
 39 reimbursement is below the maximum rate on January 1,  
 40 1991, shall be the maximum increase provided to  
 41 providers whose cost reimbursement is at the maximum  
 42 rate on January 1, 1991."

43 5. Page 47, by inserting after line 11 the  
 44 following:

45 "Sec. \_\_\_\_\_. CONTINGENCY APPROPRIATION INCREASE.

46 If the ending balance in the general fund of the  
 47 state for the fiscal year beginning July 1, 1989, and  
 48 ending June 30, 1990, is \$100,000,000 or more,  
 49 effective January 1, 1991, there is appropriated from  
 50 the general fund of the state to the department of

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- 1 human services for the fiscal period beginning January  
 2 1, 1991, and ending June 30, 1991, the following  
 3 amounts, to be used for increased reimbursement rates  
 4 for providers of services reimbursed under section 31,  
 5 subsections 2 and 3, of this Act:
- 6 1. For state supplementary assistance:
  - 7 .....\$ 207,331
  - 8 2. For protective and state child care assistance:
  - 9 .....\$ 84,720
  - 10 3. For foster care:
  - 11 .....\$ 482,498
  - 12 4. For home-based services:
  - 13 .....\$ 99,888
  - 14 5. For community-based programs
  - 15 .....\$ 16,508
  - 16 6. For supplementation of federal social services
  - 17 block grant funds and for allocation to the various
  - 18 counties for the purchase of local services:
  - 19 .....\$ 134,356
  - 20 7. For development and coordination of volunteer
  - 21 services:
  - 22 .....\$ 1,164".
  - 23 6. By renumbering as necessary.

The committee amendment H-6190 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2435)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Fuller	Hermann	Jesse	Pellett
Stueland			

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

### IMMEDIATE MESSAGE (Senate File 2435)

Arnould of Scott asked and received unanimous consent that Senate File 2435 be immediately messaged to the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware and McKean of Jones, for the remainder of the day, on request of Van Maanen of Mahaska.

## SENATE AMENDMENT CONSIDERED

Teaford of Black Hawk called up for consideration **House File 2504**, a bill for an act relating to criminal and child abuse record checks concerning facilities providing care to children, amended by the Senate, and moved that the House concur in the following Senate amendment H—6193:

H—6193

- 1 Amend House File 2504, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 125.14A PERSONNEL OF A
- 6 LICENSED PROGRAM ADMITTING JUVENILES.
- 7 1. If a person is being considered for licensure
- 8 under this chapter, or for employment involving direct
- 9 responsibility for a child or with access to a child
- 10 when the child is alone, by a program admitting
- 11 juveniles subject to licensure under this chapter, or
- 12 if a person will reside in a facility utilized by such
- 13 a program, and if the person has been convicted of a
- 14 crime under a law of any state or has a record of
- 15 founded child abuse, the department of human services
- 16 and the program for an employee of the program shall
- 17 perform an evaluation to determine whether the crime
- 18 or founded child abuse warrants prohibition of
- 19 licensure, employment, or residence in the facility.
- 20 The evaluation shall be performed in accordance with
- 21 procedures adopted for this purpose by the department
- 22 of human services.
- 23 2. If the department of human services determines
- 24 that a person has committed a crime or has a record of
- 25 founded child abuse and is licensed, employed by a
- 26 program licensed under this chapter, or resides in a
- 27 licensed facility the department shall notify the
- 28 program that an evaluation will be conducted to
- 29 determine whether prohibition of the person's
- 30 licensure, employment, or residence is warranted.
- 31 3. In an evaluation, the department of human
- 32 services and the program for an employee of the
- 33 program shall consider the nature and seriousness of
- 34 the crime or founded child abuse in relation to the
- 35 position sought or held, the time elapsed since the
- 36 commission of the crime or founded child abuse, the
- 37 circumstances under which the crime or founded child
- 38 abuse was committed, the degree of rehabilitation, the
- 39 likelihood that the person will commit the crime or
- 40 founded child abuse again, and the number of crimes or
- 41 founded child abuses committed by the person involved.

42 The department of human services has final authority  
43 in determining whether prohibition of the person's  
44 licensure, employment, or residence is warranted.  
45 4. If the department of human services determines  
46 that the person has committed a crime or has a record  
47 of founded child abuse which warrants prohibition of  
48 licensure, employment, or residence, the person shall  
49 not be licensed under this chapter to operate a  
50 program admitting juveniles and shall not be employed

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1 by a program or reside in a facility admitting  
2 juveniles licensed under this chapter.  
3 Sec. 2. Section 135H.7, subsection 2, Code  
4 Supplement 1989, is amended by striking the subsection  
5 and inserting in lieu thereof the following:  
6 2. a. If a person is being considered for  
7 licensure under this chapter, or for employment  
8 involving direct responsibility for a child or with  
9 access to a child when the child is alone, by a  
10 licensed psychiatric institution, or if a person will  
11 reside in a facility utilized by a licensee, and if  
12 the person has been convicted of a crime under a law  
13 of any state or has a record of founded child abuse,  
14 the department of human services and the licensee for  
15 an employee of the licensee shall perform an  
16 evaluation to determine whether the crime or founded  
17 child abuse warrants prohibition of licensure,  
18 employment, or residence in the facility. The  
19 evaluation shall be performed in accordance with  
20 procedures adopted for this purpose by the department  
21 of human services.  
22 b. If the department of human services determines  
23 that a person has committed a crime or has a record of  
24 founded child abuse and is licensed, employed by a  
25 psychiatric institution licensed under this chapter,  
26 or resides in a licensed facility the department shall  
27 notify the program that an evaluation will be  
28 conducted to determine whether prohibition of the  
29 person's licensure, employment, or residence is  
30 warranted.  
31 c. In an evaluation, the department of human  
32 services and the licensee for an employee of the  
33 licensee shall consider the nature and seriousness of  
34 the crime or founded child abuse in relation to the  
35 position sought or held, the time elapsed since the  
36 commission of the crime or founded child abuse, the  
37 circumstances under which the crime or founded child  
38 abuse was committed, the degree of rehabilitation, the  
39 likelihood that the person will commit the crime or  
40 founded child abuse again, and the number of crimes or

41 founded child abuses committed by the person involved.  
 42 The department of human services has final authority  
 43 in determining whether prohibition of the person's  
 44 licensure, employment, or residence is warranted.  
 45 4. If the department of human services determines  
 46 that the person has committed a crime or has a record  
 47 of founded child abuse which warrants prohibition of  
 48 licensure, employment, or residence, the person shall  
 49 not be licensed under this chapter to operate a  
 50 psychiatric institution and shall not be employed by a

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1 psychiatric institution or reside in a facility  
 2 licensed under this chapter.  
 3 Sec. 3. Section 235A.15, subsection 2, paragraph  
 4 c, Code Supplement 1989, is amended by adding the  
 5 following new subparagraphs:  
 6 NEW SUBPARAGRAPH. (6) To an administrator of a  
 7 child foster care facility licensed under chapter 237  
 8 if the information concerns a person employed or being  
 9 considered for employment by the facility.  
 10 NEW SUBPARAGRAPH. (7) To an administrator of a  
 11 child day care facility registered or licensed under  
 12 chapter 237A if the information concerns a person  
 13 employed or being considered for employment by or  
 14 living in the facility.  
 15 NEW SUBPARAGRAPH. (8) To the superintendent of  
 16 the Iowa Braille and sight-saving school if the  
 17 information concerns a person employed or being  
 18 considered for employment or living in the school.  
 19 NEW SUBPARAGRAPH. (9) To the superintendent of  
 20 the school for the deaf if the information concerns a  
 21 person employed or being considered for employment or  
 22 living in the school.  
 23 Sec. 4. Section 235A.15, subsection 2, paragraph  
 24 e, Code Supplement 1989, is amended by adding the  
 25 following new subparagraphs:  
 26 NEW SUBPARAGRAPH. (7) To a legally constituted  
 27 child protection agency in another state if the agency  
 28 is conducting a records check of a person who is  
 29 providing care to a child in the other state.  
 30 NEW SUBPARAGRAPH. (8) To the legally authorized  
 31 protection and advocacy agency recognized in section  
 32 135C.2, if a person identified in the information as a  
 33 victim or a perpetrator of abuse resides in or  
 34 receives services from a facility or agency because  
 35 the person is diagnosed as having a developmental  
 36 disability or a mental illness.  
 37 Sec. 5. Section 235A.18, subsection 2, unnumbered  
 38 paragraph 1, Code Supplement 1989, is amended to read  
 39 as follows:

40 Child abuse information which cannot be determined  
41 by a preponderance of the evidence to be founded or  
42 unfounded shall be expunged one year after the receipt  
43 of the initial report of abuse and child abuse  
44 information which is determined by a preponderance of  
45 the evidence to be unfounded shall be expunged six  
46 months after the receipt of the initial report of  
47 abuse when it is determined to be unfounded, as a  
48 result of any of the following:

49 Sec. 6. Section 235A.18, subsection 3, Code  
50 Supplement 1989, is amended to read as follows:

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1 3. However, if a correction of child abuse  
2 information is requested under section 235A.19 and the  
3 issue is not resolved at the end of the one-year or  
4 six-month period, the information shall be retained  
5 until the issue is resolved and if the child abuse  
6 information is not determined to be founded, the  
7 information shall be expunged at the appropriate time  
8 under subsection 2.

9 Sec. 7. Section 237.8, subsection 2, Code  
10 Supplement 1989, is amended by striking the subsection  
11 and inserting in lieu thereof the following:

12 2. a. If a person is being considered for  
13 licensure under this chapter, or for employment  
14 involving direct responsibility for a child or with  
15 access to a child when the child is alone, by a  
16 licensee under this chapter, or if a person will  
17 reside in a facility utilized by a licensee, and if  
18 the person has been convicted of a crime under a law  
19 of any state or has a record of founded child abuse,  
20 the department and the licensee for an employee of the  
21 licensee shall perform an evaluation to determine  
22 whether the crime or founded child abuse warrants  
23 prohibition of licensure, employment, or residence in  
24 the facility. The evaluation shall be performed in  
25 accordance with procedures adopted for this purpose by  
26 the department.

27 b. If the department determines that a person has  
28 committed a crime or has a record of founded child  
29 abuse and is licensed, employed by a licensee, or  
30 resides in a licensed facility the department shall  
31 notify the licensee that an evaluation will be  
32 conducted to determine whether prohibition of the  
33 person's licensure, employment, or residence is  
34 warranted.

35 c. In an evaluation, the department and the  
36 licensee for an employee of the licensee shall  
37 consider the nature and seriousness of the crime or  
38 founded child abuse in relation to the position sought

39 or held, the time elapsed since the commission of the  
40 crime or founded child abuse, the circumstances under  
41 which the crime or founded child abuse was committed,  
42 the degree of rehabilitation, the likelihood that the  
43 person will commit the crime or founded child abuse  
44 again, and the number of crimes or founded child  
45 abuses committed by the person involved. The  
46 department has final authority in determining whether  
47 prohibition of the person's licensure, employment, or  
48 residence is warranted.

49 d. If the department determines that the person  
50 has committed a crime or has a record of founded child

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1 abuse which warrants prohibition of licensure,  
2 employment, or residence, the person shall not be  
3 licensed under this chapter and shall not be employed  
4 by a licensee or reside in a licensed facility.

5 Sec. 8. Section 237A.5, subsection 2, Code 1989,  
6 is amended by striking the subsection and inserting in  
7 lieu thereof the following:

8 2. a. If a person is being considered for  
9 licensure or registration under this chapter, or for  
10 employment involving direct responsibility for a child  
11 or with access to a child when the child is alone, by  
12 a child day care facility subject to licensure or  
13 registration under this chapter, or if a person will  
14 reside in a facility, and if the person has been  
15 convicted of a crime under a law of any state or has a  
16 record of founded child abuse, the department and the  
17 licensee or registrant for an employee of the licensee  
18 or registrant shall perform an evaluation to determine  
19 whether the crime or founded child abuse warrants  
20 prohibition of licensure, registration, employment, or  
21 residence in the facility. The evaluation shall be  
22 performed in accordance with procedures adopted for  
23 this purpose by the department.

24 b. If the department determines that a person has  
25 committed a crime or has a record of founded child  
26 abuse and is licensed, employed by a licensee or  
27 registrant or registered under this chapter, or  
28 resides in a licensed or registered facility the  
29 department shall notify the licensee or registrant  
30 that an evaluation will be conducted to determine  
31 whether prohibition of the person's licensure,  
32 registration, employment, or residence is warranted.

33 c. In an evaluation, the department and the  
34 licensee or registrant for an employee of the licensee  
35 or registrant shall consider the nature and  
36 seriousness of the crime or founded child abuse in  
37 relation to the position sought or held, the time

38 elapsed since the commission of the crime or founded  
 39 child abuse, the circumstances under which the crime  
 40 or founded child abuse was committed, the degree of  
 41 rehabilitation, the likelihood that the person will  
 42 commit the crime or founded child abuse again, and the  
 43 number of crimes or founded child abuses committed by  
 44 the person involved. The department has final  
 45 authority in determining whether prohibition of the  
 46 person's licensure, registration, employment, or  
 47 residence is warranted.

48 d. If the department determines that the person  
 49 has committed a crime or has a record of founded child  
 50 abuse which warrants prohibition of licensure,

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1 registration, employment, or residence, the person  
 2 shall not be licensed or registered under this chapter  
 3 to operate a child day care facility and shall not be  
 4 employed by a licensee or registrant or reside in a  
 5 facility licensed or registered under this chapter.

6 Sec. 9. RULES.

7 The department of human services shall adopt rules  
 8 pursuant to chapter 17A to implement the provisions of  
 9 this Act."

The motion prevailed and the House concurred in the Senate amendment H—6193.

Teaford of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2504)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Fuller	Hanson, D. R.	Hatch	Hermann
Jesse	McKean	Pellett	Stueland
Swartz			

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

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 2093)**

Renaud of Polk called up for consideration the report of the conference committee on Senate File 2093 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2093**

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, respectfully make the following report:

1. That the Senate concurs in the House amendment, S-5983.

**ON THE PART OF THE HOUSE:**

DENNIS RENAUD, Chair  
EUGENE BLANSHAN  
DOROTHY CARPENTER  
DAVID TABOR  
DON SHONING

**ON THE PART OF THE SENATE:**

WALLY HORN, Chair  
EUGENE FRAISE  
JOHN P. KIBBIE  
JOHN NYSTROM  
JACK RIFE

The motion prevailed and the conference committee report was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2093)

The ayes were, 68:

Arnould	Beatty	Bisignano	Blanshan
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Jay	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 25:

Adams	Banks	Beaman	Bennett
Black	Brammer	Brand	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. N.
Hammond	Holveck	Iverson	Johnson
Maulsby	Metcalf	Nielsen	Osterberg
Plasier			

Absent or not voting, 7:

Fuller	Hanson, D. R.	Hermann	Jesse
McKean	Pellett	Stueland	

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

### SENATE AMENDMENT CONSIDERED

Teaford of Black Hawk called up for consideration **Senate File 2416**, a bill for an act relating to transfer of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-6179 to the House amendment:

H-6179

- 1 Amend House amendment, S-5959, to Senate File 2416,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 9.

The motion prevailed and the House concurred in the Senate amendment H-6179.

Teaford of Black Hawk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2416)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Córbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Fuller	Hanson, D. R.	Hermann	Jay
Jesse	McKean	Pellett	Renaud
Stueland	Swartz		

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

IMMEDIATE MESSAGES  
(Senate Files 2093 and 2416)

Arnould of Scott asked and received unanimous consent that Senate Files 2093 and 2416 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

McKinney of Dallas called up for consideration **House File 2564**, a bill for an act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties, amended by the Senate amendment H-6162 as follows:

H-6162

- 1 Amend House File 2564, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 9.
- 4 2. Page 1, by inserting after line 25, the
- 5 following:
- 6 "Applicants for grants to be made pursuant to this
- 7 program shall include with the application a letter of
- 8 support from a comprehensive prevention program funded
- 9 through the division serving the district within which
- 10 a part of the school district is situated."
- 11 3. By striking page 1, line 26, through page 3,
- 12 line 11.
- 13 4. Page 3, line 19, by striking the figure
- 14 "1,633,000" and inserting the following: "1,212,208".
- 15 5. Page 3, by inserting after line 27, the
- 16 following:
- 17 "As a further condition, limitation, and
- 18 qualification of this appropriation, the division,
- 19 when allocating this amount in a manner which will
- 20 effectively reduce the waiting period, shall give
- 21 priority to persons released or discharged from a
- 22 facility under the direction of the department of
- 23 corrections who were in treatment programs and who are
- 24 identified by the parole board to be in need of
- 25 further treatment, women of childbearing age, and
- 26 juveniles.
- 27 As a further condition, limitation, and
- 28 qualification of this appropriation, the division of
- 29 substance abuse and the department of corrections
- 30 shall cooperate in developing a continuum of care
- 31 related to substance abuse treatment of inmates and
- 32 persons released or discharged from a facility.
- 33 2. For the division of substance abuse for
- 34 providing aftercare services for persons completing

35 substance abuse treatment:  
 36 .....\$ 250,000  
 37 3. For the division of substance abuse for  
 38 providing substance abuse prevention programs:  
 39 .....\$ 300,000  
 40 4. For the division of substance abuse to initiate  
 41 demonstration projects in the two urban areas  
 42 currently experiencing the highest incidence of  
 43 infants born with addiction problems, as determined by  
 44 the division, to provide outreach services, and  
 45 prenatal and postnatal services and treatment for  
 46 these infants, mothers with substance abuse problems,  
 47 and women of childbearing age:  
 48 .....\$ 200,000  
 49 5. For the council on chemically exposed infants  
 50 established pursuant to section 235C.1:

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1 .....\$ 50,000  
 2 6. For the division of substance abuse for  
 3 planning and establishing a program of identification,  
 4 treatment, and education of students whose mothers  
 5 were addicted to or used controlled substances while  
 6 pregnant, in grades kindergarten through 3 in a school  
 7 district, as determined by the division, experiencing  
 8 a high incidence of such students:  
 9 .....\$ 100,000  
 10 As a condition, limitation, and qualification of  
 11 this appropriation, a pilot project shall be  
 12 established for the identification and education of  
 13 elementary students whose mothers were addicted to or  
 14 used controlled substances during pregnancy resulting  
 15 in the children experiencing special learning and  
 16 behavioral problems. The drug enforcement and abuse  
 17 prevention coordinator shall monitor the program and  
 18 receive reports required to be made concerning the  
 19 program. Persons responsible for the program shall  
 20 report to the drug enforcement and abuse prevention  
 21 coordinator concerning progress in establishing the  
 22 program and the expenditures made. The coordinator  
 23 shall provide such reports to the general assembly.  
 24 The program, to the extent possible, shall include  
 25 medical and psychiatric research with the university  
 26 of Iowa, educational research with the university of  
 27 northern Iowa, an educational program for parents of  
 28 the children including programs for parents confined  
 29 in a county jail or committed to the custody of the  
 30 director of the department of corrections, a child  
 31 care educational program to address the problems of  
 32 parenting such children, a program for the care and  
 33 education of such children before and after school,

34 creation of a mentor program with jobs and local  
35 businesses, a treatment program for parents, and team  
36 teacher training.

37 Persons responsible for the program shall  
38 coordinate and encourage the involvement of other  
39 programs and service providers within the community in  
40 developing this program."

41 6. Page 3, line 33, by striking the figure "1.50"  
42 and inserting the following: "2.50".

43 7. Page 4, by inserting after line 5, the  
44 following:

45 "Notwithstanding section 8.33, funds appropriated  
46 by this subsection shall not revert."

47 8. Page 4, line 26, by striking the figure  
48 "50,000" and inserting the following: "31,792".

49 9. By striking page 4, line 34, through page 5,  
50 line 15, and inserting the following:

**Page 3**

1 "2. For the division of narcotics for the salaries  
2 and support of additional full-time equivalent  
3 positions:  
4 ..... \$ 75,000".

5 10. Page 5, line 20, by striking the words "up to  
6 an additional 10 full-time" and inserting the  
7 following: "additional".

8 11. Page 5, by inserting after line 21, the  
9 following:

10 "Sec. \_\_\_\_\_.  
11 There is appropriated from the road use tax fund to  
12 the department of public safety for the fiscal year  
13 beginning July 1, 1990, and ending June 30, 1991, the  
14 following amount, or so much thereof as is necessary,  
15 to be used for the following purpose:

16 For use by the department to provide additional law  
17 enforcement officials to initiate project D.A.R.E.  
18 (drug abuse resistance education) within local  
19 communities, and for not more than the following full-  
20 time equivalent positions:  
21 ..... \$ 52,500  
22 ..... FTEs 4.00

23 As a condition, limitation, and qualification of  
24 this appropriation, the department shall use the  
25 amount appropriated in this subsection to match and  
26 obtain available federal funds, the total amount of  
27 these funds to be used to employ 4 additional members  
28 of the highway safety patrol to assist with the  
29 initiation of project D.A.R.E. within local  
30 communities."

31 12. Page 5, line 29, by striking the figure "1."

32 13. Page 5, line 31, by striking the figure

33 "10,000" and inserting the following: "59,000".

34 14. Page 6, by striking lines 3 through 34.

35 15. Page 7, line 21, by striking the figure  
36 "197,000" and inserting the following: "73,500".

37 16. Page 8, by inserting after line 22, the  
38 following:

39 "4. For the prosecuting attorney training program:  
40 ..... \$ 73,500

41 5. For reimbursement payments to law enforcement  
42 officers under the guaranteed loan payment program  
43 pursuant to section 261.51, if enacted by the Seventy-  
44 third General Assembly, 1990 Session:

45 ..... \$ 50,000

46 6. Notwithstanding section 8.33, funds  
47 appropriated by this section shall not revert."

48 17. Page 8, line 30, by inserting after the word  
49 "delays" the following: "and for training of judges".

50 18. By striking page 9, line 34, through page 10.

#### Page 4

1 line 23, and inserting the following: "be given to  
2 the extent possible, to reducing substance abuse  
3 waiting lists, providing aftercare for persons  
4 completing substance abuse treatment, providing  
5 additional substance abuse prevention specialists,  
6 dual diagnosis, for early identification and  
7 intervention of children born afflicted with a  
8 substance addiction, and for increasing provider  
9 salaries. Of the funds used for reducing substance  
10 abuse waiting lists, priority shall be given to  
11 persons released or discharged from an institution  
12 under the direction of the department of corrections  
13 who were in treatment programs and who are identified  
14 by the board of parole to be in need of further  
15 treatment, women of childbearing age, and juveniles."

16 19. Page 11, by striking lines 26 through 29 and  
17 inserting the following:

18 "a. One physician licensed in this state who has  
19 substantial experience in substance abuse treatment  
20 and who is certified by the association of specialists  
21 in addiction medicine."

22 20. By striking page 11, line 32 through page 12,  
23 line 8, and inserting the following:

24 "c. Two persons, one who is a certified substance  
25 abuse counselor and one who is a director of a  
26 substance abuse treatment provider. One shall be  
27 appointed to represent such private persons and  
28 entities and one shall be appointed to represent such  
29 public persons and entities.

30 d. One person representing the master's degree  
31 program in substance abuse counseling, division of

32 counselor education, college of education at the state  
33 university of Iowa.

34 e. Two representatives of the business community.  
35 One appointee under this paragraph shall represent the  
36 business consumers of health insurance, and the other  
37 appointee shall represent providers of such health  
38 insurance.

39 f. Four citizens of the state."

40 21. By striking page 13, line 7 through page 19,  
41 line 17, and inserting the following:

42 "Sec. \_\_\_\_\_. NEW SECTION. 125.15B DUTIES OF  
43 COUNCIL.

44 Except as otherwise provided by law, the council  
45 shall:

46 1. Recommend policy and rule changes to the  
47 director necessary to provide for the effective  
48 regulation and assessment of treatment providers in-  
49 this state and the effective administration of this  
50 chapter.

**Page 5**

1 2. Receive and review the information contained in  
2 the provider reports received by the department.  
3 After review and evaluation of such reports, if the  
4 council determines that additional information is  
5 necessary, the council may recommend to the director a  
6 contractor for the purpose of data collection related  
7 to the evaluation of providers subject to the  
8 provisions of this chapter and for the collection of  
9 patient data pursuant to section 125.15C, or other  
10 information deemed relevant by the council.

11 3. Recommend standards to the department to be  
12 established pursuant to section 125.15E for all  
13 programs and make any recommendations to the  
14 department concerning appropriate changes.

15 Sec. \_\_\_\_\_. NEW SECTION. 125.15C REQUIRED  
16 REPORTING.

17 Unless otherwise provided, a substance abuse  
18 treatment provider, regardless of whether the provider  
19 is licensed by the commission on substance abuse,  
20 shall report to the department on forms provided by  
21 the department, information relating to all patients  
22 applying for and admitted to treatment and discharged  
23 from such treatment as required by department rule.  
24 The provider shall provide all information requested  
25 which is available to the treatment provider. The  
26 department, after consultation with the advisory  
27 council, shall adopt rules providing for the  
28 information to be reported to the department and the  
29 advisory council.

30 Sec. \_\_\_\_\_. NEW SECTION. 125.15D DATA CONTRACTOR.

31 The department, after consultation with and upon  
32 recommendation of the advisory council, may contract  
33 with an independent data collector to survey substance  
34 abuse treatment providers required to report  
35 information under section 125.15C, and shall provide  
36 information required to be reported pursuant to  
37 section 125.15C, and any other information collected  
38 as determined by the department, to the council.

39 Sec. \_\_\_\_\_. NEW SECTION. 125.15E DATA PROVIDED TO  
40 HEALTH DATA COMMISSION.

41 The department shall also forward all data reported  
42 pursuant to section 125.15C and any other information  
43 collected as determined by the department to the state  
44 health data commission.

45 Sec. \_\_\_\_\_. NEW SECTION. 125.15F MEASUREMENT  
46 STANDARDS.

47 The department, after consultation with the  
48 advisory council shall adopt rules establishing  
49 minimum standards of measurement relating to the  
50 effectiveness of substance abuse treatment programs.

**Page 6**

1 Sec. \_\_\_\_\_. NEW SECTION. 125.15G PROGRAM  
2 SANCTIONS.

3 1. A treatment provider which fails to meet the  
4 minimum standards established pursuant to section  
5 125.15F shall be reviewed by the advisory council.  
6 Within thirty days after the advisory council has  
7 concluded its review, the advisory council shall  
8 provide recommendations for program changes, or may  
9 recommend other appropriate action to be taken  
10 pursuant to this section, if any, to the Iowa  
11 department of public health. The department, upon  
12 affirming the recommendations of the advisory council,  
13 shall forward to the provider program recommendations  
14 as recommended by the advisory council, or other  
15 recommendations deemed appropriate by the department,  
16 and stay further action against the provider, for a  
17 period of up to one year during which time, the  
18 advisory council shall continue to review the provider  
19 and new patient data shall be collected for review.

20 2. If the advisory council finds that a substance  
21 abuse treatment provider has continued to fail to meet  
22 the minimum standards established pursuant to section  
23 125.15F during any period granted pursuant to  
24 subsection 1, the council shall report such findings  
25 to the department and, upon affirming such finding,  
26 the department may do any of the following:

27 a. Withhold funding for the substance abuse  
28 treatment provider relating to the substance abuse  
29 treatment program.

30 b. Recommend to the director of human services  
31 that medical assistance funding relating to the  
32 substance abuse treatment programs of the provider be  
33 withheld.

34 c. Recommend to the appropriate licensing  
35 authority that the license of the substance abuse  
36 treatment provider be suspended or revoked relating to  
37 the relevant substance abuse treatment programs of the  
38 provider.

39 d. Stay further action against the substance abuse  
40 treatment provider for up to one additional year,  
41 during which time the department shall continue  
42 intensified review of the provider's programs.

43 e. Add the provider to a list of providers failing  
44 to meet the minimum standards and make the list  
45 available to the public, third-party payors for health  
46 services, local governmental bodies, and substance  
47 abuse treatment provider accreditation entities.

48 3. Notwithstanding subsections 1 and 2, the  
49 department may find that the provider serves a  
50 particularly difficult patient population and that the

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1 public health and welfare would be furthered by  
2 continuing to fund the program or by continuing to  
3 allow operation of the program. In such a case, the  
4 department shall adopt by rule a new measurement  
5 standard for the provider, after consultation with the  
6 advisory council.

7 Sec. \_\_\_\_\_. NEW SECTION. 125.15H CONFIDENTIALITY  
8 OF INFORMATION.

9 1. Information received by the department  
10 contained in the reports required pursuant to section  
11 125.15C is subject to the confidentiality provisions  
12 of sections 125.37 and 125.93.

13 However, a summary of data concerning a program  
14 which has been sanctioned pursuant to section 125.15F,  
15 subsection 2 or 3, shall be made available, as  
16 appropriate, by the department.

17 2. Beginning July 1, 1993, to the extent permitted  
18 by state and federal law, a summary of data concerning  
19 the success of all substance abuse treatment programs  
20 shall be made available by the department upon the  
21 request of any interested person.

22 Sec. \_\_\_\_\_. NEW SECTION. 125.15I EXEMPLARY  
23 PROVIDERS - PREFERENTIAL TREATMENT.

24 The department, in consultation with the advisory  
25 council, shall adopt rules defining exemplary  
26 substance abuse treatment programs and providing for  
27 the recognition of exemplary substance abuse treatment  
28 programs. In adopting such rules the department shall

29 consider patient populations and other appropriate  
30 factors.

31 Additionally, to the extent permitted by applicable  
32 state and federal requirements relating to substance  
33 abuse treatment funding, the department shall  
34 preferentially consider such exemplary substance abuse  
35 treatment providers in subsequent funding grant  
36 applications.

37 Sec. \_\_\_\_\_. NEW SECTION. 125.15J FALSIFICATION OF  
38 REPORT DATA.

39 A substance abuse treatment provider required to  
40 provide information to the department pursuant to  
41 section 125.15C, who intentionally falsifies any  
42 diagnosis of a patient admitted to treatment to avoid  
43 review pursuant to section 125.15F, or who fails to  
44 report information to the department is subject to a  
45 civil penalty of five thousand dollars per false  
46 diagnosis or per failure to make such report, in  
47 addition to any other appropriate action which may be  
48 taken by the department or the council. Such  
49 penalties shall be collected by the department and  
50 deposited in the general fund of the state.

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1 In addition to the civil penalty provided in this  
2 section, the department shall also make a list of  
3 providers committing violations of this section  
4 available to the public, third-party payors for health  
5 services, local government bodies, and substance abuse  
6 treatment provider accreditation entities.

7 Sec. \_\_\_\_\_. NEW SECTION. 125.15K PROGRAMS EXCLUDED -  
8 PENALTY."

9 22. Page 19, line 22, by striking the figure  
10 "125.15J" and inserting the following: "125.15I".

11 23. Page 19, line 27, by striking the figure  
12 "125.15J" and inserting the following: "125.15I".

13 24. Page 19, by inserting after line 33, the  
14 following:

15 "Sec. \_\_\_\_\_.

16 Rules to be adopted by the department pursuant to  
17 sections 125.15C, 125.15E, and 125.15H shall be  
18 effective July 1, 1991. Until such time as rules  
19 relating to information to be reported are adopted  
20 pursuant to section 125.15C and forms for such  
21 reporting are made available, the department shall use  
22 the current substance abuse management information  
23 system form for all providers subject to the reporting  
24 requirements.

25 Sec. \_\_\_\_\_. Section 232.73, Code 1989, is amended to  
26 read as follows:

27 232.73 IMMUNITY FROM LIABILITY.

28 A person participating in good faith in the making  
29 of a report, or photographs, or X rays, or in the  
30 performance of a medically relevant test pursuant to  
31 this chapter, or aiding and assisting in an  
32 investigation of a child abuse report pursuant to  
33 section 232.71, shall have immunity from any  
34 liability, civil or criminal, which might otherwise be  
35 incurred or imposed. The person shall have the same  
36 immunity with respect to participation in good faith  
37 in any judicial proceeding resulting from the report  
38 or relating to the subject matter of the report.

39 As used in this section and section 232.77,  
40 "medically relevant test" means a test that produces  
41 reliable results of exposure to cocaine, heroin,  
42 amphetamine, methamphetamine, or other illegal drugs,  
43 or combinations or derivatives thereof, including a  
44 drug urine screen test.

45 Sec. \_\_\_\_\_. Section 232.77, Code 1989, is amended to  
46 read as follows:

47 232.77 PHOTOGRAPHS AND, X RAYS, AND MEDICALLY  
48 RELEVANT TESTS.

49 1. Any person who is required to report a case of  
50 child abuse may take or cause to be taken, at public

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1 expense, photographs or X rays of the areas of trauma  
2 visible on a child. Any health practitioner may, if  
3 medically indicated, cause to be performed  
4 radiological examination of the child. Any person who  
5 takes any photographs or X rays pursuant to this  
6 section shall notify the department of human services  
7 that such photographs or X rays have been taken, and  
8 shall retain such photographs or X rays for a  
9 reasonable time thereafter. Whenever such person is  
10 required to report under section 232.69, in that  
11 person's capacity as a member of the staff of a  
12 medical or other private or public institution, agency  
13 or facility, that person shall immediately notify the  
14 person in charge of such institution, agency, or  
15 facility or that person's designated delegate of the  
16 need for photographs or X rays.

17 2. If a health practitioner discovers in a child  
18 under one year of age physical or behavioral symptoms  
19 of the effects of exposure to cocaine, heroin,  
20 amphetamine, methamphetamine, or other illegal drugs,  
21 or combinations or derivatives thereof, which were not  
22 prescribed by a health practitioner, or if the health  
23 practitioner has determined through examination of the  
24 natural mother of the child that the child was exposed  
25 in utero, the health practitioner may perform or cause  
26 to be performed a medically relevant test, as defined

27 in section 232.73, on the child. The practitioner  
 28 shall report any positive results of such a test on  
 29 the child to the department, unless the natural mother  
 30 has shown good faith in seeking appropriate care and  
 31 treatment. The department shall begin an  
 32 investigation pursuant to section 232.71 upon receipt  
 33 of such a report. The positive result shall  
 34 constitute a showing of probable cause under section  
 35 232.71, subsection 3, but shall not be used in any  
 36 criminal prosecution of the natural mother of the  
 37 child, and shall not represent grounds for a  
 38 determination of child abuse.

39 Sec. \_\_\_\_\_. NEW SECTION. 235C.1 COUNCIL CREATED -  
 40 PURPOSE.

41 A council on chemically exposed infants is  
 42 established as a subcommittee of the committee on  
 43 maternal and child health of the community health  
 44 division of the Iowa department of public health. The  
 45 purpose of the council is to help the state develop  
 46 and implement policies to reduce the likelihood that  
 47 infants will be born chemically exposed, and to assist  
 48 those who are born chemically exposed to grow and  
 49 develop in a safe environment.

50 As used in this chapter, a "chemically exposed

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1 infant" is an infant who shows evidence of exposure to  
 2 or the presence of alcohol, cocaine, heroin,  
 3 amphetamine, methamphetamine, or other illegal drugs  
 4 or combinations or derivatives thereof which were not  
 5 prescribed by a health practitioner.

6 Sec. \_\_\_\_\_. NEW SECTION. 235C.2 MEMBERSHIP.

7 The council on chemically exposed infants shall be  
 8 composed of the following members:

9 1. Two members of the Iowa department of public  
 10 health selected by the director of the Iowa department  
 11 of public health, one from the division of substance  
 12 abuse, and one from the division of family and  
 13 community health.

14 2. The director of the department of human  
 15 services or the director's designee as a nonvoting ex  
 16 officio member.

17 3. The department coordinator of the department of  
 18 human rights or the coordinator's designee as a  
 19 nonvoting ex officio member.

20 4. The director of the department of education or  
 21 the director's designee as a nonvoting ex officio  
 22 member.

23 5. The chairperson of the state maternal and child  
 24 health advisory council or the chairperson's designee.

25 6. A physician selected by the board of the Iowa

26 medical society with expertise in the care of the  
27 mother and a physician selected by the board of the  
28 Iowa medical society with expertise in the care of the  
29 infant.

30 7. A hospital administrator selected by the board  
31 of the Iowa hospital association.

32 8. A representative from a community health center  
33 located in Iowa selected by the Iowa/Nebraska primary  
34 care association.

35 9. A representative from a maternal and child  
36 health center selected by the governor.

37 10. A representative from a substance abuse  
38 treatment program, selected by the governor.

39 11. Two citizen members, selected by the governor.

40 12. A representative from the governor's alliance  
41 on substance abuse selected by the alliance.

42 13. A representative from the university of Iowa  
43 medical school selected by the director of the medical  
44 school.

45 14. A representative from a community-based  
46 substance abuse prevention program, selected by the  
47 governor.

48 15. A representative from the juvenile court,  
49 selected by the chief justice of the Iowa supreme  
50 court.

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1 16. An attorney who practices in the area of  
2 juvenile law, selected by the Iowa state bar  
3 association.

4 The council shall be staffed by the Iowa department  
5 of public health. The council shall elect its own  
6 chairperson.

7 Sec. \_\_\_\_\_. NEW SECTION. 235C.3 COUNCIL DUTIES.

8 The council shall be responsible for the following  
9 activities:

10 1. DATA COLLECTION. The council shall assemble  
11 relevant materials regarding the extent to which  
12 infants born in Iowa are chemically exposed, the  
13 services currently available to meet the needs of  
14 infants born who are chemically exposed, and the costs  
15 incurred in caring for infants born who are chemically  
16 exposed, including both costs borne directly by the  
17 state and costs borne by society.

18 2. PREVENTION AND EDUCATION. The council, after  
19 reviewing the data collected pursuant to subsection 1,  
20 and after reviewing education and prevention programs  
21 employed in Iowa and in other states, shall make  
22 recommendations to the appropriate division to develop  
23 a state prevention and education campaign, including  
24 the following components:

25 a. A broad-based public education campaign  
26 outlining the dangers inherent in substance use during  
27 pregnancy.

28 b. A health professional training campaign,  
29 including recommendations concerning the curriculum  
30 offered at the college of medicine at the state  
31 university of Iowa, providing assistance in the  
32 identification of women at risk of substance abuse  
33 during pregnancy and strategies to be employed in  
34 assisting those women to maintain healthy lifestyles  
35 during pregnancy. Included in this education campaign  
36 shall be guidelines to health professionals offering  
37 information on assessment, laboratory testing,  
38 medication use, and referrals.

39 c. A targeted public education campaign directed  
40 toward high-risk populations.

41 d. A technical assistance program for developing  
42 support programs to identified high-risk populations,  
43 including pregnant women who previously have given  
44 birth to chemically exposed infants or currently are  
45 using substances dangerous to the health of the fetus.

46 e. An education program for use within the school  
47 system, including training materials for school  
48 personnel to assist those personnel in identification,  
49 care, and referral.

50 3. IDENTIFICATION. The council shall develop

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1 recommendations regarding state programs or policies  
2 to increase the identification of chemically exposed  
3 infants.

4 4. TREATMENT SERVICES. The council shall seek to  
5 improve effective treatment services within the state  
6 for chemically exposed infants. As part of this  
7 responsibility, the council shall make recommendations  
8 to the addiction treatment effectiveness advisory  
9 council established in section 125.15A. Such  
10 recommendations shall include, but are not limited to,  
11 the following:

12 a. Identification of programs available within the  
13 state for serving chemically exposed infants and their  
14 families.

15 b. Recommended ways to enhance funding for  
16 effective treatment programs, including the use of  
17 state health care programs and services under the  
18 medical assistance program and the maternal and child  
19 health programs.

20 c. Identification of means to serve children who  
21 were chemically exposed infants when the children  
22 enter the school system.

23 As an additional part of this responsibility, the

24 council shall determine whether a problem exists with  
25 respect to substance abuse treatment providers and  
26 physicians discriminating against pregnant women in  
27 providing treatment or prenatal care.

28 5. CARE AND PLACEMENT. The council shall work  
29 with the department of human services to expand  
30 appropriate placement options for chemically exposed  
31 infants who have been abandoned by their parents or  
32 cannot safely be returned home. As part of this  
33 responsibility, the council shall do all of the  
34 following:

35 a. Assist the department of human services in  
36 developing rules to establish specialized foster care  
37 services that can attract foster parents to care for  
38 chemically exposed infants.

39 b. Identify additional services, such as  
40 therapeutic day care services, that may be needed to  
41 effectively care for chemically exposed infants.

42 c. Review the need for residential programs  
43 designed to meet the needs of chemically exposed  
44 infants.

45 As an additional part of the responsibility, the  
46 council shall determine whether a problem exists with  
47 respect to substance abuse treatment providers and  
48 physicians discriminating against pregnant women in  
49 providing treatment or prenatal care.

50 6. AWARDS OF GRANTS AND DEVELOPMENT OF PILOT

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1 PROGRAMS. From funds appropriated for this purpose,  
2 the council shall award grants or develop pilot  
3 programs to achieve the purposes of the council.

4 7. ANNUAL REPORT. The council shall annually  
5 report to the governor and members of the general  
6 assembly on the progress it has made toward meeting  
7 its responsibilities.

8 The council shall meet at least twice annually, and  
9 may establish such subcommittees and task forces as  
10 are necessary to achieve its purpose.

11 8. CONFIDENTIALITY OF INFORMATION. Data collected  
12 pursuant to this chapter shall be confidential to the  
13 extent necessary to protect the identity of persons  
14 who are the subjects of the data collection."

15 25. Page 19, by inserting after line 33 the  
16 following:

17 "Sec. 100. NEW SECTION. 125.32A DISCRIMINATION  
18 PROHIBITED.

19 Any substance abuse treatment program receiving  
20 state funding under this chapter or any other chapter  
21 of the Code shall not discriminate against a person  
22 seeking treatment solely because the person is

23 pregnant, unless the program in each instance  
 24 identifies and refers the person to an alternative and  
 25 acceptable treatment program for the person."

26 26. Page 20, line 1, by striking the word "Shall"  
 27 and inserting the following: "May".

28 27. Page 20, line 3, by striking the word  
 29 "directed" and inserting the following:  
 30 "recommended".

31 28. Page 21, by striking lines 12 through 26, and  
 32 inserting the following:

33 "Sec. \_\_\_\_\_. Section 602.1612, subsection 1, Code  
 34 1989, is amended to read as follows:

35 1. Justices of the supreme court, judges of the  
 36 court of appeals, district judges, and district  
 37 associate judges who are retired by reason of age or  
 38 who are drawing benefits under section 602.9106, and  
 39 senior judges who have retired under section 602.9207  
 40 or who have relinquished senior judgeship under  
 41 section 602.9208, subsection 1, may with their consent  
 42 be assigned by the supreme court or by the chief judge  
 43 in the case of district associate judges to temporary  
 44 judicial duties on a court in this state if the  
 45 assignment is deemed necessary by the supreme court to  
 46 expedite the administration of justice. A retired  
 47 justice or judge shall not be assigned to temporary  
 48 judicial duties on any court superior to the highest  
 49 court to which that justice or judge had been  
 50 appointed prior to retirement, and shall not be

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1 assigned for temporary duties with the supreme court  
 2 or the court of appeals except in the case of a  
 3 temporary absence of a member of one of those courts.

4 Sec. \_\_\_\_\_. Section 602.9202, Code 1989, is amended  
 5 by adding the following new subsection:

6 NEW SUBSECTION. 5. "Date of retirement" means the  
 7 date that the annuitant is eligible to receive a  
 8 retirement annuity under this part.

9 Sec. \_\_\_\_\_. Section 602.9206, unnumbered paragraph  
 10 1, Code 1989, is amended to read as follows:

11 Section 602.1612 does not apply to a senior judge  
 12 but does apply to a retired senior judge. During the  
 13 tenure of a senior judge, if the judge is able to  
 14 serve, the judge may be assigned by the supreme court  
 15 to temporary judicial duties on courts of this state  
 16 without salary for an aggregate of thirteen weeks out  
 17 of each twelve-month period, and for additional weeks  
 18 with the judge's consent. A senior judge shall not be  
 19 assigned to judicial duties on a court superior to the  
 20 highest court to which the judge was appointed prior  
 21 to retirement, and shall not be assigned to the court

22 of appeals or the supreme court except to serve in the  
23 temporary absence of a member of that court. While  
24 serving on temporary assignment, a senior judge has  
25 and may exercise all of the authority of the office to  
26 which the judge is assigned, shall continue to be paid  
27 the judge's annuity as senior judge, shall be  
28 reimbursed for the judge's actual expenses to the  
29 extent expenses of a district judge are reimbursable  
30 under section 602.1509, may, if permitted by the  
31 assignment order, appoint a temporary court reporter,  
32 who shall be paid the remuneration and reimbursement  
33 for actual expenses provided by law for a reporter in  
34 the court to which the senior judge is assigned, and,  
35 if assigned to the court of appeals or the supreme  
36 court, shall be given the assistance of a law clerk  
37 and a secretary designated by the court administrator  
38 of the judicial department from the court  
39 administrator's staff. Each order of temporary  
40 assignment shall be filed with the clerks of court at  
41 the places where the senior judge is to serve.

42 Sec. \_\_\_\_\_. Section 911.2, Code 1989, is amended to  
43 read as follows:

44 911.2 SURCHARGE.

45 When a court imposes a fine or forfeiture for a  
46 violation of a state law, or of a city or county  
47 ordinance except an ordinance regulating the parking  
48 of motor vehicles, the court shall assess an  
49 additional penalty in the form of a surcharge equal to  
50 fifteen twenty percent of the fine or forfeiture

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1 imposed. In the event of multiple offenses, the  
2 surcharge shall be based upon the total amount of  
3 fines or forfeitures imposed for all offenses. When a  
4 fine or forfeiture is suspended in whole or in part,  
5 the surcharge shall be reduced in proportion to the  
6 amount suspended.

7 The surcharge is subject to the provisions of  
8 chapter 909 governing the payment and collection of  
9 fines, as provided in section 909.8.

10 Sec. \_\_\_\_\_. Section 911.3, Code 1989, is amended to  
11 read as follows:

12 911.3 DISPOSITION OF SURCHARGE.

13 When a court assesses a surcharge under section  
14 911.2, the clerk of the district court shall transmit  
15 ninety twenty-five percent of the surcharge collected  
16 to the treasurer of state to be deposited pursuant to  
17 section 321J.17. Ninety percent of the remainder of  
18 the surcharge collected shall be transmitted to the  
19 treasurer of state by the fifteenth day of the  
20 following month. The treasurer of state shall deposit

21 one third of the that money in the law enforcement  
 22 training reimbursement fund established under section  
 23 384.15 and the remaining two thirds of the that money  
 24 in the general fund of the state. The clerk of the  
 25 district court shall transmit ten percent of the  
 26 remainder of the surcharge to the county treasurer or  
 27 shall remit ten percent of the remainder of the  
 28 surcharge to the city that was the plaintiff in any  
 29 action for deposit in the general fund of the city.

30 Sec. \_\_\_\_\_. Section 912.2A, subsection 1, Code  
 31 Supplement 1989, is amended to read as follows:

- 32 1. A crime victim assistance board is established,
- 33 and shall consist of the following members to be
- 34 appointed pursuant to rules adopted by the department:
  - 35 a. A county attorney or assistant county attorney.
  - 36 b. A person Two persons engaged full time in law
  - 37 enforcement.
  - 38 c. A public defender or an attorney practicing
  - 39 primarily in criminal defense.
  - 40 d. A hospital medical staff person involved with
  - 41 emergency services.
  - 42 e. A public member who has received victim
  - 43 services.
  - 44 f. A victim service provider.
  - 45 g. A person licensed pursuant to chapter 154B or
  - 46 154C.
  - 47 h. A person representing the elderly.
- 48 Board members shall be reimbursed for expenses
- 49 actually and necessarily incurred in the discharge of
- 50 their duties.

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1 Sec. 101. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH  
 2 SERVICES APPROPRIATION.

3 1. There is appropriated from the fund created by  
 4 section 8.41 to the Iowa department of public health  
 5 for the federal fiscal year beginning October 1, 1990,  
 6 the following amount:  
 7 ..... \$ 7,804,000

8 Funds appropriated by this section are the  
 9 anticipated funds to be received from the federal  
 10 government for the designated federal fiscal year  
 11 under Pub. L. No. 97-35, Title IX, Subtitle A, and  
 12 Pub. L. No. 97-414 which provides for the alcohol and  
 13 drug abuse and mental health services block grant.  
 14 The department shall expend the funds appropriated by  
 15 this section as provided in the federal law making the  
 16 funds available and in conformance with chapter 17A.

17 Of the funds appropriated in this section, an  
 18 amount not exceeding \$33,133 shall be used for audits.  
 19 The auditor of state shall bill the Iowa department of

20 public health for the cost of the audits.  
 21 The Iowa department of public health shall pay to  
 22 the auditor of state an amount sufficient to pay the  
 23 cost of auditing the use and administration of the  
 24 state's portion of the funds appropriated in this  
 25 subsection from funds appropriated to the department  
 26 from the general fund of the state, in addition to the  
 27 amount to be used for audits as provided in this  
 28 subsection. The auditor of state shall bill the Iowa  
 29 department of public health for the costs of the  
 30 audit.

31 2. 10 percent of the remaining funds, as allowed  
 32 pursuant to Pub. L. No. 97-35, Title IX, Subtitle A,  
 33 and which are appropriated in subsection 1 shall be  
 34 transferred to the division of mental health, mental  
 35 retardation, and developmental disabilities within the  
 36 department of human services and allocated for  
 37 community mental health centers with priority being  
 38 given to dual diagnosis. Of this amount, 10 percent  
 39 shall be used to provide services and programs for  
 40 severely emotionally disturbed children and  
 41 adolescents, and 55 percent shall be used to develop  
 42 and provide community mental health services and  
 43 programs not available on October 1, 1988. New  
 44 services developed between October 1, 1984, and  
 45 October 1, 1988, with alcohol, drug abuse, and mental  
 46 health services block grant funds may be treated as  
 47 new services.

48 3. An amount not exceeding 5 percent of the funds  
 49 in excess of \$2,839,000 appropriated in subsection 1  
 50 shall be used by the Iowa department of public health

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1 for administrative expenses.  
 2 4. 10 percent of the funds appropriated in  
 3 subsection 1 shall be used to provide alcohol and drug  
 4 abuse services to women.  
 5 5. After deducting the funds allocated in  
 6 subsections 1, 2, 3, and 4, the remaining funds  
 7 appropriated in subsection 1 shall be allocated  
 8 according to the following percentages to supplement  
 9 appropriations for the following programs within the  
 10 Iowa department of public health:  
 11 a. Drug abuse treatment programs ..... 38.89 percent  
 12 Of the amount appropriated under this paragraph, at  
 13 least \$1,358,000 must be used for intravenous drug  
 14 abusers unless a waiver is granted from the federal  
 15 government.  
 16 b. Alcohol abuse treatment programs ..... 38.89 percent  
 17 c. Alcohol and drug abuse prevention  
 18 programs ..... 22.22 percent

19 As a condition, limitation, and qualification of  
 20 the appropriation in this section, and the allocations  
 21 in subsection 5, paragraphs "a" and "b", priority  
 22 shall be given to maintaining existing services,  
 23 reducing the treatment waiting lists, including  
 24 increasing provider salaries, providing aftercare  
 25 services, and providing early intervention in the  
 26 treatment of infants affected by cocaine.

27 As a condition, limitation, and qualification of  
 28 the appropriation in this section, and the allocations  
 29 in subsection 5, paragraph "c", priority shall be  
 30 given to maintaining existing services, funding  
 31 additional prevention specialists, and increasing  
 32 provider salaries.

33 Sec. 102. DRUG CONTROL AND SYSTEM IMPROVEMENT  
 34 GRANT PROGRAM APPROPRIATION.

35 1. There is appropriated from the fund created in  
 36 section 8.41 to the governor's substance abuse  
 37 coordinator for the federal fiscal year beginning  
 38 October 1, 1990, the following amount:  
 39 ..... \$ 4,860,000

40 Funds appropriated by this subsection are the  
 41 anticipated funds to be received from the federal  
 42 government for the designated fiscal year under Pub.  
 43 L. No. 100-690 which provides for the drug control and  
 44 system improvement grant program. The coordinator  
 45 shall expend the funds appropriated by this subsection  
 46 as provided in the federal law making the funds  
 47 available and in conformance with chapter 17A.

48 2. An amount not exceeding 5 percent of the funds  
 49 appropriated in subsection 1 shall be used by the  
 50 governor's substance abuse coordinator for

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1 administrative expenses. From the funds set aside by  
 2 this subsection for administrative expenses, the  
 3 coordinator shall pay to the auditor of state an  
 4 amount sufficient to pay the cost of auditing the use  
 5 and administration of the state's portion of the funds  
 6 appropriated in subsection 1. The auditor of state  
 7 shall bill the governor's substance abuse coordinator  
 8 for the cost of the audit.

9 3. Priority for the funding of programs with funds  
 10 appropriated in subsection 1 shall be given, to the  
 11 extent possible, to programs which accomplish any of  
 12 the following:

- 13 a. Expand analysis capabilities at the state
- 14 criminalistics laboratory.
- 15 b. The formation of multijurisdictional task
- 16 forces, created for the purpose of cooperating jointly
- 17 in enforcement efforts related primarily to controlled

- 18 substances, counterfeit substances, or simulated  
19 controlled substances.
- 20 c. Expand prosecutorial capabilities at the county  
21 and state level for drug-related offenses.
- 22 d. Establish or continue training programs for law  
23 enforcement officers, prosecutors, judges, probation  
24 officers, correctional officers, staff working with  
25 juvenile offenders, substance abuse prevention and  
26 treatment providers, and members of the community,  
27 which emphasize multidisciplinary understanding of  
28 drug abuse, including prevention and intervention  
29 policies.
- 30 e. Establish or continue treatment programs for  
31 prison-based populations and juvenile rehabilitation  
32 programs.
- 33 f. Establish or continue project D.A.R.E. (drug  
34 abuse resistance education).
- 35 g. Other programs authorized under the drug  
36 control and system improvement grant program.
- 37 Sec. \_\_\_\_\_. PROCEDURE FOR REDUCED FEDERAL FUNDS.
- 38 1. If the funds received from the federal  
39 government for the block grants specified in sections  
40 101 and 102 of this Act are less than the amounts  
41 appropriated, the funds actually received shall be  
42 prorated by the governor for the various programs, for  
43 which each block grant is available according to the  
44 percentages that each program is to receive as  
45 specified in this Act. However, if the governor  
46 determines that the funds allocated by the percentages  
47 will not be sufficient to effect the purposes of a  
48 particular program, or if the appropriation is not  
49 allocated by percentage, the governor may allocate the  
50 funds in a manner which will effect to the greatest

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- 1 extent possible the purposes of the various programs  
2 for which the block grants are available.
- 3 2. Before the governor implements the actions  
4 provided for in subsection 1, the following procedures  
5 shall be taken:
- 6 a. The chairpersons and ranking members of the  
7 senate and house standing committees on  
8 appropriations, the appropriate chairpersons and  
9 ranking members of subcommittees of those committees,  
10 and the director of the legislative fiscal bureau  
11 shall be notified of the proposed action.
- 12 b. The notice shall include the proposed  
13 allocations, and information on the reasons why  
14 particular percentages or amounts of funds are  
15 allocated to the individual programs, the departments  
16 and programs affected, and other information deemed

17 useful. Chairpersons notified shall be allowed at  
 18 least 2 weeks to review and comment on the proposed  
 19 action before the action is taken.

20 Sec. \_\_\_\_\_. PROCEDURE FOR INCREASED FEDERAL FUNDS.

21 If funds received from the federal government in  
 22 the form of block grants exceed the amounts  
 23 appropriated in sections 101 and 102 of this Act, the  
 24 excess shall be prorated to the appropriate programs  
 25 according to the percentages specified in those  
 26 sections, except additional funds shall not be  
 27 prorated for administrative expenses.

28 Sec. \_\_\_\_\_. PROCEDURE FOR CONSOLIDATED, CATEGORICAL,  
 29 OR EXPANDED FEDERAL BLOCK GRANTS.

30 Notwithstanding section 8.41, federal funds made  
 31 available to the state which are authorized for the  
 32 federal fiscal year beginning October 1, 1990,  
 33 resulting from the federal government consolidating  
 34 former categorical grants into block grants, or which  
 35 expand block grants included in Pub. L. No. 97-35, to  
 36 include additional programs formerly funded by  
 37 categorical grants, which are not otherwise  
 38 appropriated by the general assembly, are appropriated  
 39 for the programs formerly receiving the categorical  
 40 grants, subject to the conditions of this section.  
 41 The governor shall, whenever possible, allocate from  
 42 the block grant to each program in the same proportion  
 43 as the amount of federal funds received by the program  
 44 during the 1990 federal fiscal year as modified by the  
 45 1990 Session of the Seventy-third Iowa General  
 46 Assembly for the state fiscal year beginning July 1,  
 47 1990, compared to the total federal funds received in  
 48 the federal fiscal year by all programs consolidated  
 49 into the block grant. However, if one agency did not  
 50 have categorical funds appropriated for the federal

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1 fiscal year beginning October 1, 1989, but had  
 2 anticipated applying for funds during the federal  
 3 fiscal year beginning October 1, 1990, the governor  
 4 may allocate the funds in order to provide funding.

5 If the amount received in the form of a  
 6 consolidated or expanded block grant is less than the  
 7 total amount of federal funds received for the  
 8 programs in the form of categorical grants for the  
 9 1990 federal fiscal year, state funds appropriated to  
 10 the program by the general assembly to match the  
 11 federal funds shall be reduced by the same proportion  
 12 of the reduction in federal funds for the program.  
 13 State funds released by the reduction shall be  
 14 deposited in a special fund in the state treasury and  
 15 are available for appropriation by the general

16 assembly. The governor shall notify the chairpersons  
 17 and ranking members of the senate and house standing  
 18 committees on appropriations, the appropriate  
 19 chairpersons and ranking members of the subcommittees  
 20 of those committees, and the director of the  
 21 legislative fiscal bureau before making the allocation  
 22 of federal funds or any proportional reduction of  
 23 state funds under this section. The notice shall  
 24 state the amount of federal funds to be allocated to  
 25 each program, the amount of federal funds received by  
 26 the program during the 1990 federal fiscal year, the  
 27 amount by which state funds for the program will be  
 28 reduced according to this section, and the amount of  
 29 state funds received by the program during the 1990  
 30 fiscal year. Chairpersons notified shall be allowed  
 31 at least 2 weeks to review and comment on the proposed  
 32 action before the action is taken.

33 If the amount received in the form of a  
 34 consolidated or expanded block grant is more than the  
 35 total amount of federal funds received for the  
 36 programs in the form of categorical grants for the  
 37 1990 federal fiscal year, the excess funds shall be  
 38 deposited in the special fund created in section 8.41  
 39 and are subject to the provisions of that section.

40 Sec. \_\_\_\_\_. IOWA DEPARTMENT OF PUBLIC HEALTH.

41 There is appropriated from the federal grants,  
 42 receipts, and funds and other nonstate grants,  
 43 receipts, and funds, available in whole or in part for  
 44 the fiscal year beginning July 1, 1990, and ending  
 45 June 30, 1991, to the Iowa department of public  
 46 health, the following amounts, to be used as set forth  
 47 in the grants, receipts, or conditions accompanying  
 48 the receipt of the funds for the purposes designated:

49 1. For drug free schools and comprehensive  
 50 prevention services, to high-risk youth, grant number

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1 S186A90067:  
 2 ..... \$ 1,346,000

3 2. For the drug abuse treatment waiting list  
 4 reduction grant program, grant number ADH000020-01:  
 5 ..... \$ 279,647

6 Sec. \_\_\_\_\_. DEPARTMENT OF EDUCATION.  
 7 There is appropriated from federal grants,  
 8 receipts, and funds, available in whole or in part for  
 9 the fiscal year beginning July 1, 1990, and ending  
 10 June 30, 1991, to the department of education, the  
 11 following amount, to be used for the purposes  
 12 designated:  
 13 ..... \$ 3,500,000

14 It is the intent of the general assembly that of

15 the funds appropriated in this section and provided to  
16 school districts, the highest priority shall be given  
17 to the extent possible, to providing funding for  
18 implementation of human growth and development  
19 curriculum.

20 It is also the intent of the general assembly that  
21 of the funds appropriated in this section and provided  
22 to school districts, priority shall be given to the  
23 extent possible, to providing funding for curriculum  
24 development and training, and other related programs.

25 It is also the intent of the general assembly that to  
26 the extent possible, funds provided to the school  
27 districts by this section be used for projects with  
28 demonstrated success.

29 The department of education, in consultation with  
30 the division of substance abuse of the Iowa department  
31 of public health, shall survey all school districts in  
32 the state for the purpose of evaluating and assessing  
33 the extent to which substance abuse education is being  
34 provided to students in grades kindergarten through  
35 12. The department, in consultation with the  
36 division, shall issue a request for proposals for the  
37 purpose of contracting with an entity to conduct a  
38 longitudinal study for a minimum of twenty-five years  
39 to study, evaluate, and assess the effectiveness of  
40 the substance abuse education programs provided, to  
41 the extent possible, and to determine if peer groups  
42 exposed to certain types of prevention programs, when  
43 normed for socioeconomic and other pertinent factors,  
44 exhibit different incidences of substance abuse and  
45 use than the general population. The study shall also  
46 include follow-up information concerning students  
47 participating in such programs, including students who  
48 subsequently drop out of school. The department shall  
49 recognize successful programs and provide information  
50 concerning such programs to other districts making

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1 application for these funds. The department shall  
2 report the findings of the joint survey and study to  
3 the general assembly no later than January 15, 1991.  
4 The department shall monitor school district programs  
5 and report to the general assembly by December of each  
6 year concerning the impact of the programs funded with  
7 these funds."

8 29. Page 22, by striking lines 27 through 31, and  
9 inserting the following: "waiting lists with priority  
10 to be given to persons released or discharged from an  
11 institution under the direction of the department of  
12 corrections who were in treatment programs and who are  
13 identified by the board of parole to be in need of

14 further treatment, women of childbearing age, and  
 15 juveniles. Effective July 1, 1990, existing services  
 16 shall be maintained, \$1,528,702 shall be used to  
 17 reduce substance abuse treatment waiting lists with  
 18 priority to be given to persons released or discharged  
 19 from an institution under the direction of the  
 20 department of corrections who were in treatment  
 21 programs and who are identified by the board of parole  
 22 to be in need of further treatment, women of  
 23 childbearing age, and juveniles."

24 30. Page 23, by inserting after line 34, the  
 25 following:

26 "Sec. \_\_\_\_\_. 1989 Iowa Acts, chapter 310, section 4,  
 27 is amended by adding the following new subsections:  
 28 **NEW SUBSECTION. 4.** Priority for the funding of  
 29 programs with funds appropriated in subsection 1 shall  
 30 be given, to the extent possible, to programs which  
 31 accomplish any of the following:  
 32 a. Expand analysis capabilities at the state  
 33 criminalistics laboratory.  
 34 b. The formation of multijurisdictional task  
 35 forces, created for the purpose of cooperating jointly  
 36 in enforcement efforts related primarily to controlled  
 37 substances, counterfeit substances, or simulated  
 38 controlled substances.  
 39 c. Expand prosecutorial capabilities at the county  
 40 and state level for drug-related offenses.  
 41 d. Establish or continue training programs for law  
 42 enforcement officers, prosecutors, judges, probation  
 43 officers, correctional officers, staff working with  
 44 juvenile offenders, substance abuse prevention and  
 45 treatment providers, and members of the community,  
 46 which emphasize multidisciplinary understanding of  
 47 drug abuse, including prevention and intervention  
 48 policies.  
 49 e. Establish or continue treatment programs for  
 50 prison-based populations and juvenile rehabilitation

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1 programs.  
 2 f. Establish or continue project D.A.R.E. (drug  
 3 abuse resistance education).  
 4 g. Other programs authorized under the drug  
 5 control and system improvement grant program.  
 6 **NEW SUBSECTION. 5.** The governor's alliance on  
 7 substance abuse shall design a study to evaluate long-  
 8 term outcomes of projects funded by this grant program  
 9 and shall use this study as a factor when awarding  
 10 federal funds. The alliance shall collect program  
 11 evaluations and document the effectiveness of the  
 12 various programs funded under this grant program. The

13 department shall make this information available to  
 14 applicants and grantees and report to the general  
 15 assembly, no later than December 15, 1990, concerning  
 16 the effectiveness of programs funded."

17 31. Page 24, by inserting after line 8 the fol-  
 18 lowing:

19 "Sec. \_\_\_\_\_. Section 100 of this Act takes effect  
 20 January 1, 1992."

21 32. Title page, line 4, by inserting after the  
 22 word "penalties" the following: "and an effective  
 23 date".

24 33. By renumbering, relettering, or redesignating  
 25 and correcting internal references as necessary.

McKinney of Dallas offered the following amendment H-6195,  
 to the Senate amendment H-6162, filed by him from the floor and  
 moved its adoption:

#### H-6195

1 Amend the Senate amendment, H-6162, to House File  
 2 2564, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 1, by striking lines 4 through 6, and  
 5 inserting the following:

6 "\_\_\_\_\_. Page 1, lines 12 and 13, by striking the  
 7 words "to be deposited in the youth 2000 community  
 8 fund established in section 256.44".

9 \_\_\_\_\_. Page 1, by striking lines 23 through 25, and  
 10 inserting the following: "appropriation, grants shall  
 11 be awarded for collaborative efforts within the  
 12 community receiving the grant, and such grants shall  
 13 not exceed \$2,500. As a further condition,  
 14 limitation, and qualification of this appropriation,  
 15 funding shall be provided for contracting on a  
 16 competitive basis with a nonprofit organization to  
 17 provide technical assistance to communities pursuant  
 18 to section 256.43.

19 Applicants for grants to be made pursuant to  
 20 this".

21 2. Page 1, line 10, by striking the words "a part  
 22 of the school district" and inserting the following:  
 23 the community".

24 3. Page 1, by striking lines 11 and 12, and  
 25 inserting the following:

26 "\_\_\_\_\_. By striking page 2, line 23, through page  
 27 3, line 11."

28 4. Page 1, line 14, by striking the figure  
 29 "1,212,208" and inserting the following: "1,162,208".

30 5. Page 1, line 39, by striking the figure  
 31 "300,000" and inserting the following: "200,000".

32 6. Page 1, line 41, by striking the words "two

33 urban areas" and inserting the following: "urban  
 34 area".  
 35 7. Page 1, by striking line 48, and inserting the  
 36 following:  
 37 ".....\$ 125,000  
 38 The drug enforcement and abuse prevention  
 39 coordinator shall monitor the program and receive  
 40 reports required to be made concerning the program.  
 41 Persons responsible for the program shall report to  
 42 the drug enforcement and abuse prevention coordinator  
 43 concerning progress in establishing the program and  
 44 the expenditures made."  
 45 8. Page 2, by striking lines 1 through 40 and  
 46 inserting the following:  
 47 ".....\$ 50,000".  
 48 9. Page 2, line 48, by striking the figure  
 49 "31,792" and inserting the following: "56,292".  
 50 10. By striking page 2, line 49, through page 3,

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1 line 31, and inserting the following:  
 2 "\_\_\_\_\_. Page 5, line 2, by striking the figure  
 3 "52,500" and inserting the following: "28,000".  
 4 \_\_\_\_\_. Page 5, by inserting after line 21, the  
 5 following:  
 6 "4. For the division of narcotics for funding drug  
 7 enforcement operations to be used for the purchase of  
 8 illegal substances in furtherance of these enforcement  
 9 operations:  
 10 .....\$ 125,000  
 11 As a condition, limitation, and qualification of  
 12 this appropriation, the department shall use the  
 13 amount appropriated in this subsection to match and  
 14 obtain available federal funds, the total amount of  
 15 these funds to be used for the purchase of illegal  
 16 substances in furtherance of these enforcement  
 17 operations." "  
 18 11. Page 3, by striking line 34, and inserting  
 19 the following:  
 20 "\_\_\_\_\_. Page 6, line 8, by striking the figure  
 21 "150,000" and inserting the following: "125,000"."  
 22 12. Page 3, by striking lines 45 and 46, and  
 23 inserting the following:  
 24 ".....\$ 25,000  
 25 6. For salaries, support, maintenance, and  
 26 technical assistance for the purpose of reducing court  
 27 delays and for the training of judges:  
 28 .....\$ 25,000  
 29 As a condition, limitation, and qualification of  
 30 this appropriation, the drug enforcement and abuse  
 31 prevention coordinator, in cooperation with the

32 judicial department, shall use this amount to match  
 33 and obtain available federal funds, the total amount  
 34 of these funds to be used for the purpose of reducing  
 35 court delays.

36 7. Notwithstanding section 8.33, funds”.

37 13. Page 3, by striking lines 48 and 49, and  
 38 inserting the following:

39 “\_\_\_\_\_. By striking page 8, line 29, through page  
 40 9, line 3, and inserting the following:

41 “Notwithstanding section 602.6201, for an  
 42 additional”.”

43 14. Page 4, by striking line 18, and inserting  
 44 the following:

45 “a. Two physicians licensed in this state who  
 46 have”.

47 15. Page 4, by striking lines 30 through 39 and  
 48 inserting the following:

49 “d. One person representing a master's degree  
 50 program in substance abuse counseling, with research

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1 expertise in the field of substance abuse treatment.

2 e. Two representatives of the business community  
 3 who shall represent the business consumers of health  
 4 insurance.

5 f. Two representatives of providers of health  
 6 insurance. At least one representative shall  
 7 represent health maintenance organizations or  
 8 preferred provider organizations.

9 g. Three citizens of the state who do not provide  
 10 health services or health insurance or other fiscal  
 11 intermediary services.

12 Members appointed to the advisory council pursuant  
 13 to paragraphs “a” through “d” shall be appointed so  
 14 that an equal number shall be appointed to represent  
 15 public substance abuse treatment providers as are  
 16 appointed to represent private substance abuse  
 17 treatment providers.”

18 16. By striking page 4, line 40, through page 8,  
 19 line 8, and inserting the following:

20 “\_\_\_\_\_. By striking page 13, line 7, through page  
 21 19, line 17, and inserting the following:

22 “Sec. \_\_\_\_\_. NEW SECTION. 125.15B DUTIES OF  
 23 COUNCIL.

24 1. Except as otherwise provided by law, the  
 25 council shall:

26 a. Recommend policy and rule changes to the  
 27 director necessary to provide for the effective  
 28 regulation and assessment of treatment providers in  
 29 this state and the effective administration of this  
 30 chapter.

31 b. Receive, review, and make recommendations to  
32 the department based upon the information contained in  
33 the provider reports received by the department.

34 c. Shall study whether or not a problem currently  
35 exists with inappropriate transfers of patients by  
36 either providers or third-party payors, and, if so,  
37 make appropriate recommendations to the department.

38 2. The council may recommend to the director a  
39 contractor for the purpose of data collection related  
40 to the evaluation of providers subject to the  
41 provisions of this chapter and for the collection of  
42 patient data.

43 Sec. \_\_\_\_\_. NEW SECTION. 125.15C REQUIRED  
44 REPORTING.

45 Unless otherwise provided, a substance abuse  
46 treatment provider, regardless of whether the provider  
47 is licensed by the commission on substance abuse,  
48 shall report to the department on forms provided by  
49 the department, information relating to all patients  
50 admitted to treatment, receiving treatment, or

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1 discharged from treatment, and again at a specified  
2 time after completing or ending such treatment as  
3 required by departmental rule. The provider shall  
4 provide all information requested which is available  
5 to the provider. The department, after consultation  
6 with the advisory council, shall adopt rules providing  
7 for the information to be reported to the department  
8 and the advisory council.

9 In addition to receiving the reports required under  
10 this section, the division of substance abuse, for  
11 good cause, shall have access to the records of a  
12 substance abuse treatment provider for the purpose of  
13 auditing and inspecting the programs to assure  
14 compliance with the requirements of sections 125.15B  
15 through 125.15M.

16 For the period beginning July 1, 1990, and ending  
17 June 30, 1991, the form to be used for the reporting  
18 required under section 125.15C for all providers shall  
19 be the substance abuse management information system  
20 form used by the division of substance abuse. No  
21 later than July 1, 1991, the department, in  
22 consultation with the advisory council, shall require  
23 the reporting of additional information relating to  
24 the following addiction related symptoms of a patient:

- 25 1. Physical diseases associated with the use of
- 26 substances.
- 27 2. Organic brain dysfunction.
- 28 3. Symptomatic major psychosis.
- 29 4. Suicide attempts.

30 5. Other symptoms as deemed appropriate by the  
31 advisory council and adopted by the department for the  
32 purpose of determining patient severity at the time of  
33 admission to treatment.

34 Sec. \_\_\_\_\_. NEW SECTION. 125.15D DATA CONTRACTOR.

35 The department, after consultation with and upon  
36 recommendation of the advisory council, may contract  
37 with an independent data collector to survey substance  
38 abuse treatment providers required to report  
39 information under section 125.15C, and shall provide  
40 such information required to be reported pursuant to  
41 section 125.15C, and any other information collected  
42 as determined by the department, to the council.

43 Sec. \_\_\_\_\_. NEW SECTION. 125.15E DATA PROVIDED TO  
44 HEALTH DATA COMMISSION.

45 The department shall also forward all data reported  
46 pursuant to section 125.15C and any other information  
47 collected as determined by the department to the state  
48 health data commission.

49 Sec. \_\_\_\_\_. NEW SECTION. 125.15F MEASUREMENT  
50 STANDARDS.

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1 The department, after consultation with the  
2 advisory council, shall adopt rules establishing  
3 minimum standards of outcome measurement of patients  
4 ending or completing treatment relating to the  
5 effectiveness of substance abuse treatment programs,  
6 which shall primarily include, but not be limited to,  
7 the following:

- 8 1. Abstinence.
- 9 2. Arrest rate.
- 10 3. Improved socioeconomic status.

11 Sec. \_\_\_\_\_. NEW SECTION. 125.15G TYPES OF  
12 PROGRAMS.

13 For purposes of review of substance abuse treatment  
14 programs, all programs providing substance abuse  
15 treatment and subject to the requirements of section  
16 125.15A through 125.15M, shall be divided into class 1  
17 and class 2 programs based upon a patient severity  
18 index as determined by the advisory council. The  
19 patient severity index must include factors relating  
20 to medical severity, psychological dysfunction, age,  
21 recidivism, arrest rate, and other pertinent factors.  
22 The department, after consultation with the advisory  
23 council, shall adopt rules relating to the definition  
24 of class 1 and class 2 programs.

25 Sec. \_\_\_\_\_. NEW SECTION. 125.15H PROVIDER REVIEW  
26 - MINIMUM STANDARDS.

27 No later than July 1, 1992, the department, after  
28 consultation with the advisory council, shall adopt

29 rules providing for the minimum standards to be met by  
30 all providers.

31 Sec. \_\_\_\_\_. INTERIM RULES.

32 For the period beginning July 1, 1990, and ending  
33 June 30, 1992, all treatment providers shall meet the  
34 following minimum standards:

35 A success rate equal to seventy-five percent of the  
36 average success rate of the top fifty percent of  
37 treatment providers within the same class in each of  
38 the following categories:

39 1. Abstinence.

40 2. Arrest rate.

41 3. Improved socioeconomic status.

42 A treatment provider who fails to attain the  
43 required minimum success rate in any of the three  
44 categories shall be subject to intensified review by  
45 the department.

46 Sec. \_\_\_\_\_. NEW SECTION. 125.15I PROVIDER  
47 SANCTIONS.

48 1. A treatment provider which fails to meet the  
49 minimum standards established pursuant to section  
50 125.15F shall be reviewed by the advisory council.

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1 Within thirty days after the advisory council has  
2 concluded its review, the advisory council shall  
3 provide recommendations for program changes, or may  
4 recommend other appropriate action to be taken  
5 pursuant to this section, if any, to the Iowa  
6 department of public health. The department, upon  
7 affirming the recommendations of the advisory council,  
8 shall forward to the provider program recommendations  
9 as recommended by the advisory council, or other  
10 recommendations deemed appropriate by the department,  
11 and may stay further action against the provider, for  
12 a period of up to one year during which time, the  
13 advisory council shall continue to review the provider  
14 and new patient data shall be collected for review.

15 2. The advisory council may appoint one or more  
16 quality improvement task forces for the purpose of  
17 providing expert review and advice for improving the  
18 success rate of providers failing to meet the minimum  
19 standards required pursuant to section 125.15H. A  
20 task force shall consist of three substance abuse  
21 professionals from programs in the top fifty percent  
22 of all providers in the same class as the provider  
23 that fails to meet the standards. A task force shall  
24 review a provider that fails to meet the minimum  
25 standards and make recommendations for change to the  
26 provider being reviewed and notify the advisory  
27 council as to those recommendations. Both public and

28 private providers shall be represented on a quality  
29 improvement task force. Persons serving on a quality  
30 improvement task force may be reimbursed for expenses  
31 incurred in performance of the duties of the task  
32 force. A task force shall cooperate with the division  
33 of substance abuse and the technical assistance  
34 program.

35 3. If the advisory council finds that a substance  
36 abuse treatment provider has failed to meet the  
37 minimum standards established pursuant to section  
38 125.15F and action by the advisory council is not  
39 recommended pursuant to subsection 1, the advisory  
40 council may do any of the following:

41 a. Recommend to the director of public health that  
42 funding for the substance abuse treatment provider  
43 relating to the substance abuse treatment programs of  
44 the provider be withheld.

45 b. Recommend to the director of human services  
46 that medical assistance funding relating to the  
47 substance abuse treatment programs of the provider be  
48 withheld.

49 c. Recommend to the appropriate licensing  
50 authority that the license of the substance abuse

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1 treatment provider be suspended or revoked relating to  
2 the substance abuse treatment programs of the  
3 provider.

4 4. Notwithstanding subsections 1 through 3, the  
5 advisory council may find that the program serves a  
6 particularly difficult patient population and that the  
7 public health and welfare would be furthered by  
8 continuing to fund the program. In such a case, the  
9 advisory council, upon an affirmative vote of two-  
10 thirds of the members of the council shall recommend  
11 that a new measurement standard be established by the  
12 department, by rule, for the program.

13 5. If the advisory council has acted pursuant to  
14 subsection 1 and the director accepts such  
15 recommendation and stays action against the provider,  
16 at the end of that year the advisory council may  
17 recommend to the department an additional extension of  
18 the period of intensified review for up to one  
19 additional year.

20 6. If the advisory council has acted pursuant to  
21 subsection 1, 2, or 3 and no action has been taken  
22 pursuant to subsection 4 or 5, the department shall  
23 include the substance abuse treatment provider on a  
24 list of providers failing to meet the minimum  
25 standards which shall be provided to the public,  
26 third-party payors for health services, local govern-

27 ment bodies, and substance abuse treatment provider  
28 accreditation entities.

29 Sec. \_\_\_\_\_. NEW SECTION. 125.15J CONFIDENTIALITY  
30 OF INFORMATION.

31 1. Information received by the department  
32 contained in the reports required pursuant to section  
33 125.15I is subject to the confidentiality provisions  
34 of sections 125.37 and 125.93.

35 However, a summary of data concerning a program  
36 which has been sanctioned pursuant to section 125.15I,  
37 subsection 2 or 3, shall be made available, as  
38 appropriate, by the department.

39 2. Beginning July 1, 1993, to the extent permitted  
40 by state and federal law, a summary of data concerning  
41 the success of all substance abuse treatment programs  
42 shall be made available by the department upon the  
43 request of any interested person.

44 Sec. \_\_\_\_\_. NEW SECTION. 125.15K EXEMPLARY  
45 PROVIDERS - PREFERENTIAL TREATMENT.

46 The department, in consultation with the advisory  
47 council, shall adopt rules defining exemplary  
48 substance abuse treatment programs and providing for  
49 the recognition of exemplary substance abuse treatment  
50 programs. In adopting such rules the department shall

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1 consider patient populations and other appropriate  
2 factors.

3 Additionally, to the extent permitted by applicable  
4 state and federal requirements relating to substance  
5 abuse treatment funding, the department shall  
6 preferentially consider such exemplary substance abuse  
7 treatment providers in subsequent funding grant  
8 applications.

9 Sec. \_\_\_\_\_. NEW SECTION. 125.15L FALSIFICATION OF  
10 REPORT DATA.

11 A substance abuse treatment provider required to  
12 provide information to the department pursuant to  
13 section 125.15C, who intentionally falsifies any  
14 diagnosis of a patient admitted to treatment to avoid  
15 review pursuant to section 125.15H, who intentionally  
16 fails to report information to the department, or who  
17 falsifies such report, is subject to a civil penalty  
18 of five thousand dollars per false diagnosis, per  
19 failure to make such report, or per falsification of  
20 such report, in addition to any other appropriate  
21 action which may be taken by the department or the  
22 council. Such penalties shall be collected by the  
23 department and deposited in the general fund of the  
24 state.

25 In addition to the civil penalty provided in this

26 section, the department shall also make a list of  
 27 providers committing violations of this section  
 28 available to the public, third-party payors for health  
 29 services, local government bodies, and substance abuse  
 30 treatment provider accreditation entities.  
 31 Sec. \_\_\_\_\_. NEW SECTION. 125.15M PROGRAMS EXCLUDED  
 32 — PENALTY.” ”  
 33 17. Page 8, line 10, by striking the figure  
 34 “125.15I” and inserting the following: “125.15L”.  
 35 18. Page 8, line 12, by striking the figure  
 36 “125.15I” and inserting the following: “125.15L”.  
 37 19. Page 8, by striking lines 15 through 24.  
 38 20. By striking page 13, line 33, through page  
 39 14, line 42, and inserting the following:  
 40 ““Sec. \_\_\_\_\_. Section 911.2, Code 1989, is amended  
 41 to”.  
 42 21. Page 21, line 19, by inserting after the word  
 43 “curriculum” the following: “related to substance  
 44 abuse”.  
 45 22. Page 21, by striking lines 23 and 24, and  
 46 inserting the following: “extent possible, to provide  
 47 funding for substance abuse curriculum development and  
 48 training, development of student assistance teams, and  
 49 other related programs.”  
 50 23. Page 22, by striking lines 3 through 7, and

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1 inserting the following: “the general assembly no  
 2 later than January 15, 1991.” ”  
 3 24. Page 23, line 13, by striking the word  
 4 “department” and inserting the following: “alliance”.  
 5 25. Page 23, by striking lines 17 through 23.  
 6 26. Renumber as necessary.

**Amendment H—6195 was adopted.**

On motion by McKinney of Dallas, the House concurred in the Senate amendment H—6162, as amended.

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

On the question “Shall the bill pass?” (H.F. 2564)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman

Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhausser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spennér	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Fuller	Hanson, D. R.	Hermann	Jesse
McKean	Pellett	Schneklath	Stueland

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

### IMMEDIATE MESSAGES (House Files 2564 and 2504)

Arnould of Scott asked and received unanimous consent that House Files 2564 and 2504 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on appropriations.

The House stood at ease at 1:36 a.m., until the fall of the gavel.

The House resumed session at 2:43 a.m., Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2567, a bill for an act relating to and making appropriations from the energy conservation trust.

Also: That the Senate has on April 8, 1990, adopted the conference committee report and passed Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

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

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

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

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

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

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

JOHN F. DWYER, Secretary

### INTRODUCTION OF BILL

**House File 2569**, by committee on appropriations, a bill for an act relating to and making appropriations to finance state government and its obligations, and providing effective dates.

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

### SENATE MESSAGE CONSIDERED

**Senate File 2436**, by committee on appropriations, a bill for an act relating to the creation of a health and safety capital improvement

fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date.

Read first time and referred to committee on **appropriations**.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on appropriations.

The House stood at ease at 2:45 a.m., until the fall of the gavel.

The House resumed session at 3:20 a.m., Speaker Avenson in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2280)

Renaud of Polk called up for consideration the report of the conference committee on Senate File 2280 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2280

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5938.
2. That the House amendment, S-5672, to Senate File 2280, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 2, by inserting after line 1 the following:

"\_\_\_\_\_ Page 7, by inserting after line 7 the following:

"11. In carrying out the requirements of 1990 Iowa Acts, Senate File 2212, section 24, relating to the acquisition or construction of expanded prison facilities, the department of general services may include the architectural and engineering costs of the project as a part of the total costs of the project to be financed by lease-purchase arrangements.

12. If personnel reductions are required in the department of general services resulting from budget reductions, the layoffs shall be made only after service contracts with private parties have been reviewed and reduced or canceled where possible. Personnel reductions shall be distributed among management employees, nonmanagement employees who are not members of a bargaining unit, and nonmanagement employees who are members of a bargaining unit in the same proportion as the proportion to total employees represented by each group. The department shall retain those employees most essential to the department's mission. The department shall report to the co-chairpersons and ranking members of the joint administration appropriations subcommittee concerning any personnel reductions to demonstrate how the department has complied with the requirements of this subsection."

2. Page 2, line 11, by striking the figure "1,224,000" and inserting the following: "1,331,000".

3. Page 2, by striking lines 32 and 33, and inserting the following:

"\_\_\_\_\_. Page 12, by striking lines 10 through 22."

4. Page 2, by striking lines 36 and 37.

5. Page 2, line 39, by striking the figure "6,259,000" and inserting the following: "6,047,156".

6. Page 2, line 41, by striking the figure "1,712,000" and inserting the following: "1,654,000".

7. Page 2, line 43, by striking the figure "1,304,000" and inserting the following: "1,260,000".

8. Page 2, line 45, by striking the figure "1,878,000" and inserting the following: "1,814,000".

9. Page 2, line 47, by striking the figure "740,000" and inserting the following: "715,000".

10. Page 3, by striking lines 16 through 22 and inserting the following:

"Sec. \_\_\_\_\_. LAYOFF AND RECALL PROCEDURES.

The department of personnel in consultation with the department of management, the department of revenue and finance, and the department of general services, shall establish a program for employees of those departments whose positions are terminated as a result of this Act. The departments shall give a preference to qualified persons previously employed whose jobs were terminated as a result of this Act when hiring to fill vacant positions according to existing outplacement procedures established by the department of personnel and recall procedures established by public employee collective bargaining agreements.

Sec. \_\_\_\_\_ .

There is appropriated from the general fund of the state to the department of general services and the department of revenue and finance for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

For allocation, upon approval of the department of management, to avoid layoffs, if, after implementing efficiencies and other methods to achieve savings as directed by the department of management, the governor, and the department directors, funds appropriated by this Act are insufficient to otherwise avoid layoffs:

1. Department of general services:

..... \$ 250,000

2. Department of revenue and finance:

..... \$ 250,000

Sec. \_\_\_\_ . Section 7.17, Code 1989, is amended to read as follows:

7.17 OFFICE OF ADMINISTRATIVE RULES CO-ORDINATOR.

The governor shall establish the office of the administrative rules co-ordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules co-ordinator shall receive all notices and rules promulgated pursuant to chapter 17A and provide the governor with an opportunity to review and object to any rule as provided in chapter 17A. The administrative rules co-ordinator in consultation with the Code editor shall prescribe a uniform style and form by which an agency shall prepare and file a rule pursuant to chapter 17A which shall correlate each rule to a uniform numbering system devised by the administrative rules co-ordinator. The administrative rules co-ordinator shall review all submitted rules for style and form and may return or revise a rule which is not in proper style and form. In prescribing the style, and form, the administrative rules co-ordinator shall require that the agency include a reference to the statute which the rules are intended to implement."

\_\_\_\_. Page 19, by inserting after line 26, the following:

"Sec. \_\_\_\_ . Section 13.7, Code 1989, is amended to read as follows:

13.7 SPECIAL COUNSEL.

Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head thereof, or to a state board or commission. However, the executive council may employ legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section does not affect the general counsel for the utilities board of the department of commerce, the legal counsel for the board of optometry examiners, or the legal counsel of the division of job service of the department of employment services.

Sec. \_\_\_\_\_. Section 17A.2, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 11.** "ARC number" means the identification number assigned by the governor's administrative rules coordinator to each rulemaking document.

Sec. \_\_\_\_\_. Section 17A.4, subsection 1, paragraph a, Code 1989, is amended to read as follows:

a. Give notice of its intended action by submitting three copies of the notice to the administrative rules co-ordinator, who shall assign an ARC number to each rulemaking document and forward two copies to the Code editor for publication in the "Iowa Administrative Bulletin" created pursuant to section 17A.6. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon.

Sec. \_\_\_\_\_. Section 17A.5, subsection 1, Code Supplement 1989, is amended to read as follows:

1. Each agency shall file in the office of the administrative rules co-ordinator three certified copies of each rule adopted by it. Two copies of each rule shall be forwarded to the Code editor by the administrative rules co-ordinator. The administrative rules co-ordinator shall assign an ARC number to each rulemaking document and forward two copies to the Code editor. The administrative rules co-ordinator shall keep a permanent register of the rules open to public inspection.

Sec. \_\_\_\_\_. Section 17A.6, Code Supplement 1989, is amended by adding the following new subsections:

**NEW SUBSECTION. 7.** The Iowa administrative code shall be cited as (agency identification number) IAC, (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

**NEW SUBSECTION. 8.** The Iowa administrative bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Sec. \_\_\_\_\_. Section 18.136, Code Supplement 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 4A.** It is the intent of the general assembly that during the implementation of parts I and II of the system, the department of general services shall employ a consultant to report to it on the impact of changing technology on the potential cost and capabilities of the system. It is also the intent of the general assembly that the department of education shall study new techniques in distant teaching. These reports shall be made available to the general assembly.

Sec. 101. Section 18.137, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

There is created in the office of the treasurer of state a temporary fund to be known as the state communications network fund. There is appropriated, ~~contingent upon the certification from the department of management of financial resources adequate to fund the expenditure,~~ to the state communications network fund for each the fiscal year of the fiscal period beginning July 1, 1989, and ending June 30, ~~1994~~ 1990,

the sum of ten five million dollars from funds in the general fund of the state not otherwise appropriated. Any moneys remaining in the fund on June 30 of a fiscal year, of moneys appropriated from the general fund of the state for that fiscal year, shall revert to the general fund of the state, except that those funds needed to provide the state matching funds pursuant to section 18.136 shall not revert, notwithstanding section 8.33. There is appropriated from the general fund of the state to the state communications network fund for each fiscal year of the fiscal period beginning July 1, 1991, and ending June 30, 1996, the sum of five million dollars. Notwithstanding section 8.33, unobligated and unencumbered moneys from the appropriation for a fiscal year remaining on June 30 of that fiscal year shall not revert to the general fund of the state but shall remain available for expenditure during the next following fiscal year. There shall also be deposited into the state communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 18.136, matching funds received from the area schools and the local school boards, funds received from leases pursuant to section 18.134, and other moneys by law credited to or designated by a person for deposit into the fund. Notwithstanding the requirements of section 18.136, subsection 1, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, thirty-one thousand dollars of moneys in the state communications network fund may be expended for the state's share of the cost for the design of a disaster recovery facility to be built in conjunction with the Iowa communications network facility and emergency operation center. The department of general services may increase its fees for data processing in order to collect an additional amount not exceeding two hundred thousand dollars during the fiscal year beginning July 1, 1991, to pay for the state's share of the cost of construction of the disaster recovery facility."

\_\_\_\_\_. Page 20, by inserting before line 1, the following:

"Sec. \_\_\_\_\_. Section 90A.7, Code 1989, is amended to read as follows:

90A.7 WRITTEN REPORT FILED - TAX.

1. Every person conducting a boxing or wrestling match or charging an admission fee for viewing of a closed-circuit boxing or wrestling match in this state shall, within twenty-four hours after such match, furnish to the commissioner a written report, duly verified, showing the number of tickets sold for such boxing or wrestling match, and the amount of gross proceeds thereof of such boxing or wrestling match, and such other matters as the commissioner may prescribe; and shall also within the said same time period pay to the treasurer of state a tax of five percent of its total gross receipts, after deducting any federal admission state sales tax, from the sale of tickets of admission to such boxing or wrestling match.

2. Moneys collected pursuant to subsection 1 in excess of the amount of moneys needed to administer this chapter are appropriated and shall be used by the state commissioner of athletics to award grants to organizations which promote amateur boxing matches in this state.

3. The state commissioner of athletics shall adopt rules pursuant to chapter 17A to establish procedures for the submission of applications for grants to be awarded pursuant to subsection 2, and for the awarding of grants pursuant to subsection 2.

4. An advisory board composed of three members of the golden gloves association of America, incorporated - Iowa branch, appointed by the association, and three members of the United States of America amateur boxing federation - Iowa branch, appointed by the federation, shall advise the state commissioner of athletics regarding the awarding of grants pursuant to subsection 2.

Sec. \_\_\_\_\_. Section 97B.49, subsection 16, paragraph d, Code 1989, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (3A) As used in subparagraph (3), "correctional officer" includes any employee of the Iowa department of corrections whose primary purpose is, through ongoing direct inmate contact, to enforce and maintain discipline, safety, and security within a correctional facility and any employee of that department whose primary purpose is to provide security within a correctional facility.

Sec. \_\_\_\_\_. Section 258A.3, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION.** 5. The board of optometry examiners may retain a competent attorney to serve as its legal counsel as it finds necessary for the full and efficient discharge of its duties. The legal counsel retained by the board of optometry examiners shall be the attorney for, and legal advisor of, the board of optometry examiners while retained. The legal counsel is exempt from the merit provisions of chapter 19A. The legal counsel retained by the board of optometry examiners shall provide necessary legal advice to the board and may represent the board in disciplinary hearings or in actions instituted in a state or federal court challenging the validity of a rule or order of the board.

Sec. \_\_\_\_\_. Section 303.79, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION.** 11. If the narrowcast system advisory committee determines that an expansion of the number of sites utilizing distance learning would benefit the implementation of the state educational telecommunications system by demonstrating its capabilities to a greater number of individuals, the advisory committee may recommend that the board establish a demonstration program. Notwithstanding section 18.136, the board may allocate not more than one hundred thousand dollars from the state communications network fund for each of the fiscal years beginning July 1, 1990, and July 1, 1991, to be used to equip additional classrooms."

\_\_\_\_\_. Page 20, by inserting after line 9, the following:

"Sec. 201. Section 524.1213, subsection 9, Code Supplement 1989, is amended to read as follows:

9. The resulting bank of a merger or consolidation shall not retain any united community bank office or any other bank office within the municipality or urban complex in which the principal office of the resulting bank is located if the resulting bank then would have a greater number of bank offices within that municipality or urban complex than is expressly permitted by section 524.1202, subsection 2."

\_\_\_\_\_. Page 22, by inserting after line 28, the following:

"Sec. 202. 1990 Iowa Acts, House File 685, section 3, subsection 1, is amended to read as follows:

1. "Acquire", except in section 524.1802, subsection 1, means to directly or indirectly acquire twenty-five percent or more of the voting securities or other capital stock of, or power to control in any manner the election of a majority of the directors of, over one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state.

Sec. 203. 1990 Iowa Acts, House File 685, section 3, is amended by adding the following new subsections:

**NEW SUBSECTION. 1A.** "Bank conducting a banking business in this state" means a state bank or national bank that has its principal place of business in this state and that is authorized to engage and actually is engaged in receiving money for demand deposit, receiving money for time deposit, paying checks, and making commercial loans.

**NEW SUBSECTION. 4A.** "Control" means control as defined and described in the federal Bank Holding Company Act of 1956, 12 U.S.C. § 1841(a)(2)(A) and (B), as amended to January 1, 1990.

Sec. 204. 1990 Iowa Acts, House File 685, is amended by adding the following new section:

**SEC. \_\_\_\_\_ NEW SECTION. 524.1851A RIGHTS RESERVED.**

Notwithstanding any other provision of this division, a bank holding company described in section 524.1805 may engage in any acquisition or transaction in which it could lawfully engage in the absence of this division.

Sec. 205. 1990 Iowa Acts, House File 685, section 4, is amended to read as follows:

**SEC. 4. NEW SECTION. 524.1852 ACQUISITIONS.**

1. A regional bank holding company may directly or indirectly acquire an interest in the voting securities or other capital stock of, or power to control in any manner the election of any of the directors of obtain interests not constituting control in, one or more banks conducting a banking business in this state or in one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state.

2. ~~Notwithstanding subsection 1, a~~ regional bank holding company shall not directly or indirectly acquire twenty-five percent or more of the voting securities or other capital stock of, or power to control in any manner the election of a majority of the directors of, acquire one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state without except upon the prior approval of the superintendent and compliance with the application procedures and acquisition conditions, limitations, and requirements of this division.

Sec. 206. 1990 Iowa Acts, House File 685, section 6, subsection 5, paragraph 1, is amended to read as follows:

1. Will on balance have a positive effect upon the community interests of the communities served by the bank or banks to be acquired. In considering community interest factors, the superintendent may investigate in addition to the effects of the acquisition on shareholders or depositors, the effects of the acquisition on employees, suppliers, creditors, short-term and long-term impact upon community interests, and community development. ~~The superintendent shall consider the short-term and long-term impact upon community interests of the proposed acquisition, including the possibility that community interests may be best served by the continued independence of the bank or bank holding company to be acquired.~~

Sec. 207. 1990 Iowa Acts, House File 685, section 6, subsection 8, is amended by striking the subsection and inserting in lieu thereof the following:

8. Approval shall be conditioned upon the applicant entering into a contract with the superintendent providing that any bank located in this state and owned or controlled by the applicant will be operated in a manner that conforms to any actions, promised to be undertaken by the applicant in its application, to correct any deficiencies in the procedures or operations of the acquired bank, including requirements of subsection 5, which promises were necessary to allow the superintendent to approve the application. As part of such contract, the applicant shall agree that the applicant, as well as any Iowa bank or Iowa bank holding company acquired by the applicant, shall provide reports to and permit examinations of its records by the superintendent to the extent necessary to ensure compliance with the promises referred to in the application.

Sec. 208. 1990 Iowa Acts, House File 685, section 8, subsection 3, is amended to read as follows:

3. The superintendent may assess a civil penalty to a bank holding company in violation of a condition up to five thousand hundred dollars per violation, but not to exceed a total of two hundred fifty ten thousand dollars per year.

Sec. 209. 1990 Iowa Acts, House File 685, section 13, subsection 2, is amended to read as follows:

2. An authorization for a state bank chartered in this state, to engage in activities regulated under title 20, if any, does not grant the bank a regional bank holding company that acquires a state bank under section 524.1852 or any state bank owned or controlled by that bank holding company or any subsidiary or affiliate the ability or right to engage in such activities outside of this state.

Sec. 210. 1990 Iowa Acts, House File 685, is amended by adding the following new section:

SEC. \_\_\_\_\_. NEW SECTION. 524.1862 PROHIBITED ACQUISITIONS.

Unless expressly authorized by federal law in the absence of the enactment of this division, a foreign bank, as defined in 12 U.S.C. § 3101, or an out-of-state bank holding company that is directly or indirectly owned or controlled by a foreign bank shall not make any type of acquisition described or referred to in section 524.1852, and shall divest itself of any interest acquired in violation of this section. The superintendent may prosecute any action or proceeding necessary to compel compliance with this section.

Sec. \_\_\_\_\_ .

There is appropriated from the banking revolving fund to the banking division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purpose designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, in connection with the implementation, administration, and enforcement of interstate banking:

.....	\$ 50,000
..... FTEs	2.00

Sec. \_\_\_\_\_. RESALE OF COMMUNICATION SERVICES.

It is the intent of the general assembly that the department of general services shall not provide or resell communication services to agencies other than accredited nonpublic schools, nonprofit institutions of higher education eligible for tuition grants, state agencies, school corporations, city libraries, regional libraries as provided in chapter 303B, and county libraries as provided in chapter 358B."

\_\_\_\_\_. Page 22, by striking lines 29 and 30, and inserting the following:

"Sec. \_\_\_\_\_. EFFECTIVE DATES.

1. This section and sections 101 and 201 of this Act, being deemed of immediate importance, take effect upon enactment. All other sections of this Act take effect July 1, 1990.

2. Sections 202 through 210 of this Act shall have the same effect as if originally enacted in 1990 Iowa Acts, House File 685.

3. Section 210 of this Act is repealed effective January 1, 1992.

4. Sections 30, 31, 32, and 34 of this Act are repealed effective July 1, 1996."

\_\_\_\_\_. Title page, line 6, by inserting after the word "management," the following: "and to the state communications network fund, specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing penalties for violations,"."

ON THE PART OF THE HOUSE:

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

ON THE PART OF THE SENATE:

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

A non-record roll call was requested.

The ayes were 41, nays 35.

The motion prevailed and the conference committee report was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2280)

The ayes were, 52:

Adams	Arnould	Beaman	Bisignano
Black	Blanshan	Carpenter	Chapman
Cohoon	Connors	Corbett	Diemer
Dvorsky	Fey	Fogarty	Groninga

Gruhn	Halvorson, R. N.	Hansen, S. D.	Harper
Hatch	Haverland	Jay	Jochum
Johnson	Knapp	Lundby	Lykam
May	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Schrader	Sherzan	Shoultz
Spear	Spenner	Swartz	Tabor
Teaford	Tyrrell	Wise	Mr. Speaker
			Avenson

The nays were, 37:

Banks	Beatty	Bennett	Brand
Branstad	Brown	Buhr	Clark
Daggett	Doderer	Eddie	Garman
Halvorson, R. A.	Hammond	Hester	Hibbard
Holveck	Iverson	Jesse	Kistler
Koenigs	Kremer	Lageschulte	Maulsby
Miller	Ollie	Osterberg	Petersen, D. F.
Plasier	Renken	Rosenberg	Royer
Shearer	Siegrist	Svoboda	Trent
Van Maanen			

Absent or not voting, 11:

Brammer	De Groot	Fuller	Hanson, D. R.
Harbor	Hermann	McKean	Pellett
Schneklath	Shoning	Stueland	

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

### IMMEDIATE MESSAGE

(Senate File 2280)

Arnould of Scott asked and received unanimous consent that Senate File 2280 be immediately messaged to the Senate.

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

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

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1990.

**Appropriations Calendar**

**Senate File 2436**, a bill for an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date, with report of committee recommending passage was taken up for consideration by unanimous consent.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2436)

The ayes were, 53:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Diemer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Murphy	Neuhauser	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 32:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	Mertz
Miller	Nielsen	Petersen, D. F.	Plasier
Renken	Royer	Siegrist	Spear
Spenner	Trent	Tyrrell	Van Maanen

Absent or not voting, 15:

Brammer	De Groot	Doderer	Fuller
Hammond	Hanson, D. R.	Harbor	Hermann
McKean	Metcalf	Muhlbauer	Pellett
Schneklath	Shoning	Stueland	

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

### IMMEDIATE MESSAGE

(Senate File 2436)

Arnould of Scott asked and received unanimous consent that Senate File 2436 be immediately messaged to the Senate.

### Regular Calendar

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

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2426)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohon	Connors	Corbett	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz

Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 13:

Brammer	De Groot	Fuller	Hanson, D. R.
Harbor	Hermann	Jochum	McKean
Pellett	Schnekloth	Shoning	Stueland
Swartz			

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

### IMMEDIATE MESSAGE (Senate File 2426)

Arnould of Scott asked and received unanimous consent that Senate File 2426 be immediately messaged to the Senate.

The House stood at ease at 4:26 a.m., until the fall of the gavel.

The House resumed session at 5:10 a.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for the remainder of the session, on request of Spenner of Henry.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2213, a bill for an act relating to the regulation of banks to conform to changes in federal law contained in the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

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

House File 2393, a bill for an act relating to minimum liability limits for motor carriers and related procedures.

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

House File 2517, a bill for an act establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date.

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

House File 2564, a bill for an act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties.

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

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

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Appropriations Calendar

**House File 2569**, a bill for an act relating to and making appropriations to finance state government and its obligations, and providing effective dates, was taken up for consideration.

Bisignano of Polk offered the following amendment H—6196 filed by him from the floor and moved its adoption:

H—6196

- 1 Amend House File 2569 as follows:
- 2 1. By striking page 11, line 26 through page 12,
- 3 line 23, and inserting the following:
- 4 "Sec. 702. EFFECTIVE DATE.
- 5 Section 701 of this Act takes effect September 1,
- 6 1991."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 40, nays 45.

Amendment H—6196 lost.

Trent of Muscatine offered the following amendment H—6197 filed by him from the floor and moved its adoption:

H-6197

1 Amend House File 2569 as follows:  
 2 1. Page 18, by inserting after line 13 the fol-  
 3 lowing:  
 4 "Sec. \_\_\_\_\_. 1990 Iowa Acts, Senate File 2327,  
 5 section 1, subsection 1, is amended to read as  
 6 follows:  
 7 1. GENERAL ADMINISTRATION  
 8 For salaries, support, maintenance, miscellaneous  
 9 purposes, and for not more than the following full-  
 10 time equivalent positions:  
 11 ..... \$ 815,706  
 12 ..... 1,040,706  
 13 ..... FTEs 21.00  
 14 ..... 25.50  
 15 Sec. \_\_\_\_\_. 1990 Iowa Acts, Senate File 2327,  
 16 section 1, subsection 12, paragraph a, is amended to  
 17 read as follows:  
 18 a. Small business program:  
 19 ..... \$ 151,314  
 20 ..... 207,559  
 21 ..... FTEs 2.00  
 22 ..... 3.50".  
 23 2. Page 18, line 14, by striking the words and  
 24 figure "section 9, is" and inserting the following:  
 25 "sections 7, 9, 18 through 22, and 30 through 35,  
 26 are".

Amendment H-6197 was adopted.

Peterson of Carroll offered the following amendment H-6198 filed from the floor by Peterson of Carroll and Carpenter of Polk and moved its adoption:

H-6198

1 Amend House File 2569 as follows:  
 2 1. Page 22, by inserting after line 24 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 232.147, subsection 3,  
 5 paragraph c, Code 1989, is amended to read as follows:  
 6 c. The child's parent, guardian or custodian,  
 7 court-appointed special advocate, and guardian ad  
 8 litem."  
 9 2. Page 24, by striking lines 3 through 7.  
 10 3. Page 24, line 21, by inserting after the word  
 11 "court:" the following: "A senior judge shall not be  
 12 assigned to judicial duties on the supreme court  
 13 unless the judge has been appointed to serve on the  
 14 supreme court prior to retirement."  
 15 4. By striking page 27, line 30 through page 28,  
 16 line 4.  
 17 5. By renumbering as necessary.

Amendment H—6198 was adopted.

Hammond of Story offered the following amendment H—6199 filed by her from the floor and moved its adoption:

H—6199

- 1 Amend House File 2569 as follows:
- 2 1. Page 3, by inserting after line 27 the
- 3 following:
- 4 "Sec. 2. STUDY REQUIRED.
- 5 Notwithstanding section 8.33, the department of
- 6 human services shall complete by January 2, 1991, the
- 7 studies required pursuant to 1989 Iowa Acts, chapter
- 8 318, section 1, subsection 5, and the funds
- 9 appropriated for this purpose that remain unencumbered
- 10 and unobligated on June 30, 1990, shall not revert to
- 11 the general fund but shall remain available for the
- 12 purposes designated during the fiscal year beginning
- 13 July 1, 1990."
- 14 2. Page 3, line 29, by striking the word and
- 15 figure "Section 201" and inserting the following:
- 16 "Sections 201 and 2".
- 17 3. Page 3, line 30, by striking the word "takes"
- 18 and inserting the following: "take".

Amendment H—6199 was adopted.

The following amendment H—6200 filed by Jochum of Dubuque from the floor was adopted by unanimous consent:

H—6200

- 1 Amend House File 2569 as follows:
- 2 1. Title page, line 2, by inserting after the
- 3 word "government" the following: ", its regulatory
- 4 functions,".

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2569)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard

Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 16:

Banks	Bennett	Branstad	Corbett
Garman	Halvorson, R. A.	Kistler	Kremer
Maulsby	Metcalf	Miller	Petersen, D. F.
Plasier	Royer	Siegrist	Van Maanen

Absent or not voting, 14:

Brammer	De Groot	Fuller	Hanson, D. R.
Harbor	Hermann	Lageschulte	McKean
Neuhauser	Pellett	Renken	Schnekloth
Shoning	Stueland		

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

### IMMEDIATE MESSAGE

(House File 2569)

Arnould of Scott asked and received unanimous consent that House File 2569 be immediately messaged to the Senate.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2372**, a bill for an act relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa, previously deferred and placed on the unfinished business calendar.

Pavich of Pottawattamie asked and received unanimous consent to withdraw the committee amendment H – 5596 filed on March 12, 1990.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2372)

The ayes were, 83:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Harper	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Halvorson, R. N.

Absent or not voting, 16:

Brammer	De Groot	Fuller	Hanson, D. R.
Harbor	Hatch	Hermann	Lageschulte
McKean	Neuhauser	Pellett	Renken
Schneklath	Shoning	Stueland	Swartz

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

### IMMEDIATE MESSAGE (Senate File 2372)

Arnould of Scott asked and received unanimous consent that Senate File 2372 be immediately messaged to the Senate.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, amended and passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on judiciary and law enforcement.

The House stood at ease at 5:36 a.m., until the fall of the gavel.

The House resumed session at 5:58 a.m., Speaker Avenson in the chair.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

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

JOHN F. DWYER, Secretary

## ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2413)

Jay of Appanoose called up for consideration the report of the conference committee on Senate File 2413 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2413

To the President of the Senate and the Speaker of the House of Representatives:

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

1. That the House recedes from its amendment, S-5888.
2. That Senate File 2413, as amended, passed, and reprinted by the Senate, is amended as follows:
  1. Page 1, line 24, by inserting after the word "services" the following: "or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 246.703,".
  2. Page 1, line 32, by inserting after the word "services," the following: "or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 246.703,".
  3. Page 2, line 7, by inserting after the word "services," the following: "or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 246.703,".
  4. Page 2, line 25, by inserting after the word "services," the following: "or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 246.703,".
  5. Page 2, by striking lines 31 and 32, and inserting the following:

"A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of".

6. Page 2, line 34, by inserting after the figure "123.47" the following: "and if the person is not referred to juvenile court".

7. Page 3, line 13, by striking the word "counterfiet" and inserting the following: "counterfeit".

8. Page 4, by striking lines 13 and 14, and inserting the following:

"A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of a".

9. Page 4, line 16, by inserting after the word "chapter," the following: "and if the person is not referred to juvenile court".

10. Page 9, line 17, by striking the word "- PENALTY" and inserting the following: "- PENALTY".

11. Page 10, by inserting after line 28, the following:

"Sec. \_\_\_\_\_. Section 232.2, subsection 6, paragraph d, Code Supplement 1989, is amended to read as follows:

d. Who has been, or is imminently likely to be, sexually abused by the child's parent, guardian, custodian or other member of the household in which the child resides.

Sec. \_\_\_\_\_. Section 232.8, subsection 1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Violations by a child of provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G which would be simple misdemeanors if committed by an adult, and violations by a child of county or municipal curfew or traffic ordinances, and violations by a child of section 123.47, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. The court may advise appropriate juvenile authorities and may refer violations of section 123.47 to the juvenile court when there is reason to believe the child regularly abuses alcohol and may be in need of treatment. The court shall notify the parents or legal guardians of a child who appears before it for a violation of section 123.47. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this unnumbered paragraph shall be sentenced pursuant to section 805.8, where applicable, and pursuant to section 903.1, subsection 3, for all other violations."

12. Page 11, by inserting after line 5, the following:

"Sec. \_\_\_\_\_. Section 232.19, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 3.** Notwithstanding any other provision of this chapter, a child shall not be placed in detention as a result of a violation by that child of section 123.47."

13. Page 11, line 11, by inserting after the word "alcohol" the following: "or controlled substance".

14. Page 11, by inserting after line 19, the following:

"Sec. \_\_\_\_\_. Section 232.82, Code 1989, is amended to read as follows:

**232.82 REMOVAL OF SEXUAL OFFENDERS AND PHYSICAL ABUSERS FROM THE RESIDENCE PURSUANT TO COURT ORDER.**

1. Notwithstanding section 561.15, if it is alleged by a person authorized to file a petition under section 232.87, subsection 2, or by the court on its own motion, that a parent, guardian, custodian, or an adult member of the household in which a child resides has committed a sexual offense with or against the child, pursuant to chapter 709 or section 726.2, or a physical abuse as defined by section 232.2, subsection 38, the juvenile court may enter an ex parte order requiring the alleged sexual offender or physical abuser to vacate the child's residence upon a showing that probable cause exists to believe that the sexual offense or physical abuse has occurred and that substantial evidence exists to believe that the presence of the alleged sexual offender or physical abuser in the child's residence presents a danger to the child's life or physical, emotional, or mental health.

2. If an order is entered under subsection 1 and a petition has not yet been filed under this chapter, the petition shall be filed under section 232.87 by the county attorney, the department of human services, or a juvenile court officer within three days of the entering of the order.

3. The juvenile court may order on its own motion, or shall order upon the request of the alleged sexual offender or physical abuser, a hearing to determine whether the order to vacate the residence should be upheld, modified, or vacated. The juvenile court may in any later child in need of assistance proceeding uphold, modify, or vacate the order to vacate the residence.

Sec. \_\_\_\_\_. Section 232.116, subsection 1, Code Supplement 1989, is amended by adding a new paragraph:

**NEW PARAGRAPH**. 1. The court finds that both of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 after finding that the child has been physically or sexually abused as a result of the acts or omissions of a parent.

(2) The parent found to have physically or sexually abused the child has been imprisoned for such abuse against the child, the child's sibling, or any other child in the household and the court finds it is unlikely that the parent will be released within five years."

15. Page 11, by striking line 23, and inserting the following: "of suitable space for reading material for inmates. For purposes of this section, "suitable reading materials" does not include material depicting or describing the genitals, sex acts, masturbation, excretory functions, or sadomasochistic abuse which the average person, taking the material as a whole and applying contemporary community standards with respect to what is suitable material for inmates, would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political, or artistic value. The".

16. Page 12, line 3, by inserting after the word "paragraph" the following: " "b" or".

17. Page 12, by inserting after line 14, the following:

"Sec. \_\_\_\_\_. Section 246.703, Code 1989, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The director may enter into a chapter 28E agreement with a county board of supervisors or county conservation board to provide inmate services for environmental maintenance including but not limited to brush and weed cutting, tree planting, and erosion control. The board of supervisors or conservation board shall reimburse the department of corrections for the allowance paid the inmates by the director. The supervision, security, and transportation of inmates used pursuant to the chapter 28E agreement shall be provided by the department of corrections."

18. Page 12, line 19, by inserting after the word "inmate's" the following: "mandatory minimum".

19. By striking page 12, line 20, through page 13, line 28, and inserting the following: "sentence performing labor in the program. Duties, if possible, shall consist of physical labor in plain view of the public. However, an inmate shall not be required to perform work which is beyond an inmate's physical ability, which constitutes a physical hardship, or which is dangerous or threatening to the inmate's life or health, medically prohibited, or unduly painful.

Sec. \_\_\_\_\_. Section 321J.2, subsection 2, Code 1989, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** A minimum term of imprisonment in a county jail or community-based correctional facility imposed on a person convicted of a second or subsequent offense under paragraph "b" or "c" shall be served on consecutive days. However, if the sentencing court finds that service of the full minimum term on consecutive days would work an undue hardship on the person, or finds that sufficient jail space is not available and is not reasonably expected to become available within four months after sentencing to incarcerate the person serving the minimum sentence on consecutive days, the court may order the person to serve not less than forty-eight consecutive hours of the minimum term and to perform a specified number of hours of unpaid community service as deemed appropriate by the sentencing court.

Sec. \_\_\_\_\_. Section 321J.3, subsection 1, Code 1989, is amended to read as follows:

1. On a conviction for a violation of section 321J.2, the court may order the defendant to attend a course for drinking drivers under section 321J.22. If the defendant submitted to a chemical test on arrest for the violation of section 321J.2 and the test indicated an alcohol concentration of .20 or higher, or if the defendant is charged with a second or subsequent offense, the court shall order the defendant, on conviction, to undergo a substance abuse evaluation and the court may shall order the defendant to follow the recommendations proposed in the substance abuse evaluation for appropriate substance abuse treatment for the defendant. Court-ordered substance abuse treatment is subject to the periodic reporting requirements of section 125.86. If a defendant is committed by the court to a substance abuse treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the area school

conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. Upon successfully completing or attending a course for drinking drivers or an ordered substance abuse treatment program, the person may be placed on probation for six months and as a condition of probation, shall attend a program providing posttreatment services relating to substance abuse as approved by the court. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. A defendant who fails to carry out the order of the court or who fails to successfully complete or attend a course for drinking drivers or an ordered substance abuse treatment program shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court. In addition to any other condition of probation, the person shall attend a program providing substance abuse prevention services or posttreatment services related to substance abuse as ordered by the court. The person shall report to the person's probation officer as ordered concerning proof of attendance at the treatment program or posttreatment program ordered by the court. Failure to attend or complete the program shall be considered a violation of probation and is punishable as contempt of court.

**Sec. 200. NEW SECTION. 321J.4A SURRENDER OF REGISTRATION AND PLATES.**

1. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the court shall issue an impoundment order requiring the surrender to the court of the registration certificate and registration plates of all of the following:

a. All vehicles registered to the defendant, or jointly to the defendant and the defendant's spouse.

b. All vehicles owned by the defendant, or jointly by the defendant and the defendant's spouse.

c. All vehicles leased to the defendant, or jointly to the defendant and the defendant's spouse. This paragraph does not apply to a rental vehicle which is one of a fleet of two or more vehicles rented for periods of four months or less.

2. For purposes of this subsection, a conviction for, deferred judgment for, or plea of guilty to, a violation of section 321J.2, which occurred more than six years prior to the date of the most recent violation charged, shall not be considered in determining that the most recent violation is a third or subsequent violation.

3. If the court issues an impoundment order, the registration certificate and registration plates shall be surrendered to the court either three days after the order is issued or on the date specified by the court, whichever is later. The court shall forward surrendered registration certificates to the county recorder within seven days after surrender. The court may destroy the surrendered registration plates. Except as provided in subsection 5, new registration plates shall not be issued to the defendant or owner until the driver's license of the violator has been reissued or reinstated. The court shall notify the director within ten days after issuing an impoundment order.

4. a. A defendant or an owner may apply to the director for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. Application for and acceptance of special plates constitutes implied consent for law enforcement officers to stop the vehicle bearing special plates at any time. The director shall authorize the issuance of special plates if any of the following apply:

(1) A member of the defendant's household has a valid driver's license.

(2) The defendant or owner has a temporary restricted license pursuant to section 321J.20.

The director may issue the special plates on payment of a fifty dollar fee for each vehicle for which special plates are requested.

b. Until the driver's license of the defendant is reinstated or reissued, the defendant shall inform the department that an impoundment order is in effect when requesting any new registration plates.

5. A registered owner shall not sell a motor vehicle during the time its registration plates and registration certificate have been ordered surrendered or during the time its registration plates bear a special series number, unless the registered owner applies to the department for consent to transfer title to the motor vehicle. If the department is satisfied that the proposed sale is in good faith and for valid consideration, that the registered owner will be deprived of custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provisions of this section, the department may certify its consent to the county recorder. The county recorder shall then transfer the registration certificate to the new owner upon proper application and issue new registration plates. After the registration plates and registration certificate have been ordered surrendered to the court under this section, if the title to the motor vehicle is transferred by the cancellation of a conditional sales contract, a sale upon execution, or by decree or order of a court of competent jurisdiction, the department shall order the registration certificate surrendered to the new registered owner. The county recorder shall then transfer the registration certificate and issue new registration plates to the new registered owner.

6. This section is not intended to change or modify taxation of motor vehicles or the time within which a motor vehicle tax must be paid.

7. a. A person who fails to surrender any registration plates or a registration certificate to the court upon demand under this section or who fails to comply with this section is guilty of a simple misdemeanor and contempt of court.

b. A person who operates a motor vehicle on a street or highway at a time when a court has ordered the surrender of its registration plate and registration certificate is guilty of a simple misdemeanor as a separate and distinct offense from any other penalty imposed in connection with driving while under a license suspension or revocation.

8. The director may adopt such rules as may be necessary or convenient for the implementation and administration of this section.

Sec. \_\_\_\_\_. Section 356.26, Code 1989, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The district court may also grant by order to any person sentenced to a county jail the privilege of a sentence of in-home detention where the county sheriff has certified to the court that the jail has an in-home detention program. The department of corrections shall report to the legislative fiscal bureau on a semiannual basis concerning utilization of in-home detention, including the counties which have established such programs and the number of prisoners allowed in-home detention privileges."

20. Page 20, line 6, by striking the word "-- REFUNDS" and inserting the following: "-- REFUNDS".

21. Page 22, by inserting after line 34, the following:

"Sec. 104. Section 602.6405, subsection 1, Code 1989, is amended to read as follows:

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. ~~They also Magistrates~~ have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. ~~They also Magistrates~~ have jurisdiction over violations of section 123.47 involving persons eighteen years of age, and section 123.49, subsection 2, paragraph "h". Magistrates have jurisdiction to conduct hearings authorized under section 809.4 and section 809.10, subsection 2."

22. By striking page 22, line 35 through page 23, line 6, and inserting the following:

"Sec. \_\_\_\_\_. Section 707.6A, Code Supplement 1989, is amended to read as follows:

**707.6A HOMICIDE OR SERIOUS INJURY BY VEHICLE.**

1. A person commits a class "~~D~~" "C" felony when the person unintentionally causes the death of another by either of the following means:

a. Operating a motor vehicle while under the influence of alcohol or a other drug or a combination of such substances or while having an alcohol concentration, as defined in section 321J.1, subsection 1, of .10 or more, in violation of section 321J-2. Upon a plea or verdict of guilty of a violation of this paragraph, the court shall order the state department of transportation to revoke the defendant's motor vehicle license or non-resident operating privileges for a period of six years. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the revocation order.

b. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

2. A person commits ~~an aggravated misdemeanor~~ a class "D" felony when the person unintentionally causes the death of another by operating a motor vehicle in any of the following manners:

a. Drag racing, in violation of section 321.278.

b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of section 321.279.

3. A person commits an aggravated misdemeanor when the person unintentionally causes a serious injury, as defined in section 321J.1, subsection 8, by either of the means described in subsection 1 of this section.

3 4. As used in this section, "motor vehicle" includes any vehicle defined as a motor vehicle in section 321.1.

5. Except for the purpose of sentencing under section 321J.2, subsection 2, a conviction or deferral of judgment for a violation of this section, where a violation of section 321J.2 is admitted or proved, shall be treated as a conviction or deferral of judgment for a violation of section 321J.2 for the purposes of chapters 321, 321A, and 321J, and section 907.3, subsection 1."

23. Page 24, by inserting after line 15, the following:

"Sec. \_\_\_\_\_. Section 809.10, subsection 3, Code 1989, is amended to read as follows:

3. Upon a finding by the court that the property is forfeitable, the court shall may as a matter of equity enter an order transferring title to the property to the state.

Sec. \_\_\_\_\_. NEW SECTION. 809.17 PROCEEDS APPLIED TO VARIOUS PROGRAMS.

Except as provided in section 809.21, proceeds from the disposal of seized or forfeited property pursuant to this chapter may be transferred in whole or in part to the victim reparation fund created in pursuant to chapter 912 at the discretion of the recipient agency, political subdivision, or department."

24. Page 26, by striking lines 4 through 7, and inserting the following:

"1. A brief personal and social history of the defendant.

2. The defendant's criminal record."

25. Page 26, by inserting after line 33, the following:

"Sec. \_\_\_\_\_. Section 903.1, subsection 3, unnumbered paragraph 1, Code 1989, is amended to read as follows:

3. A person under eighteen years of age convicted of a simple misdemeanor under chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, ~~section 123.47,~~ or a violation of a county or municipal curfew or traffic ordinance, except for an offense subject to section 805.8, may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court."

26. Page 27, line 10, by striking the words "substance abuse" and inserting the following: "treatment".

27. Page 27, line 21, by inserting after the word "service." the following: "The board shall not make community service a uniform or mandatory requirement for all or substantially all parolees or work release inmates but shall exercise discretion in ordering community service as a condition of parole or work release. The board shall report to the general assembly on the implementation of community service as a condition of parole or work release. The report shall be submitted on or before January 1, 1991."

28. Page 35, by striking line 16, and inserting the following:

"The department of public safety shall study the feasibility and usefulness of implementing a pilot program for".

29. Page 35, line 22, by striking the word "program" and inserting the following: "study".

30. Page 35, by striking lines 24 through 26, and inserting the following: "prevention coordinator who shall consult with the department of public safety to accomplish the purposes described in this section."

31. By striking page 35, line 27, through page 36, line 11, and inserting the following:

"Sec. \_\_\_\_ . ALTERNATIVE DRUG TESTING FOR OFFICERS.

The department of public safety shall develop a plan for the implementation of alternative drug testing programs for law enforcement, parole, and probation officers. The plan shall be submitted to the general assembly by January 15, 1991, in a form which could be adopted and implemented by the department of public safety or individual law enforcement agencies throughout the state."

32. Page 36, by striking lines 16 through 20, and inserting the following:

"Sec. \_\_\_\_ . Section 200 takes effect July 1, 1991."

33. By renumbering, relettering, and redesignating as necessary.

ON THE PART OF THE HOUSE:

DANIEL JAY, Chair  
MICHAEL PETERSON  
GARY SHERZAN  
BILL TRENT

ON THE PART OF THE SENATE:

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

The motion prevailed and the conference committee report was adopted.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2413)

The ayes were, 84:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lundby	Lykam

Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Pony	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 16:

Brammer	Connors	Corbett	De Groot
Fuller	Hanson, D. R.	Harbor	Hermann
Lageschulte	McKean	Osterberg	Pellett
Renken	Schneklath	Shoning	Stueland

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

### COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

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

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1990.

### Regular Calendar

**Senate File 2432**, a bill for an act relating to the drug testing of certain individuals as required pursuant to certain federal regulations, with report of committee recommending passage was taken up for consideration by unanimous consent.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2432)

The ayes were, 68:

Adams	Arnould	Banks	Beaman
Bennett	Black	Branstad	Carpenter
Chapman	Clark	Cohoon	Daggett
Diemer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Harper	Haverland
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Kremer	Lundby	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schrader	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 15:

Beatty	Bisignano	Brown	Buhr
Doderer	Hammond	Hansen, S. D.	Hatch
Hibbard	Knapp	Lykam	Murphy
Peters	Shearer	Teaford	

Absent or not voting, 17:

Blanshan	Brammer	Brand	Connors
Corbett	De Groot	Fuller	Hanson, D. R.
Harbor	Hermann	Lageschulte	McKean
Pellett	Renken	Schnekloth	Shoning
Stueland			

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

**MOTION TO RECONSIDER PREVAILED**  
(Senate File 2412)

Jay of Appanoose called up for consideration the motion to reconsider Senate File 2412, filed on April 5, 1990, and moved to reconsider the vote by which Senate File 2412, a bill for an act relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty, passed the House and was placed on its last reading on April 5, 1990.

A non-record roll call was requested.

The ayes were 54, nays none.

The motion prevailed and Senate File 2412 was reconsidered.

Murphy of Dubuque offered the following amendment H-6181 filed by Jay of Appanoose and Murphy of Dubuque and moved its adoption:

H-6181

1 Amend Senate File 2412, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 7 and 8, by striking the words  
4 "in an aggregate, annual amount or value of twenty-  
5 five thousand dollars or more."

6 2. By striking page 2, line 12 through page 3,  
7 line 26, and inserting the following:

8 "122.2 REGISTRATION PERMIT REQUIRED -- FEE --  
9 EXPIRATION.

10 1. a. A professional commercial fund-raiser shall  
11 not solicit contributions for charitable purposes in  
12 this state unless the professional commercial fund-  
13 raiser has registered with the attorney general, has  
14 provided the attorney general with a listing of the  
15 professional commercial fund-raiser's clients, and has  
16 obtained a registration permit from the attorney  
17 general. The attorney general may require that  
18 registration information be updated on a quarterly  
19 basis.

20 b. The attorney general shall prescribe and  
21 furnish the registration permit application form which  
22 shall include provisions for financial disclosure  
23 information concerning contributions received and  
24 disbursements made during the previous year by the  
25 professional commercial fund-raiser applying for  
26 registration. Financial disclosure information shall  
27 not include an applicant's donor lists.

28 c. In lieu of filing the financial disclosure  
29 information at the time of registration, the  
30 professional commercial fund-raiser may file a  
31 statement with its permit application where it agrees  
32 to provide, without cost, the financial disclosure  
33 information required to be disclosed pursuant to this  
34 subsection to a person or government entity requesting  
35 the information within one day of the request. The  
36 statement shall include the telephone number, mailing  
37 address, and names of persons to be contacted to  
38 obtain the financial disclosure information of the  
39 fund-raiser. Failure to provide this information upon  
40 request shall be a violation of this chapter.

41 2. A charitable organization shall provide, upon  
42 request and without cost to the requesting party,  
43 financial disclosure information concerning  
44 contributions received and disbursements for the

45 organization's last complete fiscal year, or, if the  
 46 organization has not completed a full fiscal year, for  
 47 its current fiscal year, to the attorney general or a  
 48 person requesting the information within five days of  
 49 the request.

50 3. a. If a professional commercial fund-raiser or

**Page 2**

1 charitable organization fails to provide financial  
 2 information as required or requested, the fund-raiser  
 3 or organization shall file the financial disclosure  
 4 information with the attorney general within seven  
 5 days of its failure to have provided the disclosure  
 6 information and, thereafter, file, if required by the  
 7 attorney general, annual financial disclosure  
 8 information with the attorney general.

9 b. The attorney general may seek an injunction  
 10 pursuant to section 714.16 prohibiting the  
 11 professional commercial fund-raiser or charitable  
 12 organization from soliciting contributions until the  
 13 required financial information has been disclosed to  
 14 the attorney general, person, or government entity  
 15 making the request.

16 4. The client lists of a professional commercial  
 17 fund-raiser, if required to be filed as part of the  
 18 application for registration, shall be confidential  
 19 and may be used only for law enforcement purposes.

20 5. The attorney general shall collect a fee of ten  
 21 dollars for each registration permit issued. A permit  
 22 shall expire twelve months following the date of  
 23 issuance.

24 6. The attorney general may make reasonable rules  
 25 to enforce the provisions of this chapter."

26 3. Page 3, lines 33 and 34, by striking the words  
 27 "first placing on file with the attorney general  
 28 written".

29 4. Page 4, by striking lines 1 through 3 and  
 30 inserting the following: "solicitation."

31 5. Page 4, by striking lines 15 through 24.

32 6. By renumbering as necessary.

**Amendment H-6181 was adopted.**

Murphy of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

**On the question "Shall the bill pass?" (S.F. 2412)**

The ayes were, 81:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr

Carpenter	Chapman	Clark	Cohoon
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Rosenberg	Royer	Schrader	Shearer
Sherzan	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 19:

Brammer	Brown	Connors	Corbett
De Groot	Fuller	Hanson, D. R.	Harbor
Hatch	Hermann	Lageschulte	McKean
Pellet	Plasier	Renken	Schnekloth
Shoning	Shoultz	Stueland	

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

**IMMEDIATE MESSAGE**  
(Senate File 2412)

Groninga of Cerro Gordo asked and received unanimous consent that Senate File 2412 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE**  
(House File 2329)

Pavich of Pottawattamie called up for consideration the report of the conference committee on House File 2329 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**CONFERENCE COMMITTEE REPORT ON  
HOUSE FILE 2329**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2329, a bill for an act relating to elections and election procedures, respectfully make the following report:

1. That the House recedes from its amendment, S—5723.
2. That the Senate recedes from its amendment, H—5701.
3. That House File 2329, as amended, passed, and reprinted by the House, is amended to read as follows:

1. By striking everything after the enacting clause and inserting the following:

“Section 1. Section 39.2, subsections 1 and 2, Code 1989, are amended to read as follows:

1. All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. No A special election may shall not be held, on the first or and second Tuesday Tuesdays preceding and following the primary and the general elections.

A special election shall not be held in conjunction with the primary election. A special election shall not be held in conjunction with a school election unless the special election is for a school district or merged area school.

2. A Except as otherwise provided in subsection 1, a special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of section 47.6, subsection 2. A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties.

Sec. 2. Section 43.18, unnumbered paragraph 3, Code 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives my committee or I receive contributions, makes make expenditures, or incurs incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....  
(Signed)

Sec. 3. Section 43.49, unnumbered paragraph 1, Code 1989, is amended to read as follows:

On the Monday or Tuesday following the primary election, the board of supervisors shall meet, open and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length:

Sec. 4. Section 43.67, unnumbered paragraph 3, Code Supplement 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives my committee or I receive contributions, makes make expenditures, or incurs incur indebtedness in excess

of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

(Signed)

Sec. 5. Section 43.78, subsection 4, Code Supplement 1989, is amended to read as follows:

4. Political party candidates for a vacant seat in the United States house of representatives, the board of supervisors, the elected county offices, or the general assembly which is to be filled at a special election called pursuant to section 69.14 or 69.14A shall be nominated in the manner provided by subsection 1 of this section for filling a vacancy on the general election ballot for the same office. The name of any candidate so nominated shall be submitted in writing to the state appropriate commissioner, as required by section 43.88, at the earliest practicable time.

Sec. 6. Section 43.115, unnumbered paragraph 1, Code 1989, is amended to read as follows:

All candidates for nominations to be made in primary elections held pursuant to section 43.112 shall file nomination papers with the city clerk not less no later than five p.m. forty days prior to before the date of the election as established by section 43.114, except that candidates for precinct committee member shall file affidavits of candidacy as required by section 420.130. The number of eligible electors signing petitions required for printing the name of a candidate upon the official primary ballot shall be one hundred for an office to be filled by the voters of the entire city and twenty-five for an office to be filled by the voters of a subdivision of the city.

Sec. 7. Section 44.3, subsection 2, unnumbered paragraph 5, Code 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives my committee or I receive contributions, makes make expenditures, or incurs incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 8. Section 44.4, Code Supplement 1989, is amended to read as follows:

#### 44.4 NOMINATIONS AND OBJECTIONS – TIME AND PLACE OF FILING.

Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than five o'clock p.m. on the eighty-first day before the date of the general election to be held in November; and those nominations. Nominations made for a special election called pursuant to section 69.14 shall be filed by five p.m. not less than twenty days before the date of an election called upon at least forty days' notice and not less than seven days before the date of an election called upon at least ten days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by five p.m. not less than twenty days before the date of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than five o'clock p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than five o'clock p.m. on the forty-seventh day before the city election with the city clerk, who shall process them as provided by law.

Objections to the legal sufficiency of a certificate of nomination or nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. ~~Such~~ The objections must be filed with the officer with whom the certificate or petition is filed and within the following time:

1. Those filed with the state commissioner, not less than seventy-four days before the date of the election.

2. Those filed with the commissioner, not less than sixty-four days before the date of the election.

3. Those filed with the city clerk, at least forty-two days before the municipal election.

4. In the case of nominations to fill vacancies occurring after the time when an original nomination for ~~any~~ an office is required to be filed, objections shall be filed within three days after the filing of the certificate.

Objections shall be filed no later than five p.m. on the final date for filing.

Sec. 9. Section 45.3, unnumbered paragraph 6, Code Supplement 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it ~~receives my committee or I receive contributions, makes make expenditures, or incurs incur~~ indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 10. Section 46.22, Code 1989, is amended to read as follows:

#### 46.22 VOTING.

Voting at judicial elections shall be by separate paper ballot, special paper ballot, ballot cards, or by voting machine in the space provided for public measures. If paper ballots are used the election judges shall offer a ballot to each voter. If special paper ballots or ballot cards are used, either a separate ballot or a distinct heading may be used to distinguish the judicial ballot. Separate ballot boxes for the general election ballots and the judicial election ballots ~~shall are~~ not be required. The general election ballot and the judicial election ballot may be voted in the same voting booth.

Sec. 11. Section 46.24, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A judge of the supreme court, court of appeals, or district court including a district associate judge, or a clerk of the district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns at its meeting on the Monday or Tuesday after the election, and shall promptly certify the number of affirmative and negative votes on each judge or clerk to the state commissioner of elections.

Sec. 12. Section 47.6, subsection 1, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

If the proposed date of the special election coincides with the date of a regularly scheduled election, the notice shall be given no later than five o'clock p.m. on the last day on which nomination papers may be filed for the regularly scheduled election. Otherwise, the notice shall be given at least ~~thirty~~ thirty-two days in advance of the date of the proposed special election. Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

Sec. 13. Section 48.3, Code 1989, is amended to read as follows:

#### 48.3 REGISTRATION FORM.

As an alternative to the method of registration prescribed by section 48.2, a person entitled to register under that section may cause delivery of a completed voter registration form to the commissioner of registration in the person's county of residence. A registration form or the envelope containing one or more registration forms for the use of individual registrants must be postmarked or otherwise delivered by the fifteenth day prior to before an election or received by the county commissioner of registration no later than five p.m. on the date registration closes before an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section 48.31, subsection 6. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 14. Section 48.9, Code 1989, is amended to read as follows:

#### 48.9 USE OF UNIVERSITIES' FACILITIES.

The state board of regents shall provide access to the designated public portions of its university residence halls and lounges for a registrar, deputy registrar, mobile deputy registrar, person delivering voter registration forms provided in section 48.3 to register eligible electors, or a candidate. The state board of regents may establish reasonable restrictions on the time, manner and place of access by those registrars, persons and candidates.

Sec. 15. Section 48.11, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Registration shall close in a precinct at five o'clock p.m., ten days before a general or primary election and eleven days before all other elections, except as provided in section 48.3. The commissioner's office shall be open from eight o'clock a.m. until at least five o'clock p.m. on the day registration closes prior to each regularly scheduled election. In counties where mobile deputy registrars have been appointed, the commissioner's office shall remain open until at least six o'clock p.m. on the day registration closes for mobile deputy registrars to deliver completed forms, unless all mobile deputy registrars have turned in their supplies earlier.

Sec. 16. NEW SECTION. 48.23 COMPLETING A VOTER REGISTRATION FORM.

A person offering a voter registration form to another person shall not complete any portion of the form without prior consent from the person being registered.

Sec. 17. Section 49.30, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

**49.30 ALL CANDIDATES ON ONE BALLOT – EXCEPTIONS.**

The names of all candidates to be voted for in each election precinct, other than presidential electors, shall be printed on one ballot, except that separate ballots are authorized under the following circumstances:

1. For judicial elections, separate ballots or headings shall be used as required by section 46.22.

2. At an election where voting machines are used, and it is impossible to place the names of all candidates on the machine ballot, the commissioner may provide a separate paper ballot for the candidates for judge of the district court and the township offices, or either; one of the paper ballots shall be furnished to each qualified elector.

3. Separate paper ballots may be used for the election of township officers in precincts including both incorporated and unincorporated areas.

Sec. 18. Section 49.31, Code Supplement 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 6.** For the purposes of ballot rotation the absentee ballot and special voters precinct shall be considered a separate precinct, unless the office will appear on the ballot in only one precinct other than the absentee ballot and special voters precinct.

Sec. 19. Section 49.33, Code 1989, is amended to read as follows:

**49.33 ONE SINGLE SQUARE FOR PRESIDENT AND VICE PRESIDENT CERTAIN PAIRED OFFICES.**

Upon the left-hand margin of each separate column of the ballot, immediately opposite the names of the candidates for president and vice president, a single square, the sides of which shall not be less than one-fourth of an inch in length, shall be printed in front of a the bracket enclosing the names of the said candidates for president and vice president, and a separate square of the same size shall be printed in front of the bracket enclosing the names of the candidates for governor and lieutenant governor. The votes for said a team of candidates shall be counted and certified to by the election board in the same manner as the votes for other candidates as a team. Write-in votes may be tabulated for each office separately.

Sec. 20. Section 49.42, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

**49.42 FORM OF OFFICIAL BALLOT.**

The ballot for the general election shall be arranged in vertical columns or horizontal rows each of which shall be substantially in the following form:

<p><u>REPUBLICAN</u>                  (For President,                  (A.... B....,                  (of Ohio.                  ___(For Vice                  (President,                  (C.... D....,                  (of New York.                  For                  United States                  Senator.                  ___E.... F....,                  For                  United States                  Representative,                  ___G.... H....,                  (For Governor,                  (I.... J....,                  ___(For Lieutenant                  (Governor,                  (K.... L....</p>	<p><u>DEMOCRATIC</u>                  (For President,                  (N.... O....,                  (of Virginia.                  ___(For Vice                  (President,                  (P.... Q....,                  (of Indiana.                  For                  United States                  Senator.                  ___R.... S....,                  For                  United States                  Representative,                  ___T.... U....,                  (For Governor,                  (V.... W....,                  ___(For Lieutenant                  (Governor,                  (X.... Y....</p>	<p><u>PROHIBITION</u>                  (For President,                  (A.... B....,                  (of Maine.                  ___(For Vice                  (President,                  (C.... D....,                  (of Illinois.                  For                  United States                  Senator.                  ___E.... F....,                  For                  United States                  Representative,                  ___G.... H....,                  (For Governor,                  (I.... J....,                  ___(For Lieutenant                  (Governor,                  (K.... L....</p>	<p><u>UNION LABOR</u>                  (For President,                  (N.... O....,                  (of Idaho.                  ___(For Vice                  (President,                  (P.... Q....,                  (of Ohio.                  For                  United States                  Senator.                  ___R.... S....,                  For                  United States                  Representative,                  ___T.... U....,                  (For Governor,                  (V.... W....,                  ___(For Lieutenant                  (Governor,                  (X.... Y....</p>
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Sec. 21. Section 49.80, subsection 3, Code 1989, is amended by striking the sub-section.

Sec. 22. Section 49.99, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The voter may also insert in writing in the proper place the name of any person for whom the voter desires to vote and place a cross or check in the square opposite thereto the name. The If the voter is using a voting system other than an electronic voting system, as defined in section 52.1, the writing of such the name shall constitute a valid vote for the person whose name has been written on the ballot without regard to whether the voter has made a cross or check opposite thereto the name. However, when a write-in vote is cast using an electronic voting system, the ballot must also be marked in the corresponding space in order to be counted. The making of a cross or check in a square opposite a blank without writing a name therein in the blank, shall not affect the validity of the remainder of the ballot.

Sec. 23. Section 49.104, subsection 6, Code 1989, is amended to read as follows:

6. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner prior to before election day. If more than three such persons file a notice of intent to serve at the same time with respect to ballot issues at any an election, the commissioner shall appoint from those submitting a notice of intent the three persons to who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

Sec. 24. Section 49.107, subsection 8, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

8. Serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6, by a precinct election official serving at the polls or by an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress.

Sec. 25. Section 50.21, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The commissioner shall reconvene the election board of the special precinct established by section 53.20 not earlier than noon on the second day following each election which is required by law to be canvassed on the Monday or Tuesday following the election. If the second day following such an election is a legal holiday the special precinct election board may be convened at noon on the day following the election, and if the canvass of the election is required scheduled at any time earlier than the Monday following the election, the special precinct election board shall be reconvened at noon on the day following the election.

Sec. 26. Section 50.24, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The county board of supervisors shall meet to canvass the vote at ~~nine o'clock~~ on the morning of the first Monday or Tuesday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday or Tuesday is a public holiday, section 4.1, subsection 22 controls. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Sec. 27. Section 50.46, Code 1989, is amended to read as follows:

#### 50.46 SPECIAL ELECTIONS — CANVASS AND CERTIFICATE.

When a special election has been held to fill a vacancy, pursuant to section 69.14, the board of county canvassers shall meet at one o'clock in the afternoon of the second day ~~thereafter~~ after the election, and canvass the votes cast ~~thereat~~ at the election. The commissioner, as soon as the canvass is completed, shall transmit to the state commissioner an abstract of the votes so canvassed, and the state board, within five days after receiving such abstracts, shall canvass the tally lists. A certificate of election shall be issued by the county or state board of canvassers, as in other cases. All the provisions regulating elections, obtaining tally lists, and canvass of votes at general elections, except as to time, shall apply to special elections.

Sec. 28. Section 53.1, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. When the elector expects to be unable to go to the polls and vote on election day.

Sec. 29. Section 53.17, subsection 2, Code 1989, is amended to read as follows:

2. The sealed carrier envelope may be mailed to the commissioner. The carrier envelope shall indicate that greater postage than ordinary first class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first class postage and accept the ballot.

PARAGRAPH DIVIDED. In order for the ballot to be counted, the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than the time established for the canvass by the board of supervisors for that noon on the Monday following the election.

If the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, absentee ballots returned through the mail must be received not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour prior to before the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to before the canvass for that election by the board of supervisors.

Sec. 30. Section 53.23, Code 1989, is amended by adding the following new subsection after subsection 4 and renumbering the subsequent subsection:

NEW SUBSECTION. 5. The special precinct election board shall preserve the secrecy of all absentee and special ballots. After the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened. The ballots shall be removed from the affidavit envelopes without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated. If secrecy folders or envelopes are used with special paper ballots, the ballots shall be removed from the secrecy folders after the ballots have been intermingled.

Sec. 31. Section 53.24, Code 1989, is amended to read as follows:

#### 53.24 COUNTIES USING VOTING MACHINES.

In counties which provide the absentee ballot counting special precinct election board with a voting machine machines, the absentee ballot envelopes shall be opened by the counting board and the ballots shall, without being unfolded, be thoroughly intermingled in some proper manner, after which they shall be unfolded and, under the personal supervision of all the precinct election officials of each of the political parties, be registered on the voting machine machines the same as if the absent voter had been present and voted in person, except that a tally of the write-in votes may be kept in the tally list rather than on the machine. When two or more political subdivisions in the county are holding separate elections simultaneously, the commissioner may arrange the machine so that the absentee and special ballots for more than one such election may be recorded on the same machine.

Sec. 32. Section 62.18, Code 1989, is amended to read as follows:

## 62.18 JUDGMENT.

The court shall pronounce judgment and judge whether the incumbent or any other person was duly elected, and ~~adjudge~~ that the person so declared elected will be entitled to the certificate. If the court finds that the election resulted in a tie vote for any office, the tie shall be resolved pursuant to section 50.44. If the judgment ~~be~~ is against the incumbent, and the incumbent has already received the certificate, the judgment shall annul ~~it~~ the certificate. If the court ~~find~~ finds that no person was elected, the judgment shall be that the election be set aside.

Sec. 33. Section 69.14A, subsection 2, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. When a vacancy exists in an elected county office, the board of supervisors shall publish notice as provided in section 331.305 indicating the method, appointment or special election, by which the board intends to fill the vacancy. If appointment is selected by the board, the appointment may be made before publication of the notice, but the appointment shall be made within forty days after the vacancy occurs.

b. When the board is notified, in writing, by the county officer of the officer's wish to vacate an office, the board shall publish notice of the vacancy if the board selects appointment by which to fill the vacancy. Following publication of notice of the vacancy, the board may appoint a prospective appointee, to serve as a deputy, no earlier than fourteen days before the vacancy occurs.

c. If within fourteen days after the date of the notice or within fourteen days after the appointment is made, whichever date is later, a petition requesting a special election to fill the vacancy is filed with the county auditor, the appointment is temporary and a special election shall be called as provided in subsection 3. The petition shall meet the requirements of section 331.306.

Sec. 34. Section 111A.2, Code 1989, is amended to read as follows:

## 111A.2 PETITION — BOARD MEMBERSHIP.

Upon a petition to the board of supervisors which meets the requirements of section 331.306, the board shall submit to the voters at the next primary or general election the question of whether a county conservation board shall be created as provided for in this chapter. If at the election the majority of votes favors the creation of a county conservation board, the board of supervisors within sixty days after the election shall create a county conservation board to consist of five bona fide residents of the county. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When any a member of the board, during the term of office, ceases to be a bona fide resident of the county, the member is disqualified as a member and the office becomes vacant. Members of the board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties. Members of the county conservation board may be removed for cause by the board of supervisors as provided in section 331.321, subsection 3, if the cause is malfeasance, nonfeasance, or disability, or failure to participate in board activities as set forth by the rules of the conservation board.

Sec. 35. Section 277.4, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-four days, nor less than forty days ~~prior to before~~ the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the school secretary shall remain open until five p.m.

Sec. 36. Section 278.2, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board may, and upon the written request of one hundred eligible electors or a number of electors which equals thirty percent of the number of votes cast electors who voted in the last regular school board election, whichever number is greater, shall, direct the county commissioner of elections to provide in the notice of the regular election for the submission of any proposition authorized by law to the voters. When the board has directed the commissioner to submit to the voters a proposition authorized by section 278.1, subsection 8 or 9, it shall not thereafter direct the commissioner to submit at the same election any other proposition under either of ~~these~~ those subsections.

Sec. 37. Section 279.1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The board of directors of each school corporation shall meet and organize at the first regular meeting after a the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of ~~such~~ the meeting shall be given by the secretary to each member and ~~each~~ member-elect of the board.

Sec. 38. Section 280.9A, Code 1989, is amended to read as follows:

280.9A HISTORY AND GOVERNMENT REQUIRED — VOTER REGISTRATION.

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

2. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall submit a list of currently enrolled full-time and part-time students who have attained the age of eighteen years or will attain the age of eighteen years within six months, twice each calendar year, to the county commissioner of elections in the county or counties in which the public school district or nonpublic school is located. The list shall be submitted on September 30 and March 30 of each school year and shall list the student's name, address, and date of birth. The county commissioner of elections may use this list to send a voter registration form to the student.

Sec. 39. Section 359.8, Code Supplement 1989, is amended to read as follows:

359.8 DIVISION — EFFECT.

If the petition is signed by a majority of the eligible qualified electors of the township residing without the corporate limits of ~~such the~~ city, the board of supervisors shall divide the township into two townships, as petitioned; but, except for election purposes, including the appointment of precinct election officers officials rendered necessary by the change, the division shall not take effect until the first day of January following the next general election which is not a Sunday or a legal holiday.

Sec. 40. Section 376.4, unnumbered paragraph 5, Code Supplement 1989, is amended to read as follows:

If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the city clerk shall remain open until five p.m.

PARAGRAPH DIVIDED. The city clerk shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The city clerk shall note upon each petition and affidavit accepted for filing the date and time that the petition was they were filed.

Sec. 41. Section 467A.5, subsection 3, Code Supplement 1989, is amended to read as follows:

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The signed petitions shall be filed with the county commissioner of elections not later than five o'clock p.m. on the ~~fifty-fifth~~ sixty-ninth day prior to before the general election. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality ~~shall be~~ is sufficient to elect commissioners, and ~~no~~ a primary election for the office shall not be held. If the canvass shows that the two candidates receiving the highest and the second highest number of votes for the office of district commissioner are both residents of the same township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

Sec. 42. Section 48.19, subsection 2, if enacted in 1990 Iowa Acts, House File 2009, is amended to read as follows:

2. If the commissioner is unable to make available to a county precinct the information required of an eligible elector who registers through special late registration procedures, on the election register of a county precinct or through the provision of a separate listing of the eligible electors who register through special late registration procedures, an eligible elector may obtain from the commissioner of registration

a form of affidavit prescribed by the state commissioner of elections to serve as evidence of special late registration. If the affidavit is completed by the elector and notarized by the commissioner of registration or the commissioner's designee, the elector is deemed registered under special late registration procedures and may present the affidavit at the elector's polling place on election day as proof that the elector is registered to vote. The election officials of the elector's precinct shall accept the elector's affidavit of special late registration and shall proceed as if the elector's name were listed in the election register. The election officials shall preserve all affidavits submitted pursuant to this section and forward them to the commissioner of registration at the time the election register is returned. A registration under this section is subject to verification as provided in section 48.3.

Sec. 43. Sections 48.27 and 359.22, Code 1989, are repealed.

Sec. 44. 1990 Iowa Acts, chapter 1007, being House File 2001 of the Seventy-third General Assembly, is amended by adding the following new section:

SEC. 3. EFFECTIVE DATE.

This Act, being deemed of immediate importance, takes effect upon the enactment of 1990 Iowa Acts, House File 2329, if enacted by the Seventy-third General Assembly, and is retroactively applicable to voting booths and electronic voting systems approved by the board of examiners and furnished before the enactment of this Act.

Sec. 45. EFFECTIVE DATE.

1. Section 44 and this section of this Act, being deemed of immediate importance, take effect upon enactment.

2. All other sections of this Act take effect July 1, 1990."

2. Title page, line 1, by inserting after the word "procedures" the following: ", and providing effective and applicability dates".

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

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

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

The motion prevailed and the conference committee report was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2329)

The ayes were, 79:

Adams  
Beatty  
Brand

Arnould  
Bisignano  
Branstad

Banks  
Black  
Brown

Beaman  
Blanshan  
Buhr

Carpenter	Chapman	Clark	Cohoon
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 3:

Bennett	Garman	Van Maanen
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Absent or not voting, 18:

Brammer	Connors	Corbett	De Groot
Fuller	Hanson, D. R.	Harbor	Hermann
Jay	Lageschulte	Maulsby	McKean
Murphy	Pellett	Renken	Schneklath
Shoning	Stueland		

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

### IMMEDIATE MESSAGE (House File 2329)

Groninga of Cerro Gordo asked and received unanimous consent that House File 2329 be immediately messaged to the Senate.

The House stood at ease at 6:25 a.m., until the fall of the gavel.

The House resumed session at 8:17 a.m., Speaker Avenson in the chair.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, adopted the conference committee report and passed House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business.

JOHN F. DWYER, Secretary

The House stood at ease at 8:18 a.m., until the fall of the gavel.

The House resumed session at 8:55 a.m., Speaker Avenson in the chair.

### SENATE AMENDMENT CONSIDERED

Spenner of Henry called up for consideration **House File 2536**, a bill for an act relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements, amended by the Senate, and moved that the House concur in the following Senate amendment H-6201:

H-6201

1 Amend House File 2536, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 5 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 714.23, Code 1989, is amended  
6 to read as follows:

7 714.23 REFUND POLICIES.

8 1. A person offering a course of instruction at  
9 the postsecondary level, for profit, that is more than  
10 four months in length and leads to a degree, diploma,  
11 or license, shall make a pro rata refund of eighty-  
12 five no less than ninety percent of the tuition for a  
13 terminating student to the appropriate agency based  
14 upon the ratio of completed number of scheduled school  
15 days to the total sixty percent of the scheduled  
16 school days of the school term or course.

17 2. Notwithstanding the provisions of subsection 1,  
18 the following refund policy shall apply:

19 a. If a terminating student has completed sixty  
20 percent or more of a school term or course that is  
21 more than four months in length, the person offering  
22 the course of instruction is not required to refund  
23 tuition for the student. However, if, at any time, a  
24 student terminates a school term or course that is  
25 more than four months in length due to the student's  
26 physical incapacity or due to the transfer of the  
27 student's spouse's employment to another city, the  
28 terminating student shall receive a refund of tuition  
29 in an amount which equals the amount of tuition  
30 multiplied by the ratio of the remaining number of  
31 school days to the total school days of the school  
32 term or course.

33 b. A refund of ninety percent of the tuition for a  
34 terminating student to the appropriate agency based  
35 upon the ratio of completed number of school days to

36 the total school days of the school term or course.  
 37 This paragraph applies to those persons offering  
 38 courses of instruction at the postsecondary level, for  
 39 profit, whose cohort default rate for students under  
 40 the Stafford loan program as defined by the United  
 41 States department of education is more than one  
 42 hundred ten percent of the national average cohort  
 43 default rate for that program for that period or six  
 44 percent, whichever is higher.

45 3. However, if If the financial obligations of a  
 46 student are for three or fewer months duration, this  
 47 section does not apply.

48 4. Refunds shall be paid to the appropriate agency  
 49 within thirty days following the student's  
 50 termination.

**Page 2**

1 If the student terminates later than three weeks  
 2 after the course of instruction has commenced, the  
 3 person offering the course of instruction cannot admit  
 4 a student to replace the student for which a refund  
 5 was received for the remaining portion of the school  
 6 term or course.

7 5. A student who terminates a course of instruc-  
 8 tion or term shall not be charged any fee or other  
 9 monetary penalty for terminating a course of  
 10 instruction or term other than a reduction in tuition  
 11 refund as specified in this section.

12 6. A violation of this section is a simple  
 13 misdemeanor."

14 2. Page 3, line 10, by inserting after the word  
 15 "student" the following: ", the college aid  
 16 commission, and in the case of a school licensed under  
 17 section 157.8, the board of cosmetology examiners or  
 18 in the case of a school licensed under section 158.7,  
 19 the board of barber examiners,".

20 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6201.

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

On the question "Shall the bill pass?" (H.F. 2536)

The ayes were, 74:

Adams  
Beatty

Arnould  
Bennett

Banks  
Bisignano

Beaman  
Black

Blanshan	Brand	Branstad	Brown
Carpenter	Chapman	Clark	Cohoon
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lykam
Maulsby	May	McKinney	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poney	Renaud
Rosenberg	Royer	Schrader	Sherzan
Shoultz	Siegrist	Spear	Spenner
Tabor	Teaford	Trent	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 26:

Brammer	Buhr	Connors	Corbett
Daggett	De Groot	Fuller	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Lageschulte
Lundby	McKean	Mertz	Pellett
Petersen, D. F.	Plasier	Renken	Schneklath
Shearer	Shoning	Stueland	Svoboda
Swartz	Tyrrell		

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, adopted the conference committee report and passed House File 2329, a bill for an act relating to elections and election procedures.

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

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

JOHN F. DWYER, Secretary

## REMARKS BY MAJORITY LEADER ARNOULD

Arnould of Scott offered the following remarks:

Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The hour is late, we are all tired, and we have probably all heard as many speeches as we care to hear tonight. But, if you will indulge me just briefly, I would like to take just a few minutes to thank you all for the hard work you have put in this session.

We began early this year, in the middle of December — in order to make this a shorter session. We did not quite make our original goal of adjourning last weekend — but since that was April Fools' Day, it is probably wise that we waited one more week.

We have had some long and difficult days this session as we do every year. But we have also had moments of laughter and joy. As the Speaker has noted — it is not always pretty — but I believe we can leave here with the satisfaction of knowing that we have served the state and our constituents well over these last two years.

I would like to thank the Minority Leader — Mr. Van Maanen — for the courtesy he has shown me this year. He had the difficult task of stepping in as we prepared for this session and he has earned our respect for the job he has done.

This session is especially bittersweet for me. It is never easy to say goodbye to one's colleagues. Florence, David, Ralph — Beje, Wendell, Vic — Hugo, Don — Paul, both Toms; we will miss your collective wisdom — your dedication — and your sense of humor. Most of all we will miss your friendship. I wish you all well in your future endeavors, and hope you will visit us often.

Mr. Speaker, Don, it is hard to believe that you will not return to this chamber as Speaker next year. You have made a truly unique imprint on this body and, in the years to come, future Speakers will be judged by the high standards you have set.

As we close this session down, I want to thank each and every member for your untiring efforts again this year. It is often difficult to put aside one's own personal agenda for the betterment of this chamber and the good of the state, but each of you has been put in that position more than once this year. Very few people understand the hard work and difficult decisions that are required of a legislator. But we have done good work this year, and I believe that the public appreciates our efforts.

We are all grateful to those who work with us — Joe and those who work in the Clerk's office — Deanna, Liz, Peg, Laura, Jane and Eileen. Paulee and the Democratic research staff — Mary and Mary, Joe and Tom; Ed and Jennifer; and Peg and Kathi who are also leaving us. Thank you for all we know you do and all we are not even aware of but still expect. The partisan and nonpartisan staff, the pages, the secretaries, the press, and those in the rotunda. Your assistance, often under the most difficult of circumstances, is invaluable. And most of all, I want to thank Oliver and Bill, who not only make my job so much easier but who are indispensable to an orderly session.

To my own caucus, a special thank you. We have, on the whole, stood together and have not let honest differences of opinion interfere with our ability to work together when it counted. Most important, we entered this chamber this year as friends, and we will walk out of here tonight as friends. I look forward to next year, with its new challenges, new issues, new legislators, new roles. 1991, when we will return to begin again. Thank you.

## REMARKS BY MINORITY LEADER VAN MAANEN

Van Maanen of Mahaska offered the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

To say that the second session of the Seventy-third General Assembly has been eye-opening and educational would be quite an understatement. For a first-time Minority Leader, it has also proven to be frustrating at times. I certainly have a clearer picture of how this legislative body operates than I did six months ago. But just as I have had many long standing questions answered during this time, many new questions about our procedures and practices have developed.

In remarks at the beginning of this session, I asked that each of us maintain a deep respect and appreciation for each other and our views, despite our diverse backgrounds and interests. Given the politically-charged circumstances this session has operated under, I feel we did maintain this respect to a fair degree. I also asked that we protect the integrity of the legislative process, and try to set a new course of better cooperation between the Majority and Minority parties, through less posturing and by working together in a bi-partisan manner. I am somewhat disappointed at our lack of progress in this area.

We have fashioned good legislation this session. While its final form may still be a question mark, the House took a mediocre crime and drug bill from the Senate and, at least temporarily, greatly improved it. We have continued to take significant measures to protect Iowa's environment, and we have maintained our commitment to quality education at all levels.

A multitude of personalities shapes the character of a legislative chamber, and there is no doubt that the personality of the Iowa House will continue to change with the loss of twelve colleagues and the addition next year of at least that many new faces.

Speaker Avenson, Don, I appreciate very much the courtesy and fairness that you have extended to me. Even though our leadership styles differed and we had a difference of opinion on some issues, we still could maintain our friendship and respect for one another. Finally, I wish you luck in your future endeavors, beginning after your next immediate project.

Bob Arnould, you and I have forged a decent working relationship. Although there were many times when I hoped you would be more forthcoming with information on what the day's debate schedule might look like, I also understood that there were times when you were just as frustrated in obtaining the same information. While there are no guarantees that either of us will be in leadership in 1991, I feel that we have developed the basis for a strong working relationship in future sessions. If it is the wish of Iowa voters and our respective caucuses, I will certainly continue that relationship when the day comes that you need to quiz me or another Republican about the day's business.

Wendell, Beje, Hugo, Vic and Don Hermann — it has been a great privilege and pleasure to serve with each of you. Your contributions to the legislation that has left this chamber are far-reaching and uncountable. I hope that along with Representatives Fey, Swartz, Rosenberg, Buhr, Johnson and Tabor, you will occasionally return to say hello and critique our work. There will always be an echo of each of you within this chamber, just as your years in this chamber will always be a part of you and your families.

There is a special group of four representatives whose personal importance to me has been immeasurable this session. Tom, Wayne, Mary and Brent — your wise counsel, patience with "the new kid on the leadership block," and willingness to thoroughly discuss our caucus policies and positions has been of enormous importance to me. Your work has been essential in making a smooth transition from one floor leader to another and in giving our caucus the effectiveness we have had in this chamber. Your diverse opinions, but common goals, are the keys to the successes we have enjoyed. Thank you.

Finally, to the Caucus staffs, the Chief Clerk's office and the Journal room, the Service and Fiscal Bureaus, pages and interns — there are times when we may demand the impossible, and we take your abilities and endurance to the limit or beyond. I apologize for our occasional excesses, but I would also point out that we are demanding only because we have become so accustomed to the quality of your work. I would gladly hold you up against any other legislative staff in the nation — you are that good.

God bless each of you.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, adopted the conference committee report and passed Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

JOHN F. DWYER, Secretary

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2422)

Jochum of Dubuque called up for consideration the report of the conference committee on Senate File 2422 and moved the adoption of the conference committee report and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2422

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2422, a bill for an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6171.

2. That the House amendment, S-5987, to Senate File 2422, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 4, by striking the figure "76,100" and inserting the following: "76,700".

2. Page 1, line 6, by striking the figure "73,000" and inserting the following: "73,600".

3. Page 1, line 11, by striking the figure "58,500" and inserting the following: "60,000".

4. Page 1, line 14, by striking the figure "58,500" and inserting the following: "60,000".

5. Page 1, line 17, by striking the figure "58,500" and inserting the following: "60,000".

6. Page 1, line 20, by striking the figure "58,500" and inserting the following: "60,000".

7. Page 2, line 12, by striking the figure "28" and inserting the following: "27".

8. Page 2, line 14, by striking the figure "\$58,500" and inserting the following: "\$60,000".

9. Page 2, by striking lines 17 through 21 and inserting the following:

"\_\_\_\_\_. Page 25, line 24, by striking the words "twenty-two thousand five" and inserting the following: "nineteen thousand one"."

10. Page 2, by inserting after line 23 the following:

"Sec. \_\_\_\_\_. Section 422B.1, subsections 4 and 5, Code Supplement 1989, are amended to read as follows:

4. The county commissioner of elections shall submit the question of imposition of a local option tax at a state general election or at a special election held at any time other than the time of a city regular election which may. The election shall not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the type and rate of tax and in the case of a vehicle tax the classes that will be exempt and in the case of a local sales and services tax the date it will be imposed. The ballot proposition shall also specify the approximate amount of local option tax revenues that will be used for property tax relief and shall contain a statement as to the specific purpose or purposes for which the revenues shall otherwise be expended. If the county board of supervisors decides under subsection 5 to specify a date on which the local option sales and services tax shall automatically be repealed, the date of the repeal shall also be specified on the ballot. The rate of the vehicle tax shall be in increments of one dollar per vehicle as set by the petition seeking to impose the tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body. The state commissioner of elections shall establish by rule the form for the ballot proposition which form shall be uniform throughout the state.

5. a. If a majority of those voting on the question of imposition of a local option tax favor imposition of a local option tax, the governing body of that county shall impose the tax at the rate specified for an unlimited period. However, in the case of a local sales and services tax, the county shall not impose the tax in any incorporated area or the unincorporated area if the majority of those voting on the tax in that area did

not favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax ~~would~~ shall be imposed in each of those contiguous cities only if the majority of those voting on the tax in the total area covered by the contiguous cities ~~favor~~ favored its imposition. The local option tax may be repealed or the rate increased or decreased only after an election at which a majority of those voting on the question of repeal or rate change ~~favor~~ favored the repeal or rate change. The election at which the question of repeal or rate change is offered shall be called and held in the same manner and under the same conditions as provided in subsections 3 and 4 for the election on the imposition of the local option tax. However, in the case of a local sales and services tax where the tax has not been imposed countywide, the question of repeal or imposition shall be voted on only by the qualified electors of the areas of the county where the tax has been imposed or has not been imposed, as appropriate.

When submitting the question of the imposition of a local sales and services tax, the county board of supervisors may direct that the question contain a provision for the repeal, without election, of the local sales and services tax on a specific date, which date shall be the end of a calendar quarter.

b. Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of a local option tax, the governing body shall give written notice to the director of revenue and finance or, in the case of a local vehicle tax, to the director of the department of transportation, of the result of the election."

ON THE PART OF THE HOUSE:

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

ON THE PART OF THE SENATE:

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

The motion prevailed and the conference committee report was adopted.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 68:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Brown	Carpenter	Chapman
Clark	Cohon	Connors	Diemer
Doderer	Dvorsky	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lykam

May	McKinney	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Siegrist	Spear	Spenner	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 8:

Branstad	Eddie	Iverson	Kremer
Maulsby	Royer	Trent	Van Maanen

Absent or not voting, 24:

Beaman	Brammer	Buhr	Corbett
Daggett	De Groot	Fuller	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Lageschulte
Lundby	McKean	Mertz	Pellett
Petersen, D. F.	Renken	Schneklath	Shoning
Shoultz	Stueland	Svoboda	Tyrrell

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

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Committee Bill**, relating to and making appropriations to finance state government and its obligations, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 1990.

### SENATE AMENDMENT CONSIDERED

Jochum of Dubuque called up for consideration **House File 2569**, a bill for an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—6202:

H—6202

- 1 Amend House File 2569, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 1 the  
4 following:

5 "Sec. \_\_\_\_\_. DRUG UTILIZATION REVIEW.

6 There is appropriated from the general fund of the  
7 state to the department of human services for the  
8 fiscal year beginning July 1, 1990, and ending June  
9 30, 1991, the following amount, or so much thereof as  
10 is necessary, to be used for the purpose designated:

11 For medical contracts:  
12 ..... \$ 140,000

13 The funds appropriated in this section shall be  
14 used in addition to funds appropriated for this  
15 purpose in Senate File 2435, if enacted by the  
16 Seventy-third General Assembly, 1990 Session, to  
17 continue the contract with the Iowa pharmacists  
18 association and the Iowa foundation for medical care  
19 for drug utilization review of services and products  
20 provided under the medical assistance program. The  
21 drug utilization review shall be continued as a state  
22 only contract."

23 2. Page 5, by inserting after line 33 the  
24 following:

25 "Sec. \_\_\_\_\_. FIRE FIGHTERS' MEMORIAL.

26 There is appropriated from the general fund of the  
27 state to the office of the treasurer of state for the  
28 fiscal year beginning July 1, 1990, and ending June  
29 30, 1991, the following amount, or so much thereof as  
30 is necessary, to be used for the purpose designated:

31 To fund in part the cost of building a memorial  
32 honoring fallen fire fighters:  
33 ..... \$ 50,000

34 Notwithstanding section 8.33, the moneys  
35 appropriated in this section shall not revert after  
36 the end of the fiscal year ending June 30, 1991, but  
37 shall remain available for expenditure during the  
38 fiscal year beginning July 1, 1991, and ending June  
39 30, 1992."

40 3. Page 32, by inserting after line 19, the  
41 following:

42 "Sec. \_\_\_\_\_. SPECIAL OLYMPICS FUND.

43 There is appropriated from the general fund of the  
44 state to the Iowa special olympics fund for the fiscal  
45 year beginning July 1, 1990, and ending June 30, 1991,  
46 the following amount, or so much thereof as is  
47 necessary, to be used for the purpose designated:

48 For the Iowa special olympics fund:  
49 ..... \$ 5,000

50 1. An Iowa special olympics fund is established in

## Page 2

1 the office of the treasurer of state, which shall  
2 consist of the amounts appropriated to the fund by the  
3 general assembly for each fiscal year.

4 2. The moneys in the Iowa special olympics fund  
5 shall be expended at the request of the honorary  
6 chairperson of the Iowa special olympics."

7 4. Page 32, by inserting after line 19 the  
8 following:

9 "DIVISION \_\_\_\_\_

10 Sec. 1. Section 422.7, Code Supplement 1989, is  
11 amended by adding the following new subsection:  
12 NEW SUBSECTION. 23. For a person who is disabled,  
13 is fifty-five years of age or older, or is the  
14 surviving spouse of an individual or survivor having  
15 an insurable interest in an individual who would have  
16 qualified for the exemption under this subsection for  
17 this tax year, subtract, to the extent included, the  
18 total amount of pension, annuity, or retirement  
19 allowances received under the peace officers'  
20 retirement system under chapter 97A, the Iowa public  
21 employees' retirement system under chapter 97B, a  
22 pension and annuity retirement system for public  
23 school teachers under chapter 294, a disabled and  
24 retired fire fighters and police officers system under  
25 chapter 410, the Iowa police officers and fire  
26 fighters retirement system under chapter 411, the  
27 judicial retirement system under chapter 602, article  
28 9, and any federal retirement and disability system,  
29 as a result of being an officer or employee of the  
30 federal government, up to a maximum each tax year of  
31 two thousand five hundred dollars for a person who  
32 files a separate state income tax return and five  
33 thousand dollars for a husband and wife who file a  
34 joint state income tax return. However, a surviving  
35 spouse who is not disabled or fifty-five years of age  
36 or older can only exclude the amount of annuities  
37 received as a result of the death of the other spouse.

38 Sec. 2. RETROACTIVE APPLICABILITY.

39 Section 1 of this Act applies retroactively to  
40 January 1, 1990, for tax years beginning on or after  
41 that date.

42 Sec. 3. REPEAL.

43 Section 1 of this Act is repealed effective January  
44 1, 1991, for tax years beginning on or after that  
45 date."

46 5. By renumbering, relettering, or redesignating  
47 and correcting internal references as necessary.

Roll call was requested by Diemer of Black Hawk and Connors  
of Polk.

Rule 75 was invoked.

Under the provisions of Rule 76, Spear of Lee refrained from voting.

On the question "Shall the House concur in the Senate amendment H—6202?" (H.F. 2569)

The ayes were, 50:

Adams	Arnould	Beatty	Blanshan
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Dvorsky	Fey
Fogarty	Groninga	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Ollie	Pavich
Peters	Peterson, M. K.	Poney	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 29:

Banks	Bennett	Bisignano	Black
Branstad	Carpenter	Clark	Diemer
Doderer	Eddie	Garman	Gruhn
Halvorson, R. N.	Hester	Iverson	Kremer
Maulsby	Metcalf	Miller	Neuhauser
Nielsen	Osterberg	Plasier	Royer
Shoultz	Siegrist	Spenner	Trent
Van Maanen			

Absent or not voting, 21:

Beaman	Brammer	Corbett	Daggett
De Groot	Fuller	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Lageschulte	Lundby
McKean	Pellett	Petersen, D. F.	Renken
Schnekloth	Shoning	Spear	Stueland
Tyrrell			

The motion prevailed and the House concurred in the Senate amendment H—6202.

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

Under the provisions of Rule 76, Spear of Lee refrained from voting.

On the question "Shall the bill pass?" (H.F. 2569)

The ayes were, 52:

Adams	Arnould	Beatty	Blanshan
Brand	Brown	Buhr	Chapman
Cohon	Connors	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Ollie	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

The nays were, 26:

Banks	Bennett	Bisignano	Black
Branstad	Carpenter	Clark	Diemer
Doderer	Eddie	Garman	Hester
Iverson	Kistler	Kremer	Maulsby
Metcalf	Miller	Nielsen	Osterberg
Plasier	Rosenberg	Royer	Siegrist
Spenner	Van Maanen		

Absent or not voting, 22:

Beaman	Brammer	Corbett	Daggett
De Groot	Fuller	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Lageschulte	Lundby
McKean	Pellett	Petersen, D. F.	Renken
Schneklath	Shoning	Spear	Stueland
Trent	Tyrell		

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1990, adopted the following resolution in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

### ADOPTION OF SENATE CONCURRENT RESOLUTION 136

Arnould of Scott asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 136 as follows, and moved its adoption:

- 1 Senate Concurrent Resolution 136
- 2 By: Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved by the Senate, the House Concurring,*
- 6 That when adjournment is had on Sunday, April 8, 1990
- 7 it be the final adjournment of the 1990 Regular
- 8 Session of the Seventy-third General Assembly.

The motion prevailed and the resolution was adopted.

### COMMUNICATION RECEIVED

The following communication was received and placed on file in the office of the Chief Clerk:

#### AUDITOR OF STATE

The audit report for the Lottery Division, Iowa Department of Revenue and Finance, December 31, 1989, pursuant to Chapter 99E.20, Code of Iowa.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 6, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2201, an act relating to the disclosure of the names and certain contract costs of all subcontractors by bidders on a state construction contract.

House File 2343, an act relating to the fee charged by an employment agency for the procurement of a position of employment.

House File 2431, an act allowing a person to purchase insurance through the Iowa comprehensive health association even if the person has coverage under another insurance plan.

House File 2455, an act relating to state chartered legal entities, especially non-profit corporations and cooperative associations, by altering requirements and procedure for filing corporate documents in the office of the secretary of state and by requiring corporations organized under or subject to Iowa Code chapter 504 to convert to chapter 504A within a certain period of time.

House File 2475, an act relating to the surcharge for dishonored instruments.

House File 2496, an act requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims.

House File 2540, an act relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date.

Senate File 332, an act relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

Senate File 2003, an act permitting a refund or credit of unexpired motor vehicle registration fees to persons who sell, trade, or junk their motor vehicles and providing an effective date.

Senate File 2100, an act relating to fraternal benefit societies, imposing penalties, and providing an effective date.

Senate File 2163, an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date.

Senate File 2240, an act relating to the transfer of racing dogs, and providing penalties.

Senate File 2244, an act relating to parking fines, handicapped parking spaces, and handicapped identification devices and providing an effective date.

Senate File 2274, an act relating to targeted small businesses, and imposing penalties.

Senate File 2326, an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

Senate File 2366, an act establishing councils of governments and providing certain duties.

Senate File 2379, an act relating to earthen waste slurry storage basins, making penalties applicable, and providing for applicability of the Act.

### GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

April 6, 1990

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

Dear Madam President:

I hereby transmit Senate File 2327, an act relating to and making appropriations to the Department of Economic Development, INTERNET, Wallace Technology Transfer Foundation, Iowa Finance Authority, and Small Business Advocate, and establishing a Small Business Advocate.

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

I am unable to approve the item designated as Section 1, subsection 10, unnumbered and unlettered paragraph 2 in its entirety. This provision stipulates that any official Iowa trade mission led by a member of the executive council shall be represented by a bipartisan delegation of the executive council. This is nearly identical to language that was item vetoed last year and is currently the subject of litigation. An appeal of the recent district court's decision on the case is pending, so no final determination

has been made. The rationale for last year's veto is still valid. Should a trade mission require the participation of a member of the executive council because of their particular expertise, the invitation is certain to be extended.

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

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

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

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

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

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

Section 27 requires that in the event that processing takes more than two weeks, agencies which issue licenses and permits send a notice of issuance procedures to applicants two weeks after receipt of the application. Section 36 requires each agency to designate a small business assistance officer and specifies the responsibilities of the

officer. Section 37 relates to requirements for maintaining and disseminating a current catalogue of all types of projects, licenses, permits and other regulatory requirements administered by the agency.

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

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

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

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2327 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

April 6, 1990

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

Dear Madam President:

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

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

I am pleased to approve these initiatives included in Senate File 2410 which will help Iowans acquire the knowledge and skills necessary to compete in a global economy.

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

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

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

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2410 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

## PRESENTATION OF VISITORS

Buhr of Polk presented to the House the Honorable Robert Kreamer, former member of the House representing Polk County.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN  
Chief Clerk of the House

- |          |   |
|----------|---|
| 1990-106 | Elmer Vincent Melssen, Dubuque — For 31 years of distinguished service with the Dubuque Fire Department from June of 1949 to February 1980.                 |
| 1990-107 | Diane Weitz, Council Bluffs — For being named Iowa Elementary Principal of the Year by the School Administrators of Iowa.                                   |
| 1990-108 | Kathleen Malick, School for the Deaf — Recognition for being awarded the 1990 Professional Best Leadership Award for her innovative approaches to teaching. |

- 1990-109 Erin Rempe, West Delaware Senior High School — Received first place in the 1990 National Outstanding School Volunteer Awards Program sponsored by the National Association of Partners in Education.
- 1990-110 Jean C. Stuart, Des Moines — Celebrating her 100th birthday on September 17, 1990.

### RESOLUTIONS FILED

**HCR 113**, by Arnould and Van Maanen, a concurrent resolution to provide adjournment sine die.

Laid over under **Rule 25**.

**SCR 129**, by Horn, Drake and Coleman, a concurrent resolution urging the President of the United States, the Federal Highway Administration of the United States Department of Transportation, and the United States House Public Works and Transportation Committee, and the United States Senate Commerce, Science and Transportation Committee to work toward ascertaining funding for development of a four-lane highway to connect the cities of St. Louis, Missouri, and St. Paul, Minnesota, more commonly referred to as "The Avenue of the Saints."

Laid over under **Rule 25**.

### AMENDMENTS FILED

The following amendments were filed April 7, 1990:

H—6166	S.C.R. 129	McKean of Jones
H—6169	H.F. 2267	Halvorson of Clayton

The House stood at ease at 9:48 a.m., until the fall of the gavel.

The House resumed session, Speaker Avenson in the chair.

### FINAL DISPOSITIONS OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.g, the following motions to reconsider which remained on the House Calendar upon adjournment of the 1990 Regular Session of the Seventy-third General Assembly, will be considered to have **failed**:

By Schrader of Marion to House File 2061, a bill for an act relating to the establishment of formulas for the allocation of funds to the public health nursing program and the homemaker-home health aide program, filed January 19, 1990.

By Renken of Grundy to House File 2267, a bill for an act relating to the definition of public accommodation, making corrections, and removing inconsistencies under the civil rights law, filed February 21, 1990, placing out of order amendments H—5572 filed by Brammer of Linn and Renken of Grundy on March 8, 1990; H—5583 filed by Brammer of Linn on March 8, 1990; H—6155 filed by Brammer, et al., on April 6, 1990; and H—6169 filed by Halvorson of Clayton on April 7, 1990.

By Fogarty of Palo Alto to House File 2323, a bill for an act relating to the annexation or incorporation of territory under the control of a lake association, filed March 1, 1990, placing out of order amendments H—5532, H—5534, H—5535 and H—5546 all filed by Halvorson of Webster and Dvorsky of Johnson on March 5, 1990.

By Doderer of Johnson and Haverland of Polk to House File 2422, a bill for an act relating to retroactive modifications of support orders, filed April 5, 1990, placing out of order amendment H—6153, to the Senate amendment H—5837, filed by Haverland of Polk and Halvorson of Webster on April 5, 1990.

By Haverland of Polk and Hansen of Woodbury to House File 2513, a bill for an act relating to medical support for children receiving child support and certain dependents, filed March 5, 1990.

By Ollie of Clinton to Senate File 2393, a bill for an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards, filed April 5, 1990.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 5, 1990, failed to adopt the conference committee report on House File 156, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts.

Also: That the Senate has, on February 9, 1990, adopted the conference committee report and passed House File 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters.

Also: That the Senate has on March 26, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2384, a bill for an act establishing a state fair challenge grant foundation.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2476, a bill for an act relating to unfair or discriminatory credit practices by including familial status as an improper basis for differential treatment in relation to a consumer credit transaction, an extension of credit by a state chartered financial institution, or the offer of credit life or health and accident insurance.

Also: That the Senate has on April 5, 1990, concurred in the House amendment and failed to pass the following bill in which the concurrence of the Senate was asked:

Senate File 138, a bill for an act to change the name of the county board of supervisors to the board of county commissioners.

Also: That the Senate has, on April 6, 1990, adopted the conference committee report and failed to pass Senate File 149, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties.

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

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

JOHN F. DWYER, Secretary

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 8th day of April, 1990: House Files 121, 178, 209, 366, 489, 534, 656, 658, 677, 724, 737, 2009, 2057, 2068, 2115, 2154, 2166, 2170, 2188, 2213, 2235, 2268, 2270, 2287, 2294, 2312, 2313, 2320, 2329, 2346, 2357, 2377, 2393, 2407, 2412, 2416, 2440, 2450, 2459, 2476, 2482, 2486, 2488, 2495, 2500, 2504, 2517, 2522, 2534, 2536, 2537, 2543, 2546, 2548, 2551, 2552, 2554, 2557, 2559, 2560, 2562, 2564, 2567, 2568, 2569.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

## COMMITTEE TO NOTIFY THE GOVERNOR

Arnould of Scott moved that a committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with Senate Concurrent Resolution 136 duly adopted.

The motion prevailed and the Speaker appointed as such committee Chapman of Linn and Carpenter of Polk.

### COMMITTEE TO NOTIFY THE SENATE

Arnould of Scott moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with Senate Concurrent Resolution 136 duly adopted.

The motion prevailed and the Speaker appointed as such committee Knapp of Dubuque and Halvorson of Clayton.

### COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

The report was received and the committee discharged.

### REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty and that the Governor had sent the following message:

### COMMUNICATION FROM THE GOVERNOR

OFFICE OF THE GOVERNOR  
State Capitol  
Des Moines, Iowa 50319

April 24, 1990

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

The Honorable Donald Avenson  
Speaker of the House  
State Capitol Building  
L O C A L

Dear Madam President & Mr. Speaker:

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

We were able to work together to resolve the major needs of the state. We stepped up education and treatment programs to combat substance abuse and we brought the

war to the streets with support for communities. We added law enforcement, prosecution and prison space to get dangerous criminals off our streets. We need to do more with tougher laws if we are going to convince drug dealers and drug and alcohol abusers that crime does not pay.

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

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

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

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

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

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

Sincerely,  
Terry E. Branstad  
Governor

The communication was received and the committee discharged.

### FINAL ADJOURNMENT

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

### AMENDMENTS FILED

Amendments filed during the Seventy-third General Assembly, 1990 Session, not otherwise printed in the House Journal:

H-5001

- 1 Amend House File 152 as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 "competent".
- 4 2. Page 1, line 20, by inserting after the word
- 5 "ceremony" the following: "who are at least sixteen
- 6 years of age".

SPEAR of Lee

H-5002

- 1 Amend Senate File 205, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 1, by striking the word "1990"
- 4 and inserting the following: "1991".
- 5 2. Page 3, line 26, by striking the words "rescue
- 6 unit" and inserting the following: "ambulance,
- 7 rescue, or first response service".
- 8 3. Page 3, line 29, by striking the word "1989"
- 9 and inserting the following: "1990".
- 10 4. Page 3, line 33, by striking the words
- 11 "subsection 1, Code 1989," and inserting the
- 12 following: "subsection 6, Code Supplement 1989,".

HANSON of Delaware

H-5003

- 1 Amend House File 2062 as follows:
- 2 1. Page 1, by striking line 9, and inserting the
- 3 following: "coverage for an insured, subscriber, or
- 4 enrollee, or for a family member of the insured,
- 5 subscriber, or".

DODERER of Johnson

H-5004

- 1 Amend House File 2062 as follows:
- 2 1. Page 1, by inserting after line 27, the
- 3 following:
- 4 "3. Expenses incurred pursuant to providing
- 5 coverage for expenses required by this section, and
- 6 not previously covered as required by prior law or
- 7 practice, are not a basis for a rate increase. A rate
- 8 filed for the commissioner's approval by a person
- 9 subject to this section shall not be approved by the
- 10 commissioner to the extent a requested rate increase

11 is based upon expenses incurred pursuant to this  
12 section, which expenses were not previously covered as  
13 required by prior law or practice of the company."

HALVORSON of Clayton

H-5005

1 Amend House File 2062 as follows:

2 1. Page 1, line 18, by inserting after the word  
3 "incurred" the following: ", subject to the general  
4 terms, conditions, and limitations which may exist  
5 within the policy, contract, or plan, including, but  
6 not limited to, the continued payment of the premiums,  
7 dues, or charges".

HALVORSON of Clayton

H-5006

1 Amend House File 2062 as follows:

2 1. Page 1, line 15, by inserting after the word  
3 "months" the following: "until the infant reaches the  
4 age of eighteen years".

5 2. Page 1, line 18, by inserting after the word  
6 "incurred" the following: ", not to exceed two  
7 hundred fifty thousand dollars".

HALVORSON of Clayton

H-5008

1 Amend House File 2062 as follows:

2 1. Page 1, by inserting after line 27, the  
3 following:

4 "Sec. \_\_\_\_\_. **NEW SECTION. 514C.6 DISCLOSURE OF**  
5 **NEWBORN SCOPE OF COVERAGE REQUIRED.**

6 A policy of individual accident and sickness  
7 insurance issued pursuant to chapter 509, an  
8 individual nonprofit hospital or medical service  
9 contract issued pursuant to chapter 514, or a prepaid  
10 individual plan of a health maintenance organization  
11 provided pursuant to chapter 514B, shall clearly and  
12 plainly disclose an exclusion or limitation upon  
13 coverage for newborn infants of the insured,  
14 subscriber, or enrollee, or of covered dependents of  
15 the insured, subscriber, or enrollee. The  
16 commissioner of insurance may adopt by rule uniform  
17 disclosure language, or otherwise assure compliance  
18 with this section."

19 2. By renumbering as necessary.

DODERER of Johnson  
KREMER of Buchanan  
SHONING of Woodbury  
BRAMMER of Linn  
BISIGNANO of Polk

H-5009

1 Amend House File 2062 as follows:

2 1. Page 1, line 18, by inserting after the word  
3 "incurred." the following: "In any case, coverage  
4 shall terminate if the insured, subscriber, or  
5 enrollee leaves the covered group and does not  
6 continue or convert the group coverage pursuant to  
7 chapter 509B, or if the insurer, nonprofit hospital or  
8 medical service corporation, or health maintenance  
9 organization ceases to provide group coverage to the  
10 group."

GARMAN of Story

H-5010

1 Amend House File 209 as follows:

2 1. Page 1, line 5, by inserting after the word  
3 "restaurants" the following: "with seating for more  
4 than fifty people".

LUNDBY of Linn

H-5012

1 Amend House File 209 as follows:

2 1. Page 2, by inserting after line 20, the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 601A.6, subsection 1,  
5 paragraphs a, b, and c, Code 1989, are amended to read  
6 as follows:  
7 a. Person to refuse to hire, accept, register,  
8 classify, or refer for employment, to discharge any  
9 employee, or to otherwise discriminate in employment  
10 against any applicant for employment or any employee  
11 because of the age, race, creed, color, sex, national  
12 origin, religion, smoking preference, or disability of  
13 such applicant or employee, unless based upon the  
14 nature of the occupation. If a disabled person is  
15 qualified to perform a particular occupation, by  
16 reason of training or experience, the nature of that  
17 occupation shall not be the basis for exception to the  
18 unfair or discriminating practices prohibited by this  
19 subsection.  
20 b. Labor organization or the employees, agents or  
21 members thereof to refuse to admit to membership any  
22 applicant, to expel any member, or to otherwise  
23 discriminate against any applicant for membership or  
24 any member in the privileges, rights, or benefits of  
25 such membership because of the age, race, creed,  
26 color, sex, national origin, religion, smoking  
27 preference, or disability of such applicant or member.  
28 c. Employer, employment agency, labor

29 organization, or the employees, agents, or members  
 30 thereof to directly or indirectly advertise or in any  
 31 other manner indicate or publicize that individuals of  
 32 any particular age, race, creed, color, sex, national  
 33 origin, religion, smoking preference, or disability  
 34 are unwelcome, objectionable, not acceptable, or not  
 35 solicited for employment or membership unless based on  
 36 the nature of the occupation. If a disabled person is  
 37 qualified to perform a particular occupation by reason  
 38 of training or experience, the nature of that  
 39 occupation shall not be the basis for exception to the  
 40 unfair or discriminating practices prohibited by this  
 41 subsection.

42 An employer, employment agency, or their employees,  
 43 servants or agents may offer employment or advertise  
 44 for employment to only the disabled, when other  
 45 applicants have available to them, other employment  
 46 compatible with their ability which would not be  
 47 available to the disabled because of their handicap.  
 48 Any such employment or offer of employment shall not  
 49 discriminate among the disabled on the basis of race,  
 50 color, creed, sex or national origin."

**Page 2**

1 2. By renumbering as necessary.

LUNDBY of Linn

H-5014

1 Amend the amendment, H-5007, to Senate File 280, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 13, by inserting after the word  
 5 "exemption" the following: "or partial exemption".  
 6 2. Page 1, by inserting after line 45, the  
 7 following:  
 8 "(c) To rehabilitate and assist existing business  
 9 and industry.  
 10 (d) To stimulate and assist in the expansion of  
 11 business activity."  
 12 3. Page 2, by striking lines 9 through 12.

GRONINGA of Cerro Gordo

H-5015

1 Amend House File 481 as follows:  
 2 1. Page 1, line 2, by inserting before the word  
 3 "The" the following: "1."  
 4 2. Page 1, by inserting after line 9 the  
 5 following:  
 6 "2. The department shall offer accident and

7 sickness insurance coverage under a group policy to  
 8 members under the age of sixty-five years who have  
 9 retired and are receiving benefits under this chapter.  
 10 A member who elects coverage under the group policy  
 11 shall authorize the department to deduct from the  
 12 member's monthly benefit the total amount of the  
 13 monthly premium plus an amount not exceeding two  
 14 percent of the monthly premium to cover the costs  
 15 incurred in administering the policy. The department  
 16 shall establish a committee to advise the department  
 17 concerning the composition of the group policy. The  
 18 committee shall include members over the age of sixty-  
 19 four years who have retired and are receiving benefits  
 20 under this chapter."

PETERS of Woodbury

H-5018

1 Amend House File 233 as follows:  
 2 1. Page 1, line 32, by inserting after the word  
 3 "employer" the following: "knowingly".  
 4 2. Page 2, line 2, by striking the word  
 5 "tortious".  
 6 3. Page 2, line 4, by inserting after the word  
 7 "interest" the following: "or the breach constitutes  
 8 a separate and independent tort".  
 9 4. Page 2, line 8, by striking the words "beyond  
 10 a reasonable doubt".  
 11 5. Page 2, line 21, by striking the words "by a".  
 12 6. Page 2, by striking line 22.

HALVORSON of Clayton  
 HARBOR of Mills

H-5026

1 Amend House File 2040 as follows:  
 2 1. Page 1, by striking lines 3 through 5 and  
 3 inserting the following:  
 4 "(3) A correctional officer who is employed by the  
 5 Iowa department of corrections in an applicable job  
 6 classification. Any other employee of that department  
 7 who has ongoing, direct contact with inmates, and an  
 8 employee of a judicial district department of  
 9 correctional services who has ongoing, direct contact  
 10 with accused persons or persons assigned to the  
 11 judicial district department for supervision. The".  
 12 2. Page 1, by inserting after line 8 the  
 13 following:  
 14 "Sec. \_\_\_\_\_. Section 97B.49, subsection 16,  
 15 paragraph i, Code 1989, is amended to read as follows:  
 16 i. For the fiscal year commencing July 1, 1988,  
 17 and each succeeding fiscal year, the department of

18 corrections shall pay to the department of personnel  
 19 from funds appropriated to the Iowa department of  
 20 corrections, the amount necessary to pay the employer  
 21 share of the cost of the additional benefits provided  
 22 to employees of the department covered under paragraph  
 23 "d", subparagraph (3). For the fiscal year commencing  
 24 July 1, 1990, and each succeeding fiscal year, each  
 25 judicial district department of correctional services  
 26 shall pay to the department of personnel from funds  
 27 appropriated to that judicial district department, the  
 28 amount necessary to pay the employer share of the cost  
 29 of the additional benefits provided to employees of  
 30 the judicial district department covered under  
 31 paragraph "d", subparagraph (3)."

SPEAR of Lee  
 McKEAN of Jones

H-5027

1 Amend the Senate amendment, H-4466, to House File  
 2 685, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. By striking page 1, line 44, through page 2,  
 5 line 6.  
 6 2. Page 2, line 7, by striking the figure "30"  
 7 and inserting the following: "29".  
 8 3. Page 2, by striking lines 14 through 28.  
 9 4. By renumbering as necessary.

HANSEN of Woodbury  
 SCHNEKLOTH of Scott

H-5028

1 Amend amendment H-5024 to House File 2062 as  
 2 follows:  
 3 1. Page 1, line 50, by inserting after the word  
 4 "POLICY" the word "OFFERING".  
 5 2. Page 2, line 8, by inserting after the word  
 6 "shall" the words "offer to".  
 7 3. Page 2, line 15, by striking the word  
 8 "Coverage" and inserting the words "The offer of  
 9 coverage".

HALVORSON of Clayton

H-5029

1 Amend House File 2031, as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 101. Section 425.2, unnumbered paragraph  
 5 2, Code Supplement 1989, is amended to read as  
 6 follows:  
 7 Upon the filing and allowance of the claim, the

8 claim shall be allowed on that homestead for  
 9 successive years without further filing as long as the  
 10 property is legally or equitably owned and used as a  
 11 homestead by that person or that person's spouse on  
 12 July 1 of each of those successive years, and the  
 13 owner of the property being claimed a homestead  
 14 declares residency in Iowa for purposes of income  
 15 taxation, and is occupied by the person or person's  
 16 spouse for at least six months in each of those  
 17 calendar years. When the property is sold or  
 18 transferred, the buyer or transferee who wishes to  
 19 qualify shall refile for the credit. However, when  
 20 the property is transferred as part of a distribution  
 21 made pursuant to chapter 598, the transferee who is  
 22 the spouse retaining ownership of the property is not  
 23 required to refile for the credit. Property divided  
 24 pursuant to chapter 598 cannot be modified following  
 25 the division of the property. An owner who ceases to  
 26 use a property for a homestead or intends not to use  
 27 it as a homestead for at least six months in a fiscal  
 28 calendar year shall provide written notice to the  
 29 assessor by July 1 following the date on which the use  
 30 is changed. A person who sells or transfers a  
 31 homestead or the personal representative of a deceased  
 32 person who had a homestead at the time of death, shall  
 33 provide written notice to the assessor that the  
 34 property is no longer the homestead of the former  
 35 claimant."  
 36 2. By renumbering as necessary.

DAGGETT of Adams

H-5041

1 Amend House File 2084 as follows:  
 2 1. Page 1, line 30, by striking the word  
 3 "serious" and inserting the word "simple".

HALVORSON of Clayton  
 HARBOR of Mills

H-5045

1 Amend House File 2148 as follows:  
 2 1. Page 1, by striking lines 4 and 5 and  
 3 inserting the following: "against a peace officer who  
 4 is in the performance of the peace officer's duties,  
 5 an employee of the Iowa department of corrections who  
 6 is in the performance of the employee's duties, or an  
 7 employee of a judicial district department of  
 8 correctional services who is in the performance of the  
 9 employee's duties, is guilty of a class "D" felony."

SPEAR of Lee

H-5047

- 1 Amend House File 2165 as follows:
- 2 1. Page 1, line 10, by striking the words
- 3 "~~twenty-five~~ fifty" and inserting the following:
- 4 "twenty-five".
- 5 2. Title page, lines 2 and 3, by striking the
- 6 words "and increasing the amount of the bond".

KOENIGS of Mitchell

H-5048

- 1 Amend House File 147 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 719.1, Code 1989, is amended
- 5 to read as follows:
- 6 719.1 INTERFERENCE WITH OFFICIAL ACTS.
- 7 A person who knowingly resists or obstructs anyone
- 8 known by the person to be a peace officer or fire
- 9 fighter, whether paid or volunteer, in the performance
- 10 of any act which is within the scope of the lawful
- 11 duty or authority of that officer or fire fighter,
- 12 whether paid or volunteer, or who knowingly resists or
- 13 obstructs the service or execution by any authorized
- 14 person of any civil or criminal process or order of
- 15 any court, commits a simple misdemeanor. However, if
- 16 a person commits an interference with official acts,
- 17 as defined in this section, and in so doing inflicts
- 18 bodily injury other than serious injury, that person
- 19 commits a serious misdemeanor. If a person commits an
- 20 interference with official acts, as defined in this
- 21 section, and in so doing inflicts or attempts to
- 22 inflict serious injury, or displays a dangerous
- 23 weapon, as defined in section 702.7, or is armed with
- 24 a firearm, that person commits an aggravated
- 25 misdemeanor a class "D" felony. The terms "resist"
- 26 and "obstruct", as used in this section, do not
- 27 include verbal harassment unless the verbal harassment
- 28 is accompanied by a present ability and apparent
- 29 intention to execute a verbal threat physically.
- 30 Sec. 2. Section 724.4, Code 1989, is amended by
- 31 adding the following new subsection:
- 32 NEW SUBSECTION. 1A. A person who commits a
- 33 violation of subsection 1, with intent to commit a
- 34 crime against a person or property other than a
- 35 violation of subsection 1, commits a class "D" felony.
- 36 Sec. 3. Section 724.10, Code 1989, is amended to
- 37 read as follows:
- 38 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS —
- 39 CRIMINAL HISTORY CHECK REQUIRED.
- 40 No A person shall not be issued a permit to carry

41 weapons unless the person has completed and signed an  
 42 application on a form to be prescribed and published  
 43 by the commissioner of public safety. The application  
 44 shall state the full name, social security number  
 45 (optional), residence, and age of the applicant, and  
 46 shall state whether the applicant has ever been  
 47 convicted of a felony, whether the person is addicted  
 48 to the use of alcohol or any controlled substance, and  
 49 whether the person has any history of mental illness  
 50 or repeated acts of violence. The applicant shall

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1 also display an identification card that bears a  
 2 distinguishing number assigned to the card holder, the  
 3 full name, date of birth, sex, residence address, and  
 4 a brief description and colored photograph of the card  
 5 holder. Commencing July 1, 1991, the sheriff shall  
 6 conduct a criminal history check concerning each  
 7 applicant by obtaining criminal history data from the  
 8 department of public safety. Any A person who  
 9 knowingly makes a false statement of material fact on  
 10 such the application commits an aggravated misdemeanor  
 11 a class "D" felony.

12 Sec. 4. Section 724.15, subsection 2, Code 1989,  
 13 is amended by adding the following new paragraphs:  
 14 NEW PARAGRAPH. d. The person has obtained a valid  
 15 permit to carry weapons, as provided in section  
 16 724.11.

17 NEW PARAGRAPH. e. The person transferring the  
 18 pistol or revolver and the person acquiring the pistol  
 19 or revolver are related to one another within the  
 20 second degree of consanguinity unless the person  
 21 transferring the pistol or revolver knows that the  
 22 person acquiring the pistol or revolver would be  
 23 ineligible to obtain a permit.

24 Sec. 5. Section 724.16, Code 1989, is amended to  
 25 read as follows:

26 724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED —  
 27 TRANSFER PROHIBITED.

28 1. Any Except as otherwise provided in section  
 29 724.15, subsection 2, a person who acquires ownership  
 30 of a pistol or revolver without a valid annual permit  
 31 to acquire pistols or revolvers or any a person who  
 32 transfers ownership of a pistol or revolver to a  
 33 person who does not have in the person's possession a  
 34 valid annual permit to acquire pistols or revolvers is  
 35 guilty of a simple misdemeanor.

36 2. A person who knowingly transfers ownership of a  
 37 pistol or revolver to a person prohibited by section  
 38 724.15 from acquiring ownership of a pistol or  
 39 revolver commits a class "D" felony.

40 Sec. 6. Section 724.17, Code 1989, is amended to  
41 read as follows:

42 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --  
43 CRIMINAL HISTORY CHECK REQUIRED.

44 The application for an annual permit to acquire  
45 pistols or revolvers may be made to the sheriff of the  
46 county of the applicant's residence and shall be on a  
47 form prescribed and published by the commissioner of  
48 public safety. The application shall state the full  
49 name of the applicant, the social security number of  
50 the applicant, the residence of the applicant, and the

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1 age of the applicant. The applicant shall also  
2 display an identification card that bears a  
3 distinguishing number assigned to the card holder, the  
4 full name, date of birth, sex, residence address, and  
5 brief description and colored photograph of the card  
6 holder, or an envelope addressed to the applicant at  
7 the applicant's residence with a date of postmark  
8 within the previous thirty days. Commencing July 1,  
9 1991, the sheriff shall conduct a criminal history  
10 check concerning each applicant by obtaining criminal  
11 history data from the department of public safety.

12 Sec. 7. Section 724.21, Code 1989, is amended to  
13 read as follows:

14 724.21 GIVING FALSE INFORMATION WHEN ACQUIRING  
15 WEAPON.

16 A person who gives a false name or presents false  
17 identification, or otherwise knowingly gives false  
18 material information to one from whom the person seeks  
19 to acquire a pistol or revolver, commits an aggravated  
20 misdemeanor a class "D" felony.

21 Sec. 8. Section 724.26, Code 1989, is amended to  
22 read as follows:

23 724.26 RECEIPT, TRANSPORTATION, AND POSSESSION  
24 DOMINION AND CONTROL OF FIREARMS AND DESTRUCTIVE  
25 DEVICES OFFENSIVE WEAPONS BY FELONS.

26 Any A person who is convicted of a felony in any a  
27 state or federal court and who subsequently possesses  
28 knowingly has under the person's dominion and control,  
29 receives, or transports or causes to be transported a  
30 firearm or offensive weapon is guilty of an aggravated  
31 misdemeanor a class "D" felony.

32 Sec. 9. NEW SECTION. 724.28 PROHIBITION OF  
33 REGULATION BY POLITICAL SUBDIVISIONS.

34 A political subdivision of the state shall not  
35 enact an ordinance regulating the ownership,  
36 possession, legal transfer, lawful transportation,  
37 registration, or licensing of firearms when the  
38 ownership, possession, transfer, or transportation is

39 otherwise lawful under the laws of this state. An  
 40 ordinance regulating firearms in violation of this  
 41 section existing on or after the effective date of  
 42 this Act is void.

43 Sec. 10. NEW SECTION. 724.29 FIREARM DEVICES.

44 A person who sells or offers for sale a manual or  
 45 power-driven device or activator constructed and  
 46 designed so that when attached to a firearm increases  
 47 the rate of fire of the firearm is guilty of an  
 48 aggravated misdemeanor.

49 Sec. 11.

50 This Act, being deemed of immediate importance,

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1 takes effect upon enactment.”

2 2. Title page, line 2, by inserting after the  
 3 word “subdivision” the following: “, requirements for  
 4 the purchase and possession of weapons, enhanced  
 5 criminal penalties for certain offenses involving  
 6 weapons, and providing an effective date”.

BISIGNANO of Polk

H—5049

1 Amend House File 2050 as follows:

2 1. Page 1, by inserting before line 1, the fol-  
 3 lowing:

4 “Section 1. Section 68B.2, subsection 11, Code  
 5 1989, is amended to read as follows:

6 11. “Official” means an officer of the state of  
 7 Iowa receiving or offered a salary or per diem whether  
 8 elected or appointed or whether serving full-time or  
 9 part-time. “Official” includes but is not limited to  
 10 supervisory personnel and members of state agencies  
 11 and does not include members of the general assembly  
 12 or legislative employees.”

13 2. Page 1, line 1, by striking the word and  
 14 figure “Section 1.” and inserting the following:  
 15 “Sec. 2.”

16 3. Page 1, line 4, by striking the word “regu-  
 17 latory” and inserting the following: “regulatory”.

18 4. Page 1, line 5, by inserting after the word  
 19 “sell,” the following: “buy, or cause to be bought or  
 20 sold,”.

21 5. Page 1, line 6, by inserting before the word  
 22 “individuals” the following: “or from”.

23 6. Page 1, line 10, by striking the word  
 24 “regulatory”.

25 7. Page 1, line 16, by striking the word  
 26 “regulatory”.

27 8. Page 1, line 21, by striking the word

28 "regulatory".  
 29 9. Page 1, line 25, by striking the word  
 30 "regulatory".  
 31 10. Page 1, line 30, by striking the word  
 32 "regulatory".  
 33 11. Page 1, line 32, by striking the word  
 34 "regulatory".  
 35 12. Page 1, by inserting after line 34, the fol-  
 36 lowing:  
 37 "An official or employee of an agency shall not  
 38 buy, sell, or cause to be bought or sold, whether  
 39 directly or indirectly, any goods or services to or  
 40 from an association, corporation, or businesses in  
 41 which the person is a member, major stockholder, or  
 42 has other financial interest.  
 43 Sec. 3. Section 68B.8, Code 1989, is amended to  
 44 read as follows:  
 45 68B.8 ADDITIONAL PENALTY.  
 46 In addition to any penalty contained in any other  
 47 provision of law, a person who knowingly and  
 48 intentionally violates a provision of section 68B.3 to  
 49 68B.6 is guilty of a serious misdemeanor and ~~may shall~~  
 50 ~~be reprimanded, suspended, or dismissed from the~~

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1 person's position or otherwise sanctioned.  
 2 Sec. 4. NEW SECTION. 68B.9A AGENCY RULES.  
 3 Each agency shall adopt conflict of interest rules  
 4 for persons employed by or holding office in the  
 5 agency."

JAY of Appanoose  
 CARPENTER of Polk

H-5050

1 Amend House File 682 as follows:  
 2 1. Page 1, lines 1 and 2, by striking the words  
 3 "OR INTERFERENCE WITH" and inserting the following:  
 4 "OF".  
 5 2. Page 1, line 3, by striking the words "or  
 6 interfere with".  
 7 3. Page 1, line 5, by striking the word  
 8 "shooting".  
 9 4. Title page, line 1, by striking the words "or  
 10 interference with" and inserting the following: "of".  
 11 5. Title page, lines 2 and 3, by striking the  
 12 words "trapping, or shooting" and inserting the  
 13 following: "or trapping".

H-5051

- 1 Amend the Committee amendment, H-5050, to House
- 2 File 682 as follows:
- 3 1. Page 1, by striking lines 2 through 6.
- 4 2. Page 1, by striking lines 9 and 10.

GRUHN of Dickinson

H-5056

- 1 Amend House File 682 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "fishing," the following: "hiking,".
- 4 2. Title page, line 2, by inserting after the
- 5 word "fishing," the following: "hiking,".

OSTERBERG of Linn

H-5057

- 1 Amend House File 682 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "fishing," the following: "bird watching,".
- 4 2. Title page, line 2, by inserting after the
- 5 word "fishing," the following: "bird watching,".

OSTERBERG of Linn

H-5058

- 1 Amend the amendment, H-5049, to House File 2050, as
- 2 follows:
- 3 1. Page 1, line 37, by inserting after the word
- 4 "agency" the following: ", who is not a local
- 5 official or local employee under section 68B.2,
- 6 subsection 9,".

CARPENTER of Polk  
KREMER of Buchanan

H-5064

- 1 Amend House File 2048 as follows:
- 2 1. Page 7, by inserting before line 35, the
- 3 following:
- 4 "Sec. \_\_\_\_\_ Section 702.11, Code Supplement 1989,
- 5 is amended to read as follows:
- 6 702.11 FORCIBLE FELONY.
- 7 A "forcible felony" is any felonious child
- 8 endangerment, assault, murder, sexual abuse other than
- 9 sexual abuse in the third degree committed between
- 10 spouses or in violation of section 709.4, subsection
- 11 2, paragraph "c", subparagraph (4), sexual
- 12 exploitation by a counselor or therapist in violation
- 13 of section 709.15, kidnapping, robbery, arson in the
- 14 first degree, or burglary in the first degree.

15 Sec.\_\_\_\_\_. NEW SECTION. 709.15 SEXUAL  
 16 EXPLOITATION BY A COUNSELOR OR THERAPIST.

- 17 1. As used in this section:
- 18 a. "Counselor or therapist" means a physician,  
 19 psychotherapist, psychologist, nurse, social worker,  
 20 chemical dependency counselor, member of the clergy,  
 21 or other person whether or not licensed by the state,  
 22 who renders or purports to render psychotherapy,  
 23 counseling, or other assessment or treatment involving  
 24 any mental illness, symptom, or condition or emotional  
 25 illness, symptom, or condition.
- 26 b. "Former patient or former client" means a  
 27 person who received psychotherapy, counseling, or  
 28 other assessment or treatment involving any mental  
 29 illness, symptom, or condition or emotional illness,  
 30 symptom, or condition from a counselor or therapist  
 31 within two years of the violation or who after two  
 32 years from the termination of treatment remains  
 33 emotionally dependent on the counselor or therapist.
- 34 c. "Patient or client" means any person who  
 35 receives psychotherapy, counseling, or other  
 36 assessment or treatment concerning any mental illness,  
 37 symptom, or condition or emotional illness, symptom,  
 38 or condition from a counselor or therapist.
- 39 d. "Sexual exploitation" means any sexual contact  
 40 by a counselor or therapist with a patient or client  
 41 or former patient or former client for the purpose of  
 42 arousing or satisfying the sexual desires of a  
 43 counselor or therapist or the patient, client, former  
 44 patient, or former client, which shall include but is  
 45 not limited to kissing; touching of the inner thigh,  
 46 breast, groin, buttock, anus, pubes, or genitals or  
 47 the touching of the clothing covering the inner thigh,  
 48 breast, groin, buttock, anus, pubes, or genitals, a  
 49 sex act as defined in section 702.17; or verbal  
 50 suggestions of sexual involvement.

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- 1 2. It is unlawful for a counselor or therapist to  
 2 engage in conduct which constitutes sexual  
 3 exploitation as defined in subsection 1, with or  
 4 without the consent of the patient or client or former  
 5 patient or former client.
- 6 3. A person who violates this section commits a  
 7 class "D" felony, except that any person who violates  
 8 this section by conduct as defined as a sex act under  
 9 section 702.17 commits a class "C" felony."
- 10 2. Title page, by striking lines 1 through 9 and  
 11 inserting the following: "An Act relating to  
 12 therapists and counselors, providing a penalty, and  
 13 providing effective dates."
- 14 3. By renumbering as necessary.

H-5065

1 Amend House File 2101 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 21.2, subsection 1, Code  
5 Supplement 1989, is amended by adding the following  
6 new paragraph:

7 NEW PARAGRAPH. f. A nonprofit corporation  
8 licensed to conduct gambling games or pari-mutuel  
9 wagering on dog or horse races pursuant to chapter 99D  
10 or 99F."

11 2. Title page, line 1, by inserting after the  
12 word "corporations" the following: "licensed to  
13 conduct pari-mutuel wagering or gambling operations".

HERMANN of Scott

H-5071

1 Amend House File 2048 as follows:

2 1. Page 7, by inserting after line 34 the  
3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 709.15 SEXUAL  
5 EXPLOITATION BY A COUNSELOR OR THERAPIST.

6 1. As used in this section:

7 a. "Client" means any person who receives mental  
8 health counseling or marital and family therapy from a  
9 counselor or therapist.

10 b. "Counselor or therapist" means a licensed  
11 mental health counselor or licensed marital and family  
12 therapist as defined in section 154D.1.

13 c. "Emotionally dependent" means impaired in the  
14 ability to withhold consent to a sexual act by the  
15 counselor or therapist, based upon the nature of the  
16 former client's emotional condition and the nature of  
17 the assessment or treatment provided by the counselor  
18 or therapist, which impairment is known or should be  
19 known to the counselor or therapist.

20 d. "Former client" means a person who received  
21 mental health counseling or marital and family therapy  
22 from a counselor or therapist within two years of the  
23 violation or who after two years from the termination  
24 of treatment remains emotionally dependent on the  
25 counselor or therapist.

26 e. "Sexual exploitation" means any sexual contact  
27 by a counselor or therapist with a client or former  
28 client for the purpose of arousing or satisfying the  
29 sexual desires of a counselor or therapist or the  
30 client or former client, which shall include but is  
31 not limited to kissing; touching of the inner thigh,  
32 breast, groin, buttock, anus, pubes, or genitals or  
33 the touching of the clothing covering the inner thigh,

34 breast, groin, buttock, anus, pubes, or genitals, a  
 35 sex act as defined in section 702.17; or verbal  
 36 suggestions of sexual involvement.

37 2. It is unlawful for a counselor or therapist to  
 38 engage in conduct which constitutes sexual  
 39 exploitation as defined in subsection 1, with or  
 40 without the consent of the client or former client.

41 3. A person who violates this section commits a  
 42 class "D" felony, except that any person who violates  
 43 this section by conduct defined as a sex act under  
 44 section 702.17 commits a class "C" felony."

45 2. By renumbering as necessary.

SPEAR of Lee

H-5072

1 Amend House File 2076 as follows:

2 1. Page 1, line 14, by inserting after the word  
 3 "Iowa," the following: "including but not limited to  
 4 sites".

5 2. Page 1, line 20, by inserting after the word  
 6 "Iowa," the following: "including but not limited to  
 7 sites".

OLLIE of Clinton

H-5079

1 Amend House File 682 as follows:

2 1. Page 1, line 5, by inserting before the word  
 3 "hunting" the following: "picnicking, camping,".  
 4 2. Title page, line 2, by inserting before the  
 5 word "hunting" the following: "picnicking, camping,".

NEUHAUSER of Johnson

H-5082

1 Amend House File 2270 as follows:

2 1. Page 1, line 28, by inserting before the word  
 3 "council" the words "the criminal and juvenile justice  
 4 advisory".

5 2. Page 1, line 32, by inserting before the word  
 6 "council" the words "the criminal and juvenile justice  
 7 advisory".

8 3. Page 2, line 9, by striking the words "policy  
 9 administrative coordinating" and inserting the fol-  
 10 lowing: "policy coordinating administrative-  
 11 coordinating".

12 4. Page 2, by inserting after line 32 the fol-  
 13 lowing:

14 "Sec. \_\_\_\_\_. Section 601K.4, Code 1989, is amended  
 15 by adding the following new subsection before subsec-  
 16 tion 1, and renumbering the subsequent subsections:

17 NEW SUBSECTION. 1. "Council" or "human rights  
 18 council" means the human rights administrative-  
 19 coordinating council within the department of human  
 20 rights."

CARPENTER of Polk

H-5084

1 Amend House Concurrent Resolution 104 as follows:  
 2 1. Page 1, by striking lines 17 through 21.

MUHLBAUER of Crawford

H-5085

1 Amend House File 2035 as follows:  
 2 1. Page 1, line 29, by striking the words "land,  
 3 centrally" and inserting the following: "land."  
 4 2. By striking lines 30 through 34.

Committee on Local Government

H-5086

1 Amend House File 2271 as follows:  
 2 1. Page 1, line 29, by inserting after the word  
 3 "staff" the following: ", building administrators, or  
 4 area education agency division directors or  
 5 supervisors".

SHEARER of Louisa

H-5087

1 Amend House File 2258 as follows:  
 2 1. Page 1, by inserting after line 33 the  
 3 following:  
 4 "m. Suicide".  
 5 2. Page 2, line 22, by striking the letter "l"  
 6 and inserting the following: "m".  
 7 3. Page 3, line 16, by striking the letter "l"  
 8 and inserting the following: "m".

HERMANN of Scott

H-5089

1 Amend House File 2015 as follows:  
 2 1. By striking page 10, line 32, through page 12,  
 3 line 7, and inserting the following:  
 4 "Sec. \_\_\_\_\_. Section 321J.20, subsection 1,  
 5 unnumbered paragraph 1, Code 1989, is amended to read  
 6 as follows:  
 7 The department may, on application, issue a  
 8 temporary restricted license to a person age eighteen  
 9 or older whose motor vehicle license is revoked under

10 this chapter allowing the person to drive to and from  
 11 the person's home and specified places at specified  
 12 times which can be verified by the department and  
 13 which are required by the person's full-time or part-  
 14 time employment, continuing health care or the  
 15 continuing health care of another who is dependent  
 16 upon the person, continuing education while enrolled  
 17 in an educational institution on a part-time or full-  
 18 time basis and while pursuing a course of study  
 19 leading to a diploma, degree, or other certification  
 20 of successful educational completion, substance abuse  
 21 treatment, and court-ordered community service  
 22 responsibilities if the person's motor vehicle license  
 23 has not been revoked under 321J.4, 321J.9, or 321J.12  
 24 within the previous six years and if any of the  
 25 following apply:

26 Sec. \_\_\_\_\_. Section 321J.20, subsection 1,  
 27 unnumbered paragraph 2, Code 1989, is amended by  
 28 striking the paragraph.

29 Sec. \_\_\_\_\_. Section 321J.20, subsection 2, Code  
 30 1989, is amended to read as follows:

31 2. This section does not apply to a person whose  
 32 license was revoked for a second or subsequent offense  
 33 under this chapter, to a person under age eighteen  
 34 whose license was revoked under this chapter, to a  
 35 person whose license was revoked under section 321J.4,  
 36 subsection 3 or 5, or to a person whose license is  
 37 suspended or revoked for another reason."

38 2. Renumber as necessary.

WISE of Lee

H-5091

1 Amend House File 2130 as follows:

2 1. Page 1, line 9, by inserting after the word  
 3 "licensees." the following: "Regarding the mediation  
 4 of disputes between dentists and their patients, the  
 5 board shall appoint a disinterested third party to  
 6 mediate a particular dispute, and the board shall  
 7 provide for the enforcement of a mediation agreement  
 8 between the parties involved in the dispute."

Committee on State Government

H-5093

1 Amend House File 2141 as follows:

2 1. By striking page 1, line 34 through page 2,  
 3 line 11, and inserting the following:

4 "3. The board of directors of a school district  
 5 may require an employee who has resigned from an  
 6 extracurricular contract to accept, as a condition of  
 7 employment under section 279.13, the extracurricular

8 contract for the subsequent school year one school  
 9 year after the school year in which the employee has  
 10 resigned from the extracurricular contract if all of  
 11 the following conditions apply:

12 a. The employee has accepted a teaching contract  
 13 issued by the board pursuant to section 279.13 for the  
 14 subsequent school year.

15 b. The board of directors has made a good faith  
 16 effort to fill the coaching position with a licensed  
 17 or authorized replacement.

18 c. The position has not been filled by June 1 of  
 19 the year in which the employee resigned the  
 20 extracurricular contract."

21 2. Page 2, line 12, by striking the figures "4 3"  
 22 and inserting the following: "4".

23 3. Page 2, by striking lines 31 through 33, and  
 24 inserting the following:

25 "d. Less than one school year has passed since the  
 26 date that the employee, who is being required to  
 27 accept the extracurricular contract, was terminated  
 28 from or resigned from the coaching position."

29 4. Page 2, line 34, by striking the figures "5 4"  
 30 and inserting the following: "5".

31 5. Page 3, lines 2 and 3, by striking the word  
 32 and figure "or 4" and inserting the following: "or  
 33 4".

34 6. Page 3 by striking line 14 and inserting the  
 35 following:

36 "6. Subsections 3, 4, and 5 do not apply if the  
 37 terms".

38 7. Page 3, line 16, by striking the figures "7 6"  
 39 and inserting the following: "7".

40 8. Page 3, line 18, by striking the figures "8 7"  
 41 and inserting the following: "8".

42 9. Page 3, line 27, by striking the figures "9 8"  
 43 and inserting the following: "9".

SCHRADER of Marion

H-5095

1 Amend House File 2124 as follows:

2 1. Page 1, by striking lines 9 through 11, and  
 3 inserting the following: "governing body, in an  
 4 amount not exceeding twenty-one cents per mile which  
 5 is the maximum amount allowable for federal income tax  
 6 purposes, notwithstanding established mileage  
 7 requirements or depreciation allowances. A statutory  
 8 provision stipulating necessary mileage,".

CONNORS of Polk  
 BISIGNANO of Polk  
 HANSON of Delaware

H-5101

- 1 Amend House File 236 as follows:
- 2 1. Page 1, line 25, by striking the word "local".

SPEAR of Lee

H-5109

- 1 Amend House File 2271 as follows:
- 2 1. Page 1, line 10, by striking the words
- 3 "participating in" and inserting the following:
- 4 "implementing approved".
- 5 2. Page 2, line 8, by striking the words
- 6 "participating in" and inserting the following:
- 7 "implementing approved".

WISE of Lee

H-5110

- 1 Amend House File 2280 as follows:
- 2 1. Page 1, by striking lines 1 through 32.
- 3 2. Page 1, line 35, by striking the words "or
- 4 knowingly" and inserting the following: "and
- 5 knowingly".
- 6 3. Title page, line 2, by striking the words
- 7 "civil and".
- 8 4. By renumbering as necessary.

Committee on Economic Development

H-5118

- 1 Amend House File 2122 as follows:
- 2 1. Page 1, by striking lines 3 through 9, and
- 3 inserting the following:
- 4 "1. A Except as otherwise provided in subsection
- 5 5, a person is not eligible for an association policy
- 6 if the person, at the effective date of coverage, has
- 7 or will have coverage under any insurance plan that
- 8 has coverage equivalent to an association policy.
- 9 Only residents of this state are eligible for an
- 10 association policy. Coverage under an association
- 11 policy is in excess of, and shall not duplicate,
- 12 coverage under any other form of health insurance.
- 13 Sec. 2. Section 514E.7, subsection 5, Code 1989,
- 14 is amended by adding the following new unnumbered
- 15 paragraph:
- 16 NEW UNNUMBERED PARAGRAPH. If the association
- 17 policy contains a waiting period for preexisting
- 18 conditions, an insured may retain any existing

19 coverage the person has under an insurance plan that  
 20 has coverage equivalent to the association policy for  
 21 the duration of the waiting period only."

BISIGNANO of Polk  
 HARBOR of Mills

H—5120

1 Amend House File 2206 as follows:

2 1. Page 1, line 34, by striking the words "two  
 3 hundred fifty" and inserting the following: "five  
 4 hundred fifty twenty-five".

5 2. Page 1, line 35, by striking the words  
 6 "homestead during the fiscal" and inserting the  
 7 following: "homestead."

8 3. Page 2, by striking lines 1 through 4.

9 4. Page 4, by striking lines 21 through 24 and  
 10 inserting the following: "forty-three fifty-seven  
 11 million five hundred thousand dollars. Any balance in  
 12 said the fund on June".

13 5. Page 4, lines 27 and 28, by striking the words  
 14 and figures "effective January 1, 1991" and inserting  
 15 the following: "retroactive to January 1, 1990".

16 6. Page 4, by inserting after line 30 the  
 17 following:

18 "Sec. \_\_\_\_\_.

19 Sections 2 and 5 of this Act are effective for  
 20 fiscal years beginning on or after July 1, 1990."

SHONING of Woodbury  
 BRANSTAD of Winnebago  
 TYRRELL of Iowa  
 MAULSBY of Calhoun  
 McKEAN of Jones

RENKEN of Grundy  
 SCHNEKLOTH of Scott  
 HERMANN of Scott  
 IVERSON of Wright  
 GARMAN of Story

H—5121

1 Amend House File 2241 as follows:

2 1. Page 2, by striking lines 1 through 25.

3 2. Page 2, line 26, by striking the figure "2."

4 3. Title page, line 1, by striking the words  
 5 "lunch and".

Committee on Education

H—5122

1 Amend House File 2107 as follows:

2 1. Page 1, line 26, by striking the word "agenda"  
 3 and inserting the following: "docket".

Committee on Education

H-5131

1 Amend House File 2383 as follows:

2 1. Page 2, by inserting after line 17, the  
3 following:

4 "b. The department may issue permanent handicapped  
5 identification hanging devices to the following in  
6 accordance with rules adopted by the department:

7 (1) An organization which has a program for  
8 transporting the handicapped or elderly.

9 (2) A person in the business of transporting the  
10 handicapped or elderly.

11 One handicapped identification hanging device may  
12 be issued for each vehicle used by the organization or  
13 person for transporting the handicapped or elderly. A  
14 handicapped identification hanging device issued under  
15 this paragraph shall be surrendered to the department  
16 if the organization or person is no longer providing  
17 the service for which the device was issued.

18 Notwithstanding section 321L.4, a person transporting  
19 handicapped or elderly in a motor vehicle for which a  
20 handicapped identification hanging device has been  
21 issued under this paragraph may display the device in  
22 the motor vehicle and may use a handicapped parking  
23 space while the motor vehicle is displaying the  
24 device. A handicapped identification hanging device  
25 issued under this paragraph shall be of a  
26 distinctively different color from the handicapped  
27 identification hanging devices issued under paragraph  
28 "a".

29 2. Page 2, line 18, by striking the letter "b."  
30 and inserting the following: "c."

PETERS of Woodbury

H-5132

1 Amend House File 2383 as follows:

2 1. Page 4, by inserting after line 30 the  
3 following:

4 "c. Cities required to provide handicapped parking  
5 spaces according to this subsection shall establish a  
6 grievance procedure for persons possessing a permanent  
7 handicapped identification device or handicapped  
8 registration plates to file complaints regarding the  
9 availability, amount, location, and enforcement of  
10 handicapped parking spaces. Each city shall appoint a  
11 handicapped official to receive complaints. The  
12 handicapped official shall be required to take  
13 appropriate action in response to a substantiated  
14 complaint. A person filing such complaint shall

15 receive a duplicate copy of the complaint and a report  
 16 from the handicapped official setting forth the  
 17 actions taken in response to the complaint. The  
 18 department of public safety shall adopt rules  
 19 governing this subsection."

MURPHY of Dubuque  
 BROWN of Lucas

H-5133

1 Amend House File 2383 as follows:  
 2 1. Page 2, by inserting after line 23 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 321L.4, subsection 2, Code  
 5 Supplement 1989, is amended to read as follows:  
 6 2. The use of a handicapped parking space, located  
 7 on either public or private property as provided in  
 8 sections 321L.5 and 321L.6, by a motor vehicle not  
 9 displaying a handicapped identification device; by a  
 10 motor vehicle displaying such a device but not being  
 11 used by a handicapped person, as an operator or  
 12 passenger; or by a motor vehicle in violation of the  
 13 rules adopted by the department under section 321L.8,  
 14 constitutes improper use of a handicapped  
 15 identification device which is a misdemeanor for which  
 16 a fine shall be imposed upon the owner, operator, or  
 17 lessee of the motor vehicle or the purchaser of the  
 18 handicapped identification device. A peace officer,  
 19 including meter persons, is authorized to enforce the  
 20 provisions of this subsection. The fine for each  
 21 violation shall be twenty-five dollars. Proof of  
 22 conviction of two or more violations involving  
 23 improper use of a handicapped identification device is  
 24 grounds for revocation by the court or the department  
 25 of the holder's privilege to possess or use the  
 26 device."  
 27 2. Renumber sections as necessary.

MURPHY of Dubuque  
 BROWN of Lucas

H-5134

1 Amend House File 2383 as follows:  
 2 1. Page 4, by inserting after line 30 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 321L.11 HANDICAPPED  
 5 ENFORCEMENT OFFICERS.  
 6 All health care facilities, including institutional  
 7 health facilities, organized outpatient health  
 8 facilities, outpatient surgical facilities, and the

9 offices of private health care providers or physicians  
 10 as defined in section 135.1, subsection 5, shall  
 11 designate a person to be known as a handicapped  
 12 enforcement officer, who shall be authorized by the  
 13 department of public safety to issue citations for  
 14 handicapped parking violations of section 321L.4,  
 15 subsection 2. The handicapped enforcement officer's  
 16 authority to issue citations for such violations shall  
 17 be limited to the parking area of the health care  
 18 facility, or private health care provider or  
 19 physician's office. The department of public safety  
 20 shall adopt rules pursuant to chapter 17A to govern  
 21 this section. This section does not apply to health  
 22 care facilities, private health care providers'  
 23 offices or private physicians' offices not required to  
 24 provide for handicapped parking spaces pursuant to  
 25 section 321L.5."

MURPHY of Dubuque  
 BROWN of Lucas

H-5135

1 Amend House File 2383 as follows:  
 2 1. Page 4, by inserting after line 11 the  
 3 following:  
 4 "f. Effective July 1, 1993, all entities providing  
 5 off-street nonresidential parking to the general  
 6 public under this subsection shall provide handicapped  
 7 parking spaces as stipulated by the table in paragraph  
 8 "d" of this subsection."

BROWN of Lucas  
 SHEARER of Louisa

H-5137

1 Amend House File 2383 as follows:  
 2 1. Page 1, by striking lines 18 through 20 and  
 3 inserting the following:  
 4 "NEW SUBSECTION. 1. "Business district" means  
 5 business district as defined in section 321.1."  
 6 2. Page 4, by striking lines 15 through 22 and  
 7 inserting the following:  
 8 "4. a. Cities which provide on-street parking  
 9 areas within a business district shall provide at  
 10 least one handicapped parking space per lineal block  
 11 for angled parking and at least two handicapped  
 12 parking spaces for every three lineal blocks for  
 13 parallel parking within the business district."

BROWN of Lucas  
 SHEARER of Louisa

H-5138

1 Amend House File 2329 as follows:

- 2 1. Page 13, by striking lines 9 and 10 and  
 3 inserting the following: "district shall submit a  
 4 list of students who have attained the".  
 5 2. Page 13, by striking line 14 and inserting the  
 6 following: "the district is located."  
 7 3. Page 13, line 17, by inserting after the word  
 8 "birth." the following: "Authorities in charge of  
 9 nonpublic schools may also submit lists in accordance  
 10 with this subsection."  
 11 4. Page 13, line 18, by striking the words "this  
 12 list" and inserting the following: "the lists".

SPEAR of Lee

H-5139

1 Amend House File 2383 as follows:

- 2 1. Page 2, by inserting after line 23 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 321L.4A INVESTIGATION OF  
 5 REPORTED HANDICAPPED PARKING VIOLATION.  
 6 A person who observes a violation of section  
 7 321L.4, subsection 2, may prepare a written report  
 8 indicating that a violation has occurred on a form  
 9 which shall be provided by the department of public  
 10 safety. The person must deliver the report within  
 11 forty-eight hours after the violation occurred to a  
 12 peace officer of the state or a peace officer of the  
 13 county or municipality in which the violation  
 14 occurred. The report shall state the time and the  
 15 location at which the violation occurred and shall  
 16 include the registration plate number, a description  
 17 of the vehicle, and a description of the person  
 18 involved in the violation.  
 19 Within forty-eight hours after receiving a report  
 20 of a violation of section 321L.4, subsection 2, the  
 21 peace officer shall investigate the reported  
 22 violation. The peace officer shall contact the owner  
 23 of the motor vehicle involved in the reported  
 24 violation and request information regarding the  
 25 incident. If, from the investigation, the peace  
 26 officer is able to identify the driver, and has  
 27 reasonable cause to believe a violation of section  
 28 321L.4 has occurred, the peace officer shall prepare a  
 29 uniform traffic citation for the violation and shall  
 30 personally serve it upon the driver of the vehicle or  
 31 shall have it delivered to the driver of the vehicle  
 32 by certified mail."

33 2. Page 3, line 12, by inserting after the word  
 34 "months," the following: "The review shall be  
 35 conducted during normal business hours."

36 3. Page 4, line 27, by inserting after the word  
 37 "months," the following: "The review shall be  
 38 conducted during normal business hours."

39 4. Page 4, by inserting after line 30 the  
 40 following:

41 "c. A person possessing a permanent handicapped  
 42 identification device or handicapped registration  
 43 plates may appeal action taken by a city under  
 44 paragraph "a" in defining and establishing a business  
 45 district and in designating both the number and  
 46 location of handicapped parking spaces. An appeal  
 47 shall be made to the city's governing body. Within  
 48 sixty days of the governing body's decision, a person  
 49 who is not satisfied with such decision may appeal to  
 50 the district court. On appeal the governing body or

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1 the district court shall consider whether the city has  
 2 exercised its powers and followed the guidelines  
 3 established by the law and ordinance."

4 5. Renumber sections as necessary.

BROWN of Lucas  
 SHEARER of Louisa  
 MURPHY of Dubuque

H-5142

1 Amend House File 2371 as follows:

2 1. Page 1, line 10, by striking the figure  
 3 "1,051,000" and inserting the following: "1,086,000".

4 2. Page 1, by inserting after line 11, the  
 5 following:

6 "Of the funds appropriated under this section,  
 7 \$35,000 shall be used to commemorate the twenty-fifth  
 8 anniversary of the founding of the Iowa civil rights  
 9 commission."

10 3. Page 5, line 6, by striking the figure  
 11 "506,000" and inserting the following: "471,000".

12 4. Page 5, by striking lines 12 through 17.

HAVERLAND of Polk  
 JESSE of Jasper

H-5143

1 Amend House File 2181 as follows:

2 1. Page 1, line 22, by striking the word  
 3 "increase" and inserting the following: "increase".

4 2. Page 3, line 26, by inserting after the figure

- 5 "28G" the following: ", except the power to finance  
 6 electric power facilities under chapter 28F".  
 7 3. Page 4, by striking lines 2 through 16.  
 8 4. Title page, by striking lines 4 and 5, and  
 9 inserting the following: "and permitting tax-based  
 10 sharing."

Committee on Economic Development

H-5147

- 1 Amend House File 2258 as follows:  
 2 1. Page 1, by striking lines 1 through 15.  
 3 2. Page 1, by striking line 33 and inserting the  
 4 following:  
 5 "1. Suicide."  
 6 3. Page 2, line 17, by striking the words "the  
 7 use of alcohol" and inserting the following:  
 8 "suicide".  
 9 4. Page 3, by striking lines 9 through 20.  
 10 5. Title page, by striking lines 1 through 3 and  
 11 inserting the following: "An Act relating to recorded  
 12 performances by requiring certain warning labels and  
 13 by":

HERMANN of Scott

H-5154

- 1 Amend House File 2188 as follows:  
 2 1. Page 1, by inserting after line 29, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 123.152 HEALTH WARNING  
 5 SIGNS BY RETAILERS.  
 6 The holder of a class "E" liquor control license,  
 7 class "B" and class "C" beer permit, and a class "B"  
 8 wine permit shall post in a prominent place in the  
 9 licensed premise notice of health warnings concerning  
 10 alcohol and pregnancy, alcohol and medication  
 11 interactions, signs of alcoholism, and access to  
 12 treatment. The division shall establish by rule the  
 13 size, location, and content of the notice."  
 14 2. Title page, line 2, by inserting after the  
 15 word "premises" the following: ", the posting of  
 16 health warnings,".

GARMAN of Story  
 BANKS of Plymouth

H-5155

- 1 Amend Senate File 2153, as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. By striking page 12, line 34, through page 16,
- 4 line 5.
- 5 2. By renumbering as necessary.

PELLETT of Cass

H-5158

- 1 Amend House File 2346 as follows:
- 2 1. Page 1, by inserting before line 1 the fol-
- 3 lowing:
- 4 "Section 1. Section 96.4, subsection 3, Code 1989,
- 5 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 temporarily unemployed as defined in section 96.19,
- 10 subsection 9, paragraph "c". The work search
- 11 requirements of this subsection and the
- 12 disqualification requirement for failure to apply for,
- 13 or to accept suitable work of section 96.5, subsection
- 14 3 are waived if the individual is not disqualified for
- 15 benefits under section 96.5, subsection 1, paragraph
- 16 "i". Full-time students who work during the summer
- 17 and return to school are not eligible for benefits."
- 18 2. Title page, by striking lines 1 through 3 and
- 19 inserting the following: "An Act relating to
- 20 eligibility for unemployment compensation benefits."
- 21 3. By renumbering as necessary.

RENKEN of Grundy

H-5159

- 1 Amend House File 2399 as follows:
- 2 1. Page 2, by inserting after line 29, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 306C.24A SIGNS NEAR
- 5 PUBLIC SCHOOLS.
- 6 The department shall erect a sign on a primary
- 7 highway providing information relating to public
- 8 educational facilities located near but not visible
- 9 from a primary highway which is subject to a high
- 10 volume of traffic. The board of directors of a school
- 11 corporation must apply to the department for a sign to
- 12 be erected on a highway in the district or area. The
- 13 application shall be on forms and according to
- 14 procedures prescribed by the department. The signs
- 15 shall state only the name of the school or facility,
- 16 the location of the school or facility, and the
- 17 distance to the school or facility. Signs erected
- 18 under this section shall comply with uniform rules

19 established by the department relating to the sign's  
 20 location, and dimensional and material  
 21 specifications."

SPENNER of Henry  
 PELLETT of Cass  
 EDDIE of Buena Vista  
 MUHLBAUER of Crawford

H-5161

1 Amend House File 2272 as follows:

2 1. Page 1, by inserting before line 1 the  
 3 following:

4 "Sec. 1. Section 309.10, unnumbered paragraph 2,  
 5 Code 1989, is amended to read as follows:

6 A county shall not use farm-to-market road funds as  
 7 described in this section unless the total funds that  
 8 the county transferred or provided during the prior  
 9 fiscal year pursuant to section 331.429, subsection 1,  
 10 paragraphs "a", "b", "d", and "e", are at least  
 11 seventy-five percent of the maximum funds the county  
 12 could have transferred in the prior fiscal year  
 13 pursuant to section 331.429, subsection 1, paragraphs  
 14 "a" and "b" from the general fund of the county the  
 15 dollar equivalent of a tax of sixteen and seven-  
 16 eighths cents per thousand dollars of assessed value  
 17 on all taxable property in the county and from the  
 18 rural services fund of the county the dollar  
 19 equivalent of a tax of three dollars and three-eighths  
 20 cent per thousand dollars of assessed value on all  
 21 taxable property not located within the corporate  
 22 limits of a city in the county.

23 Sec. 2. Section 312.2, subsection 8, Code  
 24 Supplement 1989, is amended to read as follows:

25 8. The treasurer of state, before making any  
 26 allotments to counties under this section, shall  
 27 reduce the allotment to a county for the secondary  
 28 road fund by the amount by which the total funds that  
 29 the county transferred or provided during the prior  
 30 fiscal year under section 331.429, subsection 1,  
 31 paragraphs "a", "b", "d", and "e", are less than  
 32 seventy-five percent of the maximum funds that the  
 33 county could have transferred in the prior fiscal year  
 34 under section 331.429, subsection 1, paragraphs "a"  
 35 and "b" from the general fund of the county the dollar  
 36 equivalent of a tax of sixteen and seven-eighths cents  
 37 per thousand dollars of assessed value on all taxable  
 38 property in the county and from the rural services  
 39 fund of the county the dollar equivalent of a tax of  
 40 three dollars and three-eighths cent per thousand

41 dollars of assessed value on all taxable property not  
 42 located within the corporate limits of a city in the  
 43 county. Funds remaining in the secondary road fund of  
 44 the counties due to a reduction of allocations to  
 45 counties for failure to maintain a minimum local tax  
 46 effort shall be reallocated to counties that are not  
 47 reduced under this subsection pursuant to the  
 48 allocation provisions of section 312.3, subsection 1,  
 49 based upon the needs and area of the county.  
 50 Information necessary to make allocations under this

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1 subsection shall be provided by the state department  
 2 of transportation or the director of the department of  
 3 management upon request by the treasurer of state."

4 2. Page 2, by striking lines 1 and 2 and  
 5 inserting the following: "during the base period from  
 6 the general fund of the county the dollar equivalent  
 7 of a tax of sixteen and seven-eighths cents per  
 8 thousand dollars of assessed value on all taxable  
 9 property in the county and from the rural services  
 10 fund of the county the dollar equivalent of a tax of  
 11 three dollars and three-eighths cent per thousand  
 12 dollars of assessed value on all taxable property not  
 13 located within the corporate limits of a city in the  
 14 county."

15 3. Page 2, by striking lines 19 through 26 and  
 16 inserting the following:

<u>"LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>		<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>but less</u>	
<u>than:</u>	<u>than:</u>	
96% .....	<u>unlimited</u>	<u>100% of old formula amount</u>
92% .....	96%	<u>96% of old formula amount</u>
88% .....	92%	<u>92% of old formula amount</u>
84% .....	88%	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0"</u>

26 4. Page 4, by striking lines 2 and 3 and  
 27 inserting the following: "county could have  
 28 transferred during the base period from the general  
 29 fund of the county the dollar equivalent of a tax of  
 30 sixteen and seven-eighths cents per thousand dollars  
 31 of assessed value on all taxable property in the  
 32 county and from the rural services fund of the county  
 33 the dollar equivalent of a tax of three dollars and  
 34 three-eighths cent per thousand dollars of assessed  
 35 value on all taxable property not located within the  
 36 corporate limits of a city in the county."

37 5. Page 4, by striking lines 11 through 18 and  
38 inserting the following:

39			<u>COUNTY'S</u>	
40	<u>"LOCAL EFFORT</u>		<u>HOLD HARMLESS</u>	<u>BASE YEAR AMOUNT</u>
41	<u>At</u>	<u>but less</u>		
42	<u>least:</u>	<u>than:</u>		
43	<u>96%</u>	<u>unlimited</u>	<u>100% of old formula amount</u>	
44	<u>92%</u>	<u>96%</u>	<u>96% of old formula amount</u>	
45	<u>88%</u>	<u>92%</u>	<u>92% of old formula amount</u>	
46	<u>84%</u>	<u>88%</u>	<u>88% of old formula amount</u>	
47	<u>Less than 84%</u>		<u>\$0"</u>	
48	6. Renumber sections as necessary.			

KOENIGS of Mitchell

H-5163

1 Amend House File 2383 as follows:

2 1. Page 2, by inserting after line 23 the  
3 following:

4 "Sec. \_\_\_\_\_. **NEW SECTION. 321L.4A INVESTIGATION OF**  
5 **REPORTED HANDICAPPED PARKING VIOLATION.**

6 A person who observes a violation of section  
7 321L.4, subsection 2, may prepare a written report  
8 indicating that a violation has occurred on a form  
9 which shall be provided by the department of public  
10 safety. The person must deliver the report within  
11 forty-eight hours after the violation occurred to a  
12 peace officer of the state or a peace officer of the  
13 county or municipality in which the violation  
14 occurred. The report shall state the time and the  
15 location at which the violation occurred and shall  
16 include the registration plate number, a description  
17 of the vehicle, and a description of the person  
18 involved in the violation.

19 Within forty-eight hours after receiving a report  
20 of a violation of section 321L.4, subsection 2, the  
21 peace officer shall investigate the reported  
22 violation. The peace officer shall contact the owner  
23 of the motor vehicle involved in the reported  
24 violation and request information regarding the  
25 incident. If, from the investigation, the peace  
26 officer is able to identify the driver, and has  
27 reasonable cause to believe a violation of section  
28 321L.4 has occurred, the peace officer shall prepare a  
29 uniform traffic citation for the violation and shall  
30 personally serve it upon the driver of the vehicle or  
31 shall have it delivered to the driver of the vehicle  
32 by certified mail."

33 2. Page 3, line 12, by inserting after the word  
 34 "months." the following: "The review shall be  
 35 conducted during normal business hours."

36 3. Page 4, line 27, by inserting after the word  
 37 "months." the following: "The review shall be  
 38 conducted during normal business hours."

39 4. Page 4, by inserting after line 30 the  
 40 following:

41 "c. A person possessing a permanent handicapped  
 42 identification device or handicapped registration  
 43 plates may appeal action taken by a city under  
 44 paragraph "a" in defining and establishing a business  
 45 district and in designating both the number and  
 46 location of handicapped parking spaces. An appeal  
 47 shall be made to the city's governing body which must  
 48 be responded to and acted upon by the city's governing  
 49 body within sixty days. Within thirty days of the  
 50 governing body's decision, a person who is not

**Page 2**

1 satisfied with such decision may appeal to the  
 2 district court. On appeal the governing body or the  
 3 district court shall consider whether the city has  
 4 exercised its powers and followed the guidelines  
 5 established by the law and ordinance."

6 5. Renumber sections as necessary.

BROWN of Lucas  
 SHEARER of Louisa  
 MURPHY of Dubuque

**H-5164**

1 Amend House File 2371 as follows:

2 1. Page 10, by inserting after line 25, the  
 3 following:

- 4 "(v) A representative of the Black community.
- 5 (vi) A representative of the Hispanic community.
- 6 (vii) A representative of the AIDS coalition.
- 7 (viii) A person with acquired immune deficiency
- 8 syndrome or a person who has tested positive for the
- 9 human immunodeficiency virus."

JOCHUM of Dubuque

**H-5165**

1 Amend the amendment, H-5139, to House File 2383, as  
 2 follows:

3 1. Page 1, line 47, by inserting after the word  
 4 "body" the following: "which must be responded to and  
 5 acted upon by the city's governing body within sixty

6 days".

7 2. Page 1, line 48, by striking the word "sixty"  
8 and inserting the following: "thirty".

BROWN of Lucas  
SHEARER of Louisa  
MURPHY of Dubuque

H-5166

1 Amend House File 2383 as follows:

2 1. Page 4, by striking lines 15 through 22 and  
3 inserting the following:  
4 "4. a. Cities which provide on-street parking  
5 areas within a business district shall provide at  
6 least one handicapped parking space per lineal block  
7 for angled parking and at least two handicapped  
8 parking spaces for every three lineal blocks for  
9 parallel parking but not within the same lineal block,  
10 within the business district. For purposes of this  
11 paragraph, two blocks with a common street between the  
12 blocks constitutes one lineal block."

BROWN of Lucas  
SHEARER of Louisa

H-5167

1 Amend the Amendment, H-5137, to House File 2383, as  
2 follows:

3 1. Page 1, by striking lines 2 through 5.  
4 2. Page 1, line 13, by inserting after the word  
5 "parking" the following: "but not within the same  
6 lineal block".  
7 3. Page 1, line 13, by inserting after the word  
8 "district." the following:  
9 "For purposes of this paragraph, two blocks with a  
10 common street between the blocks constitutes one  
11 lineal block."  
12 4. Renumber as necessary.

BROWN of Lucas  
SHEARER of Louisa

H-5169

1 Amend House File 2287 as follows:

2 1. Page 1, by striking lines 4 through 19, and  
3 inserting the following:  
4 **NEW UNNUMBERED PARAGRAPH.** However, if an  
5 enterprise or business of a subject employer other  
6 than a construction employer, sold or otherwise  
7 transferred as described in this lettered paragraph,  
8 is a small business as defined in section 15.102, and  
9 the subsequent employing unit has never had an

- 10 employer's account maintained by the division, the
- 11 successor employer shall be assigned a new
- 12 contribution rate pursuant to section 96.7."

Committee on Labor and Industrial Relations

H-5174

- 1 Amend the Senate amendment, H-5156, to House File
- 2 730, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 3 the
- 5 following:
- 6 "\_\_\_\_\_. Page 2; line 14, by striking the figure
- 7 "117.54" and inserting the following: "117.55".
- 8 2. By numbering as necessary.

PETERSON of Carroll

H-5175

- 1 Amend House File 2399 as follows:
- 2 1. Page 2, line 12, by striking the word
- 3 "enterprise" and inserting the following: "enterprise
- 4 or public country club".

HARBOR of Mills  
HALVORSON of Clayton

H-5176

- 1 Amend Senate File 2153, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 14, by striking line 6 and inserting the
- 4 following:
- 5 "3. AUTHORITY MAY PROHIBIT BY RULE THE USE OF
- 6 CONTAINERS".
- 7 2. Page 14, line 21, by striking the words
- 8 "recommend that the director".
- 9 3. Page 14, by striking lines 25 and 26 and
- 10 inserting the following: "The board may by rule or
- 11 order prohibit one or".
- 12 4. Page 14, line 29, by striking the word
- 13 "director" and inserting the following: "board".
- 14 5. Page 14, line 31, by striking the word "board"
- 15 and inserting the following: "committee".
- 16 6. Page 14, line 35, by striking the word
- 17 "director" and inserting the following: "board".
- 18 7. Page 15, line 11, by striking the words
- 19 "recommend that the director".
- 20 8. Page 15, line 13, by striking the words
- 21 "recommendations to the director" and inserting the
- 22 following: "determination".
- 23 9. By renumbering as necessary.

PELLETT of Cass

H-5177

- 1 Amend House File 682 as follows:  
 2 1. Page 1, line 5, by inserting after the word  
 3 "fishing," the following: "entering a health  
 4 facility,".  
 5 2. Title page, line 3, by inserting before the  
 6 word "and" the following: "or entering a health  
 7 facility,".

HAMMOND of Story

H-5179

- 1 Amend House File 557 as follows:  
 2 1. Page 1, lines 9 and 10, by striking the words  
 3 "class "D" felony" and inserting the following:  
 4 "class "D" felony serious misdemeanor".  
 5 2. Page 1, line 16, by striking the words "class  
 6 "D" felony" and inserting the following: "serious  
 7 misdemeanor".

Committee on Judiciary and Law Enforcement

H-5188

- 1 Amend the amendment, H-5049, to House File 2050, as  
 2 follows:  
 3 1. Page 1, by striking lines 11 and 12 and  
 4 inserting the following: "and does not include  
 5 members of the general assembly or legislative  
 6 employees."

NEUHAUSER of Johnson

H-5190

- 1 Amend House File 2449 as follows:  
 2 1. Page 7, by inserting after line 12 the  
 3 following:  
 4 "2. If the principal notifies the attorney in fact  
 5 orally or in writing that the appointment of the  
 6 attorney in fact under the durable power of attorney  
 7 for health care is revoked, the attorney in fact shall  
 8 document the notification and make the notification a  
 9 part of any of the principal's records related to the  
 10 durable power of attorney for health care in the  
 11 possession of the attorney in fact. The attorney in  
 12 fact shall also immediately notify all health care  
 13 providers providing health care to the principal at  
 14 the time of the revocation, of such revocation."  
 15 2. By renumbering as necessary.

KREMER of Buchanan  
McKINNEY of Dallas

H-5191

- 1 Amend House File 2417 as follows:
- 2 1. Page 4, line 33, by striking the word "twenty-
- 3 five" and inserting the following: "one hundred
- 4 fifty".

PETERSEN of Muscatine

H-5192

- 1 Amend the amendment, H-5143, to House File 2181 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "except"
- 4 and inserting the following: "including".
- 5 2. Page 1, by inserting after line 6 the
- 6 following:
- 7 "\_\_\_\_\_. Page 3, by inserting after line 31 the
- 8 following:
- 9 "Sec. \_\_\_\_\_. Section 28F.1, unnumbered paragraph 2,
- 10 Code 1989, is amended by striking the unnumbered
- 11 paragraph." "
- 12 3. By renumbering as necessary.

ADAMS of Hamilton  
LAGESCHULTE of Bremer  
TRENT of Muscatine  
DVORSKY of Johnson

DE GROOT of Lyon  
ROSENBERG of Story  
PLASIER of Sioux  
OSTERBERG of Linn  
WISE of Lee

H-5193

- 1 Amend House File 2272 as follows:
- 2 1. Page 1, by inserting before line 1 the fol-
- 3 lowing:
- 4 "Section 1. Section 310.1, subsection 2, Code
- 5 1989, is amended by striking the subsection.
- 6 Sec. 2. Section 310.3, subsection 1, Code 1989, is
- 7 amended by striking the subsection."
- 8 2. Page 2, by striking lines 31 and 32 and
- 9 inserting the following: "road fund by the treasurer
- 10 of state are hereby divided as".
- 11 3. Page 3, lines 22 and 23, by striking the words
- 12 "and federal aid secondary road funds".

DE GROOT of Lyon

H-5194

- 1 Amend House File 2418 as follows:
- 2 1. Page 8, by striking line 16 and inserting the
- 3 following:
- 4 "d. To be allocated to the applicable area

5 education agencies for providing vocational education  
 6 programs to children residing in the state training  
 7 school and in the Iowa juvenile home."

SVOBODA of Tama  
 FULLER of Hardin

H-5195

1 Amend House File 2128 as follows:

2 1. Page 1, by inserting after line 15, the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 455D.7, subsection 1, Code  
 5 Supplement 1989, is amended to read as follows:  
 6 455D.7 DUTIES OF THE COMMISSION.

7 The commission shall:

8 1. Unless otherwise specified in this chapter,  
 9 adopt rules necessary to implement this chapter  
 10 pursuant to chapter 17A. Initial rules shall be  
 11 adopted no later than April 1, 1992. Rules regarding  
 12 requirements for sanitary landfills shall be adopted  
 13 no later than September 1, 1990.

14 Sec. \_\_\_\_\_. Section 455D.9, subsection 2, Code  
 15 Supplement 1989, is amended to read as follows:

16 2. The department shall assist local communities  
 17 in the development of collection systems for yard  
 18 waste generated from residences and shall assist in  
 19 the establishment of local composting facilities. By  
 20 July 1, 1990 January 1, 1991, each city and county  
 21 shall, by ordinance, require persons within the city  
 22 or county to separate yard waste from other solid  
 23 waste generated. Municipalities which provide a  
 24 collection system for solid waste shall provide for a  
 25 collection system for yard waste which is not  
 26 composted.

27 Sec. \_\_\_\_\_. Section 455D.10, subsection 1, Code  
 28 Supplement 1989, is amended to read as follows:

29 1. Beginning July 1, 1990 January 1, 1991, land  
 30 disposal of lead acid batteries is prohibited.

31 Sec. \_\_\_\_\_. Section 455D.13, subsection 1, Code  
 32 Supplement 1989, is amended to read as follows:

33 1. A sanitary landfill shall not accept waste oil  
 34 for final disposal beginning July 1, 1990 January 1,  
 35 1991."

36 2. By renumbering as necessary.

SHOULTZ of Black Hawk  
 MAY of Worth  
 HANSON of Delaware

DVORSKY of Johnson  
 JESSE of Jasper  
 SIEGRIST of Pottawattamie  
 GARMAN of Story

H-5199

- 1 Amend House File 2418 as follows:
- 2 1. Page 23, line 15, by inserting after the
- 3 word "appropriated" the following: "or facilities
- 4 subsidized or maintained by means of funds appro-
- 5 priated".

SPEAR of Lee

H-5200

- 1 Amend House File 2418 as follows:
- 2 1. Page 2, line 29, by striking the figure
- 3 "286,600" and inserting the following: "250,000".
- 4 2. Page 4, line 6, by striking the figure
- 5 "250,000" and inserting the following: "286,600".

HARBOR of Mills  
KREMER of Buchanan

H-5204

- 1 Amend House File 2340 as follows:
- 2 1. Page 1, lines 16 and 17, by striking the words
- 3 "have solid waste disposal" and inserting the
- 4 following: "dispose of solid waste".

SPEAR of Lee

H-5205

- 1 Amend House File 2418 as follows:
- 2 1. Page 23, line 16, by inserting after the words
- 3 "necessary abortions" the following: "or abortions in
- 4 which the gestational age of the fetus is twenty weeks
- 5 or less".
- 6 2. Page 23, line 18, by inserting after the word
- 7 "abortions" the following: "or abortions in which the
- 8 gestational age of the fetus is twenty weeks or less".

SPEAR of Lee

H-5208

- 1 Amend House File 2340 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 167.22 DISPOSAL OF
- 5 ANIMALS BY OWNERS.
- 6 A person owning or caring for an animal shall
- 7 dispose of the animal's carcass within twenty-four
- 8 hours after the person finds the animal dead. The
- 9 person may dispose of the animal carcass as provided
- 10 by state law, including by transferring the carcass to
- 11 a person licensed pursuant to this chapter. The owner
- 12 of agricultural land may bury the animal carcass on

13 the land or other available agricultural land which is  
 14 not part of a city. The carcass shall be buried to a  
 15 depth not more than four feet from the natural surface  
 16 of the ground and covered with at least four feet of  
 17 earth. However, an animal which has died of a  
 18 contagious disease shall be buried according to rules  
 19 adopted by the department pursuant to section 167.13  
 20 and by the department of natural resources. The  
 21 person may remove the hide or skin of an animal which  
 22 has not died of a contagious disease before burying  
 23 the carcass.

24 Sec. 2. Section 455B.307, subsection 1, Code  
 25 Supplement 1989, is amended to read as follows:

26 1. A private agency or public agency shall not  
 27 dump or deposit or permit the dumping or depositing of  
 28 any solid waste at any place other than a sanitary  
 29 disposal project approved by the director unless the  
 30 agency has been granted a permit by the department  
 31 which allows the dumping or depositing of solid waste  
 32 on land owned or leased by the agency. However, this  
 33 section does not apply to the disposal of a  
 34 domesticated animal carcass on agricultural land as  
 35 provided in section 167.22.

36 PARAGRAPH DIVIDED. The department shall adopt  
 37 rules regarding the permitting of this activity which  
 38 shall provide that the public interest is best served,  
 39 but which may be based upon criteria less stringent  
 40 than those regulating a public sanitary disposal  
 41 project provided that the rules adopted meet the  
 42 groundwater protection goal specified in section  
 43 455E.4. The comprehensive plans for these facilities  
 44 may be varied in consideration of the types of  
 45 sanitary disposal practices, hydrologic and geologic  
 46 conditions, construction and operations  
 47 characteristics, and volumes and types of waste  
 48 handled at the disposal site. The director may issue  
 49 temporary permits for dumping or disposal of solid  
 50 waste at disposal sites for which an application for a

**Page 2**

1 permit to operate a sanitary disposal project has been  
 2 made and which have not met all of the requirements of  
 3 part 1 of this division and the rules adopted by the  
 4 commission if a compliance schedule has been submitted  
 5 by the applicant specifying how and when the applicant  
 6 will meet the requirements for an operational sanitary  
 7 disposal project and the director determines the  
 8 public interest will be best served by granting such  
 9 temporary permit.

10 Sec. 3.

11 The department of agriculture and land stewardship

12 shall with all practical speed adopt rules relating to  
 13 the disposal of dead animals with contagious diseases,  
 14 including animals infected with scrapie, on  
 15 agricultural land as provided in this Act. The  
 16 department of agriculture and land stewardship and the  
 17 department of natural resources shall share  
 18 information, each draft rules consistent with the  
 19 other department's rules, and appear before the  
 20 administrative rules review committee established  
 21 pursuant to section 17A.8, as provided by the  
 22 committee. The rules shall be adopted not later than  
 23 September 1, 1990, unless objection is made to the  
 24 rules or the rules are delayed pursuant to section  
 25 17A.4. This section does require rules to be adopted  
 26 pursuant to section 17A.4, subsection 2.

27 Sec. 4.

28 This Act, being deemed of immediate importance,  
 29 takes effect upon enactment."

30 2. Title page, line 1, by striking the words  
 31 "sheep or poultry" and inserting the following:  
 32 "animals, making penalties applicable".

MILLER of Cherokee

H-5213

1 Amend House File 2418 as follows:

2 1. Page 23, line 16, by inserting after the words  
 3 "necessary abortions" the following: "or abortions in  
 4 which the gestational age of the fetus is twenty-two  
 5 weeks or less".

6 2. Page 23, line 18, by inserting after the word  
 7 "abortions" the following: "or abortions in which the  
 8 gestational age of the fetus is twenty-two weeks or  
 9 less".

SPEAR of Lee

H-5214

1 Amend House File 2340 as follows:

2 1. Page 1, line 24, by inserting after the word  
 3 "if" the following: "a landfill or".

4 2. Title page, by striking the words "sheep or  
 5 poultry" and inserting the following: "animals".

SPEAR of Lee

H-5217

1 Amend House File 2356 as follows:

2 1. Page 1, line 10, by striking the words "a  
 3 label affixed to the product,".

4 2. Page 1, line 11, by striking the words  
 5 "product, or" and inserting the following: "product."

6 The rules for a food service establishment or a  
7 premises which holds a license or permit under chapter  
8 123 to sell alcohol for consumption on the premises  
9 shall require”.

Committee on Human Resources

H—5219

1 Amend the amendment, H—5163, to House File 2383, as  
2 follows:  
3 1. Page 1, line 19, by striking the words “forty-  
4 eight hours” and inserting the following: “seven  
5 calendar days”.  
6 2. Page 1, line 21, by striking the word  
7 “investigate” and inserting the following: “initiate  
8 the investigation of”.

SHEARER of Louisa

H—5220

1 Amend the amendment, H—5139, to House File 2383, as  
2 follows:  
3 1. Page 1, line 19, by striking the words “forty-  
4 eight hours” and inserting the following: “seven  
5 calendar days”.  
6 2. Page 1, line 21, by striking the word  
7 “investigate” and inserting the following: “initiate  
8 an investigation of”.

SHEARER of Louisa

H—5222

1 Amend House File 2418, as follows:  
2 1. Page 23, line 30, by striking the figure “45”  
3 and inserting the following: “10”.  
4 2. Page 23, line 32, by inserting after the word  
5 “physician.” the following: “If an incident of rape  
6 is reported to a public or private health agency, the  
7 agency shall immediately report the incident to the  
8 appropriate law enforcement agency.”  
9 3. Page 23, line 34, by striking the figure “150”  
10 and inserting the following: “90”.  
11 4. Page 24, line 1, by inserting after the word  
12 “physician.” the following: “If an incident of incest  
13 is reported to a public or private health agency, the  
14 agency shall immediately report the incident to the  
15 appropriate law enforcement agency and the department  
16 of human services.”

SVOBODA of Tama

H-5223

- 1 Amend House File 2449 as follows:
- 2 1. Page 3, by inserting after line 18, the
- 3 following:
- 4 "4. Sections 633.801 and 633.802, this section,
- 5 and sections 633.804 through 633.813 shall not be
- 6 construed to grant authority to an agent to consent to
- 7 voluntary admission to any state institution or to a
- 8 voluntary sterilization."

SHONING of Woodbury

H-5231

- 1 Amend House File 2399 as follows:
- 2 1. Page 2, line 25, by inserting after the word
- 3 "specifications." the following: "However, the
- 4 department shall not require that a sign be smaller
- 5 than four feet in height or eight feet in width."

EDDIE of Buena Vista

H-5232

- 1 Amend House File 2281 as follows:
- 2 1. By striking page 1, line 1 through page 2,
- 3 line 3.
- 4 2. Page 2, by striking line 4, and inserting the
- 5 following:
- 6 "Sec. \_\_\_\_\_. NEW SECTION. 263.30 CENTER FOR
- 7 ETHANOL FUEL".
- 8 3. Page 2, line 6, by striking the word "grain-
- 9 based" and inserting the following: "ethanol".
- 10 4. Page 2, by striking lines 7 and 8, and
- 11 inserting the following: "at the university of Iowa."
- 12 5. Page 2, by striking lines 9 through 12, and
- 13 inserting the following:
- 14 "\_\_\_\_\_. The mission of the center is to further the
- 15 research, development,".
- 16 6. Page 2, line 13, by striking the word "grain-
- 17 based" and inserting the following: "ethanol".
- 18 7. Page 2, line 14, by striking the word "grains"
- 19 and inserting the following: "grain ethanol".
- 20 8. Page 2, line 16, by striking the word "grain-
- 21 based" and inserting the following: "ethanol".
- 22 9. Page 2, line 19, by striking the word "grain-
- 23 based" and inserting the following: "ethanol".
- 24 10. Page 2, line 27, by striking the word "grain-
- 25 based" and inserting the following: "ethanol".
- 26 11. Page 2, line 28, by striking the word "grain-
- 27 based" and inserting the following: "ethanol".
- 28 12. Page 2, line 32, by striking the word "grain-
- 29 based" and inserting the following: "ethanol".

30 13. Page 2, line 35, by striking the word "grain-  
31 based" and inserting the following: "ethanol".

32 14. Page 3, line 11, by striking the word  
33 "foundation" and inserting the following: "Wallace  
34 technology transfer foundation of Iowa".

35 15. Page 3, line 13, by striking the word "grain-  
36 based" and inserting the following: "ethanol".

37 16. Page 3, line 14, by striking the word "grain-  
38 based" and inserting the following: "ethanol".

39 17. Page 3, line 21, by striking the word "grain-  
40 based" and inserting the following: "ethanol".

41 18. Page 3, by striking lines 23 and 24.

42 19. Page 3, by inserting before line 25 the  
43 following:

44 "\_\_\_\_\_ Support projects to develop the use of  
45 ethanol fuels of different concentrations in various  
46 engines, to study decreased threats from air pollution  
47 and global warming from use of ethanol fuels, to study  
48 utilization of products derived from ethanol products,  
49 including feedstock, and to research the creation of  
50 marketing opportunities for ethanol fuels.

#### Page 2

1 \_\_\_\_\_ Serve as a national clearinghouse of  
2 information relating to ethanol fuels on engine  
3 manufacturing. The center shall compile all relevant  
4 information from research and monitoring of pertinent  
5 regulatory developments, including governmental  
6 efforts related to air quality protection.

7 \_\_\_\_\_ Investigate the viability of state purchasing  
8 and using vehicles powered by ethanol fuels.

9 Sec. \_\_\_\_\_. STATE VEHICLES POWERED BY ETHANOL FUEL  
10 - PLAN.

11 The center for ethanol fuel technology shall  
12 develop a plan for commencing and gradually increasing  
13 the purchase of vehicles which operate on ethanol  
14 fuel. The plan shall be submitted to the general  
15 assembly and to the governor by January 1, 1991. The  
16 plan shall include a report on the commercial  
17 availability of domestically produced motor vehicles  
18 operating on ethanol fuel, the barriers to the  
19 expeditious development of ethanol fuels, and  
20 recommendations relating to overcoming the barriers."

21 20. By striking page 3, line 25, through page 5,  
22 line 8.

23 21. Title page, by striking lines 1 through 4,  
24 and inserting the following: "An Act relating to  
25 ethanol fuel technology."

26 22. By renumbering as necessary.

H-5235

1 Amend House File 2371 as follows:

2 1. By striking page 3, line 20, through page 4,  
3 line 20.

4 2. Page 4, line 30, by striking the figure  
5 "1,451,000", and inserting the following:  
6 "1,458,800".

7 3. Page 4, line 31, by striking the figure  
8 "102.50", and inserting the following: "103.50".

9 4. Page 4, by inserting after line 31, the  
10 following:

11 "Of the funds appropriated under this section,  
12 \$7,800 shall be used to fund the position of 1  
13 additional counselor in the vending program to provide  
14 needed management assistance to the blind vending  
15 operators throughout the state."

16 5. Page 7, line 35 by striking the figure  
17 "1,177,000" and inserting the following: "1,342,140".

18 6. Page 8, line 3, by striking the figure  
19 "754,500" and inserting the following: "919,900".

20 7. Page 14, line 1, by striking the figure  
21 "3,607,000", and inserting the following:  
22 "3,770,682".

23 8. Page 14, by inserting after line 12, the  
24 following:

25 "Of the funds appropriated under this paragraph,  
26 \$52,746 shall be used to continue funding for salary  
27 adjustments for programs that provide medical services  
28 through contractual agreements for genetic counseling,  
29 dental health, muscular dystrophy-related disorders,  
30 and for children with educational and developmental  
31 problems.

32 Of the funds appropriated under this paragraph,  
33 \$110,936 shall be used to continue funding for salary  
34 adjustments for the continuation of the regional child  
35 health specialty clinics conducted by the university  
36 of Iowa throughout the state."

CARPENTER of Polk

H-5236

1 Amend House File 2474 as follows:

2 1. Page 1, by striking lines 14 and 15.

BLACK of Jasper  
DE GROOT of Lyon  
ROYER of Page  
KOENIGS of Mitchell  
MAULSBY of Calhoun

H-5241

- 1 Amend House File 2418 as follows:  
 2 1. Page 42, line 5, by inserting after the word  
 3 "technology" the following: "except where the  
 4 practitioner has received or will receive compensation  
 5 under sections 294A.12 through 294A.25 for the  
 6 courses, institutes, or in-service training sessions".

HAMMOND of Story

H-5242

- 1 Amend House File 2327 as follows:  
 2 1. Page 7, by inserting after line 13, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 455B.315 LOW-LEVEL  
 5 RADIOACTIVE WASTE - PROHIBITED DEPOSIT IN SANITARY  
 6 LANDFILL.  
 7 A person shall not dispose of, and a sanitary  
 8 landfill shall not accept for final disposal, low-  
 9 level radioactive waste, as defined under section  
 10 455B.482."  
 11 2. Title page, by striking line 1, and inserting  
 12 the following: "An Act relating to sanitary".  
 13 3. By renumbering as necessary.

BROWN of Lucas

H-5243

- 1 Amend House File 2115 as follows:  
 2 1. Page 1, by inserting after line 31 the fol-  
 3 lowing:  
 4 "Sec. \_\_\_\_\_. Section 455B.172, subsection 5, Code  
 5 1989, is amended by adding the following new  
 6 unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. The department shall not  
 8 prohibit the discharge of waste water from a septic  
 9 tank installed prior to November 19, 1986."  
 10 2. Page 1, line 33, by striking the word "This"  
 11 and inserting the following: "Section 1 of this".  
 12 3. Title page, line 1, by striking the words "the  
 13 commercial cleaning of".  
 14 4. Title page, line 2, by inserting after the  
 15 word "for" the following: "cleaning, the discharge of  
 16 waste water,".

IVERSON of Wright

H-5245

- 1 Amend House File 2418 as follows:  
 2 1. By striking page 19, line 13, through page 20,  
 3 line 7.

4 2. Page 26, by striking lines 31 and 32 and  
 5 inserting the following:  
 6 "..... \$ 17,788,812  
 7 ..... FTEs 480.0  
 8 As a condition, limitation, and qualification of  
 9 the moneys appropriated in this paragraph, \$373,873  
 10 shall be transferred by the cooperative extension  
 11 service in agriculture and home economics to the state  
 12 fair board for the purposes of conducting the state  
 13 fair under chapter 173."

GARMAN of Story

H-5252

1 Amend House File 2107 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 21.2, subsection 1, Code  
 5 Supplement 1989, is amended by adding the following  
 6 new paragraph:  
 7 NEW PARAGRAPH. f. A nonprofit corporation  
 8 licensed to conduct gambling games or pari-mutuel  
 9 wagering on dog or horse races pursuant to chapter 99D  
 10 or 99F."  
 11 2. Title page, line 1, by inserting after the word  
 12 "to" the following: "meetings of nonprofit corporations  
 13 licensed to conduct gambling games or pari-mutuel  
 14 wagering and".

HERMANN of Scott

H-5255

1 Amend House File 2429 as follows:  
 2 1. Page 1, line 21, by inserting after the word  
 3 "library." the following: "Six copies shall be  
 4 distributed without charge to the state library and  
 5 one copy shall be distributed without charge to each  
 6 library which is designated as a documents depository  
 7 by the state library."

PAVICH of Pottawattamie

H-5256

1 Amend the amendment, H-5169, to House File 2287 as  
 2 follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 and figure "section 96.7." the following: "However,  
 5 if the subject employer had a lower contribution rate  
 6 than the new contribution rate to be assigned to the  
 7 successor employer, the lower contribution rate shall  
 8 be assigned to the successor employer."

TYRRELL of Iowa  
 HERMANN of Scott  
 RENKEN of Grundy

H-5258

- 1 Amend House File 2474 as follows:  
 2 1. Page 1, by inserting after line 13 the  
 3 following: "An owner may grant permission for a third  
 4 person to use a private farm crossing for any purpose  
 5 other than for access to property adjacent to the  
 6 private farm crossing which is not owned by the  
 7 grantee."

SCHNEKLOTH of Scott  
 PELLETT of Cass

H-5260

- 1 Amend House File 2481 as follows:  
 2 1. Page 1, line 26, by striking the figure "3"  
 3 and inserting the following: "2, 3".  
 4 2. Page 1, by inserting after line 27 the  
 5 following:  
 6 2. Schools and school districts are not required  
 7 to meet the requirement stated in the standards  
 8 adopted by the state board under section 256.17, Code  
 9 Supplement 1987, that prohibits an individual who is  
 10 employed or contracted as superintendent from also  
 11 serving as a principal in that school or school  
 12 district until July 1, 1990, except as otherwise  
 13 provided in this subsection. Not later than January  
 14 1, 1990, for the school year beginning July 1, 1990,  
 15 the board of directors of a school district or  
 16 authorities in charge of a nonpublic school, may file  
 17 a written request with the department of education  
 18 that the department waive the requirement for that  
 19 district or school. Not later than January 1 of a  
 20 school year, in succeeding years, the board of  
 21 directors of a school district or authorities in  
 22 charge of a nonpublic school, may request a one-year  
 23 extension of the waiver. The procedures specified in  
 24 subsection 5 apply to the request."

IVERSON of Wright

H-5262

- 1 Amend House File 2418 as follows:  
 2 1. Page 6, line 34, by striking the figure  
 3 "6,120,093" and inserting the following: "5,840,093".  
 4 2. Page 20, line 13, by striking the figure  
 5 "165,084,389" and inserting the following:  
 6 "163,884,389".

7 3. Page 25, line 5, by striking the figure  
8 "133,759,728" and inserting the following:  
9 "132,959,728".

TYRRELL of Iowa  
EDDIE of Buena Vista  
BEAMAN of Clarke  
HERMANN of Scott

H-5266

1 Amend Senate File 2212, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 33 the  
4 following:

5 "Sec. \_\_\_\_\_.

6 There is appropriated from the general fund of the  
7 state to the state board of regents for the fiscal  
8 year beginning July 1, 1989, and ending June 30, 1990,  
9 the following amount, or so much thereof as is  
10 necessary, to be used for the purposes designated:

11 STATE SCHOOL FOR THE DEAF

12 For the state school for the deaf to fund a study  
13 for the construction of a new recreational facility  
14 for the state school for the deaf:

15 .....\$ 50,000"

HALVORSON of Clayton  
PETERSON of Carroll  
SIEGRIST of Pottawattamie  
HESTER of Pottawattamie  
PAVICH of Pottawattamie

H-5271

1 Amend House File 2422 as follows:

2 1. Page 2, by inserting after line 2 the  
3 following:

4 "Improved technology leading to better evidence of  
5 nonpaternity is not barred by time limits on new  
6 evidence and constitutes a substantial change in  
7 circumstances authorizing the court to consider  
8 modification of a previous determination of  
9 paternity."

HALVORSON of Webster  
CORBETT of Linn  
BRAND of Benton  
DAGGETT of Adams

H-5277

1 Amend House File 2418 as follows:

2 1. Page 2, by inserting after line 4, the  
3 following:

4 "As a condition, limitation, and qualification of  
5 the appropriation in this subsection, the division  
6 shall expend \$150,000 for implementation of a  
7 development plan for the Blood Run national historic  
8 landmark in Lyon county."

DE GROOT of Lyon

H-5280

1 Amend House File 2418 as follows:

2 1. Page 44, by inserting after line 25 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 442.20, Code 1989, is amended  
5 to read as follows:

6 442.20 SCHOOL DISTRICT INCOME SURTAX DISTRIBUTION.

7 The director of revenue and finance shall draw  
8 warrants in payment of the amount of surtax payable to  
9 each of the school districts in two installments to be  
10 paid on approximately the first day of December and  
11 the first day of February, and shall cause the  
12 warrants to be delivered to the respective school  
13 districts. The December installment warrant shall be  
14 in an amount which is seventy-five percent of the  
15 total amount of surtax payable and the remaining  
16 twenty-five percent shall be paid in the February  
17 installment warrant."

18 2. By numbering and renumbering as necessary.

SVOBODA of Tama

H-5281

1 Amend House File 2507 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 15.283, subsection 5, Code  
5 Supplement 1989, is amended to read as follows:

6 5. The department may establish an interest or  
7 principal payment program to pay up to all the  
8 interest or an amount of principal equal to the total  
9 interest amount due on municipal bonds sold by the  
10 local community as authorized by this section. The  
11 department may use part or all of the moneys available  
12 for traditional or new infrastructure assistance for  
13 the interest or principal payment program. The  
14 program shall only be available to communities which  
15 demonstrate a substantial local effort to assist in  
16 community development. The department shall develop  
17 rules defining "substantial local effort" as defined  
18 by rules of the department and only after the  
19 governing body of the political subdivision has  
20 directed the county commissioner of elections to call  
21 a special election upon the question of the project.

22 The project is not approved unless the vote in favor  
23 of the proposition is equal to sixty percent of the  
24 vote cast."

METCALF of Polk

H-5282

1 Amend House File 2507 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 15.283, subsection 5, Code  
5 Supplement 1989, is amended to read as follows:

6 5. The department may establish an interest or  
7 principal payment program to pay up to all the  
8 interest or an amount of principal equal to the total  
9 interest amount due on municipal bonds sold by the  
10 local community as authorized by this section. The  
11 department may use part or all of the moneys available  
12 for traditional or new infrastructure assistance for  
13 the interest or principal payment program. The  
14 program shall only be available to communities which  
15 demonstrate a substantial local effort to assist in  
16 community development. The department shall develop  
17 rules defining "substantial local effort", as defined  
18 by rules of the department.

19 The governing body of the political subdivision  
20 seeking assistance may, in lieu of calling an  
21 election, institute proceedings by causing a notice of  
22 the intended action and the right to petition for an  
23 election, to be published at least once in a newspaper  
24 of general circulation within the political  
25 subdivision at least ten days prior to the meeting at  
26 which the action is to be taken.

27 If at any time before the date fixed for taking  
28 action, a petition signed by three percent of the  
29 qualified electors in the political subdivision,  
30 asking that the question be submitted to the qualified  
31 electors of the political subdivision, the governing  
32 body of the political subdivision shall either by  
33 resolution declare the matter to be abandoned or shall  
34 direct the county commissioner of elections to call a  
35 special election upon the question.

36 The question is not approved unless the vote in  
37 favor of the question is equal to sixty percent of the  
38 vote cast."

METCALF of Polk

H-5289

1 Amend House File 2541 as follows:

2 1. Page 3, by striking lines 29 through 32.

3 2. Page 4, line 6, by inserting after the words

- 4 "of a" the following: "general or".  
 5 3. Page 4, by striking lines 12 through 14 and  
 6 inserting the following: "\_\_\_\_\_, 19\_\_\_\_?"  
 7 4. Page 4, by striking lines 27 and 28 and  
 8 inserting the following: "the authority."  
 9 5. Page 8, line 26, by striking the words "taxes  
 10 or".  
 11 6. Page 12, lines 27 and 28, by striking the  
 12 words ", certify taxes."  
 13 7. Page 12, by striking lines 32 through 34 and  
 14 inserting the following: "purposes for the two  
 15 preceding years, if available, and the revenues from  
 16 sources other than property taxation."  
 17 8. Page 13, line 35, by inserting after the  
 18 figure "330B.6" the following: "and after approval of  
 19 a referendum by a simple majority of votes cast in  
 20 each metropolitan area in favor of the sales and  
 21 services tax".  
 22 9. Page 14, line 5, by inserting after the word  
 23 "state." the following: "The referendum shall be  
 24 called by resolution of the board and shall be held as  
 25 provided in section 330B.6 to the extent applicable."  
 26 10. Page 14, by striking lines 8 through 10 and  
 27 inserting the following: "as provided for a county  
 28 under sections 422B.8 and 422B.9. The treasurer of  
 29 state shall credit the local".  
 30 11. By striking page 17, line 29, through page  
 31 18, line 29.  
 32 12. By striking page 21, line 33, through page  
 33 22, line 8.  
 34 13. Page 22, by striking lines 19 through 23 and  
 35 inserting the following: "general fund of the  
 36 respective counties."  
 37 14. By renumbering sections and subsections as  
 38 necessary.

BISIGNANO of Polk

H—5296

- 1 Amend House File 2377 as follows:  
 2 1. Page 5, line 4, by striking the figure "3" and  
 3 inserting the following: "III".  
 4 2. Page 8, by striking line 17, and inserting the  
 5 following: "waive any of the exempt transaction  
 6 requirements of this section."  
 7 3. Page 8, line 29, by striking the figure "3"  
 8 and inserting the following: "2".  
 9 4. Page 11, line 21, by striking the word  
 10 "employee" and inserting the following: "employ".  
 11 5. Page 11, by striking lines 23 through 27, and  
 12 inserting the following:  
 13 "\_\_\_\_\_. Make a false report or enter a false record.

14 \_\_\_\_\_ Make an untrue statement of a material fact  
 15 or omit to state a material fact necessary in order to  
 16 make the statements made, in the light of the  
 17 circumstances under which they were made, not  
 18 misleading."

19 6. Page 14, line 20, by striking the word "of"  
 20 and inserting the following: "or".

21 7. Page 16, line 6, by striking the word  
 22 "ancillary" and inserting the following: •  
 23 "ancillary".

24 8. Page 16, line 18, by striking the word  
 25 "ancillary" and inserting the following:  
 26 "ancillary".

27 9. Page 17, line 20, by striking the word "which"  
 28 and inserting the following: "and".

29 10. Page 17, by striking lines 22 and 23, and  
 30 inserting the following:

31 "(1) Information obtained in an investigation  
 32 pursuant to section 502A.11, unless published pursuant  
 33 to 502A.11, subsection 2."

34 11. Page 23, line 22, by striking the word "all"  
 35 and inserting the following: "one or more of the".

36 12. By renumbering as necessary.

JESSE of Jasper

H-5299

1 Amend House File 2534 as follows:

2 1. Title page, line 1, by striking the words "the  
 3 local approval of the siting of".

JESSE of Jasper

H-5303

1 Amend Senate File 2244, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 10 the  
 4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 321L.4A INVESTIGATION OF  
 6 REPORTED HANDICAPPED PARKING VIOLATION.

7 A person who observes a violation of section  
 8 321L.4, subsection 2, may prepare a written report  
 9 indicating that a violation has occurred on a form  
 10 which shall be provided by the department of public  
 11 safety. The person must deliver the report within  
 12 forty-eight hours after the violation occurred to a  
 13 peace officer of the state or a peace officer of the  
 14 county or municipality in which the violation  
 15 occurred. The report shall state the time and the  
 16 location at which the violation occurred and shall  
 17 include the registration plate number and a  
 18 description of the vehicle.

19 Within seven calendar days after receiving a report  
 20 of a violation of section 321L.4, subsection 2, the  
 21 peace officer shall initiate the investigation of the  
 22 reported violation. The peace officer shall contact  
 23 the owner of the motor vehicle involved in the  
 24 reported violation and request information regarding  
 25 the incident. If, from the investigation, the peace  
 26 officer is able to identify the driver, and has  
 27 reasonable cause to believe a violation of section  
 28 321L.4 has occurred, the peace officer shall prepare a  
 29 uniform traffic citation for the violation and shall  
 30 personally serve it upon the driver of the vehicle or  
 31 shall have it delivered to the driver of the vehicle  
 32 by certified mail."

33 2. Page 3, line 34, by inserting after the word  
 34 "months." the following: "The review shall be  
 35 conducted during normal business hours."

36 3. Page 5, line 11, by inserting after the word  
 37 "months." the following: "The review shall be  
 38 conducted during normal business hours."

BROWN of Lucas  
 SHEARER of Louisa  
 MURPHY of Dubuque

H-5306

1 Amend House File 2181 as follows:

2 1. Page 1, line 24, by inserting after the word  
 3 "commonwealth." the following: "The tax revenues  
 4 distributed under a tax-base sharing system shall be  
 5 limited to the amounts that would be generated by the  
 6 levies of the governmental units that enter into the  
 7 agreement authorized by section 28H.4."

MAY of Worth

H-5307

1 Amend House File 2449 as follows:

2 1. Page 3, by striking lines 31 and 32 and  
 3 inserting the following: "on behalf of the principal.  
 4 Every principal who executes a durable power of  
 5 attorney for health care shall receive the following  
 6 notice:"

KREMER of Buchanan

H-5313

1 Amend the amendment, H-5142, to House File 2371, as  
 2 follows:

3 1. Page 1, line 3, by striking the figure  
 4 "1,086,000" and inserting the following: "1,075,117".  
 5 2. Page 1, by inserting after line 3 the

6 following:  
 7 "\_\_\_\_\_. Page 1, line 11, by striking the figure  
 8 "37.00" and inserting the following: "38.00".  
 9 3. Page 1, by striking lines 7 through 9, and  
 10 inserting the following: "\$24,117 shall be used to  
 11 fund the position of an information specialist." "

CARPENTER of Polk

H-5315

1 Amend House File 2524 as follows:  
 2 1. Page 1, by inserting after line 32, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 566A.50 ANNUAL  
 5 DISCLOSURE FORM - TRUSTEE DUTIES - CAUSE OF ACTION.  
 6 A person operating a cemetery as a nonprofit entity  
 7 shall annually file a disclosure statement as required  
 8 by the commissioner, demonstrating the person's  
 9 entitlement to tax exempt status and treatment of  
 10 moneys held in trust. The trustee of such moneys  
 11 shall serve to protect the best interests of the lot  
 12 owners as the beneficial owners of the cemetery, and  
 13 not the nonprofit entity which operates the cemetery.  
 14 An individual lot owner, or the spouse, estate  
 15 administrator, or executor of a deceased lot owner may  
 16 challenge an action of the trustee in an action in  
 17 district court and may petition for the removal of the  
 18 trustee, or for other legal or equitable relief, or  
 19 both, for a breach of the trustee's duty to represent  
 20 the interests of lot owners."  
 21 2. Page 7, by inserting after line 35, the  
 22 following:  
 23 "8. A trustee of moneys under an agreement subject  
 24 to section 566A.101 shall serve to protect the best  
 25 interests of the lot owners as the beneficial owners  
 26 of the cemetery, and not the person who owns or  
 27 operates the cemetery. An individual lot owner, or  
 28 the spouse, estate administrator, or executor of a  
 29 deceased lot owner may challenge any action of the  
 30 trustee in an action in district court and may  
 31 petition for the removal of the trustee, or for other  
 32 legal or equitable relief, or both, for a breach of  
 33 the trustee's duty to represent the interests of lot  
 34 owners."  
 35 3. Page 12, by inserting after line 27, the  
 36 following:  
 37 "3. Every agreement shall include a disclosure in  
 38 substantially the following form: "The trustee of  
 39 moneys under this agreement which are required to be  
 40 held in trust under state law shall serve to protect  
 41 the best interests of the lot owners as the beneficial  
 42 owners of the cemetery, and not the person who owns or

43 operates the cemetery. An individual lot owner, or  
44 the spouse, estate administrator, or executor of a  
45 deceased lot owner may challenge any action of the  
46 trustee in an action in district court and may  
47 petition for the removal of the trustee, or for other  
48 legal or equitable relief, or both, for a breach of  
49 the trustee's duty to represent the interests of lot  
50 owners."

Page 2

1 4. Page 21, by inserting after line 21, the  
2 following:  
3 "Sec. \_\_\_\_\_. NEW SECTION. 566A.120 UNFAIR TRADE  
4 PRACTICES.  
5 1. A person subject to this subchapter shall not  
6 advertise or represent in connection with the sale or  
7 attempted sale of any covered property or services,  
8 that the property or services is or will be a  
9 desirable speculative investment for resale purposes.  
10 2. A person subject to this subchapter shall not  
11 pay or offer to pay, and a person shall not receive  
12 directly or indirectly, a commission or bonus or  
13 rebate or other thing of value, for or in connection  
14 with the sale of any covered property or services.  
15 This subsection does not apply to a person employed by  
16 a permitted establishment.  
17 3. Gross sales commissions paid to a person in  
18 connection with the sale of covered property or  
19 services shall not exceed the amount required to be  
20 deposited in trust pursuant to section 566A.101.  
21 4. A person who commits any of the following acts  
22 commits a fraudulent practice as defined and as  
23 punishable under chapter 714:  
24 a. Knowingly makes, causes to be made, or  
25 subscribes to an untrue statement of a material fact  
26 or omits to state a material fact necessary in order  
27 to make the statements made, in the light of the  
28 circumstances under which they were made, not  
29 misleading.  
30 b. Conspires to defraud in connection with the  
31 sale of covered property or services.  
32 5. A person shall not engage in the solicitation,  
33 advertisement, or sale of preneed cemetery lots, or  
34 other covered property or services, by telephone if  
35 the initial contact with the prospective purchaser is  
36 by a telephone call not initiated by the prospective  
37 purchaser.  
38 6. A person who owns or operates a permitted  
39 establishment shall not forbid a person not affiliated  
40 with the permitted establishment from placing grave  
41 markers or monuments or performing grave openings and

42 closings and other related services for the lot owner,  
 43 provided that the services are performed under the  
 44 supervision of an employee of the permitted  
 45 establishment in conformance with any uniformly  
 46 applicable rules of the permitted establishment. The  
 47 permitted establishment may charge the lot owner a  
 48 reasonable hourly rate for the supervisory services of  
 49 the permitted establishment employee, but no further  
 50 charges shall be assessed against the lot owner or the

**Page 3**

1 person performing such services.  
 2 Sec. \_\_\_\_\_. NEW SECTION. 566A.121 PENALTY.  
 3 A person who violates a provision of this  
 4 subchapter is guilty of a serious misdemeanor.  
 5 Sec. \_\_\_\_\_. NEW SECTION. 566A.122 CONTINUING  
 6 VIOLATIONS.  
 7 Each day a person violates a provision of this  
 8 subchapter, except the commission of an act declared  
 9 unlawful in section 566A.8 or 566A.120, is a separate  
 10 and distinct offense."  
 11 5. By renumbering as necessary.

HOLVECK of Polk  
 BISIGNANO of Polk  
 DODERER of Johnson  
 SHONING of Woodbury

H-5318

1 Amend House File 2470 as follows:  
 2 1. Page 1, by striking lines 1 through 8.  
 3 2. Title page, line 1, by inserting after the  
 4 word "medicine" the following: "without an  
 5 examination".  
 6 3. By renumbering as necessary.

PONCY of Wapello

H-5319

1 Amend House File 2525 as follows:  
 2 1. Page 11, line 22, by striking the word  
 3 "section" and inserting the following: "section".  
 4 2. Title page, line 4, by inserting after the  
 5 word "fees," the following: "providing an effective  
 6 date,".

JAY of Appanoose

H-5321

1 Amend House File 2371 as follows:  
 2 1. Page 5, line 22, by striking the figure  
 3 "114,000" and inserting the following: "164,000".

- 4 2. Page 9, line 16, by striking the figure  
 5 "2,727,000" and inserting the following: "2,677,000".  
 6 3. Page 9, line 17, by striking the figure  
 7 "80.50" and inserting the following: "79.50".

HAVERLAND of Polk  
 HARPER of Black Hawk

H-5327

- 1 Amend House File 2469 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 3.1, Code 1989, is amended by  
 5 adding the following new subsection:  
 6 **NEW SUBSECTION. 5.** Shall refer to a person with a  
 7 disability by first including the word "person",  
 8 "people", or "individual" and by following that word  
 9 with a prepositional phrase, beginning with the word  
 10 "with", which describes the disability."  
 11 2. Page 1, line 21, by inserting after the word  
 12 "implement." the following: "The administrative rules  
 13 coordinator shall require that references in rules  
 14 relating to a person with a disability be written by  
 15 first including the word "person", "people", or  
 16 "individual" and by following that word with a  
 17 prepositional phrase, beginning with the word "with",  
 18 which describes the disability."  
 19 3. By renumbering as necessary.

JAY of Appanoose

H-5328

- 1 Amend House File 2492 as follows:  
 2 1. Page 1, line 7, by striking the words "~~one~~  
 3 ~~cent two~~" and inserting the following: "one cent and  
 4 one-half".

BANKS of Plymouth

H-5335

- 1 Amend House File 2528 as follows:  
 2 1. Page 4, by inserting after line 7 the fol-  
 3 lowing:  
 4 "(h) Any private for profit or nonprofit entity  
 5 which has been approved for or is a recipient of these  
 6 funds must submit to the county board of supervisors a  
 7 full financial disclosure statement which shall be  
 8 available for public inspection. The statement must  
 9 be updated and submitted each July 1 of a fiscal year  
 10 for which the private entity receives these funds."  
 11 2. Page 6, by inserting after line 25 the fol-  
 12 lowing:

13     “(f) Any private for profit or nonprofit entity  
 14     which has been approved for or is a recipient of these  
 15     funds must submit to the county board of supervisors a  
 16     full financial disclosure statement which shall be  
 17     available for public inspection. The statement must  
 18     be updated and submitted each July 1 of a fiscal year  
 19     for which the private entity receives these funds.”

20     3. Page 9, by inserting after line 30 the fol-  
 21     lowing:

22     “(g) Any private for profit or nonprofit entity  
 23     which has been approved for or is a recipient of these  
 24     funds must submit to the city council a full financial  
 25     disclosure statement which shall be available for  
 26     public inspection. The statement must be updated and  
 27     submitted each July 1 of a fiscal year for which the  
 28     private entity receives these funds.”

29     4. Page 12, by inserting after line 11 the fol-  
 30     lowing:

31     “(d) Any private for profit or nonprofit entity  
 32     which has been approved for or is a recipient of these  
 33     funds must submit to the city council a full financial  
 34     disclosure statement which shall be available for  
 35     public inspection. The statement must be updated and  
 36     submitted each July 1 of a fiscal year for which the  
 37     private entity receives these funds.”

METCALF of Polk

H—5336

1     Amend House File 2502 as follows:

2     1. Page 1, by inserting before line 1, the  
 3     following:

4     “Section 1. Section 422A.2, subsection 4,  
 5     paragraph a, Code 1989, is amended by adding the  
 6     following new unnumbered paragraph:

7     NEW UNNUMBERED PARAGRAPH. Any private for profit  
 8     or nonprofit entity which has been approved for or is  
 9     a recipient of these funds must submit to the  
 10     appropriate local governing body a full financial  
 11     disclosure statement which shall be available for  
 12     public inspection. The statement must be updated and  
 13     submitted each July 1 of a fiscal year for which the  
 14     private entity receives these funds.”

15     2. By renumbering as necessary.

METCALF of Polk

H—5337

1     Amend House File 2515 as follows:

2     1. Page 4, by inserting after line 31, the  
 3     following:

4     “Sec. \_\_\_\_\_. 1989 Iowa Acts, chapter 272, section

- 5 42, is amended to read as follows:  
 6 SEC. 42. Sections 34, 35, and 36 of this Act are  
 7 effective July 1, ~~1990~~ 1991."  
 8 2. By renumbering as necessary.

SCHRADER of Marion

H-5338

- 1 Amend House File 2535 as follows:  
 2 1. Page 1, by striking lines 1 through 11.  
 3 2. Renumber as necessary.

BEATTY of Warren

H-5339

- 1 Amend House File 2490 as follows:  
 2 1. Page 6, line 7, by striking the word "school".  
 3 2. Page 13, line 21, by striking the words "the  
 4 agencies" and inserting the following: "the boards of  
 5 agencies".  
 6 3. Title page, line 1, by inserting after the  
 7 word "agencies" the following: ", providing funding  
 8 for media and educational services,".

HAVERLAND of Polk

H-5340

- 1 Amend House File 2399 as follows:  
 2 1. Page 2, by inserting after line 9 the  
 3 following:  
 4 "The owner of a business sign which advertises a  
 5 business which is no longer in operation due to the  
 6 sale, closing, or relocation of the business shall be  
 7 required to remove the business sign within thirty  
 8 days of the sale, closing, or relocation. The  
 9 department shall promptly remove the business sign of  
 10 an owner who fails to comply with this section and  
 11 assess all costs of removal to the owner in accordance  
 12 with rules adopted by the department."  
 13 2. By renumbering as necessary.

FULLER of Hardin

H-5342

- 1 Amend House File 2545 as follows:  
 2 1. Page 2, line 26, by inserting after the word  
 3 "state" the following: "with the exception of solid  
 4 waste disposal facilities described in section  
 5 455B.310, subsection 3, or any sewage sludge ash sites  
 6 operated by a municipality for disposal of material  
 7 generated by that community".  
 8 2. Page 2, line 29, by inserting after the word

- 9 "disposed" the following: "of".  
 10 3. Page 3, line 11, by inserting after the word  
 11 "within" the following: "or nearest".  
 12 4. Page 3, line 14, by inserting before the word  
 13 "All" the following: "4."  
 14 5. Page 5, by striking lines 6 through 8, and  
 15 inserting the following: "additional facilities as  
 16 may be necessary."

JESSE of Jasper

H-5343

- 1 Amend House File 2470 as follows:  
 2 1. Page 1, line 16, by striking the word "an" and  
 3 inserting the following: "a certificate from the".  
 4 2. Page 1, line 17, by striking the word  
 5 "certificate".

SPEAR of Lee

H-5344

- 1 Amend House File 2541 as follows:  
 2 1. Page 4, by inserting after line 28 the  
 3 following:  
 4 "5. However, if the proposition is approved in a  
 5 metropolitan area, but a majority of the voters of the  
 6 territory of the metropolitan area outside the  
 7 boundaries of cities or a majority of the voters of a  
 8 city within the metropolitan area do not approve the  
 9 proposition, the territory outside the boundaries of  
 10 the cities and each city disapproving the proposition  
 11 shall not be included within the jurisdiction of the  
 12 authority and the residents of the territory or city  
 13 shall not be included in its governing body."  
 14 2. Page 7, by inserting after line 9 the fol-  
 15 lowing:  
 16 "3. The offices of the authority shall not be  
 17 located in the state where the office of the bistate  
 18 metropolitan planning commission is located."

SCHNEKLOTH of Scott  
 PETERSEN of Muscatine

H-5345

- 1 Amend the amendment H-5232, to House File 2281, as  
 2 follows:  
 3 1. Page 1, by striking lines 28 and 29, and  
 4 inserting the following:  
 5 "\_\_\_\_\_. Page 2, by striking lines 29 through 33,  
 6 and inserting the following: "plan.""  
 7 2. Page 1, by inserting after line 31, the  
 8 following:

9 " \_\_\_\_\_. Page 3, by striking lines 8 through 10, and  
 10 inserting the following: "year to the state board of  
 11 regents. The report shall also be submitted to the"."

SWARTZ of Marshall

H-5348

1 Amend House File 2327 as follows:  
 2 1. Page 7, by inserting after line 13, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. This Act, being deemed of immediate  
 5 importance, takes effect upon enactment."  
 6 2. Title page, line 2, by inserting after the  
 7 word "project", the following: ", and providing an  
 8 effective date".

BROWN of Lucas

H-5351

1 Amend the amendment, H-5144, to House File 2371, as  
 2 follows:  
 3 1. Page 1, by inserting after line 2, the  
 4 following:  
 5 " \_\_\_\_\_. Page 8, line 18, by striking the figure  
 6 "187,000" and inserting the following: "87,000".  
 7 \_\_\_\_\_. Page 8, line 19, by striking the figure "4"  
 8 and inserting the following: "2".  
 9 2. Page 1, by striking lines 5 through 8.  
 10 3. By renumbering as necessary.

HAVERLAND of Polk

H-5352

1 Amend House File 2412 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 364.3, subsection 2, Code  
 5 1989, is amended to read as follows:  
 6 2. A city shall not provide a criminal penalty in  
 7 excess of a one hundred dollar fine or in excess of  
 8 thirty days imprisonment for the violation of an  
 9 ordinance, except for a violation of an environmental  
 10 ordinance. An amount equal to ten percent of all  
 11 fines collected by cities shall be deposited in the  
 12 court revenue distribution account established in  
 13 section 602.8108. However, one hundred percent of all  
 14 fines collected by a city pursuant to section 321.236,  
 15 subsection 1, shall be retained by the city. The  
 16 criminal penalty surcharge required by section 911.2  
 17 shall be added to a city fine and is not a part of the  
 18 city's penalty.  
 19 Sec. 2. Section 364.3, Code 1989, is amended by

20 adding the following new subsection:

21 NEW SUBSECTION. 7. A city shall not provide a  
 22 criminal penalty in excess of one thousand dollars or  
 23 one year of imprisonment for the violation of an  
 24 ordinance which is classified as an environmental  
 25 ordinance.

26 Sec. 3. NEW SECTION. 364.25 ENVIRONMENTAL  
 27 ORDINANCE.

28 1. A city may adopt an ordinance as an  
 29 environmental ordinance to enforce a provision  
 30 relating to the following:

31 a. Air quality under chapter 455B, division II, or  
 32 rules adopted by the department of natural resources  
 33 under that division.

34 b. Water quality under chapter 455B, division III,  
 35 or rules adopted by the department of natural  
 36 resources under that division.

37 c. The abatement, control, or prevention of air  
 38 pollution, water pollution, or odors injurious to  
 39 health or offensive to the senses.

40 2. A violation of an environmental ordinance is  
 41 deemed a public nuisance. The city may initiate a  
 42 civil action against a person violating the ordinance.  
 43 A court, in addition to imposing a criminal penalty,  
 44 may order that the nuisance be abated or removed at  
 45 the expense of the defendant, and, after inquiry into  
 46 and estimating the sum necessary to defray the  
 47 expenses of the abatement or removal, the court may  
 48 issue an order for the abatement or removal."

49 2. Title page, line 1, by striking the words  
 50 "municipal infractions" and inserting the following:

**Page 2**

1 "ordinances".

HIBBARD of Madison

H-5353

1 Amend House File 2515 as follows:

2 1. Page 1, by striking lines 1 through 13.

3 2. Title page, line 2, by striking the words

4 "establishing a fee."

LUNDBY of Linn

H-5355

1 Amend House File 2541 as follows:

2 1. Page 7, lines 31 and 32, by striking the words

3 "if within corporate limits of the authority".

HERMANN of Scott

H—5356

- 1 Amend Senate File 2364, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, by striking lines 20 through 28.  
 4 2. By renumbering as necessary.

FULLER of Hardin

H—5360

- 1 Amend House File 2541 as follows:  
 2 1. Page 4, by striking line 28, and inserting the  
 3 following: "section 330B.17, except that imposition  
 4 of the tax levy shall be delayed until the  
 5 commissioners have adopted a budget for the authority  
 6 which justifies the levy."  
 7 2. By striking page 4, line 29, through page 6,  
 8 line 23, and inserting the following:  
 9 "Sec. \_\_\_\_\_. NEW SECTION. 330B.7 BOARD OF  
 10 COMMISSIONERS — ELECTION.  
 11 1. The authority established under this division  
 12 shall be governed by a board of commissioners elected  
 13 as provided in subsection 2. The governing body of  
 14 each county, after a favorable election establishing  
 15 the authority, shall create eight districts of equal  
 16 population from which the commissioners shall be  
 17 elected. Each commissioner shall be a resident of the  
 18 district from which the commissioner is elected and  
 19 shall be elected to a four-year term of office.  
 20 2. The board of commissioners of an authority  
 21 shall consist of sixteen members, eight members of  
 22 which shall be residents of the metropolitan area of  
 23 each state which is party to the authority. After  
 24 creating the equal-populated districts, the governing  
 25 body of each county in the greater metropolitan area  
 26 shall call for a special election to elect the  
 27 commissioners. The commissioners shall be nominated  
 28 and elected as nonparty or nonpartisan candidates as  
 29 provided by the election laws of their respective  
 30 states. After the initial special election, the  
 31 commissioner shall be nominated and elected at the  
 32 regular primary and general elections held during  
 33 even-numbered years. Four of the initial  
 34 commissioners, selected by lot, from each state shall  
 35 be elected to an initial term of two years.  
 36 Thereafter, all commissioners shall be elected to  
 37 four-year terms of office. Members of the initial  
 38 board of commissioners shall qualify and take office  
 39 within ten days after the certification of their  
 40 election.  
 41 Sec. \_\_\_\_\_. NEW SECTION. 330B.8 COMMISSIONERS —  
 42 QUALIFICATION AND VACANCY.

43 1. Except for the initial board of commissioners,  
 44 the term of office of each commissioner begins on the  
 45 first day of January which is not a Sunday or holiday  
 46 after the general election at which the commissioner  
 47 is elected. A certificate of election signed by the  
 48 commissioner of election or other appropriate officer  
 49 shall be filed and made a matter of record in the  
 50 office of county recorder. Each commissioner shall

Page 2

1 qualify by taking an oath or affirmation to faithfully  
 2 perform the duties of office.

3 2. Within forty-five days after a vacancy occurs  
 4 on the board by death, resignation, change of  
 5 residence to outside of the election district, or for  
 6 any other cause, a successor shall be appointed to  
 7 fill the vacancy in office until the next election at  
 8 which the vacancy can be filled and until a successor  
 9 is elected and qualifies."

10 3. Page 6, line 28, by striking the word  
 11 "appointment" and inserting the following:  
 12 "election".

13 4. By striking page 17, line 29, through page 18,  
 14 line 29.

15 5. Page 19, line 3, by striking the words  
 16 "powers, incomes, and debts" and inserting the  
 17 following: "powers and incomes".

18 6. Page 19, line 4, by striking the words  
 19 "powers, income, and debts" and inserting the  
 20 following: "powers and income".

SCHNEKLOTH of Scott

H-5362

1 Amend House File 2371 as follows:

2 1. Page 14, line 1, by striking the figure  
 3 "3,607,000" and inserting the following: "3,957,000".

4 2. Page 15, by inserting after line 5, the  
 5 following:

6 "Of the funds appropriated under this paragraph,  
 7 \$1,725,000 shall be used for maternal and child health  
 8 services, and shall be allocated for the following  
 9 purposes:

10 (1) For statewide expansion of outreach services  
 11 through the hiring of 4 half-time paraprofessionals to  
 12 be located in the areas surrounding Black Hawk, Tama,  
 13 Woodbury, and Scott counties and common intake  
 14 proceedings for maternal and child health services  
 15 through collaborative agreements between the Iowa  
 16 department of public health, the department of human  
 17 services, and the mobile and regional child health

18 specialty clinics:

19 .....\$ 50,000

20 (2) For the provision of physician care for  
21 pregnant women who are not eligible for services under  
22 the maternal and child health centers guidelines based  
23 upon their income, but whose incomes are between 185  
24 and 300 percent of the poverty guidelines published by  
25 the United States department of health and human  
26 services:

27 .....\$ 300,000

28 The physician services shall be subject to managed  
29 care and selective contracting provisions and shall be  
30 used to provide treatment of the pregnant women in a  
31 physician's office and shall include coverage of  
32 diagnostic procedures and prescription drugs required  
33 for the treatment. Services provided under this  
34 subparagraph shall be reimbursed according to Title  
35 XIX reimbursement rates.

36 (3) Of the funds appropriated under this paragraph  
37 to outreach centers of maternal and child outreach  
38 services for prevention services for women to decrease  
39 problems of pregnancy outcomes and to reduce the  
40 incidences of low birth weights, priority shall be  
41 given to communities with a high concentration of  
42 minorities."

HARPER of Black Hawk

H-5364

1 Amend House File 2524 as follows:

2 1. Page 2, by striking lines 20 through 28, and  
3 inserting the following: "calendar year basis. This  
4 provision does not affect the purchaser's rights,  
5 express or implied, statutory or common law remedies,  
6 or remedies available in equity, in the event of  
7 nonperformance or a material breach of the contract by  
8 the seller or the seller's assignee."

9 2. Page 3, by inserting after line 2, the  
10 following:

11 "This section shall apply to an agreement entered  
12 into on or after the effective date of this Act."

SCHNEKLOTH of Scott

H-5368

1 Amend House File 2483 as follows:

2 1. Page 1, by striking lines 1 and 2 and insert-  
3 ing the following:

4 "Section 1. Section 633.123, subsection 1, Code  
5 1989, is amended by striking the subsection and  
6 inserting in".

7 2. Page 1, by striking line 24 and inserting the

8 following:

9 "Sec. 2. Section 633.123, subsection 2, unnumbered  
10 paragraph 1, Code 1989, is amended by striking the  
11 unnumbered paragraph and inserting in lieu thereof the  
12 following: ACTIONS PURSUANT TO GOVERNING INSTRUMENT.  
13 A fiduciary".

14 3. By striking page 1, line 29, through page 2,  
15 line 4.

McKINNEY of Dallas

H-5371

1 Amend House File 2499 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 668.3, subsection 1, Code 1989,  
5 is amended by adding the following new unnumbered  
6 paragraph:

7 NEW UNNUMBERED PARAGRAPH. Contributory fault shall  
8 not bar recovery in an action by a claimant to recover  
9 damages for loss of services, companionship, society,  
10 or consortium unless the fault attributable to the  
11 person whose injury or death provided the basis for  
12 the damages is greater in percentage than the total  
13 percentage of fault attributed to the defendants,  
14 third-party defendants, and persons who have been  
15 released pursuant to section 668.7, but any damages  
16 allowed shall be diminished in proportion to the  
17 amount of fault attributable to the person whose  
18 injury or death provided the basis for the damages.

19 Sec. \_\_\_\_\_. Section 668.3, subsection 2, paragraph  
20 b, Code 1989, is amended to read as follows:

21 b. The percentage of the total fault allocated to  
22 each claimant, defendant, third-party defendant, and  
23 person who has been released from liability under  
24 section 668.7, and person whose injuries or death  
25 provide a basis for a claim to recover damages for  
26 loss of services, companionship, society, or  
27 consortium. For this purpose the court may determine  
28 that two or more persons are to be treated as a single  
29 party."

30 2. Renumber as necessary.

HALVORSON of Clayton  
HARBOR of Mills

H-5379

1 Amend House File 2537 as follows:

2 1. Page 4, by inserting after line 19, the  
3 following:

4 "Sec. \_\_\_\_\_. Section 523A.2, subsection 7, Code  
5 Supplement 1989, is amended to read as follows:

6 7. This chapter does not prohibit the funding of  
 7 an agreement otherwise subject to section 523A.1 by  
 8 insurance proceeds derived from a policy issued by an  
 9 insurance company authorized to conduct business in  
 10 this state, provided that a policy shall not  
 11 discriminate for premium charges on the basis of sex.  
 12 The seller of an agreement subject to this chapter  
 13 which is to be funded by insurance proceeds shall  
 14 obtain all permits and pay all fees required to be  
 15 obtained under this chapter and comply with the  
 16 reporting requirements of this section.”  
 17 2. By renumbering as necessary.

CORBETT of Linn

H—5380

1 Amend House File 2524 as follows:  
 2 1. Page 2, line 5, by inserting after the word  
 3 “of” the following: “either”.  
 4 2. Page 2, line 6, by inserting after the word  
 5 “paid” the following: “or issuance of a cemetery  
 6 deed”.

CORBETT of Linn

H—5395

1 Amend House File 2509 as follows:  
 2 1. Page 4, by inserting after line 2 the  
 3 following:  
 4 “Sec. \_\_\_\_\_. STATE BOARD OF REGENTS — REPORT  
 5 REQUIRED.  
 6 The state board of regents shall compile a  
 7 comprehensive report of the medical and surgical  
 8 treatment at the university of Iowa hospitals and  
 9 clinics of indigent persons who are providing  
 10 migratory labor and their immediate families, which is  
 11 provided through January 31, 1991, as a result of this  
 12 Act. The report shall include a detailed analysis of  
 13 costs and payers of the costs. The report shall be  
 14 submitted to the general assembly on or before  
 15 February 15, 1991.  
 16 Sec. \_\_\_\_\_. EFFECTIVE DATE.  
 17 This Act is repealed effective June 30, 1991. The  
 18 Code editor shall recodify the Code sections amended  
 19 in this Act as the Code sections appeared in the 1989  
 20 Code of Iowa.”  
 21 2. Title page, line 2, by inserting after the  
 22 word “families” the following: “and providing an  
 23 effective date”.

FEY of Scott

H-5398

1 Amend the amendment, H-5169, to House File 2287, as  
2 follows:

3 1. Page 1, by striking lines 4 through 12 and  
4 inserting the following:

5 "NEW UNNUMBERED PARAGRAPH. The subject employer  
6 shall disclose to a subsequent employer the subject  
7 employer's record of charges with benefits payments.  
8 A subject employer who fails to disclose or willfully  
9 discloses incorrect information to a subsequent  
10 employer regarding the subject employer's record of  
11 charges with benefits payments is liable to the  
12 subsequent employer for any actual damages and  
13 attorney fees incurred by the subsequent employer as a  
14 result of the subject employer's failure to disclose  
15 or disclosure of incorrect information. The division  
16 shall include notice of the requirement of disclosure  
17 in the division's quarterly notification given to each  
18 employer pursuant to section 96.7, subsection 2,  
19 paragraph "a", subparagraph (6)."

PLASIER of Sioux

H-5399

1 Amend House File 2424 as follows:

2 1. By striking page 1, line 1 through page 3,  
3 line 25.

4 2. By renumbering as necessary.

SHONING of Woodbury

H-5413

1 Amend House File 2383 as follows:

2 1. Page 1, by striking lines 4 through 7 and  
3 inserting the following: "fine not exceeding five  
4 dollars payable to the city clerk or clerk of the  
5 district court, if authorized by ordinance.  
6 Violations of".

7 2. Page 2, by inserting after line 17 the  
8 following:

9 "b. The department may issue permanent handicapped  
10 identification hanging devices to the following in  
11 accordance with rules adopted by the department:

12 (1) An organization which has a program for  
13 transporting the handicapped or elderly.

14 (2) A person in the business of transporting the  
15 handicapped or elderly.

16 One handicapped identification hanging device may  
17 be issued for each vehicle used by the organization or  
18 person for transporting the handicapped or elderly. A  
19 handicapped identification hanging device issued under

20 this paragraph shall be surrendered to the department  
 21 if the organization or person is no longer providing  
 22 the service for which the device was issued.  
 23 Notwithstanding section 321L.4, a person transporting  
 24 handicapped or elderly in a motor vehicle for which a  
 25 handicapped identification hanging device has been  
 26 issued under this paragraph may display the device in  
 27 the motor vehicle and may use a handicapped parking  
 28 space while the motor vehicle is displaying the  
 29 device. A handicapped identification hanging device  
 30 issued under this paragraph shall be of a  
 31 distinctively different color from the handicapped  
 32 identification hanging devices issued under paragraph  
 33 "a"."

34 3. Page 2, line 18 by striking the letter "b" and  
 35 inserting the following: "c".

36 4. Page 4, line 19, by striking the words "The  
 37 cities".

38 5. Page 4, by striking lines 20 through 22.

39 6. Page 4, by inserting after line 30 the  
 40 following:

41 "Sec. \_\_\_\_\_. Section 321L.5, Code Supplement 1989,  
 42 is amended by adding the following new subsection:  
 43 NEW SUBSECTION. 6. A handicapped parking review  
 44 committee may be established by the state and each  
 45 political subdivision of the state which is required  
 46 to provide handicapped parking spaces in off-street  
 47 public parking facilities according to subsection 3  
 48 and in political subdivisions required to provide  
 49 handicapped parking spaces for on-street parking  
 50 within a business district according to subsection 4.

**Page 2**

1 The handicapped parking review committee shall consist  
 2 of five members who are handicapped persons as defined  
 3 in section 321L.1 and five members who are officials  
 4 of the state or political subdivision. The  
 5 handicapped parking review committee shall have the  
 6 discretion to increase or decrease the numbers of  
 7 handicapped parking spaces required by this section.  
 8 A decision to change the numbers or location of  
 9 handicapped parking spaces shall be based upon the  
 10 needs of the community, the percentage of use of the  
 11 present handicapped parking spaces, and the past  
 12 experience of the state or political subdivision  
 13 regarding handicapped parking.

14 An individual may request the handicapped parking  
 15 review committee to review the amounts and locations  
 16 of handicapped parking spaces. The handicapped  
 17 parking review committee shall investigate each  
 18 individual's request and shall act upon such request

19 if the investigation substantiates the individual's  
20 complaint."

21 7. Page 4, by striking lines 33 through 35 and  
22 inserting the following:

23 "a. For parking violations under sections 321.236,  
24 321.239, 321.358, 321.360, and 321.361, the scheduled  
25 fine is five dollars."

26 8. Page 5, by striking line 1 and inserting the  
27 following: "However,".

28 9. Page 5, by striking lines 7 and 8 and  
29 inserting the following: "section 111.38 or 321.362  
30 the scheduled fine is ten dollars. For a parking  
31 violation under section 321L.4, subsection 2, the  
32 scheduled fine is twenty-five dollars."

33 10. By renumbering as necessary.

GRUHN of Dickinson

H-5414

1 Amend Senate File 2244, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 10 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 321L.4, subsection 2, Code  
6 Supplement 1989, is amended to read as follows:

7 2. The use of a handicapped parking space, located  
8 on either public or private property as provided in  
9 sections 321L.5 and 321L.6, by a motor vehicle not  
10 displaying a handicapped identification device; by a  
11 motor vehicle displaying such a device but not being  
12 used by a handicapped person, as an operator or  
13 passenger; or by a motor vehicle in violation of the  
14 rules adopted by the department under section 321L.8,  
15 constitutes improper use of a handicapped  
16 identification device which is a misdemeanor for which  
17 a fine shall be imposed upon the owner, operator, or  
18 lessee of the motor vehicle or the purchaser of the  
19 handicapped identification device. Peace officers,  
20 including meter persons, are authorized to enforce the  
21 provisions of this subsection. The fine for each  
22 violation shall be twenty-five dollars. Proof of  
23 conviction of two or more violations involving  
24 improper use of a handicapped identification device is  
25 grounds for revocation by the court or the department  
26 of the holder's privilege to possess or use the  
27 device."

28 2. Renumber sections as necessary.

MURPHY of Dubuque  
BROWN of Lucas

H-5418

- 1 Amend House File 2493 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 455B.304, Code Supplement  
 5 1989, is amended by adding the following new  
 6 unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
 8 provisions of this chapter regarding the requirement  
 9 of the equipping of a sanitary landfill with a  
 10 leachate control system and the establishment and  
 11 continuation of a postclosure account, the department  
 12 shall adopt rules which provide for an exemption from  
 13 the requirements of a leachate control system and  
 14 which provide for the release of the funds in the  
 15 postclosure account if the sanitary landfill operator  
 16 is a public agency and if, nine months after the  
 17 closure of a sanitary disposal project, monitoring of  
 18 the groundwater does not reveal groundwater  
 19 contamination."  
 20 2. By renumbering as necessary.

MUHLBAUER of Crawford  
 PETERSON of Carroll

H-5421

- 1 Amend Senate File 2244, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 2, line 17, by striking the word "may"  
 4 and inserting the following: "shall".  
 5 2. Page 2, line 24, by striking the word "may"  
 6 and inserting the following: "shall".

MURPHY of Dubuque

H-5422

- 1 Amend Senate File 2280, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 11, by striking the figure  
 4 "50.00" and inserting the following: "47.00".  
 5 2. Page 1, by striking lines 12 through 15.  
 6 3. By striking page 21, line 22 through page 22,  
 7 line 13.  
 8 4. Page 22, line 29, by striking the word and  
 9 figures "32, and 34" and inserting the following:  
 10 "and 32".

TYRRELL of Iowa

H-5432

- 1 Amend House File 2417 as follows:  
 2 1. Page 4, line 35, by striking the word "board,"

- 3 and inserting the following: "governmental unit".  
4 2. Page 5, line 28, by striking the words "order  
5 requiring" and inserting the following: "requirement  
6 of".  
7 3. Page 9, by striking line 14, and inserting the  
8 following:  
9 "3. The board shall not commence the".  
10 4. Page 10, line 7, by striking the word  
11 "environments" and inserting the following:  
12 "environment".  
13 5. Page 11, lines 26 and 27, by striking the  
14 words "senate file" and inserting the following:  
15 "Senate File".

HATCH of Polk

H-5442

- 1 Amend House File 2131 as follows:  
2 1. Page 1, line 35, by striking the word "shall"  
3 and inserting the following: "may".  
4 2. Page 1, line 35, by striking the word  
5 "adequate".  
6 3. Page 2, line 1, by striking the word "moneys"  
7 and inserting the following: "assistance".  
8 4. Page 2, line 1, by striking the words "and  
9 operation".  
10 5. Page 2, by striking lines 2 through 4, and  
11 inserting the following: "authorities from the  
12 housing trust fund. The Iowa finance authority is  
13 authorized".  
14 6. By striking page 3, line 34, through page 4,  
15 line 6, and inserting the following: "moneys, may  
16 approve for the association state grants, loans, or  
17 other appropriations administered by the Iowa finance  
18 authority and may approve a grant to the association  
19 for purposes related to organization, construction, or  
20 operations, required to further the purpose stated in  
21 the rehabilitation plan."

BRAND of Benton  
BROWN of Lucas

H-5459

- 1 Amend the amendment, H-5438, to House File 2487, as  
2 follows:  
3 1. Page 1, line 37, by striking the words "as  
4 necessary" and inserting the following: "to fill four  
5 full-time equivalent positions".

McKEAN of Jones

H-5462

- 1 Amend the amendment, H-5437, to House File 2417 as  
 2 follows:  
 3 1. Page 6, line 13, by striking the word "hundred"  
 4 and inserting the word "thousand".  
 5 2. Page 6, line 16, by striking the word "hundred"  
 6 and inserting the word "thousand".

PETERSEN of Muscatine

H-5464

- 1 Amend the amendment, H-5437, to House File 2417 as  
 2 follows:  
 3 1. Page 7, by striking lines 5 through 13 and  
 4 inserting the following:  
 5 "(4) Restoration or reconstruction of a structure.  
 6 (5) Demolition or removal of buildings and related  
 7 structures."

PETERSEN of Muscatine

H-5465

- 1 Amend the amendment, H-5437, to House File 2417 as  
 2 follows:  
 3 1. Page 6, by striking lines 28 through 34, and  
 4 inserting the following: "farm buildings and  
 5 structures."

BENNETT of Ida

H-5470

- 1 Amend Senate File 2244, as amended, passed, and  
 2 reprinted, by the Senate, as follows:  
 3 1. Page 6, by inserting after line 5 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 321L.11 HANDICAPPED  
 6 ENFORCEMENT OFFICERS.  
 7 All health care facilities, including institutional  
 8 health facilities, organized outpatient health  
 9 facilities, outpatient surgical facilities, offices of  
 10 private health care providers or physicians as defined  
 11 in section 135.1, subsection 5, and shopping malls,  
 12 shall designate a person to be known as a handicapped  
 13 enforcement officer, who shall be authorized by the  
 14 department of public safety to issue citations for  
 15 handicapped parking violations of section 321L.4,  
 16 subsection 2. The handicapped enforcement officer's  
 17 authority to issue citations for such violations shall  
 18 be limited to the parking area of the health care  
 19 facility, or private health care provider or  
 20 physician's office. The department of public safety

21 shall adopt rules pursuant to chapter 17A to govern  
 22 this section. This section does not apply to health  
 23 care facilities, private health care providers'  
 24 offices, private physicians' offices, or shopping  
 25 malls not required to provide for handicapped parking  
 26 spaces pursuant to section 321L.5."  
 27 2. By renumbering as necessary.

MURPHY of Dubuque  
 BROWN of Lucas

H-5471

1 Amend the amendment, H-5437, to House File 2417 as  
 2 follows:  
 3 1. Page 6, by striking lines 36 and 37, and  
 4 inserting the following:  
 5 "(1) Water service mains."  
 6 2. Page 6, by striking lines 39 and 40, and  
 7 inserting the following:  
 8 "(3) Gas service mains."

BANKS of Plymouth

H-5472

1 Amend Senate File 2280, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 11, by striking the number  
 4 "50.00" and inserting the following: "47.00".  
 5 2. Page 1, by striking lines 12 through 15.  
 6 3. By striking page 20, line 10, through page 22,  
 7 line 13.  
 8 4. Page 22, by striking lines 29 and 30.

KREMER of Buchanan  
 HARBOR of Mills  
 TYRRELL of Iowa

H-5476

1 Amend House File 2515 as follows:  
 2 1. Page 3, by inserting after line 13 the  
 3 following:  
 4 "Concentration levels of lead, cadmium, mercury,  
 5 and hexavalent chromium shall be determined using  
 6 American standard of testing materials test methods,  
 7 as revised, or United States environmental protection  
 8 agency test methods for evaluating solid waste, S-W  
 9 846, as revised."

SHOULTZ of Black Hawk

H-5478

1 Amend Senate File 2280, as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 10, by striking the figure  
 4 "1,746,989" and inserting the following: "1,938,374".  
 5 2. Page 1, line 11, by striking the figure  
 6 "50.00" and inserting the following: "55.00".  
 7 3. Page 2, by striking lines 28 through 30, and  
 8 inserting the following:  
 9 "7. Contingent on the election of a new governor  
 10 for costs associated with the transition:".  
 11 4. Page 6, line 31, by striking the figure  
 12 "7,282,826" and inserting the following: "7,091,441".  
 13 5. Page 6, line 32, by striking the figure  
 14 "158.00" and inserting the following: "153.00".  
 15 6. Page 11, line 23, by inserting after the  
 16 figure "3." the following: "a."  
 17 7. Page 11, line 27, by striking the figure  
 18 "1,279,529" and inserting the following: "1,136,331".  
 19 8. Page 11, line 28, by striking the figure  
 20 "38.00" and inserting the following: "34.00".  
 21 9. Page 11, by inserting after line 28 the  
 22 following:  
 23 "b. WORKERS' COMPENSATION ADMINISTRATION  
 24 For salaries for the administration of the workers'  
 25 compensation fund and not more than the following  
 26 full-time equivalent positions:  
 27 ..... \$ 143,198  
 28 ..... FTEs 4.00  
 29 Any funds received by the department for workers'  
 30 compensation purposes other than the funds  
 31 appropriated in paragraph "b" shall be used only for  
 32 the payment of workers' compensation claims."  
 33 10. By renumbering, relettering, or redesignating  
 34 and correcting internal references as necessary.

Committee on Appropriations

H-5480

- 1 Amend House File 2532 as follows:  
 2 1. Page 5, line 8, by striking the words "certain  
 3 forfeitable" and inserting the following: "real".

PETERSON of Carroll

H-5481

- 1 Amend the amendment, H-5437, to House File 2417, as  
 2 follows:  
 3 1. Page 3, line 44, by striking the words "less  
 4 than the following gross floor space" and inserting  
 5 the following: "one hundred thousand square feet".  
 6 2. Page 4, line 3, by striking the word "board:"  
 7 and inserting the following: "board."  
 8 3. Page 4, by striking lines 4 through 12.

HATCH of Polk  
 TRENT of Muscatine

H-5483

- 1 Amend Senate File 2402, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 14, by striking lines 13 and 14 and in-
- 4 serting the following: "for completion of the North
- 5 Shore Drive at".

PETERSON of Carroll

H-5488

- 1 Amend House File 2528 as follows:
- 2 1. Page 4, by inserting after line 7 the fol-
- 3 lowing:
- 4 "f. Notwithstanding provisions in this section or
- 5 this subsection that allow lease or lease-purchase
- 6 contracts to be entered into without the requirement
- 7 of calling an election, if the lease or lease-purchase
- 8 contract is part of the funding mechanism to enable a
- 9 for profit or nonprofit corporation to acquire,
- 10 operate, or otherwise receive the benefit of real or
- 11 personal property subject to the lease or lease-
- 12 purchase contract, the county shall call a county
- 13 special election to vote upon the question of entering
- 14 into such contract. The county shall not enter into
- 15 such contract unless the vote in favor of entering
- 16 into such contract is equal to at least sixty percent
- 17 of the vote cast on the proposition."
- 18 2. Page 6, by inserting after line 25 the fol-
- 19 lowing:
- 20 "e. Notwithstanding provisions in this section or
- 21 this subsection that allow loan agreements to be
- 22 entered into without the requirement of calling an
- 23 election, if the loan agreement is part of the funding
- 24 mechanism to enable a for profit or nonprofit
- 25 corporation to acquire, operate, or otherwise receive
- 26 the benefit of real or personal property, the county
- 27 shall call a county special election to vote upon the
- 28 question of entering into such loan agreement. The
- 29 county shall not enter into such agreement unless the
- 30 vote in favor of entering into such agreement is equal
- 31 to at least sixty percent of the vote cast on the
- 32 proposition."
- 33 3. Page 9, by inserting after line 30 the fol-
- 34 lowing:
- 35 "e. Notwithstanding provisions in this section or
- 36 this subsection that allow lease or lease-purchase
- 37 contracts to be entered into without the requirement
- 38 of calling an election, if the lease or lease-purchase
- 39 contract is part of the funding mechanism to enable a
- 40 for profit or nonprofit corporation to acquire,
- 41 operate, or otherwise receive the benefit of real or

42 personal property subject to the lease or lease-  
 43 purchase contract, the city shall call a city special  
 44 election to vote upon the question of entering into  
 45 such contract. The city shall not enter into such  
 46 contract unless the vote in favor of entering into  
 47 such contract is equal to at least sixty percent of  
 48 the vote cast on the proposition.”

49 4. Page 12, by inserting after line 11 the fol-  
 50 lowing:

**Page 2**

1 “4. Notwithstanding provisions in this section or  
 2 this subsection that allow loan agreements to be  
 3 entered into without the requirement of calling an  
 4 election, if the loan agreement is part of the funding  
 5 mechanism to enable a for profit or nonprofit  
 6 corporation to acquire, operate, or otherwise receive  
 7 the benefit of real or personal property, the city  
 8 shall call a city special election to vote upon the  
 9 question of entering into such loan agreement. The  
 10 city shall not enter into such agreement unless the  
 11 vote in favor of entering into such agreement is equal  
 12 to at least sixty percent of the vote cast on the  
 13 proposition.”

CARPENTER of Polk

H—5489

1 Amend House File 2532 as follows:  
 2 1. Page 1, by striking lines 1 through 11.  
 3 2. Page 2, line 1, by striking the word  
 4 “claimant” and inserting the following: “person from  
 5 whom the vehicle or part was seized”.  
 6 3. Page 2, line 2, by striking the word  
 7 “claimant” and inserting the following: “person”.  
 8 4. Page 2, line 13, by inserting after the word  
 9 “number.” the following: “However, if the claimant  
 10 cannot establish ownership of the engine, door, or  
 11 fender pursuant to subsection 4, the part shall not be  
 12 returned to the claimant.”

JAY of Apanoose  
 PETERSON of Carroll

H—5490

1 Amend the amendment, H—5435, to House File 2501 as  
 2 follows:  
 3 1. Page 1, by inserting after line 31 the  
 4 following:  
 5 “\_\_\_\_\_. Page 7, line 4, by striking the words “A  
 6 lien”.  
 7 \_\_\_\_\_ Page 7, by striking lines 5 through 7.”

- 8 2. Page 1, by striking lines 32 through 47.
- 9 3. Page 2, by inserting after line 19 the
- 10 following:
- 11 "\_\_\_\_\_. Page 12, line 3, by striking the words "A
- 12 lien".
- 13 \_\_\_\_\_ Page 12, by striking lines 4 through 6."
- 14 4. Page 2, by striking lines 25 through 38.
- 15 5. By renumbering as necessary.

KOENIGS of Mitchell

H-5493

- 1 Amend the amendment, H-5437, to House File 2417 as
- 2 follows:
- 3 1. Page 6, by striking lines 12 through 34, and
- 4 inserting the following:
- 5 "t. An animal-feeding operation which is exempt
- 6 from the permit requirements pursuant to 567 I.A.C.
- 7 rule 65.3(1).
- 8 u. Agricultural and farm management practices,
- 9 including construction, maintenance, and repair of
- 10 farm building structures."

TABOR of Jackson  
HATCH of Polk

H-5495

- 1 Amend the amendment H-5437 to House File 2417 as
- 2 follows:
- 3 1. Page 7, by inserting after line 24 the
- 4 following:
- 5 "(4) Landscaping practices upon land abutting a
- 6 lake to prevent silting, erosion, or other detrimental
- 7 effects."

GRUHN of Dickinson

H-5503

- 1 Amend House File 2349 as follows:
- 2 1. Page 2, line 1, by striking the word "eighty"
- 3 and inserting the following: "eighty one hundred
- 4 forty".
- 5 2. Page 2, line 9, by striking the word "twenty"
- 6 and inserting the following: "twenty eighty".
- 7 3. Page 2, by inserting after line 12 the follow-
- 8 ing:
- 9 "Sec. \_\_\_\_\_. Section 97B.49, subsection 13,
- 10 paragraph c, Code 1989, is amended to read as follows:
- 11 c. Notwithstanding the determination of the amount
- 12 of a retirement dividend under paragraph "a", or "b",
- 13 or "d", a retirement dividend shall not be less than
- 14 twenty-five dollars.

- 15 Sec. \_\_\_\_\_. Section 97B.49, subsection 13, Code  
 16 1989, is amended by adding the following new paragraph  
 17 after paragraph c and relettering the subsequent  
 18 paragraphs:  
 19 NEW PARAGRAPH. d. A member who retired from the  
 20 system between July 1, 1982, and June 30, 1986, or a  
 21 contingent annuitant or beneficiary of such a member,  
 22 shall receive with the November 1990 and the November  
 23 1991 monthly benefit payments a retirement dividend  
 24 equal to twenty-four percent of the monthly benefit  
 25 payment the member received for the preceding June, or  
 26 the most recently received benefit payment, whichever  
 27 is greater. The retirement dividend does not affect  
 28 the amount of a monthly benefit payment."  
 29 4. By numbering and renumbering as necessary.

CORBETT of Linn  
 HARBOR of Mills  
 McKEAN of Jones  
 TYRRELL of Iowa  
 ROYER of Page  
 SHONING of Woodbury

HANSON of Delaware  
 RENKEN of Grundy  
 PETERSEN of Muscatine  
 DE GROOT of Lyon  
 BRANSTAD of Winnebago  
 SPENNER of Henry  
 MAULSBY of Calhoun

H-5509

- 1 Amend Senate File 2323, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 321.271, unnumbered paragraph  
 6 1, Code 1989, is amended to read as follows:  
 7 All accident reports filed by a driver of a vehicle  
 8 involved in an accident as required under section  
 9 321.266 shall be in writing. The report shall be  
 10 without prejudice to the individual so reporting and  
 11 shall be for the confidential use of the department,  
 12 except that upon the request of any person involved in  
 13 the accident, the person's insurance company or its  
 14 agent, or the attorney for such person, the department  
 15 shall disclose the identity and address of the person  
 16 involved in the accident. The department, upon  
 17 written request of the person making the report, shall  
 18 provide the person with a copy of that person's  
 19 report. The written report filed with the department  
 20 shall not be admissible in or used in evidence in any  
 21 civil or criminal case arising out of the facts on  
 22 which the report is based."  
 23 2. Title page, by striking lines 1 and 2 and  
 24 inserting the following: "An Act relating to vehicle  
 25 accident reports."  
 26 3. By renumbering as necessary.

MURPHY of Dubuque

H-5516

1 Amend House File 2438 as follows:

2 1. Page 1, by inserting after line 12 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 720.4, Code 1989, is amended to  
5 read as follows:

6 720.4 TAMPERING WITH WITNESSES, OR JURORS, OR  
7 VICTIMS.

8 A person who offers any bribe to any person who is  
9 a victim or who the offeror believes has been or may  
10 be summoned as a witness or juror in any judicial or  
11 arbitration proceeding, or any legislative hearing, or  
12 who makes any threats toward such person or who  
13 forcibly or fraudulently detains or restrains such  
14 person, with the intent to improperly influence such  
15 victim, witness, or juror with respect to the  
16 victim's, witness', or juror's testimony or decision  
17 in such case, or to prevent such person from  
18 testifying or serving in such case, or who, in  
19 retaliation for anything lawfully done by any victim,  
20 witness, or juror in any case, harasses such victim,  
21 witness, or juror, commits an aggravated misdemeanor.  
22 For purposes of this section, victim includes a member  
23 of the victim's immediate family."

24 2. Renumber as necessary.

SHEARER of Louisa

H-5518

1 Amend House File 2515 as follows:

2 1. Page 3, by inserting after line 13 the  
3 following:

4 "Concentration levels of lead, cadmium, mercury,  
5 and hexavalent chromium shall be determined using  
6 American standard of testing materials test methods,  
7 as revised, or United States environmental protection  
8 agency test methods for evaluating solid waste, S-W  
9 846, as revised."

SHOULTZ of Black Hawk

H-5520

1 Amend House File 2528 as follows:

2 1. Page 6, by inserting after line 25, the  
3 following:

4 "Sec. \_\_\_\_\_. Section 331.442, subsection 4, Code  
5 1989, is amended to read as follows:

6 4. The proposition of issuing bonds for a general  
7 county purpose is not carried or adopted unless the  
8 vote in favor of the proposition is equal to at least  
9 sixty percent a majority of the total vote cast for

10 and against the proposition at the election. If the  
 11 proposition of issuing the general county purpose  
 12 bonds is approved by the voters, the board may proceed  
 13 with the issuance of the bonds."

14 2. Page 12, by inserting after line 11 the  
 15 following:

16 "Sec. \_\_\_\_\_. Section 384.26, subsection 4, Code  
 17 1989, is amended to read as follows:

18 4. The proposition of issuing general corporate  
 19 purpose bonds is not carried or adopted unless the  
 20 vote in favor of the proposition is equal to at least  
 21 sixty percent a majority of the total vote cast for  
 22 and against the proposition at the election. If the  
 23 proposition of issuing the general corporate purpose  
 24 bonds is approved by the voters, the city may proceed  
 25 with the issuance of the bonds."

SWARTZ of Marshall

H-5522

1 Amend the amendment, H-5488, to House File 2528 as  
 2 follows:

3 1. Page 1, line 16, by striking the words "sixty  
 4 percent" and inserting the following: "a majority".

5 2. Page 1, line 31, by striking the words "sixty  
 6 percent" and inserting the following: "a majority".

7 3. Page 1, line 47, by striking the words "sixty  
 8 percent" and inserting the following: "a majority".

9 4. Page 2, line 12, by striking the words "sixty  
 10 percent" and inserting the following: "a majority".

SWARTZ of Marshall

H-5523

1 Amend House File 2528 as follows:

2 1. Page 3, line 13, by inserting after the figure  
 3 "4" the following: ", except that the contract is  
 4 approved if at least a majority of the total vote cast  
 5 for or against favor the entering into of the  
 6 contract".

7 2. Page 6, line 9, by inserting after the figure  
 8 "4" the following: ", except that the agreement is  
 9 approved if at least a majority of the total vote cast  
 10 for or against favor the entering into of the  
 11 agreement".

12 3. Page 8, line 35, by inserting after the figure  
 13 "4" the following: ", except that the contract is  
 14 approved if at least a majority of the total vote cast  
 15 for or against favor the entering into of the  
 16 contract".

17 4. Page 11, line 30, by inserting after the  
 18 figure "4" the following: ", except that the

19 agreement is approved if at least a majority of the  
 20 total vote cast for or against favor the entering into  
 21 of the agreement”.

SWARTZ of Marshall

H-5525

1 Amend House File 2499 as follows:

2 1. Page 1, by striking lines 1 through 10 and  
 3 inserting the following:

4 “Section 1. Section 502.503, subsection 1, Code  
 5 1989, is amended by striking the subsection.

6 Sec. 2. Section 502.504, subsections 1 and 2, Code  
 7 1989, are amended to read as follows:

8 1. ~~No An~~ action shall ~~not~~ be maintained to enforce  
 9 any liability created under either section 502.501 ~~or~~  
 10 ~~section 502.503, subsection 1~~ insofar as it relates to  
 11 ~~section 502.501~~ unless brought within two years after  
 12 the violation upon which it is based.

13 2. ~~No An~~ action shall ~~not~~ be maintained to enforce  
 14 any liability created under either section 502.502 ~~or~~  
 15 ~~section 502.503, subsection 1~~, insofar as it relates  
 16 to ~~section 502.502~~, unless brought within the shorter  
 17 of the following two periods:

18 a. Five years after the act or transaction  
 19 constituting the violation; or

20 b. Two years after the plaintiff receives actual  
 21 notice of, or upon the exercise of reasonable  
 22 diligence should have known of, the facts constituting  
 23 the violation.

24 Sec. 3. Section 554.6108, subsection 4, Code 1989,  
 25 is amended to read as follows:

26 4. Failure of the auctioneer to perform any of  
 27 these duties does not affect the validity of the sale  
 28 or the title of the purchasers, but if the auctioneer  
 29 knows that the auction constitutes a bulk transfer  
 30 such failure renders the auctioneer liable to the  
 31 creditors of the transferor as a class for the sums  
 32 owing to them from the transferor up to but not  
 33 exceeding the net proceeds of the auction. If the  
 34 auctioneer consists of several persons their liability  
 35 is joint and several.

36 Sec. 4. Section 633.181, Code 1989, is amended to  
 37 read as follows:

38 633.181 OBLIGEEES OF BOND — JOINT AND SEVERAL  
 39 LIABILITY.

40 The bond of the fiduciary shall run to the use of  
 41 all persons interested in the estate, and shall be for  
 42 the security and benefit of such persons. ~~The~~  
 43 ~~sureties shall be jointly and severally liable with~~  
 44 ~~the fiduciary, and with each other.~~

45 Sec. 5. Section 668.4, Code 1989, is amended by

46 striking the section and inserting in lieu thereof the  
 47 following:  
 48 668.4 JOINT AND SEVERAL LIABILITY.  
 49 The rule of joint and several liability is hereby  
 50 abolished and is declared not to be a part of the law

**Page 2**

1 of this state.  
 2 Sec. 6.  
 3 This Act shall apply to any cause of action filed  
 4 on or after the effective date of this Act."

TRENT of Muscatine

H-5526

1 Amend the committee amendment, H-5478, to Senate  
 2 File 2280, as amended, passed and reprinted by the  
 3 Senate as follows:  
 4 1. Page 1, line 4, by striking the figure  
 5 "1,938,374" and inserting the following: "1,916,374".  
 6 2. Page 1, by inserting after line 10, the  
 7 following:  
 8 "\_\_\_\_\_. Page 2, line 31, by striking the figure  
 9 "50,000" and inserting the following: "10,000"."  
 10 3. Page 1, by inserting after line 14, the  
 11 following:  
 12 "\_\_\_\_\_. Page 7, line 20, by striking the figure  
 13 "2,033,000" and inserting the following:  
 14 "2,095,000"."  
 15 4. By renumbering as necessary.

KREMER of Buchanan

H-5527

1 Amend the amendment, H-5091, to House File 2130 as  
 2 follows:  
 3 1. By striking lines 2 through 8 and inserting  
 4 the following:  
 5 "\_\_\_\_\_. Page 1, lines 6 and 7, by striking the  
 6 words "to mediate disputes between dentists and their  
 7 patients" and inserting the following: "to provide  
 8 for mediation of disputes between licensees and their  
 9 patients when specifically recommended by the board".  
 10 \_\_\_\_\_. Page 1, line 8, by inserting after the word  
 11 "chapter," the following: "to provide for restitution  
 12 to patients".  
 13 \_\_\_\_\_. Page 1, by inserting after line 9 the  
 14 following:  
 15 "Subsequent to an investigation by the board, the  
 16 board may appoint a disinterested third party to  
 17 mediate disputes between licensees and patients.  
 18 Referral of a matter to mediation shall not preclude

- 19 the board from taking disciplinary action against the  
 20 affected licensee."  
 21 \_\_\_\_\_ Title page, line 1, by striking the word  
 22 "dentists" and inserting the following: "licensees".  
 23 2. By renumbering as necessary.

BLANSHAN of Greene  
 PONCY of Wapello  
 BUHR of Polk  
 LUNDBY of Linn

H-5532

- 1 Amend House File 2323 as follows:  
 2 1. Page 1, by striking line 8 and inserting the  
 3 following: "areas surrounding all or part of a  
 4 natural lake of one thousand acres or more; to  
 5 establish."  
 6 2. Page 1, lines 11 and 12, by striking the words  
 7 "a lake or part of a lake" and inserting the  
 8 following: "all or part of a natural lake of one  
 9 thousand acres or more".

HALVORSON of Webster  
 DVORSKY of Johnson

H-5534

- 1 Amend House File 2323 as follows:  
 2 1. Page 1, by striking line 8 and inserting the  
 3 following: "areas surrounding all or part of a  
 4 natural lake; to establish."  
 5 2. Page 1, lines 11 and 12, by striking the words  
 6 "a lake or part of a lake" and inserting the  
 7 following: "all or part of a natural lake".

HALVORSON of Webster  
 DVORSKY of Johnson

H-5535

- 1 Amend House File 2323 as follows:  
 2 1. Page 1, line 19, by inserting after the word  
 3 "association" the following: "which provides basic  
 4 municipal services including but not limited to, fire  
 5 protection, sanitation, water, public safety, and road  
 6 construction and maintenance, to its residents".

HALVORSON of Webster  
 DVORSKY of Johnson

H-5538

- 1 Amend the Committee amendment, H-5478, to Senate  
 2 File 2280, as amended, passed, and reprinted by the  
 3 Senate, as follows:

- 4 1. Page 1, by striking lines 3 through 6.
- 5 2. Page 1, by striking lines 11 through 14.
- 6 3. By renumbering as necessary.

BLANSHAN of Greene

H-5541

- 1 Amend House File 2258 as follows:
- 2 1. Page 1, by striking lines 26 through 33 and
- 3 inserting the following:
- 4 "e. Any form of sexual conduct in a violent
- 5 context.
- 6 f. Murder.
- 7 g. Morbid violence.
- 8 h. The illegal use of drugs."
- 9 2. Page 2, by striking lines 15 through 17 and
- 10 inserting the following: "any form of sexual conduct
- 11 in a violent context, murder, morbid violence, or the
- 12 illegal use of drugs." "
- 13 3. Page 2, line 22, by striking the letter "l"
- 14 and inserting the following: "h".
- 15 4. Page 3, line 16, by striking the letter "l"
- 16 and inserting the following: "h".

HERMANN of Scott

H-5542

- 1 Amend the amendment, H-5387, to House File 2528 as
- 2 follows:
- 3 1. Page 1, by inserting after line 18 the
- 4 following:
- 5 "\_\_\_\_\_. Page 6, by inserting after line 25 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 331.402, Code 1989, is amended
- 8 by adding the following new subsection:
- 9 **NEW SUBSECTION. 4.** A county shall only enter into
- 10 a loan agreement to lend five hundred thousand dollars
- 11 or more to or for the benefit of a licensee or
- 12 facility licensed under chapter 99D or 99F in
- 13 accordance with the following terms and procedures:
- 14 a. A loan agreement entered into by a county may
- 15 contain provisions similar to those sometimes found in
- 16 loan agreements between private parties, including the
- 17 issuance of notes to evidence its obligations.
- 18 b. The board must institute proceedings for
- 19 entering into the loan agreement by causing a notice
- 20 of the proposal to enter into the loan agreement,
- 21 including a statement of the principal amount and
- 22 purpose of the loan agreement, and the right to
- 23 petition for an election, to be published as provided
- 24 in section 331.305 at least ten days prior to the
- 25 meeting at which it is proposed to take the action.

26 c. If at any time before the date fixed for taking  
 27 the action a petition is filed with the auditor in the  
 28 manner provided by section 331.306 asking that the  
 29 question of entering into the loan agreement be  
 30 submitted to the qualified electors of the county, the  
 31 board shall either by resolution declare the proposal  
 32 to enter into the loan agreement to have been aban-  
 33 doned or shall direct the county commissioner of  
 34 elections to call a special election upon the question  
 35 of entering into the loan agreement. However, for  
 36 purposes of this paragraph the petition shall require  
 37 the signatures of three percent of the qualified  
 38 electors, except that no fewer than two hundred fifty  
 39 and no more than three thousand signatures are  
 40 required. Notice of the election and its conduct  
 41 shall be in the manner provided in section 331.442,  
 42 subsections 2 through 4.

43 d. If no petition is filed, or if a petition is  
 44 filed and the proposition of entering into the loan  
 45 agreement is approved at an election, the board may  
 46 proceed and enter into the loan agreement. " "

47 2. Page 1, by inserting after line 34 the  
 48 following:

49 "\_\_\_\_\_. Page 12, by inserting after line 11 the  
 50 following:

**Page 2**

1 "Sec. \_\_\_\_\_. NEW SECTION. 384.24B LOAN AGREEMENTS.

2 A city shall only enter into a loan agreement to  
 3 lend five hundred thousand dollars or more to or for  
 4 the benefit of a licensee or facility licensed under  
 5 chapter 99D or 99F in accordance with the following  
 6 terms and procedures:

7 1. A loan agreement entered into by a city may  
 8 contain provisions similar to those sometimes found in  
 9 loan agreements between private parties, including the  
 10 issuance of notes to evidence its obligations.

11 2. The governing body must institute proceedings  
 12 to enter into the loan agreement by causing a notice  
 13 of the proposal to enter into the loan agreement,  
 14 including a statement of the principal amount and  
 15 purpose of the loan agreement, and the right to  
 16 petition for an election, to be published at least  
 17 once in a newspaper of general circulation within the  
 18 city at least ten days prior to the meeting at which  
 19 it is proposed to take action to enter into the loan  
 20 agreement.

21 3. If any time before the date fixed for taking  
 22 action to enter into the loan agreement, a petition is  
 23 filed with the clerk of the city in the manner  
 24 provided by section 362.4, asking that the question of

25 entering into the loan agreement be submitted to the  
 26 qualified electors of the city, the governing body  
 27 shall either by resolution declare the proposal to  
 28 enter into the loan agreement to have been abandoned  
 29 or shall direct the county commissioner of elections  
 30 to call a special election upon the question of  
 31 entering into the loan agreement. However, for  
 32 purposes of this subsection, the petition shall  
 33 require the signatures of three percent of the  
 34 qualified electors, except that no fewer than two  
 35 hundred fifty and no more than three thousand  
 36 signatures are required. Notice of the election and  
 37 its conduct shall be in the manner provided in section  
 38 384.26, subsections 2 through 4.

39 4. If no petition is filed, or if a petition is  
 40 filed and the proposition of entering into the loan  
 41 agreement is approved at an election, the governing  
 42 body may proceed and enter into the loan agreement.” ”

HALVORSON of Webster  
 OSTERBERG of Linn

H-5546

1 Amend House File 2323 as follows:  
 2 1. Page 1, line 4, by inserting after the figure  
 3 "504A" the following: ", except that its form of  
 4 government shall be selected from the options provided  
 5 in chapter 372, its elections held in compliance with  
 6 chapter 376, and its bylaws adopted and amended as  
 7 provided in chapter 380,".

HALVORSON of Webster  
 DVORSKY of Johnson

H-5547

1 Amend the amendment, H-5437, to House File 2417 as  
 2 follows:  
 3 1. Page 4, by striking line 40, and inserting the  
 4 following: "development of less than forty units if  
 5 the".  
 6 2. By striking page 4, line 48 through page 5,  
 7 line 7, and inserting the following: "other areas as  
 8 determined by the board."

HATCH of Polk

H-5558

1 Amend Senate Concurrent Resolution 111 as follows:  
 2 1. Page 1, by striking lines 17 through 21.

MUHLBAUER of Crawford

H-5560

- 1 Amend the amendment, H-5470, to Senate File 2244,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 19, by striking the words
- 5 "facility, or" and inserting the following:
- 6 "facility,".
- 7 2. Page 1, line 20, by inserting after the word
- 8 "office" the following: ", or shopping mall".

MURPHY of Dubuque  
BROWN of Lucas

H-5562

- 1 Amend Senate Concurrent Resolution 111, as passed
- 2 by the Senate, as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "of" the following: "quality".

Committee on Agriculture

H-5567

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 24, line 5, through page 27,
- 4 line 3.
- 5 2. By renumbering as necessary.

HALVORSON of Webster

H-5568

- 1 Amend Senate File 424 as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, line 9, by striking the word
- 4 "subsections" and inserting the following:
- 5 "subsection".
- 6 2. By striking page 1, line 10, through
- 7 page 2, line 2, and inserting the following:
- 8 "NEW SUBSECTION. 7. The court may impose
- 9 sanctions or".

Committee on Judiciary and Law Enforcement

H-5569

- 1 Amend Senate File 417 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 29, and inserting the
- 4 following: "subsections 1 and 2."
- 5 2. Page 1, by inserting after line 31, the
- 6 following:
- 7 "Sec. \_\_\_\_\_. CERTAIN CLAIMS REVIVED.
- 8 Any claim barred as of the effective date of this

- 9 Act solely due to the expiration of the time within  
 10 which to bring the claim because the statute of  
 11 limitations was not tolled during the period of  
 12 minority or incompetency of the person, is revived and  
 13 the claim may be submitted to the state appeal board  
 14 provided the claim is submitted within one year of the  
 15 effective date of this Act.”  
 16 3. Renumber as necessary.

## Committee on Judiciary and Law Enforcement

H—5570

- 1 Amend Senate File 503, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 2, by inserting after the word  
 4 “Code” the following: “Supplement”.  
 5 2. Page 1, by striking lines 6 and 7 and  
 6 inserting the following: “period of time not to  
 7 exceed a period of time equal to the duration of the  
 8 marriage, unless the parties”.  
 9 3. Page 1, line 9, by inserting after the word  
 10 “Code” the following: “Supplement”.  
 11 4. Page 1, line 11, by striking the figure “9”  
 12 and inserting the following: “10”.  
 13 5. Page 1, line 13, by striking the word “thirty”  
 14 and inserting the following: “five”.

## Committee on Judiciary and Law Enforcement

H—5572

- 1 Amend House File 2267 as follows:  
 2 1. Page 1, line 14, by inserting after the word  
 3 “accommodation” the following: “during such period”.  
 4 2. Page 2, by inserting after line 23 the fol-  
 5 lowing:  
 6 “Sec. \_\_\_\_\_. Section 601A.7, subsection 2, Code  
 7 1989, is amended by adding the following new  
 8 paragraph:  
 9 NEW PARAGRAPH. c. Activities regulated by the in-  
 10 surance division as set forth in chapter 505.”  
 11 3. By renumbering as necessary.

BRAMMER of Linn  
 RENKEN of Grundy

H—5573

- 1 Amend Senate File 2169, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 1, line 21, by striking the word “fifty”  
 4 and inserting the following: “one hundred”.  
 5 2. Page 2, by striking lines 12 through 19 and  
 6 inserting the following:

7 "1. An employer or a representative of an employer  
 8 who actively recruits residents of other states more  
 9 than five hundred miles from the place of employment  
 10 for employment in this state must have on file, a copy  
 11 of which must be provided to the employee, a written  
 12 statement signed by the employer and the employee  
 13 which provides relevant information regarding the  
 14 position of employment, including but not limited to  
 15 the following:"

16 3. Page 2, by striking line 28.

17 4. Page 2, line 30, by striking the word "six"  
 18 and inserting the following: "four".

19 5. Page 3, line 35, by striking the words  
 20 "CONFLICTS WITH".

21 6. Page 4, by striking lines 2 through 5 and  
 22 inserting the following:

23 "Compliance with the minimum standards required in  
 24 this chapter shall not be subject to or considered in  
 25 collective bargaining."

26 7. By renumbering as necessary.

Committee on Labor and Industrial Relations

H-5577

1 Amend Senate File 2287, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 11, by striking lines 22 and 23 and  
 4 inserting the following: "the affirmative vote of  
 5 five members of each metropolitan area is required to  
 6 adopt or approve an".

SCHNEKLOTH of Scott  
 FEY of Scott

H-5579

1 Amend Senate File 2277, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 4, line 5, by inserting after the word  
 4 "crossroad." the following:

5 "The tourist oriented directional signs shall be  
 6 placed on those highways within the maximum distance  
 7 that have the greatest traffic count per day. In  
 8 cases where the most desirable route to the attraction  
 9 from the sign is placed on the most heavily traveled  
 10 highway, the trailblazing route may include lesser  
 11 traveled state and county highways."

JESSE of Jasper  
 LAGESCHULTE of Bremer

H-5582

1 Amend Senate File 2245, as follows:

2 1. Page 1, by striking lines 4 and 5 and

3 inserting the following: "work for beam  
 4 straightening, beam replacement, and beam repair on  
 5 bridges, without advertising for bids as required".  
 6 2. Title page, line 1, by striking the words  
 7 "highway or".

MURPHY of Dubuque

H—5583

1 Amend House File 2267 as follows:  
 2 1. Page 2, by inserting after line 17, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 601A.6, subsection 1,  
 5 paragraphs a and b, Code 1989, are amended to read as  
 6 follows:  
 7 a. Person to refuse to hire, accept, register,  
 8 classify, or refer for employment, to discharge any  
 9 employee, or to otherwise discriminate in employment  
 10 against any applicant for employment or any employee  
 11 because of ~~the~~ age, race, creed, color, sex, national  
 12 origin, religion, ~~or~~ disability, or association with  
 13 protected class members, of such applicant or  
 14 employee, unless based upon the nature of the  
 15 occupation. If a disabled person is qualified to  
 16 perform a particular occupation, by reason of training  
 17 or experience, the nature of that occupation shall not  
 18 be the basis for exception to the unfair or  
 19 discriminating practices prohibited by this  
 20 subsection.  
 21 b. Labor organization or the employees, agents or  
 22 members thereof to refuse to admit to membership any  
 23 applicant, to expel any member, or to otherwise  
 24 discriminate against any applicant for membership or  
 25 any member in the privileges, rights, or benefits of  
 26 such membership because of the age, race, creed,  
 27 color, sex, national origin, religion, ~~or~~ disability,  
 28 or association with protected class members, of such  
 29 applicant or member."  
 30 2. Page 2, by inserting after line 23, the  
 31 following:  
 32 "Sec. \_\_\_\_\_. Section 601A.8, subsection 1, Code  
 33 Supplement 1989, is amended to read as follows:  
 34 1. To refuse to sell, rent, lease, assign or  
 35 sublease any real property or housing accommodation or  
 36 part, portion or interest therein, to any person  
 37 because of ~~the~~ race, color, creed, sex, religion,  
 38 national origin, ~~or~~ disability, or association with  
 39 protected class members, of such person."  
 40 3. Page 3, by inserting after line 10, the  
 41 following:  
 42 "Sec. \_\_\_\_\_. Section 601A.15, subsection 3,  
 43 paragraph c, Code 1989, is amended to read as follows:

44 c. If the administrative law judge concurs with  
 45 the investigating official that probable cause exists  
 46 regarding the allegations of the complaint, the staff  
 47 of the commission shall promptly endeavor to eliminate  
 48 the discriminatory or unfair practice by conference,  
 49 conciliation, and persuasion. If the administrative  
 50 law judge finds that no probable cause exists, the

**Page 2**

1 administrative law judge shall issue a final order  
 2 dismissing the complaint and shall promptly mail a  
 3 copy to the complainant and to the respondent by  
 4 certified mail. ~~A finding of probable cause shall not~~  
 5 ~~be introduced into evidence in an action brought under~~  
 6 ~~section 601A.16.~~

7 Sec. \_\_\_\_\_. Section 601A.15, Code 1989, is amended  
 8 by adding the following new subsection:

9 NEW SUBSECTION. 13. For purposes of this chapter,  
 10 the commission has primary jurisdiction concerning a  
 11 complaint which asserts that an agency action has  
 12 resulted in a violation of a person's civil rights and  
 13 such complaint is not subject to the exclusive review  
 14 provisions of section 17A.19.

15 Sec. \_\_\_\_\_. NEW SECTION. 601A.20 DAMAGES.

16 In all cases except where the complaint alleges  
 17 discrimination in employment, exemplary damages not to  
 18 exceed fifteen thousand dollars may be awarded where  
 19 the respondent acted with deliberate indifference or  
 20 with willful or reckless disregard of the rights of  
 21 the complainant.

22 The commission shall adopt rules for the purpose of  
 23 assisting in the determination of the amount of the  
 24 penalty to be assessed by the administrative law  
 25 judge."

26 4. Title page, line 1, by inserting after the  
 27 word "Act" the following: "establishing civil  
 28 penalties for certain civil rights violations and".

29 5. Renumber as necessary.

BRAMMER of Linn

H-5584

1 Amend Senate File 2169, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, line 1, by inserting after the word  
 4 "which" the following: "more than twenty-five".

HERMANN of Scott

H—5586

- 1 Amend Senate File 2408, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, by striking lines 8 through 11.
- 4 2. Renumber as necessary.

MAULSBY of Calhoun  
 SPENNER of Henry  
 GRUHN of Dickinson  
 STUELAND of Clinton  
 SCHNEKLOTH of Scott  
 BEAMAN of Clarke  
 PETERSEN of Muscatine  
 PLASIER of Sioux  
 HALVORSON of Clayton

BRANSTAD of Winnebago  
 EDDIE of Buena Vista  
 MUHLBAUER of Crawford  
 PELLETT of Cass  
 IVERSON of Wright  
 BENNETT of Ida  
 MERTZ of Kossuth  
 HARBOR of Mills  
 FOGARTY of Palo Alto  
 HIBBARD of Madison

H—5589

- 1 Amend Senate File 2287, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 17 through 22 and
- 4 inserting the following:
- 5 "a. Waste disposal systems.
- 6 b. Mass transit."
- 7 2. Page 1, line 25, by striking the words
- 8 "through "e"" and inserting the following: "and "b"".
- 9 3. Page 2, by striking lines 27 and 28, and
- 10 inserting the following: "connected with a waste
- 11 disposal system and mass transit system, which the".
- 12 4. By striking page 4, line 21 through page 6,
- 13 line 15, and inserting the following:
- 14 "Sec. \_\_\_\_ NEW SECTION. 330B.7 BOARD OF
- 15 COMMISSIONERS — ELECTION.
- 16 1. The authority established under this division
- 17 shall be governed by a board of commissioners elected
- 18 as provided in subsection 2. The governing body of
- 19 each county, after a favorable election establishing
- 20 the authority and upon receipt of one or more
- 21 commissioner district plans from the commissioner of
- 22 elections or other county officer having duties
- 23 similar to the commissioner of elections, shall adopt
- 24 a commissioner district plan creating eight districts
- 25 of equal population from which the commissioners shall
- 26 be elected. The governing body of each county may
- 27 request not more than three commissioner district
- 28 plans for consideration. A new commissioner district
- 29 plan shall be adopted after each decennial census.
- 30 Each commissioner shall be a resident of the district
- 31 from which the commissioner is elected and shall be
- 32 elected to a four-year term of office.
- 33 2. The board of commissioners of an authority

34 shall consist of sixteen members, eight members of  
35 which shall be residents of the metropolitan area of  
36 each state which is party to the authority. After  
37 creating the equal-populated districts, the governing  
38 body of each county in the greater metropolitan area  
39 shall call for a special election to elect the  
40 commissioners. The commissioners shall be nominated  
41 and elected as partisan candidates as provided by the  
42 election laws of their respective states. After the  
43 initial special election, the commissioner shall be  
44 nominated and elected at the regular primary and  
45 general elections held during even-numbered years.  
46 Four of the initial commissioners, selected by lot,  
47 from each state shall be elected to an initial term of  
48 two years. Thereafter, all commissioners shall be  
49 elected to four-year terms of office. Members of the  
50 initial board of commissioners shall qualify and take

Page 2

1 office within ten days after the certification of  
2 their election.

3 Sec. \_\_\_\_\_. NEW SECTION. 330B.8 COMMISSIONERS -  
4 QUALIFICATION AND VACANCY.

5 1. Except for the initial board of commissioners,  
6 the term of office of each commissioner begins on the  
7 first day of January which is not a Sunday or holiday  
8 after the general election at which the commissioner  
9 is elected. A certificate of election signed by the  
10 commissioner of elections or other appropriate officer  
11 shall be filed and made a matter of record in the  
12 office of county recorder. Each commissioner shall  
13 qualify by taking an oath or affirmation to faithfully  
14 perform the duties of office.

15 2. Within forty-five days after a vacancy occurs  
16 on the board by death, resignation, change of  
17 residence to outside of the election district, or for  
18 any other cause, the board shall direct the  
19 commissioner of elections or other county officer  
20 carrying out election duties to call a special  
21 election to fill the vacancy."

22 5. Page 6, line 20, by striking the word  
23 "appointment" and inserting the following:  
24 "election".

25 6. Page 6, line 31, by inserting after the word  
26 "bylaws." the following: "The board shall establish  
27 the principal executive offices of the quad-cities  
28 interstate metropolitan authority in the metropolitan  
29 area that does not contain the offices of the bi-state  
30 metropolitan planning commission."

31 7. Page 6, line 34, by inserting after the word  
32 "require." the following: "Each commissioner is

33 entitled to an annual compensation not to exceed one  
 34 thousand dollars as determined by the board."  
 35 8. Page 8, line 3, by striking the word "tolls,".  
 36 9. Page 8, line 22, by striking the words "from  
 37 taxes or".  
 38 10. Page 8, by striking lines 30 and 31.  
 39 11. Page 12, line 25, by striking the word  
 40 "property".  
 41 12. Page 13, by striking lines 3 and 4 and  
 42 inserting the following: "treasurer."  
 43 13. Page 13, line 9, by striking the words "and  
 44 certification of taxes".  
 45 14. Page 13, line 11, by striking the words "and  
 46 certification of taxes".  
 47 15. Page 13, lines 11 through 14, by striking the  
 48 words "The board shall not certify a tax in excess of  
 49 the estimate published and a greater tax than that  
 50 adopted shall not be levied or collected."

**Page 3**

1 16. Page 13, line 14, by striking the words "and  
 2 certification of taxes".  
 3 17. By striking page 13, line 23 through page 14,  
 4 line 25.  
 5 18. Page 18, by striking lines 5 through 7 and  
 6 inserting the following: "Existing jurisdictions,  
 7 including those involving mass transit and waste  
 8 disposal systems".  
 9 19. Page 21, by striking lines 23 and 24 and  
 10 inserting the following:  
 11 "This Act takes effect January 1, 1991."  
 12 20. Title page, lines 4 and 5, by striking the  
 13 words "by providing for the imposition of a retail  
 14 sales tax and the certification of a property tax  
 15 levy,".

Committee on Ways and Means

**H-5596**

1 Amend Senate File 2372, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 6, by inserting after the word  
 4 "with" the following: "article I, section 2, article  
 5 II, section 6, and".  
 6 2. Page 1, line 7, by striking the word and  
 7 figure "section 6" and inserting the following:  
 8 "section sections 6, 35, and 39".  
 9 3. Page 1, line 16, by striking the word and  
 10 figures "March 13, 1992" and inserting the following:  
 11 "the applicable residency date".  
 12 4. Page 1, line 24, by striking the word and

13 figures "March 13, 1992" and inserting the following:  
 14 "the applicable residency date".

15 5. Page 2, by striking lines 2 through 4 and  
 16 inserting the following: "the applicable residency  
 17 date."

18 (c) In deference to the people's right to vote for  
 19 their elected representatives and to be represented by  
 20 those whom they elect to office, the odd-numbered  
 21 senatorial district in which the senator resides on  
 22 the applicable residency date must be composed of  
 23 areas which represent the population of seventy-five  
 24 percent of the population of the areas of the  
 25 senatorial district for which the senator was elected  
 26 under subparagraph subdivision (a) according to the  
 27 latest decennial census as determined by the  
 28 legislative service bureau."

29 6. Page 2, by inserting after line 8 the  
 30 following:

31 "c. As used in this subsection, the "applicable  
 32 residency date" if the plan adopted is one of the  
 33 first two plans delivered by the legislative service  
 34 bureau under section 42.3 is the date of delivery of  
 35 the plan to the secretary of the senate and the chief  
 36 clerk of the house of representatives, otherwise the  
 37 applicable residency date is the date of the delivery  
 38 of the third plan of the legislative service bureau to  
 39 the secretary of the senate and the chief clerk of the  
 40 house of representatives under section 42.3."

41 7. Title page, line 2, by striking the words  
 42 "article III, section 6" and inserting the following:  
 43 "article I, section 2, article II, section 6, and  
 44 article III, sections 6, 35, and 39".

Committee on State Government

H-5604

1 Amend the amendment, H-5567, to Senate File 2328,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by inserting after line 4, the  
 5 following:

6 "\_\_\_\_\_. Page 31, by striking lines 23 through 25."

7 2. By renumbering as necessary.

HALVORSON of Webster

H-5607

1 Amend Senate File 2169, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 12 through 14 and  
 4 inserting the following:

5 "1. An employer who actively recruits outside of

6 the United States for employment in this state must  
 7 have on file in".  
 8 2. Page 2, by striking lines 33 and 34 and  
 9 inserting the following: "and the location from which  
 10 the employee was recruited is outside the United  
 11 States, the".

TYRRELL of Iowa  
 HERMANN of Scott

H-5610

1 Amend Senate File 2169, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 10 and 11.

DIEMER of Black Hawk

H-5611

1 Amend Senate File 2169, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 8, by striking the word "twenty"  
 4 and inserting the following: "two hundred fifty".

RENKEN of Grundy

H-5617

1 Amend Senate File 2169, 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. \_\_\_\_\_. NEW SECTION. 91E.1A APPLICABILITY.  
 6 This chapter shall apply to hourly employees  
 7 covered by the federal Fair Labor Standards Act, 29  
 8 U.S.C. § 201 et seq., and shall not apply to salaried  
 9 employees exempt from the federal Fair Labor Standards  
 10 Act, 29 U.S.C. § 201 et seq., or to public employees.  
 11 2. Page 3, by striking lines 1 and 2, and  
 12 inserting the following: "employee."  
 13 3. By renumbering as necessary.

KREMER of Buchanan

H-5618

1 Amend Senate File 2169 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking lines 3 through 7.

HANSON of Delaware

H-5619

1 Amend Senate File 2169 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by striking lines 8 through 11.  
 4 2. By renumbering as necessary.

KREMER of Buchanan

H—5620

- 1 Amend Senate File 2169, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "agreement" the following: "or agreed to in writing
- 5 by an employee".

TYRRELL of Iowa

H—5621

- 1 Amend Senate File 2169, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "hours" the following: "or personal protective
- 5 equipment lost or damaged by the employee".

TYRRELL of Iowa

H—5622

- 1 Amend Senate File 2169, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "employees" the following: "at a work site".

TYRRELL of Iowa

H—5625

- 1 Amend Senate File 2269, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 2, line 22, through page 4,
- 4 line 10.

OSTERBERG of Linn

H—5630

- 1 Amend Senate File 2298, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 12 and
- 4 inserting the following:
- 5 "b. "Family home" means a community-based
- 6 residential home which is licensed as a residential
- 7 care facility under chapter 135C or as a child foster
- 8 care facility under chapter 237 to provide room and
- 9 board, personal care, habilitation services, and
- 10 supervision in a family environment exclusively for
- 11 not more than eight developmentally disabled persons
- 12 and any necessary support personnel except that a
- 13 facility licensed as a residential care facility for
- 14 the mentally ill, a facility operated by an agency
- 15 licensed to provide services to persons with mental
- 16 illness, or an intermediate care facility for the
- 17 mentally ill shall be allowed to have up to fifteen

- 18 residents, exclusive of any necessary support  
 19 personnel. However, family home does not mean an  
 20 individual foster family home licensed under chapter  
 21 237."
- 22 2. Page 1, by striking lines 13 through 29.
- 23 3. By striking page 1, line 32 through page 2,  
 24 line 6 and inserting the following:
- 25 "b. "Family home" means a community-based  
 26 residential home which is licensed as a residential  
 27 care facility under chapter 135C or as a child foster  
 28 care facility under chapter 237 to provide room and  
 29 board, personal care, habilitation services, and  
 30 supervision in a family environment exclusively for  
 31 not more than eight developmentally disabled persons  
 32 and any necessary support personnel except that a  
 33 facility licensed as a residential care facility for  
 34 the mentally ill, a facility operated by an agency  
 35 licensed to provide services to persons with mental  
 36 illness, or an intermediate care facility for the  
 37 mentally ill, shall be allowed to have up to fifteen  
 38 residents, exclusive of any necessary support  
 39 personnel. However, family home does not mean an  
 40 individual foster care family home licensed under  
 41 chapter 237."
- 42 4. Page 2, by striking lines 7 through 21.

Committee on Local Government

H-5637

- 1 Amend Senate File 2287, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 7, line 23, by striking the word "if".

HERMANN of Scott

H-5638

- 1 Amend Senate File 2197 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 15, by striking the word "sexual"  
 4 and inserting the following: "homosexual or  
 5 heterosexual".  
 6 2. Page 2, line 15, by striking the word "sexual"  
 7 and inserting the following: "homosexual or  
 8 heterosexual".

BANKS of Plymouth

H-5640

- 1 Amend Senate File 2280, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 10, by striking the figure  
 4 "1,746,989" and inserting the following: "1,724,989".

- 5 2. Page 2, line 31, by striking the figure  
 6 "50,000" and inserting the following: "10,000".  
 7 3. Page 7, line 20, by striking the figure  
 8 "2,033,000" and inserting the following: "2,095,000".

KREMER of Buchanan

H-5645

- 1 Amend Senate File 2010, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 5, by inserting after the word  
 4 "waste" the following: ", other than sanitary sewage  
 5 sludge,".  
 6 2. Page 1, line 12, by inserting after the words  
 7 "land or" the following: "the solid waste was  
 8 generated on the land and was dumped or deposited by a  
 9 person".

Committee on Energy and Environmental Protection

H-5646

- 1 Amend Senate File 2085, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 1, by striking lines 7 through 17, and  
 4 inserting the following: "the carcass to a person  
 5 licensed pursuant to this chapter. The owner of agri-  
 6 cultural land may bury the animal carcass pursuant to  
 7 rules adopted by the department of natural resources  
 8 on agricultural".  
 9 2. Page 1, line 24, by inserting after the word  
 10 "resources." the following: "The rules shall provide  
 11 for reporting of information to the department of  
 12 natural resources regarding disposal of livestock  
 13 which have died during a herd depopulation or a  
 14 significant depopulation of a herd."  
 15 3. Page 2, by inserting after line 11 the fol-  
 16 lowing:  
 17 " \_\_\_\_\_ Machinery, vehicles, or equipment."  
 18 4. By striking page 2, line 15, through page 3,  
 19 line 8.  
 20 5. Page 3, by striking line 24 and inserting the  
 21 following: "livestock which has died of a contagious  
 22 disease and is disposed of on agricultural land as  
 23 provided in section 167.22."  
 24 6. Page 4, line 29, by striking the word and  
 25 figures "January 1, 1991" and inserting the following:  
 26 "September 1, 1990".  
 27 7. By renumbering as necessary.

Committee on Energy and Environmental Protection

H—5647

- 1 Amend Senate File 2402, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 11, by striking the figure "16"
- 4 and inserting the following: "18".
- 5 2. Page 3, line 32, by striking the figure "16"
- 6 and inserting the following: "18".
- 7 3. Page 4, line 7, by striking the figure "16"
- 8 and inserting the following: "18".
- 9 4. Page 4, line 33, by striking the figure "16"
- 10 and inserting the following: "18".
- 11 5. Page 5, line 24, by striking the figure "16"
- 12 and inserting the following: "18".

CARPENTER of Polk  
HANSON of Delaware  
CONNORS of Polk  
RENAUD of Polk

HAMMOND of Story  
BLANSHAN of Greene  
LUNDBY of Linn  
DODERER of Johnson

H—5648

- 1 Amend Senate File 2169 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 20, by inserting after the word
- 4 "The" the following: "minimum".

TYRRELL of Iowa

H—5649

- 1 Amend Senate File 2169, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by striking lines 1 and 2 and
- 4 inserting the following: "employee. This subsection
- 5 applies only to public employees."

HERMANN of Scott  
TYRRELL of Iowa

H—5650

- 1 Amend Senate File 2169 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 29, by striking the word
- 4 "resigns" and inserting the following: "is
- 5 dismissed".

HERMANN of Scott  
TYRRELL of Iowa  
KREMER of Buchanan  
HESTER of Pottawattamie

H—5651

- 1 Amend Senate File 2169 as amended, passed, and
- 2 reprinted by the Senate as follows:

- 3 1. By striking page 2, line 10 through page 3,
- 4 line 2.
- 5 2. By renumbering as necessary.

TYRRELL of Iowa

H-5652

- 1 Amend Senate File 2169 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, by striking lines 6 and 7 and
- 4 inserting the following: "civil penalty of up to
- 5 \$7,500."

HALVORSON of Clayton

H-5654

- 1 Amend Senate File 2244, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, line 17, by striking the word "may"
- 4 and inserting the following: "shall".
- 5 2. Page 2, line 24, by striking the word "may"
- 6 and inserting the following: "shall".
- 7 3. Page 3, by inserting after line 10 the
- 8 following:
- 9 "Sec. \_\_\_\_\_. Section 321L.4, subsection 2, Code
- 10 Supplement 1989, is amended to read as follows:
- 11 2. The use of a handicapped parking space, located
- 12 on either public or private property as provided in
- 13 sections 321L.5 and 321L.6, by a motor vehicle not
- 14 displaying a handicapped identification device; by a
- 15 motor vehicle displaying such a device but not being
- 16 used by a handicapped person, as an operator or
- 17 passenger; or by a motor vehicle in violation of the
- 18 rules adopted by the department under section 321L.8,
- 19 constitutes improper use of a handicapped
- 20 identification device which is a misdemeanor for which
- 21 a fine shall be imposed upon the owner, operator, or
- 22 lessee of the motor vehicle or the purchaser of the
- 23 handicapped identification device. Peace officers,
- 24 including meter persons, are authorized to enforce the
- 25 provisions of this subsection. The fine for each
- 26 violation shall be twenty-five dollars. Proof of
- 27 conviction of two or more violations involving
- 28 improper use of a handicapped identification device is
- 29 grounds for revocation by the court or the department
- 30 of the holder's privilege to possess or use the
- 31 device."
- 32 4. Page 6, by inserting after line 5 the
- 33 following:
- 34 "Sec. \_\_\_\_\_. NEW SECTION. 321L.11 HANDICAPPED
- 35 ENFORCEMENT OFFICERS.
- 36 All health care facilities, including institutional

37 health facilities, organized outpatient health  
 38 facilities, outpatient surgical facilities, offices of  
 39 private health care providers or physicians as defined  
 40 in section 135.1, subsection 5, required to provide  
 41 handicapped parking spaces under section 321L.5, which  
 42 are open to the general public and which have one  
 43 hundred parking spaces or more, shall designate a  
 44 person to be known as a handicapped enforcement  
 45 officer, who shall be authorized by the department of  
 46 public safety to issue citations for handicapped  
 47 parking violations of section 321L.4, subsection 2.  
 48 The handicapped enforcement officer's authority to  
 49 issue citations for such violations shall be limited  
 50 to the parking area of the health care facility, or

**Page 2**

- 1 private health care provider or physician's office.
- 2 The department of public safety shall adopt rules
- 3 pursuant to chapter 17A to govern this section."
- 4 5. By renumbering as necessary.

MURPHY of Dubuque  
 BROWN of Lucas

H-5655

- 1 Amend Senate File 2403, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, line 21, by striking the word "may"
- 4 and inserting the following: "shall".
- 5 2. Page 13, by striking line 24 and inserting the
- 6 following: "program. The board".
- 7 3. Page 13, lines 25 and 26, by striking the
- 8 words "the program." and inserting the following:
- 9 "each program. The programs shall be in addition to
- 10 the light bulb coupon program established pursuant to
- 11 section 476.92, subsection 3, paragraph "c". The
- 12 board may suspend the program requirements applicable
- 13 to a utility under this section if the utility
- 14 demonstrates that other utility programs are
- 15 substantially more beneficial in conserving energy."
- 16 4. Page 15, by striking lines 5 through 13.
- 17 5. By striking page 15, line 17, through page 16,
- 18 line 2.
- 19 6. Page 16, by striking lines 6 through 22.
- 20 7. By striking page 17, line 13, through page 18,
- 21 line 6, and inserting the following:
- 22 "b. Only energy efficiency expenditures incurred
- 23 after the effective date of this Act are recoverable
- 24 under this subsection. A utility shall record its
- 25 eligible energy efficiency expenditures in a separate
- 26 account. The account shall include all expenditures

27 regardless of whether the expenditures were for  
28 capital or expense items. The utility shall maintain  
29 complete records explaining all such expenditures. As  
30 an incentive, the utility may accrue an amount  
31 authorized by the board for the cost of money  
32 associated with the expenditures. If a utility  
33 provides different types of utility service and  
34 submits proposals for plans, programs, and budgets  
35 covering more than a single utility service, the  
36 utility shall assign or allocate expenditures to  
37 separate accounts for each type of utility service.  
38 c. In a general rate proceeding, the utility may  
39 recover amounts in the account as provided in this  
40 subsection. Recovery shall take place through  
41 inclusion of all or part of the account balance in  
42 rate base and amortization of the amount over a period  
43 of time as set by the board. Provided, however, that  
44 capital shall not be amortized over a period greater  
45 than ten years, and items that would normally be  
46 considered an expense shall not be amortized over a  
47 period greater than three years.  
48 The board shall allow recovery from the account  
49 balance, to the extent that the utility proves that  
50 its approved and authorized expenditures under the

**Page 2**

1 plans and programs were prudent, reasonable, and cost-  
2 effective, the utility proves that its expenditures  
3 under the plans and programs were prudent and  
4 reasonable but not that the expenditures were cost-  
5 effective, the board may allow recovery of amounts in  
6 the account as it deems just and proper, except that  
7 the board shall not allow recovery of the cost of  
8 money for the portion of the expenditures found not to  
9 be cost-effective. An expenditure or cost of money  
10 shall not be recovered under this paragraph unless the  
11 utility requesting the recovery proves that the type  
12 of expenditure or cost of money was never previously  
13 reflected in that utility's rates or charges.  
14 Recovery may be permitted for allowance for funds used  
15 during construction if the board determines that the  
16 construction was useful.  
17 Recovery procedures for amounts in the account set  
18 up pursuant to this subsection shall only apply to the  
19 first application filed by the utility or the office  
20 of consumer advocate for a general rate increase or  
21 decrease for each particular utility service of the  
22 rate-regulated utility."  
23 8. Page 18, line 15, by inserting after the word  
24 "needs." the following: "The forecast for an electric  
25 utility shall be for a minimum of ten years and for a

26 gas utility for a minimum of five years. However, the  
 27 board, by rule adopted pursuant to chapter 17A, may  
 28 extend the forecast horizon beyond these minimums."

29 9. Page 19, by striking lines 23 through 27.

30 10. Page 19, line 29, by striking the word  
 31 "paragraphs" and inserting the following:  
 32 "paragraph".

33 11. Page 19, by striking lines 30 through 32, and  
 34 inserting the following:

35 "NEW PARAGRAPH. e. A utility shall be given a  
 36 credit of fifteen percent if it uses an  
 37 environmentally benign alternative. "Environmentally  
 38 benign alternative" means an alternative method of  
 39 energy production which has demonstrably less negative  
 40 environmental impact than other currently available  
 41 commercially viable alternatives.

42 In addition to the mandatory consideration factors  
 43 of paragraphs "a" through "e", the board, in its sole  
 44 discretion, may consider external factors, including  
 45 but not limited to, environmental and economic  
 46 factors, and other relevant factors."

47 12. Page 20, line 35, by striking the word  
 48 "fifteen" and inserting the following: "the lesser of  
 49 forty megawatts or four percent of the utility's  
 50 generating capacity of".

**Page 3**

1 13. Page 21, by inserting after line 16, the  
 2 following:

3 "Sec. \_\_\_\_\_. NEW SECTION. 476.92 REVENUE  
 4 REQUIREMENTS DEVOTED TO ENERGY EFFICIENCY.

5 1. A rate-regulated electric utility shall  
 6 annually expend the designated percentage of its  
 7 revenue requirements on energy efficiency programs  
 8 approved by the board according to the following  
 9 schedule:

10 Two percent by January 1, 1992.

11 Three percent by January 1, 1994.

12 2. A rate-regulated gas utility shall annually  
 13 expend the designated percentage of its revenue  
 14 requirements on energy efficiency programs approved by  
 15 the board according to the following schedule:

16 One and one-half percent by January 1, 1992.

17 Two percent by January 1, 1994.

18 3. Among the programs which a rate-regulated  
 19 utility shall submit for approval to the board subject  
 20 to this requirement are the following:

21 a. A hot water heater insulation blanket  
 22 distribution program, and installation for those who  
 23 request installation. In any case, the utility shall  
 24 inspect the installation to assure that it is

25 performed correctly. A utility may use its own staff  
26 or contract with an independent contractor to perform  
27 these services, and a water heater distribution  
28 program is not a violation of sections 476.71 through  
29 476.83.

30 b. A commercial lighting program reasonably  
31 structured to reduce total demand by existing  
32 commercial lighting customers by twenty-five percent  
33 total consumption within two years of initiating the  
34 program, provided that the program shall be  
35 commercially reasonable for the location and intensity  
36 of use and offer benefits in both rural and urban  
37 areas served by the utility.

38 c. A coupon program for residential energy-  
39 efficient light bulbs.

40 d. A tree-planting program sufficient to consume  
41 one-half of the carbon dioxide emitted by generating  
42 facilities operated by the utility in the state. One-  
43 half of the trees planted must be planted within the  
44 state. Tree plantings required by this paragraph for  
45 existing generating capacity shall be completed within  
46 five years from the effective date of this Act. A  
47 utility shall in implementing a tree planting program  
48 cooperate and consult with the department of natural  
49 resources, state forestry division and soil  
50 conservation division, and may cooperate with a

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1 nonprofit conservation group. The department of  
2 natural resources may approve protecting and  
3 maintaining a specific existing and threatened stand  
4 of trees as an alternative to planting an equivalent  
5 number of new trees. Tree planting programs are not  
6 required to show energy efficiency to be approved or  
7 for related costs to be credited for recovery  
8 purposes, but shall show carbon dioxide reduction.

9 4. An amount equal to ten percent of any donation,  
10 contribution, or payment to the electric power  
11 research institute or similar entity, shall be paid by  
12 the rate-regulated electric utility to the university  
13 of Iowa center on global change. An amount equal to  
14 ten percent of any donation, contribution, or payment  
15 to the electric power research institute or similar  
16 entity, shall be paid by the rate-regulated electric  
17 utility to the Iowa center on energy self-reliance at  
18 Iowa state university. A rate-regulated electric  
19 utility shall at minimum annually pay an amount equal  
20 to ten percent of its last donation, contribution, or  
21 payment to the electric power research institute or  
22 similar entity, if no such payment is made during a  
23 year.

- 24 5. An amount equal to ten percent of any donation,  
 25 contribution, or payment to the gas research institute  
 26 or similar entity, shall be paid by the rate-regulated  
 27 gas utility to the university of Iowa center on global  
 28 change. An amount equal to ten percent of any  
 29 donation, contribution, or payment to the gas research  
 30 institute or similar entity, shall be paid by the  
 31 rate-regulated gas utility to the Iowa center on  
 32 energy self-reliance at Iowa state university. A  
 33 rate-regulated gas utility shall at minimum annually  
 34 pay an amount equal to ten percent of its last  
 35 donation, contribution, or payment to the gas research  
 36 institute or similar entity, if no such payment is  
 37 made during a year.”  
 38 14. By renumbering and relettering as necessary.

Committee on Energy and Environmental Protection

H—5656

- 1 Amend Senate File 431, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 1, line 8 through page 2,  
 4 line 2, and inserting the following:  
 5 “Sec. \_\_\_\_\_. Section 206.2, Code 1989, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 30. “Atrazine” means the  
 8 pesticide chemical 2-chloro-4-ethylamino-6-  
 9 isopropylamino-1,3,5 triazine.”  
 10 2. Page 4, by inserting after line 32 the  
 11 following:  
 12 “Sec. \_\_\_\_\_. Section 206.11, subsection 4,  
 13 unnumbered paragraph 1, Code 1989, is amended to read  
 14 as follows:  
 15 The secretary may suspend an applicator’s license  
 16 pending inquiry, and, after opportunity for a hearing,  
 17 to be held within ten days, may deny, suspend, revoke  
 18 or modify any provision of any license, permit or  
 19 certification issued under this chapter, if the  
 20 secretary finds that the applicant or the holder of a  
 21 license, permit or certification has committed any of  
 22 the following acts, each of which is declared to be a  
 23 violation of this chapter. However, any licensed or  
 24 unlicensed person shall be subject to the penalties  
 25 provided for by section in sections 206.19 and  
 26 206.22.”  
 27 3. Page 6, line 1, by striking the words “but  
 28 not” and inserting the following: “and”.  
 29 4. Page 6, line 2, by inserting after the word  
 30 “violations” the following: “of this chapter and  
 31 rules adopted under this chapter”.  
 32 5. Page 6, line 32, by inserting after the word  
 33 “violation.” the following: “A civil penalty shall

34 not be assessed upon a showing by the violator that a  
 35 civil penalty under section 206.22 has been assessed  
 36 by the department. Moneys collected by the assessment  
 37 of civil penalties by the department shall be  
 38 deposited into the general fund of the state."

39 6. By striking page 6, line 35 through page 7,  
 40 line 5, and inserting the following:

41 "Sec. \_\_\_\_\_. Section 206.22, Code 1989, is amended  
 42 by adding the following new subsection:

43 **NEW SUBSECTION. 4.** The county attorney in the  
 44 county where the violation occurs, or the attorney  
 45 general upon request by the department, may bring a  
 46 civil action for a violation of this chapter in  
 47 district court against a private applicator, public  
 48 applicator, commercial applicator, pesticide  
 49 manufacturer, or pesticide dealer. The district court  
 50 may grant injunctive relief or assess a civil penalty

**Page 2**

1 not to exceed two thousand five hundred dollars for  
 2 each violation. Each day a violation continues  
 3 constitutes a separate offense. The county attorney  
 4 shall notify the department before bringing a civil  
 5 action. A court shall not assess a civil penalty upon  
 6 a showing by a defendant that a civil penalty under  
 7 section 206.11 has been assessed by the department.  
 8 Moneys collected from the assessment of civil  
 9 penalties by the district court shall be deposited  
 10 into the general fund of the state.

11 Sec. \_\_\_\_\_. **NEW SECTION. 206.34 ATRAZINE —**  
 12 **MINIMUM RESTRICTIONS ON USE.**

13 The secretary shall classify a pesticide containing  
 14 the active ingredient atrazine or a combination of  
 15 active ingredients including atrazine, which is  
 16 distributed for sale or use in this state, as a  
 17 restricted use pesticide. A person shall not apply  
 18 more than one and one-half pounds per acre of the  
 19 pesticide in a year. The secretary shall adopt rules  
 20 for the sale and use of the pesticide.

21 This section does not prohibit the secretary from  
 22 adopting by rule restrictions upon the use of  
 23 pesticides containing the ingredient atrazine which  
 24 are more restrictive than provided in this section."

25 7. By renumbering as necessary.

Committee on Energy and Environmental Protection

H-5657

1 Amend the amendment, H-5593, to Senate File 2364,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking line 33.

MAULSBY of Calhoun

H—5658

1 Amend amendment, H—5573, to Senate File 2169, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting before line 3, the  
5 following:

6 “\_\_\_\_\_. Page 1, line 17, by inserting after the  
7 word “wages” the following: “in an amount equal to or  
8 less than the statewide average weekly wage as defined  
9 in section 96.19, subsection 42.”

10 2. Page 1, by inserting before line 3, the  
11 following:

12 “\_\_\_\_\_. Page 1, lines 17 through 19, by striking  
13 the words “An employee does not include a person  
14 engaged in agriculture as defined in section 91A.2 or  
15 a person engaged in agriculture on a seasonal basis.””

16 3. Page 1, by inserting after line 4, the  
17 following:

18 “\_\_\_\_\_. Page 1, line 25, by inserting after the  
19 word “contractor” the following: “, or to the state,  
20 or an agency or governmental subdivision of the  
21 state.”

22 4. Page 1, by inserting after line 15, the  
23 following:

24 “\_\_\_\_\_. Page 2, line 26, by inserting after the  
25 word “risks” the following: “, known to the  
26 employer.””

27 5. Page 1, by inserting after line 18, the  
28 following:

29 “\_\_\_\_\_. Page 3, by striking lines 1 and 2, and  
30 inserting the following: “employee.””

BISIGNANO of Polk  
WISE of Lee  
SHERZAN of Polk  
DODERER of Johnson

H—5661

1 Amend Senate File 2197 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 6.

4 2. Title page, by striking line 4 and inserting  
5 the following: “and”.

CORBETT of Linn

H—5663

1 Amend Senate File 2327, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 9, by striking lines 15 through 18.

SCHNEKLOTH of Scott  
FEY of Scott

H-5665

- 1 Amend Senate File 2169, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "NEW PARAGRAPH. g. Costs of more than twenty
- 6 dollars for an employee's return to the place of
- 7 recruitment."
- 8 2. By relettering as necessary.

TYRRELL of Iowa

H-5670

- 1 Amend the amendment, H-5655, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 35, by striking the words "A
- 5 utility" and inserting the following: "An alternate
- 6 energy production facility or small hydro facility".

OSTERBERG of Linn

H-5674

- 1 Amend Senate File 2280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 28 through 30, and
- 4 inserting the following:
- 5 "7. Contingent on the election of a new governor
- 6 for costs associated with the transition:".

RENAUD of Polk

H-5675

- 1 Amend the amendment, H-5655, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, lines 42 and 43, by striking the word
- 5 "One-half" and inserting the following: "One
- 6 hundred".

McKEAN of Jones

H-5676

- 1 Amend Senate File 2163, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 33, by striking the word "The".
- 4 2. By striking page 2, line 34 through page 3,
- 5 line 1.
- 6 3. Page 3, line 17, by inserting after the word
- 7 "persons" the following: "who are not council
- 8 members".
- 9 4. Page 4, line 16, by striking the words

- 10 "elections conducted pursuant to".  
 11 5. Page 4, by striking lines 17 through 19 and  
 12 inserting the following: "; and the county  
 13 commissioner of elections shall have no responsibility  
 14 for the conducting of those elections this chapter."  
 15 6. Page 4, line 21, by striking the word  
 16 "general" and inserting the following: "school".  
 17 7. Page 4, line 22, by striking the word "may"  
 18 and inserting the following: "shall".  
 19 8. Page 4, line 24, by inserting after the word  
 20 "election." the following: "The election shall be  
 21 held during the same hours and at the location of the  
 22 school election."

FULLER of Hardin  
 MUHLBAUER of Crawford  
 FOGARTY of Palo Alto  
 SCHNEKLOTH of Scott  
 ROYER of Page

H-5677

- 1 Amend amendment, H-5654, to Senate File 2244 as  
 2 amended, passed, and reprinted, by the Senate, as  
 3 follows:  
 4 1. Page 1, line 40, by inserting after the word  
 5 and figure "subsection 5," the following: "and  
 6 shopping malls".  
 7 2. Page 1, line 50, by striking the word "or".  
 8 3. Page 2, line 1, by inserting after the word  
 9 "office" the following: "or shopping mall".

MURPHY of Dubuque  
 BROWN of Lucas

H-5678

- 1 Amend the Committee amendment, H-5556, to Senate  
 2 File 2057, as passed by the Senate, as follows:  
 3 1. Page 1, line 22, by inserting after the word  
 4 "racetrack." the following: "A simulcast race shall  
 5 be conducted only when live racing is being conducted  
 6 at the racetrack and only harness races shall be  
 7 simulcast during the harness race season at a  
 8 racetrack."

OSTERBERG of Linn

H-5683

- 1 Amend House File 2550 as follows:  
 2 1. Page 1, line 31, by striking the words "or  
 3 corporation".

GRONINGA of Cerro Gordo

H-5684

- 1 Amend Senate File 2366 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 11 through 22.

GARMAN of Story

H-5687

- 1 Amend amendment, H-5656, to Senate File 431, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 10, by striking the word "state."
- 5 and inserting the following: "state."
- 6 2. Page 2, by striking lines 11 through 24.

PETERSEN of Muscatine  
 PELLETT of Cass  
 DE GROOT of Lyon  
 KOENIGS of Mitchell  
 MERTZ of Kossuth  
 FULLER of Hardin  
 IVERSON of Wright  
 RENKEN of Grundy  
 TRENT of Muscatine

FOGARTY of Palo Alto  
 MUHLBAUER of Crawford  
 BANKS of Plymouth  
 BENNETT of Ida  
 BRANSTAD of Winnebago  
 SCHNEKLOTH of Scott  
 MAULSBY of Calhoun  
 BLANSHAN of Greene  
 SHEARER of Louisa

H-5689

- 1 Amend House File 2550 as follows:
- 2 1. Page 2, by inserting after line 32 the fol-
- 3 lowing:
- 4 "Sec.\_\_\_\_\_.
- 5 This Act, being deemed of immediate importance, is
- 6 effective upon enactment."
- 7 2. Title page, line 4, by inserting after the
- 8 word "benefits" the following: "and providing an
- 9 effective date".

SCHNEKLOTH of Scott  
 GRONINGA of Cerro Gordo

H-5691

- 1 Amend the amendment, H-5656, to Senate File 431, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 18, by striking the word "one-
- 5 half" and inserting the following: "eight-tenths".

BANKS of Plymouth

H-5692

- 1 Amend Senate File 431 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 18, by inserting after the word

4 "certification." the following: "The commercial,  
 5 public, or private applicator shall on the same day  
 6 that the test is conducted be notified of the results  
 7 of the test, including questions identified as  
 8 answered incorrectly."

EDDIE of Buena Vista

H-5705

1 Amend Senate File 2163, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 2, by striking lines 18 through 20 and  
 4 inserting the following: "the members of the  
 5 extension council and cause notice of the date.".  
 6 2. Page 4, line 20, by striking the word "may"  
 7 and inserting the following: "shall".

FULLER of Hardin

H-5708

1 Amend Senate File 2011, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 9 and 10 and  
 4 inserting the following: "renovation, a corresponding  
 5 number of toilets in the women's restroom as toilets  
 6 and urinals in the men's restroom,".

BANKS of Plymouth

H-5709

1 Amend Senate File 2011, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 7, by striking the words "or  
 4 renovated".  
 5 2. Page 1, lines 8 and 9, by striking the words  
 6 "or renovation".

GARMAN of Story

H-5710

1 Amend amendment, H-5656, to Senate File 431, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 9, by striking the word  
 5 "triazine." and inserting the following: "triazine."  
 6 Sec. \_\_\_\_\_. Section 206.5, subsection 3, Code  
 7 Supplement 1989, is amended to read as follows:  
 8 3. Commercial applicators shall choose between  
 9 one-year certification for which the applicator shall  
 10 pay a thirty dollar fee or three-year certification  
 11 for which the applicator shall pay a seventy-five  
 12 dollar fee. Public applicators are exempt from the

13 thirty and seventy-five dollar certification fees and  
 14 instead are subject to a ten-dollar annual  
 15 certification fee or a fifteen dollar fee for a three-  
 16 year certification. The commercial, public, or  
 17 private applicator shall be tested prior to initial  
 18 certification. In addition, a commercial, public, or  
 19 private applicator shall be reexamined every three  
 20 years following initial certification before the  
 21 applicator is eligible for a renewal of certification.  
 22 The commercial, public, or private applicator shall on  
 23 the same day that an initial or subsequent test is  
 24 conducted be notified of the results of the test,  
 25 including questions identified as answered  
 26 incorrectly.

27 PARAGRAPH DIVIDED. However, a commercial, public,  
 28 or private applicator need not be certified to apply  
 29 pesticides for a period of twenty-one days from the  
 30 date of initial employment if the commercial, public,  
 31 or private applicator is under the direct supervision  
 32 of a certified applicator. For the purposes of this  
 33 section, "under the direct supervision of" means that  
 34 the application of a pesticide is made by a competent  
 35 person acting under the instructions and control of a  
 36 certified applicator who is physically present, by  
 37 being in sight or hearing distance of the supervised  
 38 person." "

EDDIE of Buena Vista

H-5711

1 Amend Senate File 2011, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by striking the word "twice"  
 4 and inserting the following: "four times".

5 2. Page 1, by inserting after line 13, the  
 6 following:

7 "All toilets installed pursuant to this section  
 8 shall be water efficient toilets which use three  
 9 gallons or less of water per flush."

10 3. Page 1, by inserting after line 23, the  
 11 following:

12 "Sec. \_\_\_\_\_. STUDY.

13 The legislative council of the general assembly  
 14 shall establish an interim study committee to study  
 15 all of the following issues: the disparity of  
 16 physical space allocated in men's and women's  
 17 restrooms; the average number of users of restrooms  
 18 per day; the average time spent by users in restrooms  
 19 per day; the use of restrooms by children accompanied  
 20 by adults; the effects of providing reading materials  
 21 in restrooms on the average time spent by users in  
 22 restrooms; and the effects of age on the average time

23 spent by users in restrooms. The report of the study  
 24 committee's findings is due January 1, 1991."  
 25 4. By renumbering as necessary.

CORBETT of Linn

H-5712

1 Amend Senate File 2344, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
 4 following:

5 "Sec. \_\_\_\_\_. Section 80A.12, Code 1989, is amended  
 6 by adding the following new subsection:

7 NEW SUBSECTION. 9. Failure to pay child support  
 8 in accordance with a court order. Upon receipt of a  
 9 notice from the child support recovery unit pursuant  
 10 to section 252B.5, the commissioner shall notify the  
 11 licensee that the licensee's license will be suspended  
 12 thirty days from the date of the receipt of the notice  
 13 by the licensee, unless the licensee demonstrates that  
 14 child support payments are current or a payment plan  
 15 for delinquent amounts has been arranged.

16 Sec. \_\_\_\_\_. Section 117.29, Code 1989, is amended by  
 17 adding the following new subsection:

18 NEW SUBSECTION. 9. Failure to pay child support  
 19 in accordance with a court order. Upon receipt of a  
 20 notice from the child support recovery unit pursuant  
 21 to section 252B.5, the commission shall notify the  
 22 licensee that the licensee's license will be suspended  
 23 thirty days from the date of the receipt of the notice  
 24 by the licensee, unless the licensee demonstrates that  
 25 child support payments are current or a payment plan  
 26 for delinquent amounts has been arranged.

27 Sec. \_\_\_\_\_. Section 118.13, Code 1989, is amended by  
 28 adding the following new subsection:

29 NEW SUBSECTION. 10. Failure to pay child support  
 30 in accordance with a court order. Upon receipt of a  
 31 notice from the child support recovery unit pursuant  
 32 to section 252B.5, the board shall notify the licensee  
 33 that the licensee's license will be suspended thirty  
 34 days from the date of the receipt of the notice by the  
 35 licensee, unless the licensee demonstrates that child  
 36 support payments are current or a payment plan for  
 37 delinquent amounts has been arranged."

38 2. Page 1, line 2, by striking the word  
 39 "subsection" and inserting the following:  
 40 "subsections".

41 3. Page 1, by inserting after line 19 the  
 42 following:

43 "NEW SUBSECTION. 7. If a debtor is licensed or  
 44 certified to practice a profession subject to the  
 45 provisions of chapter 80A, 117, 118, 258A, 260, or

46 602, the unit shall notify the appropriate licensing  
 47 or certifying entity if the debtor is delinquent in  
 48 making child support payments. The unit may inform  
 49 the debtor that the licensing or certifying entity has  
 50 been notified."

Page 2

1 4. Page 1, by inserting after line 35 the  
 2 following:

3 "Sec. \_\_\_\_\_. Section 258A.10, unnumbered paragraph  
 4 1, Code 1989, is amended by striking the paragraph and  
 5 inserting in lieu thereof the following:

6 A licensing board established pursuant to or  
 7 subject to this chapter shall by rule include  
 8 provisions for the revocation or suspension of a  
 9 license which shall include but is not limited to the  
 10 following:

11 Sec. \_\_\_\_\_. Section 258A.10, Code 1989, is amended  
 12 by adding the following new subsection:

13 NEW SUBSECTION. 9. Failure to pay child support  
 14 in accordance with a court order. Upon receipt of a  
 15 notice from the child support recovery unit pursuant  
 16 to section 252B.5, the board shall notify the licensee  
 17 that the licensee's license will be suspended thirty  
 18 days from the date of the receipt of the notice by the  
 19 licensee, unless the licensee demonstrates that child  
 20 support payments are current or a payment plan for  
 21 delinquent amounts has been arranged.

22 Sec. \_\_\_\_\_. Section 260.7, Code Supplement 1989, is  
 23 amended by inserting the following new unnumbered  
 24 paragraph after unnumbered paragraph 2:

25 NEW UNNUMBERED PARAGRAPH. The executive director  
 26 of the board may suspend a license if a licensee fails  
 27 to pay child support in accordance with a court order.  
 28 Upon receipt of a notice from the child support  
 29 recovery unit pursuant to section 252B.5, the  
 30 executive director shall notify the licensee that the  
 31 licensee's license will be suspended thirty days from  
 32 the date of the receipt of the notice by the licensee,  
 33 unless the licensee demonstrates that child support  
 34 payments are current or a payment plan for delinquent  
 35 amounts has been arranged."

36 5. Page 2, by inserting after line 16 the  
 37 following:

38 "Sec. \_\_\_\_\_. Section 602.10122, Code 1989, is  
 39 amended by adding the following new subsection:

40 NEW SUBSECTION. 6. Failure to pay child support  
 41 in accordance with a court order. Upon receipt of a  
 42 notice from the child support recovery unit pursuant  
 43 to section 252B.5, the supreme court shall notify the  
 44 attorney that the licensee's license will be suspended

45 thirty days from the date of the receipt of the notice  
 46 by the licensee, unless the attorney demonstrates that  
 47 child support payments are current or a payment plan  
 48 for delinquent amounts has been arranged."

49 6. Title page, by striking line 1 and inserting  
 50 the following: "An Act relating to child support

**Page 3**

1 orders and their modification and providing for  
 2 suspension of professionals' licenses for failure to  
 3 pay child support."

CHAPMAN of Linn  
 BEATTY of Warren  
 ROSENBERG of Story

**H-5716**

1 Amend amendment H-5646 to Senate File 2085, as  
 2 amended, passed and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 1, by striking lines 18 and 19.
- 5 2. By renumbering as necessary.

MILLER of Cherokee

**H-5720**

1 Amend Senate File 2365, as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 7, by striking the figure  
 4 "3,300,000" and inserting the following: "1,500,000".
- 5 2. Page 1, by striking lines 8 through 13.
- 6 3. Page 3, by striking lines 4 through 26.
- 7 4. By renumbering as necessary.

CARPENTER of Polk  
 CLARK of Cerro Gordo

**H-5722**

1 Amend the amendment, H-5615, to Senate File 2049,  
 2 as passed by the Senate, as follows:

- 3 1. Page 1, line 5, by striking the figure  
 4 "135.23" and inserting the following: "155A.39".

FEY of Scott

**H-5725**

1 Amend the amendment, H-5656, to Senate File 431, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 2, line 9, by inserting after the word  
 5 "shall" the following: "be used to reimburse the

6 county for reasonable costs incurred as a result of  
 7 the action. The remaining amount of the moneys  
 8 collected shall".

KREMER of Buchanan

H-5726

1 Amend Senate File 431, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 7, line 4, by inserting after the word  
 4 "shall" the following: "be used to reimburse the  
 5 county for reasonable costs incurred as a result of  
 6 the action. The remaining amount of the moneys  
 7 collected shall".

KREMER of Buchanan

H-5727

1 Amend the amendment, H-5588, to Senate File 2402,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 3, line 21, by inserting after the word  
 5 "Tama." the following: "The county sheriff shall  
 6 submit a report to the county auditor who shall bill  
 7 the department of management for services rendered.  
 8 The state shall not be held liable for law enforcement  
 9 duties performed pursuant to this section."

SVOBODA of Tama

H-5737

1 Amend the amendment, H-5588, to Senate File 2402,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 3, line 21, by inserting after the word  
 5 "Tama." the following: "The state shall not be held  
 6 liable for the performance or nonperformance of law  
 7 enforcement duties of the Tama county sheriff's office  
 8 relating to the Sac and Fox Indian settlement."

HALVORSON of Clayton  
 HARBOR of Mills

H-5740

1 Amend the Committee amendment, H-5630, to Senate  
 2 File 2298, as passed by the Senate, as follow:  
 3 1. Page 1, line 19, by inserting after the word  
 4 "personnel" the following: ", if the facility was  
 5 licensed or operational before January 1, 1990".  
 6 2. Page 1, by striking line 22.  
 7 3. Page 1, line 39, by inserting after the word  
 8 "personnel" the following: ", if the facility was

- 9 licensed or operational before January 1, 1990.  
 10 4. Page 1, by striking line 42.

NEUHAUSER of Johnson

H-5747

- 1 Amend Senate File 2011, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 23 the fol-  
 4 lowing:  
 5 "The requirements of this section do not apply to  
 6 buildings owned or operated by the state, an agency of  
 7 the state, or a governmental subdivision of the state,  
 8 or to buildings owned or operated by nongovernmental  
 9 entities which do not provide for the service of food  
 10 or beverages to the general public or which do not  
 11 accommodate more than one thousand people."

BISIGNANO of Polk

H-5748

- 1 Amend the amendment, H-5711, to Senate File 2011,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 25 and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 1, by inserting after line 23, the  
 7 following:  
 8 The requirements of this section do not apply to  
 9 buildings owned or operated by the state, an agency of  
 10 the state, or a governmental subdivision of the state,  
 11 or to buildings owned or operated by nongovernmental  
 12 entities which do not provide for the service of food  
 13 or beverages to the general public or which do not  
 14 accommodate more than one thousand people.""  
 15 2. By renumbering as necessary.

BISIGNANO of Polk

H-5750

- 1 Amend Senate File 2402, as amended, passed, and  
 2 reprinted, by the Senate, as follows:  
 3 1. Page 3, line 11, by striking the figure "16"  
 4 and inserting the following: "18".  
 5 2. Page 3, line 14, by striking the figure  
 6 "6,557,018" and inserting the following: "6,610,133".  
 7 3. Page 3, line 32, by striking the figure "16"  
 8 and inserting the following: "18".  
 9 4. Page 3, line 35, by striking the figure  
 10 "2,243,579" and inserting the following: "2,264,416".  
 11 5. Page 4, line 7, by striking the figure "16"  
 12 and inserting the following: "18".

- 13 6. Page 4, line 10, by striking the figure
- 14 "1,560,379" and inserting the following: "1,568,020".
- 15 7. Page 4, line 33, by striking the figure "16"
- 16 and inserting the following: "18".
- 17 8. Page 5, line 1, by striking the figure
- 18 "281,970" and inserting the following: "285,177".
- 19 9. Page 5, line 24, by striking the figure "16"
- 20 and inserting the following: "18".
- 21 10. Page 5, line 27, by striking the figure
- 22 "23,568,231" and inserting the following:
- 23 "23,849,387".

CARPENTER of Polk  
 HANSON of Delaware  
 DODERER of Johnson

BLANSHAN of Greene  
 CONNORS of Polk  
 HAMMOND of Story  
 RENAUD of Polk

H-5751

- 1 Amend Senate File 2402, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting after line 14 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 309.10, unnumbered paragraph 2,
- 6 Code 1989, is amended to read as follows:
- 7 A county shall not use farm-to-market road funds as
- 8 described in this section unless the total funds that
- 9 the county transferred or provided during the prior
- 10 fiscal year pursuant to section 331.429, subsection 1,
- 11 paragraphs "a", "b", "d", and "e", are at least
- 12 seventy-five percent of the maximum funds the county
- 13 could have transferred in the prior fiscal year
- 14 pursuant to section 331.429, subsection 1, paragraphs
- 15 "a" and "b" from the general fund of the county the
- 16 dollar equivalent of a tax of sixteen and seven-
- 17 eighths cents per thousand dollars of assessed value
- 18 on all taxable property in the county and from the
- 19 rural services fund of the county the dollar
- 20 equivalent of a tax of three dollars and three-eighths
- 21 cent per thousand dollars of assessed value on all
- 22 taxable property not located within the corporate
- 23 limits of a city in the county.
- 24 Sec. \_\_\_\_\_. Section 312.2, subsection 8, Code
- 25 Supplement 1989, is amended to read as follows:
- 26 8. The treasurer of state, before making any
- 27 allotments to counties under this section, shall
- 28 reduce the allotment to a county for the secondary
- 29 road fund by the amount by which the total funds that
- 30 the county transferred or provided during the prior
- 31 fiscal year under section 331.429, subsection 1,
- 32 paragraphs "a", "b", "d", and "e", are less than
- 33 seventy-five percent of the maximum funds that the
- 34 county could have transferred in the prior fiscal year

35 under section 331.420, subsection 1, paragraphs "a"  
 36 and "b" from the general fund of the county the dollar  
 37 equivalent of a tax of sixteen and seven-eighths cents  
 38 per thousand dollars of assessed value on all taxable  
 39 property in the county and from the rural services  
 40 fund of the county the dollar equivalent of a tax of  
 41 three dollars and three-eighths cent per thousand  
 42 dollars of assessed value on all taxable property not  
 43 located within the corporate limits of a city in the  
 44 county. Funds remaining in the secondary road fund of  
 45 the counties due to a reduction of allocations to  
 46 counties for failure to maintain a minimum local tax  
 47 effort shall be reallocated to counties that are not  
 48 reduced under this subsection pursuant to the  
 49 allocation provisions of section 312.3, subsection 1,  
 50 based upon the needs and area of the county.

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1 Information necessary to make allocations under this  
 2 subsection shall be provided by the state department  
 3 of transportation or the director of the department of  
 4 management upon request by the treasurer of state.

5 Sec. \_\_\_\_\_. Section 312.3, subsection 1, Code 1989,  
 6 is amended to read as follows:

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, ~~sixty~~ seventy percent of the  
 15 allocation from road use tax funds which is credited  
 16 to the secondary road fund of the counties, and  
 17 apportion among the counties in the ratio that the  
 18 area of each county bears to the total area of the  
 19 state, ~~forty~~ thirty percent of the allocation from  
 20 road use tax funds which is credited to the secondary  
 21 road fund of the counties. However, ~~for a hold~~  
 22 ~~harmless period in a fiscal year~~ each county is  
 23 guaranteed a ~~hold~~ harmless base year amount. The  
 24 amount in the secondary road fund of the counties in  
 25 each fiscal year ~~during the hold harmless period in~~  
 26 ~~excess of the sum of the hold harmless base period~~  
 27 ~~year amounts allocated to all counties shall be~~  
 28 ~~distributed proportionally based on the relative needs~~  
 29 ~~and area factors to only those counties entitled to~~  
 30 ~~receive more than the hold harmless base year amount.~~

31 For the purposes of this subsection:

32 a. "Hold harmless Base period" means the fiscal  
 33 years beginning July 1, 1979 and ending June 30, 1985

34 three-year period ending June 30, 1990.  
 35 b. "Base year amount" means the amount of the  
 36 secondary road fund of the counties received by a  
 37 county for the fiscal year beginning July 1, 1977.  
 38 "Local effort" means the ratio expressed as a percent  
 39 of the total funds that the county transferred or  
 40 provided during the base period pursuant to section  
 41 331.429, subsection 1, paragraphs "a", "b", "d", and  
 42 "e", to the maximum funds the county could have  
 43 transferred during the base period from the general  
 44 fund of the county the dollar equivalent of a tax of  
 45 sixteen and seven-eighths cents per thousand dollars  
 46 of assessed value on all taxable property in the  
 47 county and from the rural services fund of the county  
 48 the dollar equivalent of a tax of three dollars and  
 49 three-eighths cent per thousand dollars of assessed  
 50 value on all taxable property not located within the

Page 3

1 corporate limits of a city in the county.  
 2 c. "Old formula amount" means the amount of moneys  
 3 the county would receive if the apportionment to the  
 4 county under this section was apportioned among the  
 5 counties in the ratio that the needs of the secondary  
 6 roads of each county bear to the total needs of the  
 7 secondary roads of the state as shown by the latest  
 8 quadrennial need study by the state department of  
 9 transportation, and which is on record at the  
 10 department, sixty percent of the allocation from road  
 11 use tax funds which is credited to the secondary road  
 12 fund of the counties, and apportioned among the  
 13 counties in the ratio that the area of each county  
 14 bears to the total area of the state, forty percent of  
 15 the allocation from road use tax funds which is  
 16 credited to the secondary road fund of the counties.  
 17 d. (1) The "hold harmless base year amount" for a  
 18 county for the fiscal year commencing July 1, 1990, is  
 19 determined by the county's local effort in accordance  
 20 with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
96%	..... unlimited	<u>100% of old formula amount</u>
92%	..... 96%	<u>96% of old formula amount</u>
88%	..... 92%	<u>92% of old formula amount</u>
84%	..... 88%	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0</u>

21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30 (2) The "hold harmless base year amount" for a  
 31 county for the fiscal year commencing July 1, 1991,  
 32 and for each succeeding fiscal year, is the product of

33 the county's hold harmless base year amount in the  
 34 immediately preceding fiscal year times the sum of one  
 35 plus one-half of the estimated increase in secondary  
 36 road fund moneys in the fiscal year expressed as a  
 37 fraction. Prior to June 30 of each year, the  
 38 department shall prepare and deliver to the treasurer  
 39 of state an estimate of the increase of secondary road  
 40 fund moneys for the next fiscal year to be used in  
 41 determining the hold harmless base year amount under  
 42 this subsection.

43 Sec. \_\_\_\_\_. Section 312.5, Code 1989, is amended to  
 44 read as follows:

45 312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

46 1. The road use tax funds credited to the farm-to-  
 47 market road fund by the treasurer of state and federal  
 48 aid secondary road funds received by the state are  
 49 hereby divided as follows, and are to be known  
 50 respectively as:

Page 4

1 1 a. Need allotment farm-to-market road funds,  
 2 sixty seventy percent; and  
 3 2 b. Area allotment farm-to-market road funds,  
 4 forty thirty percent.

5 2. All farm-to-market road funds, except funds  
 6 which under section 310.20 come from any county's  
 7 allotment of the road use tax funds, shall be allotted  
 8 among the counties by the department.

9 3. Area allotment farm-to-market road funds and  
 10 federal aid secondary road funds received by the  
 11 state, shall be allotted among all the counties of the  
 12 state in the ratio that the area of each county bears  
 13 to the total area of the whole state.

14 4. Need allotment farm-to-market road funds shall  
 15 be allotted among the counties in the ratio that the  
 16 needs of the farm-to-market roads in each county bear  
 17 to the total needs of the farm-to-market roads in the  
 18 state for each fiscal year based upon the total needs  
 19 of the farm-to-market roads in the state as shown in  
 20 the latest quadrennial need study report developed by  
 21 the state department of transportation, and which is  
 22 on record at the department.

23 5. Notwithstanding subsections 1 through 4, in a  
 24 fiscal year each county is guaranteed a hold harmless  
 25 base year amount. The amount of farm-to-market road  
 26 funds and federal aid secondary road funds in each  
 27 fiscal year in excess of the sum of the hold harmless  
 28 base year amounts allocated to all counties shall be  
 29 distributed proportionally based on the relative needs  
 30 and area factors to only those counties entitled to  
 31 receive more than the hold harmless base year amount.

32 For the purposes of this subsection:  
 33 a. "Base period" means the three-year period  
 34 ending June 30, 1990.  
 35 b. "Local effort" means the ratio expressed as a  
 36 percent of the total funds that the county transferred  
 37 or provided during the base period pursuant to section  
 38 331.429, subsection 1, paragraphs "a", "b", "d", and  
 39 "e", to the maximum funds the county could have  
 40 transferred during the base period from the general  
 41 fund of the county the dollar equivalent of a tax of  
 42 sixteen and seven-eighths cents per thousand dollars  
 43 of assessed value on all taxable property in the  
 44 county and from the rural services fund of the county  
 45 the dollar equivalent of a tax of three dollars and  
 46 three-eighths cent per thousand dollars of assessed  
 47 value on all taxable property not located within the  
 48 corporate limits of a city in the county.  
 49 c. "Old formula amount" means the amount of moneys  
 50 the county would receive if the apportionment to the

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1 county under this section was apportioned among the  
 2 counties with a sixty percent need allotment and forty  
 3 percent area allotment.  
 4 d. (1) The "hold harmless base year amount" for a  
 5 county for the fiscal year commencing July 1, 1990, is  
 6 determined by the county's local effort in accordance  
 7 with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
<u>96%</u>	<u>unlimited</u>	<u>100% of old formula amount</u>
<u>92%</u>	<u>96%</u>	<u>96% of old formula amount</u>
<u>88%</u>	<u>92%</u>	<u>92% of old formula amount</u>
<u>84%</u>	<u>88%</u>	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0</u>

17 (2) The "hold harmless base year amount" for a  
 18 county for the fiscal year commencing July 1, 1991,  
 19 and for each succeeding fiscal year, is the product of  
 20 the county's hold harmless base year amount in the  
 21 immediately preceding fiscal year times the sum of one  
 22 plus one-half of the estimated increase in the  
 23 combined farm-to-market road fund and federal aid  
 24 secondary road fund moneys in the fiscal year  
 25 expressed as a fraction. Prior to June 30 of each  
 26 year the department shall prepare and deliver to the  
 27 treasurer of state an estimate of the increase of the  
 28 combined farm-to-market road fund and federal aid  
 29 secondary road fund moneys for the next fiscal year to

- 30 be used in determining the hold harmless base year  
 31 amount under this subsection."  
 32 2. By renumbering as necessary.

MUHLBAUER of Crawford  
 JOCHUM of Dubuque  
 COHOON of Des Moines  
 KOENIGS of Mitchell

H-5756

- 1 Amend the amendment, H-5685, to Senate File 2408,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 5, by striking lines 3 through 5 and  
 5 inserting the following: "this appropriation, the  
 6 judicial department's payroll, accounting, and  
 7 budgeting systems shall be compatible with the state  
 8 payroll, accounting, and budgeting systems, for  
 9 appropriation of state funds, and the department's  
 10 automated system shall provide this information to the  
 11 state's payroll, accounting, and budgeting systems as  
 12 prescribed in section 602.1301, subsection 2,  
 13 paragraph "a"."

PETERSON of Carroll

H-5757

- 1 Amend House File 2555 as follows:  
 2 1. Page 1, by striking lines 1 through 32.  
 3 2. Page 2, by striking lines 8 through 12.

HALVORSON of Clayton

H-5758

- 1 Amend House File 2507 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 15.284, Code Supplement 1989,  
 5 is amended to read as follows:  
 6 15.284 TRADITIONAL INFRASTRUCTURE.  
 7 1. The traditional infrastructure category  
 8 contains projects that include, but are not limited  
 9 to, sewer, water, roads, bridges, airports, and other  
 10 projects described in section 384.24, subsection 3.  
 11 2. Any Iowa city, or county, rural water district  
 12 created under chapter 357A, or nonprofit corporation  
 13 created for the purpose of operating a rural water  
 14 system is eligible to apply for loans or grants from  
 15 this category. Along with the application, the city  
 16 or county applicant shall submit the following:  
 17 a. A needs assessment study.  
 18 b. A capital improvement program.

19 c. Evidence of matching contribution of at least  
20 twenty-five percent of the total project cost.

21 3. Applications must be seeking funds to improve  
22 the physical assets of the traditional infrastructure  
23 of the ~~political subdivision~~ applicant in aid of  
24 development.

25 4. The finance division of the department shall  
26 rank the applicants according to financial need, cost-  
27 benefit of the project, percent of match, impact, and  
28 ability to administer project.

29 5. The interest rate for a loan, if assessed, may  
30 range from zero to five percent. The department may  
31 charge applicants an administration fee, not to exceed  
32 one percent of the principal amount of the loan or  
33 grant, to be paid as a lump sum.

34 6. The department may coordinate with the  
35 department of natural resources to assist ~~political~~  
36 ~~subdivisions~~ applicants receiving federal or other  
37 state aid for waste water treatment facilities.  
38 However, the department shall not allocate more than  
39 fifty percent of the moneys available to this category  
40 for this purpose.

41 Sec. \_\_\_\_\_. Section 15.288, Code Supplement 1989, is  
42 amended by adding the following new unnumbered  
43 paragraph:

44 NEW UNNUMBERED PARAGRAPH. For purposes of this  
45 section as it relates to the traditional  
46 infrastructure category under section 15.284,  
47 "political subdivision" includes a rural water  
48 district created under chapter 357A or a nonprofit  
49 corporation created for the purpose of operating a  
50 rural water system."

## Page 2

1 2. Page 2, by inserting after line 21 the  
2 following:

3 "Sec. \_\_\_\_\_. Section 331.441, subsection 2,  
4 paragraph b, Code Supplement 1989, is amended by  
5 adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (12) Funding the construction,  
7 reconstruction, improvement, repair, and equipping of  
8 waterworks, water mains and extensions, ponds,  
9 reservoirs, wells, dams, pumping installations or  
10 other facilities for the storage, transportation, or  
11 utilization of potable water owned and operated by a  
12 rural water district established pursuant to chapter  
13 357A, only when the rural water district and a  
14 sufficient number of participating members have  
15 entered into agreements which satisfy the board of  
16 supervisors that sufficient revenue to retire the  
17 principal and interest on the county general

18 obligation bonds will be generated by the rural water  
 19 district, and the rural water district and the board  
 20 of supervisors have agreed that the interest and  
 21 principal on the county general obligation bonds will  
 22 be retired from the rural water district revenues.

23 Sec. \_\_\_\_\_. Section 357A.11, subsection 7, Code  
 24 1989, is amended to read as follows:

25 7. Have power to borrow from, co-operate with and  
 26 enter into ~~such~~ agreements as deemed necessary with  
 27 any agency of the federal government, this state, or a  
 28 county of this state, and to accept financial or other  
 29 aid from any agency of the federal government. To  
 30 evidence any indebtedness the obligations may be one  
 31 or more bonds or notes and the obligations may be sold  
 32 at private sale."

33 3. Title page, line 2, by inserting after the  
 34 words "financing program" the following: ", rural  
 35 water district projects,".

DVORSKY of Johnson  
 SWARTZ of Marshall

H-5764

1 Amend the amendment, H-5656, to Senate File 431, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, line 4, by striking the figure "2" and  
 5 inserting the following: "12".

JOHNSON of Winneshiek

H-5772

1 Amend the Senate amendment, H-5130, to House File  
 2 2068, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 1, by inserting after line 4 the fol-  
 5 lowing:

6 "Sec. \_\_\_\_\_. Section 257.31, subsection 5, paragraph  
 7 j, Code Supplement 1989, is amended to read as  
 8 follows:

9 j. Unusual need to continue providing a program or  
 10 other special assistance to non-English speaking  
 11 pupils after the expiration of the ~~three-year~~ period  
 12 specified in section 280.4."

13 2. Page 1, line 14, by striking the words "~~three~~  
 14 five years" and inserting the following: "three  
 15 years, except that for school districts that have  
 16 certified enrollments of fewer than ten thousand  
 17 students and also have identified one percent or more  
 18 of their students as non-English speaking, the period  
 19 for which the additional weighting is included for a  
 20 student is extended to five years".

21 3. Page 1, line 18, by striking the words "five-  
 22 year period" and inserting the following: "period  
 23 specified in this subsection".

SHEARER of Louisa

H-5773

1 Amend House File 2555 as follows:  
 2 1. Page 2, by inserting after line 22 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. During the fiscal year beginning July  
 5 1, 1990, the number of full-time equivalent positions  
 6 shall be reduced by at least one hundred from the  
 7 number of full-time equivalent positions in existence  
 8 on June 30, 1990. The governor is authorized to  
 9 determine where the reduction shall be made."

TYRRELL of Iowa

H-5777

1 Amend the amendment, H-5685, to Senate File 2408,  
 2 as amended, passed, and reprinted by the Senate, as,  
 3 follows:  
 4 1. Page 5, by striking lines 16 through 20 and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 26, by inserting after line 24 the  
 7 following:  
 8 "\_\_\_\_\_. Notwithstanding section 602.5205, for  
 9 expenses"."  
 10 2. Renumber as necessary.

WISE of Lee  
 SPEAR of Lee  
 COHOON of Des Moines  
 SHEARER of Louisa  
 SPENNER of Henry

H-5778

1 Amend House File 2547 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 18.29, Code 1989, is amended  
 5 to read as follows:  
 6 18.29 PRINTING FOR STATE INSTITUTIONS.  
 7 The power of the director to let contracts shall  
 8 not embrace printing for any state penal, correctional  
 9 or board of regents institution, or ~~area vocational~~  
 10 ~~schools, area~~ community colleges, or school  
 11 corporations under the jurisdiction of the department  
 12 of education when the institution is able and desires  
 13 to do its own printing.  
 14 Sec. 2. Section 149.4, Code 1989, is amended to

15 read as follows:

16 149.4 APPROVED SCHOOL.

17 No A school of podiatry shall not be approved by  
18 the board of podiatry examiners as a school of  
19 recognized standing unless said the school:

20 1. Requires for graduation or the receipt of any  
21 podiatric degree the completion of a course of study  
22 covering a period of at least eight months in each of  
23 four calendar years.

24 2. After January 1, 1962, ~~no~~ a school of podiatry  
25 shall not be approved by the board of podiatry  
26 examiners which does not have as an additional  
27 entrance requirement two years study in a recognized  
28 college, ~~junior college~~, university, or academy.

29 Sec. 3. Section 156.3, Code 1989, is amended to  
30 read as follows:

31 156.3 ELIGIBILITY REQUIREMENTS.

32 To be eligible to take the examination for a  
33 funeral director's license, a person must have  
34 completed two academic years of instruction in a  
35 recognized college, ~~junior college~~ or university in a  
36 course of study approved by the board or have  
37 equivalent education as defined by the board and have  
38 satisfactorily completed a course of instruction in  
39 mortuary science in an accredited school approved by  
40 the board.

41 Sec. 4. Section 256.3, Code 1989, is amended to  
42 read as follows:

43 256.3 STATE BOARD ESTABLISHED.

44 The state board of education is established for the  
45 department. The state board consists of nine members  
46 appointed by the governor subject to senate  
47 confirmation. The members shall be qualified electors  
48 of the state and hold no other elective or appointive  
49 state office. A member shall not be engaged in  
50 professional education for a major portion of the

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1 member's time nor shall the member derive a major  
2 portion of income from any business or activity  
3 connected with education. ~~One member shall have~~  
4 ~~substantial knowledge related to vocational and~~  
5 ~~technical training, and one member shall have~~  
6 ~~substantial knowledge related to area community~~  
7 ~~colleges. Not more than five members shall be of the~~  
8 ~~same political party.~~

9 The terms of office are for six years beginning and  
10 ending as provided in section 69.19.

11 Three of the state board members shall have  
12 substantial knowledge related to the community college  
13 system. The remaining six members shall be members of

14 the general public.

15 Sec. 5. Section 256.7, subsection 3, Code

16 Supplement 1989, is amended to read as follows:

17 3. Prescribe standards and procedures for the  
18 approval of practitioner preparation programs and  
19 professional development programs offered by  
20 practitioner preparation institutions and area  
21 education agencies, in this state. Procedures  
22 provided for approval of programs shall include  
23 procedures for enforcement of the prescribed standards  
24 and shall not include a procedure for the waiving of  
25 any of the standards prescribed. Standards and  
26 procedures for approval of programs for practitioners  
27 employed by a community college shall be prescribed by  
28 the state board under section 280A.22B.

29 Sec. 6. NEW SECTION. 256.30B COMMUNITY COLLEGE  
30 COUNCIL.

31 A community college council is established to  
32 assist the state board of education with substantial  
33 issues which are directly related to the community  
34 college system. The state board shall refer all  
35 substantial issues directly related to the community  
36 college system to the council. The council shall  
37 formulate recommendations on each issue referred to it  
38 by the state board and shall submit the  
39 recommendations to the state board within any  
40 specified time periods.

41 The council shall consist of four members of the  
42 state board and two ex officio nonvoting members. The  
43 members of the state board shall include the three  
44 members who have knowledge of issues and concerns  
45 affecting the community college system and a fourth  
46 member of the state board designated annually by the  
47 president. Of the two ex officio nonvoting members,  
48 one shall be a community college president appointed  
49 by an association which represents the largest number  
50 of community college presidents in the state and the

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1 other shall be a community college trustee appointed  
2 by an association which represents the largest number  
3 of community college trustees in the state. The ex  
4 officio nonvoting members shall serve staggered three-  
5 year terms beginning on May 1 of the year of  
6 appointment.

7 Sec. 7. Section 258.3A, subsection 3, Code

8 Supplement 1989, is amended to read as follows:

9 3. Adopt rules prescribing standards for approval  
10 of schools, departments, and classes; area vocational-  
11 technical high schools and programs; and area  
12 community colleges with vocational schools and

13 programs; and practitioner preparation schools,  
 14 departments, and classes, applying for federal and  
 15 state moneys under this chapter.

16 Sec. 8. Section 258.4, subsections 7 and 9, Code  
 17 Supplement 1989, are amended to read as follow:

18 7. Annually inspect, as a basis of approval, all  
 19 schools, departments, and classes, area vocational-  
 20 technical high schools and programs, area community  
 21 colleges with vocational schools and programs and all  
 22 practitioner preparation schools, departments, and  
 23 classes, applying for federal and state moneys under  
 24 this chapter.

25 9. Establish a regional planning process to be  
 26 implemented by regional planning boards, which  
 27 utilizes the services of local school districts,  
 28 ~~merged area schools~~ community colleges, and other  
 29 resources to assist local school districts in meeting  
 30 vocational education standards while avoiding  
 31 unnecessary duplication of services.

32 Sec. 9. Section 261C.3, subsection 1, Code 1989,  
 33 is amended to read as follows:

34 1. "Eligible postsecondary institution" means an  
 35 institution of higher learning under the control of  
 36 the state board of regents, ~~an area school~~ a community  
 37 college established under chapter 280A, or an  
 38 accredited private institution as defined in section  
 39 261.9, subsection 5.

40 Sec. 10. Section 280A.1, unnumbered paragraph 1,  
 41 Code 1989, is amended to read as follows:

42 It is hereby declared to be the policy of the state  
 43 of Iowa and the purpose of this chapter to provide for  
 44 the establishment of not more than seventeen areas  
 45 which shall include all of the area of the state and  
 46 which may operate ~~either area vocational schools or~~  
 47 ~~area community colleges~~ offering to the greatest  
 48 extent possible, educational opportunities and  
 49 services in each of the following, when applicable,  
 50 but not necessarily limited to:

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1 Sec. 11. Section 280A.2, Code 1989, is amended to  
 2 read as follows:

#### 3 280A.2 DEFINITIONS.

4 When used in this chapter, unless the context  
 5 otherwise requires:

6 1. "Vocational school" means a publicly supported  
 7 school which offers as its curriculum or part of its  
 8 curriculum vocational or technical education,  
 9 training, or retraining available to persons who have  
 10 completed or left high school and are preparing to  
 11 enter the labor market; persons who are attending high

12 school who will benefit from such education or  
 13 training but who do not have the necessary facilities  
 14 available in the local high schools; persons who have  
 15 entered the labor market but are in need of upgrading  
 16 or learning skills; and persons who due to academic,  
 17 socioeconomic, or other handicaps are prevented from  
 18 succeeding in regular vocational or technical  
 19 education programs.

20 2. "Junior college" means a publicly supported  
 21 school which offers as its curriculum or part of its  
 22 curriculum two years of liberal arts, preprofessional,  
 23 or other instruction partially fulfilling the  
 24 requirements for a baccalaureate degree but which does  
 25 not confer any baccalaureate degree.

26 3. "Community college" means a publicly supported  
 27 school which offers may offer programs of adult and  
 28 continuing education, lifelong learning, community  
 29 education, and up to two years of liberal arts,  
 30 preprofessional, or other occupational instruction  
 31 partially fulfilling the requirements for a  
 32 baccalaureate degree but which does not confer any  
 33 baccalaureate degree and confers no more than an  
 34 associate degree; or which offers in as the whole or  
 35 in as part of the curriculum of a vocational school up  
 36 to two years of vocational or technical education,  
 37 training, or retraining to persons who are preparing  
 38 to enter the labor market.

39 2. "Director" means the director of the department  
 40 of education.

41 4 3. "Merged area" means an area where two or more  
 42 county school systems or parts thereof of school  
 43 systems merge resources to establish and operate a  
 44 vocational school or a community college in the manner  
 45 provided in this chapter.

46 5. "Area vocational school" means a vocational  
 47 school established and operated by a merged area.

48 6. "Area community college" means a community  
 49 college established and operated by a merged area.

50 7 4. "State board" means the state board of

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1 education.

2 8. "Director" means the director of the department  
 3 of education.

4 9. "Planning board" means any county board of  
 5 education which is a party to a plan for establishment  
 6 of an area vocational school or area community  
 7 college.

8 10. "Area school" means an area vocational school  
 9 or area community college established under the  
 10 provisions of this chapter.

11 Sec. 12. Section 280A.12, Code 1989, is amended to  
12 read as follows:

13 **280A.12 DIRECTORS OF MERGED AREA.**

14 In each merged area, the initial board of directors  
15 elected at the special election shall organize within  
16 fifteen days following the election and may thereafter  
17 proceed with the establishment of the designated area  
18 vocational school or area community college. The  
19 board of directors of the merged area shall organize  
20 at the first regular meeting in October of each year.  
21 Organization of the board shall be effected by the  
22 election of a president and other officers from the  
23 board membership as board members determine. The  
24 board of directors shall appoint a secretary and a  
25 treasurer who shall each give bond as prescribed in  
26 section 291.2 and who shall each receive the salary  
27 determined by the board. The secretary and treasurer  
28 shall perform duties under chapter 291 and additional  
29 duties the board of directors deems necessary.  
30 However, the board may appoint one person to serve as  
31 the secretary and treasurer. If one person serves as  
32 the secretary and treasurer, only one bond is  
33 necessary for that person. The frequency of meetings  
34 other than organizational meetings shall be as  
35 determined by the board of directors but the president  
36 or a majority of the members may call a special  
37 meeting at any time.

38 Sec. 13. Section 280A.17, unnumbered paragraph 1,  
39 Code 1989, is amended to read as follows:

40 The board of directors of each merged area shall  
41 prepare an annual budget designating the proposed  
42 expenditures for operation of the area vocational  
43 school or area community college. The board shall  
44 further designate the amounts which are to be raised  
45 by local taxation and the amounts which are to be  
46 raised by other sources of revenue for the operation.  
47 The budget of each merged area shall be submitted to  
48 the state board no later than May 1 preceding the next  
49 fiscal year for approval. The state board shall  
50 review the proposed budget and shall, prior to June 1,

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1 either grant its approval or return the budget without  
2 approval with the comments of the state board attached  
3 to it. Any unapproved budget shall be resubmitted to  
4 the state board for final approval. Upon approval of  
5 the budget by the state board, the board of directors  
6 shall certify the amount to the respective county  
7 auditors and the boards of supervisors annually shall  
8 levy a tax of twenty and one-fourth cents per thousand  
9 dollars of assessed value on taxable property in a

10 merged area for the operation of ~~an area vocational~~  
 11 ~~school or area a~~ community college. Taxes collected  
 12 pursuant to the levy shall be paid by the respective  
 13 county treasurers to the treasurer of the merged area  
 14 as provided in section 331.552, subsection 29.

15 Sec. 14. Section 280A.19, Code 1989, is amended to  
 16 read as follows:

17 280A.19 ACQUISITION OF SITES AND BUILDINGS.

18 Boards of directors of merged areas may acquire  
 19 sites and erect and equip buildings for use by ~~area~~  
 20 ~~vocational schools or area~~ community colleges and may  
 21 contract indebtedness and issue bonds to raise funds  
 22 for such purposes.

23 Sec. 15. Section 280A.21, Code 1989, is amended to  
 24 read as follows:

25 280A.21 ELECTION TO INCUR INDEBTEDNESS.

26 No indebtedness shall be incurred under section  
 27 280A.19 until authorized by an election. A  
 28 proposition to incur indebtedness and issue bonds for  
 29 ~~area vocational school or area~~ community college  
 30 purposes shall be deemed carried in a merged area if  
 31 approved by a sixty percent majority of all voters  
 32 voting on the proposition in the area.

33 Sec. 16. Section 280A.22, subsection 1, paragraph  
 34 a, and subsection 3, Code 1989, are amended to read as  
 35 follows:

36 a. In addition to the tax authorized under section  
 37 280A.17, the voters in any merged area may at the  
 38 annual school election vote a tax not exceeding twenty  
 39 and one-fourth cents per thousand dollars of assessed  
 40 value in any one year for a period not to exceed ten  
 41 years for the purchase of grounds, construction of  
 42 buildings, payment of debts contracted for the  
 43 construction of buildings, purchase of buildings and  
 44 equipment for buildings, and the acquisition of  
 45 libraries, for the purpose of paying costs of  
 46 utilities, and for the purpose of maintaining,  
 47 remodeling, improving, or expanding the ~~area~~  
 48 ~~vocational school or area~~ community college of the  
 49 merged area. If the tax levy is approved under this  
 50 section, the costs of utilities shall be paid from the

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1 proceeds of the levy. The tax shall be collected by  
 2 the county treasurers and remitted to the treasurer of  
 3 the merged area as provided in section 331.552,  
 4 subsection 29. The proceeds of the tax shall be  
 5 deposited in a separate and distinct fund to be known  
 6 as the voted tax fund, to be paid out upon warrants  
 7 drawn by the president and secretary of the board of  
 8 directors of the merged area district for the payment

9 of costs incurred in providing the school facilities  
10 for which the tax was voted.

11 3. In addition to the tax authorized under section  
12 280A.17, the board of directors of an area school may  
13 certify for levy by March 15, 1982 and March 15, 1983,  
14 a tax on taxable property in the merged area at rates  
15 that will provide total revenues for the two years  
16 equal to five percent of the area school's general  
17 fund expenditures for the fiscal year ending June 30,  
18 1980 in order to provide a cash reserve for that ~~area~~  
19 ~~school~~ community college. As nearly as possible, one-  
20 half the revenue for the cash reserve fund shall be  
21 collected during each year.

22 The revenues derived from the levies shall be  
23 placed in a separate cash reserve fund. Moneys from  
24 the cash reserve fund shall only be used to alleviate  
25 temporary cash shortages. If moneys from the cash  
26 reserve fund are used to alleviate a temporary cash  
27 shortage, the cash reserve fund shall be reimbursed  
28 immediately from the general fund of the area school  
29 as funds in the general fund become available, but in  
30 no case later than June 30 of the current fiscal year,  
31 to repay the funds taken from the cash reserve fund.

32 Sec. 17. NEW SECTION. 280A.22A STATE BOARD FOR  
33 COMMUNITY COLLEGES.

34 The state board of education shall constitute the  
35 state board for community colleges.

36 Sec. 18. NEW SECTION. 280A.22B DUTIES OF STATE  
37 BOARD.

38 The state board for community colleges shall:

39 1. Adopt and establish policies for programs and  
40 services of the department which relate to community  
41 colleges.

42 2. Prescribe standards and procedures for the  
43 approval of practitioner preparation programs and  
44 professional development programs under section 256.7,  
45 subsection 3.

46 3. Review and make recommendations that relate to  
47 community colleges in the five-year plan for the  
48 achievement of educational goals.

49 Sec. 19. Section 280A.23, Code 1989, is amended to  
50 read as follows:

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1 280A.23 AUTHORITY OF AREA DIRECTORS.

2 The board of directors of each ~~area vocational~~  
3 ~~school or area community college~~ shall:

4 1. Determine the curriculum to be offered in such  
5 ~~school or a college~~ subject to approval of the state  
6 board. If a community college's curriculum does not  
7 include courses in arts and sciences, the board must

8 seek and obtain approval of the state board before the  
9 college may expand the curriculum to include those  
10 courses. If an existing private educational or  
11 vocational institution within the merged area has  
12 facilities and curriculum of adequate size and quality  
13 which would duplicate the functions of the area school  
14 community college, the board of directors shall  
15 discuss with the institution the possibility of  
16 entering into contracts to have the existing  
17 institution offer facilities and curriculum to  
18 students of the merged area. The board of directors  
19 shall consider any proposals submitted by the private  
20 institution for providing such facilities and  
21 curriculum. The board of directors may enter into  
22 such contracts. In approving curriculum, the state  
23 board shall ascertain that all courses and programs  
24 submitted for approval are needed and that the  
25 curriculum being offered by an area school does not  
26 duplicate programs provided by existing public or  
27 private facilities in the area. In determining  
28 whether duplication would actually exist, the state  
29 board shall consider the needs of the area and  
30 consider whether the proposed programs are competitive  
31 as to size, quality, tuition, purposes, and area  
32 coverage with existing public and private educational  
33 or vocational institutions within the merged area.  
34 2. Have authority to determine tuition rates for  
35 instruction. Tuition for residents of Iowa shall not  
36 exceed the lowest tuition rate per semester, or the  
37 equivalent, charged by an institution of higher  
38 education under the state board of regents for a full-  
39 time resident student. However, if a local school  
40 district pays tuition for a resident pupil of high  
41 school age, the limitation on tuition for residents of  
42 Iowa shall not apply, the amount of tuition shall be  
43 determined by the board of directors of the area  
44 school community college with the consent of the local  
45 school board, and the pupil shall not be included in  
46 the full-time equivalent enrollment of the area school  
47 community college for the purpose of computing general  
48 aid to the area school community college. Tuition for  
49 nonresidents of Iowa shall not be less than one  
50 hundred fifty percent and not more than two hundred

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1 percent of the tuition established for residents of  
2 Iowa. Tuition for resident or nonresident students  
3 may be set at a higher figure with the approval of the  
4 state board. A lower tuition for nonresidents may be  
5 permitted under a reciprocal tuition agreement between  
6 a merged area and an educational institution in

7 another state, if the agreement is approved by the  
8 state board. The board may designate that portion of  
9 the tuition moneys collected from students be used for  
10 student aid purposes.

11 3. Have the powers and duties with respect to ~~such~~  
12 ~~schools and community~~ colleges, not otherwise provided  
13 in this chapter, which are prescribed for boards of  
14 directors of local school districts by chapter 279  
15 except that the board of directors is not required to  
16 prohibit the use of tobacco and the use or possession  
17 of alcoholic liquor or beer by any student under the  
18 provisions of section 279.9.

19 4. Have the power to enter into contracts and take  
20 other necessary action to insure a sufficient  
21 curriculum and efficient operation and management of  
22 the ~~school or~~ college and maintain and protect the  
23 physical plant, equipment, and other property of the  
24 ~~school or~~ college.

25 5. Establish policy and make rules, not  
26 inconsistent with law and administrative rules,  
27 regulations, and policies of the state board, for its  
28 own government and that of the administrative,  
29 teaching, and other personnel, and the students of the  
30 ~~school or~~ college, and aid in the enforcement of such  
31 laws, rules, and regulations.

32 6. Have authority to sell a student-constructed  
33 building and the property on which the student-  
34 constructed building is located or any article  
35 resulting from any vocational program or course  
36 offered at an ~~area vocational school or area~~ a  
37 community college by any procedure which may be  
38 adopted by the board. Governmental agencies and  
39 governmental subdivisions of the state within the  
40 merged areas shall be given preference in the purchase  
41 of such articles. All revenue received from the sale  
42 of any article shall be credited to the funds of the  
43 board of the merged area.

44 7. With the consent of the inventor, and in the  
45 discretion of the board, secure letters patent or  
46 copyright on inventions of students, instructors, and  
47 officials of any ~~vocational school or~~ community  
48 college of the merged area, or take assignment of such  
49 letters patent or copyright and make all necessary  
50 expenditures in regard thereto. Letters patent or

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1 copyright on inventions when so secured shall be the  
2 property of the board of the merged area and the  
3 royalties and earnings thereon shall be credited to  
4 the funds of the board.

5 8. Set the salary of the area superintendent. In

6 setting the salary, the board shall consider the  
7 salaries of administrators of educational institutions  
8 in the merged area and the enrollment of the area  
9 school community college.

10 9. At the request of an employee through  
11 contractual agreement the board may arrange for the  
12 purchase of group or individual annuity contracts for  
13 any of its employees from any company the employee  
14 chooses that is authorized to do business in this  
15 state and through an Iowa-licensed insurance agent  
16 that the employee selects, for retirement or other  
17 purposes, and may make payroll deductions in  
18 accordance with the arrangements for the purpose of  
19 paying the entire premium due and to become due under  
20 the contract. The deductions shall be made in the  
21 manner which will qualify the annuity premiums for the  
22 benefits under section 403(b) of the Internal Revenue  
23 Code, as defined in section 422.3. The employee's  
24 rights under the annuity contract are nonforfeitable  
25 except for the failure to pay premiums. If an  
26 existing tax-sheltered annuity contract is to be  
27 replaced by a new contract the agent or representative  
28 of the company shall submit a letter of intent by  
29 registered mail to the company being replaced, to the  
30 insurance commissioner of the state of Iowa, and to  
31 the agent's or representative's own company at least  
32 thirty days prior to any action. This letter of  
33 intent shall contain the policy number and description  
34 of the contract being replaced and a description of  
35 the replacement contract.

36 10. Make necessary rules to provide for the  
37 policing, control, and regulation of traffic and  
38 parking of vehicles and bicycles on the property of  
39 the area school community college. The rules may  
40 provide for the use of institutional roads, driveways,  
41 and grounds; registration of vehicles and bicycles;  
42 the designation of parking areas; the erection and  
43 maintenance of signs designating prohibitions or  
44 restrictions; the installation and maintenance of  
45 parking control devices except parking meters; and  
46 assessment, enforcement, and collection of reasonable  
47 penalties for the violation of the rules.

48 Rules made under this subsection may be enforced  
49 under procedures adopted by the board of directors.  
50 Penalties may be imposed upon students, faculty, and

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1 staff for violation of the rules, including, but not  
2 limited to, a reasonable monetary penalty which may be  
3 deducted from student deposits and faculty or staff  
4 salaries or other funds in possession of the area

5 ~~school~~ community college or added to student tuition  
6 bills. The rules made under this subsection may also  
7 be enforced by the impoundment of vehicles and  
8 bicycles parked in violation of the rules, and a  
9 reasonable fee may be charged for the cost of  
10 impoundment and storage prior to the release of the  
11 vehicle or bicycle to the owner. Each ~~area school~~  
12 community college shall establish procedures for the  
13 determination of controversies in connection with the  
14 imposition of penalties. The procedures shall require  
15 giving notice of the violation and the penalty  
16 prescribed and providing the opportunity for an  
17 administrative hearing.

18 11. Be authorized to issue to employees of ~~merged~~  
19 ~~area schools~~ community colleges school credit cards to  
20 use for payment of authorized expenditures incurred in  
21 the performance of work-related duties.

22 12. During the second week of August of each year,  
23 publish by one insertion in at least one newspaper  
24 published in the merged area a summarized statement  
25 verified by affidavit of the secretary of the board  
26 showing the receipts and disbursements of all funds of  
27 the ~~area school~~ community college for the preceding  
28 fiscal year. The statement of disbursements shall  
29 show the names of the persons, firms, or corporations,  
30 and the total amount paid to each during the fiscal  
31 year. The board is not required to make the  
32 publications and notices required under sections  
33 279.34, 279.35, and 279.36.

34 13. Adopt policies and procedures for the use of  
35 telecommunications as an instructional tool at the  
36 ~~area school~~ community college. The policies and  
37 procedures shall include but not be limited to  
38 policies and procedures relating to programs,  
39 educational policy, practices, staff development, use  
40 of pilot projects, and the instructional application  
41 of the technology.

42 14. In its discretion, adopt rules relating to the  
43 classification of students enrolled in the ~~area school~~  
44 community college who are residents of Iowa's sister  
45 states as residents or nonresidents for tuition and  
46 fee purposes.

47 Sec. 20. Section 280A.24, unnumbered paragraph 1,  
48 Code 1989, is amended by striking the unnumbered  
49 paragraph.

50 Sec. 21. Section 280A.25, Code 1989, is amended to

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- 1 read as follows:
- 2 280A.25 DUTIES OF DIRECTOR.
- 3 The director shall:

- 4 1. Designate a vocational school or community  
5 college as an "area vocational education school"  
6 within the meaning of, and for the purpose of  
7 administering, the Act of Congress designated the  
8 "Vocational Education Act of 1963". A vocational  
9 school or community college shall not be so designated  
10 by the director of the department of education for the  
11 expenditure of funds under 20 U.S.C. 35c(a)(5), which  
12 has not been designated and classified as an area  
13 vocational school or area a community college by the  
14 state board.
- 15 2. Change boundaries of director districts in a  
16 merged area when the board fails to change boundaries  
17 as required by law.
- 18 3. Make changes in boundaries of merged areas with  
19 the approval of the board of directors of each merged  
20 area affected by the change. When the boundaries of a  
21 merged area are changed, the director of the  
22 department of education may authorize the board of  
23 directors of the merged area to levy additional taxes  
24 upon the property within the merged area, or any part  
25 of the merged area, and distribute the taxes so that  
26 all parts of the merged area are paying their share  
27 toward the support of the school or college.
- 28 4. Administer, allocate, and disburse federal or  
29 state funds made available to pay a portion of the  
30 cost of acquiring sites for and constructing,  
31 acquiring, or remodeling facilities for area  
32 vocational schools or area community colleges, and  
33 establish priorities for the use of such funds.
- 34 5. Administer, allocate, and disburse federal or  
35 state funds available to pay a portion of the  
36 operating costs of area vocational schools or area  
37 community colleges.
- 38 6. Approve or disapprove, in a manner as the  
39 director of the department of education may prescribe,  
40 sites and buildings to be acquired, erected, or  
41 remodeled for use by area vocational schools or area  
42 community colleges.
- 43 7. Propose administrative rules to carry out this  
44 chapter subject to approval of the state board.
- 45 8. Enter into contracts with local school boards  
46 within the area that have and maintain a technical or  
47 vocational high school and with private schools or  
48 colleges in the co-operative or merged areas to  
49 provide courses or programs of study in addition to or  
50 as a part of the curriculum made available in the

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- 1 community college or area vocational schools.  
2 9. Make arrangements with boards of merged areas

3 and local school districts to permit students  
 4 attending high school to participate in vocational-  
 5 technical programs and advanced college placement  
 6 courses and obtain credit for such participation for  
 7 application toward the completion of a high school  
 8 diploma. The granting of credit is subject to the  
 9 approval of the director of the department of  
 10 education.

11 10. Prescribe a uniform system of accounting for  
 12 area schools community colleges.

13 11. Adopt rules prohibiting an area school a  
 14 community college that does not provide  
 15 intercollegiate athletics as a part of its program on  
 16 July 1, 1987 from adding intercollegiate athletics to  
 17 its program after that date.

18 12. Ensure that area schools community colleges  
 19 that provide intercollegiate athletics as a part of  
 20 their program comply with section 601A.9.

21 Sec. 22. Section 280A.27, Code 1989, is amended to  
 22 read as follows:

23 280A.27 AREA SCHOOLS BRANCH COMMUNITY COLLEGES  
 24 DIVISION IN DEPARTMENT.

25 There shall be an area schools branch A community  
 26 colleges division shall be established within the  
 27 department of education. The branch division shall  
 28 exercise the powers and perform the duties conferred  
 29 by law upon the department with respect to area  
 30 vocational schools and area and public community and  
 31 junior colleges.

32 Sec. 23. Section 280A.28, Code 1989, is amended to  
 33 read as follows:

34 280A.28 TAX FOR EQUIPMENT REPLACEMENT.

35 Annually, the board of directors may certify for  
 36 levy a tax on taxable property in the merged area at a  
 37 rate not exceeding three cents per thousand dollars of  
 38 assessed valuation for equipment replacement for the  
 39 area school community college.

40 Sec. 24. Section 280A.31, Code 1989, is amended to  
 41 read as follows:

42 280A.31 AUXILIARY ENTERPRISES.

43 The board of directors may expend profits from  
 44 auxiliary enterprises of area schools community  
 45 colleges for services and equipment which includes but  
 46 is not limited to tutoring services, scholarships,  
 47 grants, furniture, fixtures and equipment for  
 48 noninstructional student use, and support of  
 49 intramural and intercollegiate athletics.

50 For the purpose of this section:

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1 1. "Auxiliary enterprises" means self-supporting  
2 services provided at the area school community college  
3 for which fees or charges are paid, and includes but  
4 is not limited to food services, college stores,  
5 student unions, institutionally operated vending  
6 services, recreational activities, faculty clubs,  
7 laundries, parking facilities, and intercollegiate  
8 athletics.

9 2. "Profits from auxiliary enterprises" means the  
10 difference between the total fees or charges collected  
11 for auxiliary enterprises and the expenditures by the  
12 area school community college for the auxiliary  
13 enterprises.

14 Sec. 25. Section 280A.32, Code 1989, is amended to  
15 read as follows:

16 280A.32 TRUSTS.

17 The board of a merged area may accept and  
18 administer trusts and may authorize nonprofit  
19 foundations acting solely for the support of the area  
20 school community college to accept and administer  
21 trusts deemed by the board to be beneficial to the  
22 operation of the area school community college.  
23 Notwithstanding section 633.63, the board and the  
24 nonprofit foundations may act as trustees in these  
25 instances. The board shall require that moneys  
26 belonging to a nonprofit foundation are audited  
27 annually.

28 Sec. 26. Section 280A.33, Code 1989, is amended to  
29 read as follows:

30 280A.33 JOINT ACTION WITH BOARD OF REGENTS.

31 1. Approval standards, except as hereinafter  
32 provided, for area and public community and junior  
33 colleges shall be initiated by the area schools  
34 community colleges branch of the department and  
35 submitted to the state board of education and the  
36 state board of regents, through the director of the  
37 department of education, for joint consideration and  
38 adoption.

39 2. Approval standards for area vocational schools  
40 and for vocational programs and courses other programs  
41 offered by area community colleges shall be initiated  
42 by the area schools branch and submitted to the state  
43 board of education through the director of the  
44 department of education, for consideration and  
45 adoption. No such A proposed approval standard shall  
46 not be adopted by the state board until the standard  
47 has been submitted to the advisory committee created  
48 by chapter 258 and its recommendations thereon  
49 obtained.

50 3. For purposes of this section, "approval

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1 standards" shall include standards for administration,  
2 qualifications and assignment of personnel,  
3 curriculum, facilities and sites, requirements for  
4 awarding of diplomas and other evidence of educational  
5 achievement, guidance and counseling, instruction,  
6 instructional materials, maintenance, and library.

7 4. Approval standards are subject to chapter 17A.  
8 In addition, approval standards shall be reported by  
9 the director of the department of education to the  
10 general assembly within twenty days after the  
11 commencement of a regular legislative session. An  
12 area A community college or area vocational school  
13 shall not be removed from the approved list for  
14 failure to comply with the approval standards until at  
15 least one hundred twenty days have elapsed following  
16 the reporting of the standards to the general assembly  
17 as provided in this section.

18 5. The department of education shall supervise and  
19 evaluate the educational program in the several area  
20 community colleges and area vocational schools of the  
21 state for the purpose of the improvement and approval  
22 of such institutions.

23 6. The director of the department of education  
24 shall make recommendations and suggestions in writing  
25 to each area community college and area vocational  
26 school if the department determines, after due  
27 investigation, that deficiencies exist.

28 7. The director of the department of education  
29 shall maintain a list of approved area community  
30 colleges and area vocational schools, and the director  
31 shall remove from the approved list for cause, after  
32 due investigation and notice, an area a community  
33 college or area vocational school which fails to  
34 comply with the approval standards. An area A  
35 community college or area vocational school which is  
36 removed from the approved list pursuant to this  
37 section is ineligible to receive state financial aid  
38 during the period of removal. The director shall  
39 allow a reasonable period of time, which shall be at  
40 least one year, for compliance with approval standards  
41 if an area a community college or area vocational  
42 school is making a good faith effort and substantial  
43 progress toward full compliance or if failure to  
44 comply is due to factors beyond the control of the  
45 board of directors of the merged area operating the  
46 institution. In allowing time for compliance, the  
47 director shall follow consistent policies, taking into  
48 account the circumstances of each case. The  
49 reasonable period of time for compliance may be, but  
50 need not be, given prior to the one-year notice

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1 requirement that is provided in this section.  
2 8. The director of the department of education  
3 shall give ~~an area a community college or area~~  
4 ~~vocational school~~ which is to be removed from the  
5 approved list at least one year's notice. The notice  
6 shall be given by registered or certified mail  
7 addressed to the superintendent of the ~~area community~~  
8 ~~college or area vocational school~~ and shall specify  
9 the reasons for removal. The notice shall also be  
10 sent by ordinary mail to each member of the board of  
11 directors of the ~~area community college or area~~  
12 ~~vocational school~~, and to the news media which serve  
13 the merged area where the school is located; but any  
14 good faith error or failure to comply with this  
15 sentence shall not affect the validity of any action  
16 by the director. If, during the year, the ~~area~~  
17 ~~community college or area vocational school~~ remedies  
18 the reasons for removal and satisfies the director  
19 that it will thereafter comply with the laws and  
20 approval standards, the director shall continue the  
21 ~~area community college or area vocational school~~ on  
22 the approved list and shall transmit to the ~~area~~  
23 ~~community college or area vocational school~~ notice of  
24 the action by registered or certified mail.  
25 9. At any time during the year after notice is  
26 given, the board of directors of the ~~area community~~  
27 ~~college or area vocational school~~ may request a public  
28 hearing before the director of the department of  
29 education, by mailing a written request to the  
30 director by registered or certified mail. The  
31 director shall promptly set a time and place for the  
32 public hearing, which shall be either in Des Moines or  
33 in the affected merged area. At least thirty days'  
34 notice of the time and place of the hearing shall be  
35 given by registered or certified mail addressed to the  
36 superintendent of the ~~area community college or area~~  
37 ~~vocational school~~. At least ten days before the  
38 hearing, notice of the time and place of the hearing  
39 and the reasons for removal shall also be published by  
40 the department in a newspaper of general circulation  
41 in the merged area where the ~~area community college or~~  
42 ~~area vocational school~~ is located.  
43 10. At the hearing the ~~area community college or~~  
44 ~~area vocational school~~ may be represented by counsel  
45 and may present evidence. The director of the  
46 department of education may provide for the hearing to  
47 be recorded or reported. If requested by the ~~area~~  
48 ~~community college or area vocational school~~ at least  
49 ten days before the hearing, the director shall  
50 provide for the hearing to be recorded or reported at

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1 the expense of the ~~area~~ community college ~~or area~~  
2 ~~vocational school~~, using any reasonable method  
3 specified by the ~~area~~ community college ~~or area~~  
4 ~~vocational school~~. Within ten days after the hearing,  
5 the director shall render a written decision, and  
6 shall affirm, modify, or vacate the action or proposed  
7 action to remove the ~~area~~ community college ~~or area~~  
8 ~~vocational school~~ from the approved list. The board  
9 of directors of the ~~merged area school~~ community  
10 college may request a review of the decision of the  
11 director by the state board. The state board may  
12 affirm, modify, or vacate the decision, or may direct  
13 a rehearing before the director.

14 Sec. 27. Section 280A.37, Code 1989, is amended to  
15 read as follows:

16 280A.37 MEMBERSHIP IN ASSOCIATION OF SCHOOL  
17 BOARDS.

18 Boards of directors of merged ~~area schools~~  
19 community colleges may pay, out of funds available to  
20 them, reasonable annual dues to an Iowa association of  
21 school boards.

22 Membership in such an Iowa association of school  
23 boards shall be limited to those duly elected members  
24 of boards of directors of ~~area schools~~ community  
25 colleges.

26 Sec. 28. Section 280A.38, Code 1989, is amended to  
27 read as follows:

28 280A.38 LEASE AGREEMENTS FOR SPACE.

29 The board of directors may, with the approval of  
30 the director of the department of education, enter  
31 into lease agreements, with or without purchase  
32 options, not to exceed twenty years in duration, for  
33 the leasing or rental of buildings for use basically  
34 as classrooms, laboratories, shops, libraries, and  
35 study halls for ~~vocational school~~ ~~or community college~~  
36 purposes, and pay for the leasing or rental with funds  
37 acquired pursuant to section 280A.17, section 280A.18,  
38 and section 280A.22. However, lease agreements  
39 extending for less than ten years and for less than  
40 twenty-five thousand dollars per year need not be  
41 submitted to the director of the department of  
42 education for approval.

43 The agreements may include the leasing of existing  
44 buildings on public or private property, buildings to  
45 be constructed upon real estate owned by the ~~area~~  
46 ~~school~~ community college, or buildings to be placed  
47 upon real estate owned by the ~~area school~~ community  
48 college.

49 Before entering into a lease agreement with a  
50 purchase option for a building to be constructed, or

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1 placed, upon real estate owned by the area school  
2 community college, the board shall first adopt plans  
3 and specifications for the proposed building which it  
4 considers suitable for the intended use, and the board  
5 shall also adopt the proposed terms of the lease  
6 agreement and purchase option. Upon obtaining the  
7 approval of the director of the department of  
8 education, if approval of the director is required,  
9 the board shall invite bids, by advertisement  
10 published once each week for two consecutive weeks in  
11 the county where the building is to be located. The  
12 lease agreement shall be awarded to the lowest  
13 responsible bidder, or the board may reject all bids  
14 and readvertise for new bids.

15 Sec. 29. Section 280A.42, Code 1989, is amended to  
16 read as follows:

17 280A.42 PAYMENT OF EXPENSES.

18 The board of directors of a merged area shall audit  
19 and allow all just claims against the area school  
20 community college and an order shall not be drawn upon  
21 the treasury until the claim has been audited and  
22 allowed. However, the board of directors, by  
23 resolution, may authorize the secretary of the board,  
24 when the board is not in session, to issue payments  
25 for salaries pursuant to the terms of a written  
26 contract and to issue payments upon the receipt of  
27 verification filed with the secretary for all other  
28 general fund and plant fund expenses within limits  
29 established by resolution of the board; expenses  
30 involving auxiliary, agency, and scholarship and loan  
31 accounts; and refunds to students for tuition and  
32 fees. The secretary shall either deliver in person or  
33 mail the payments to the payees. A payment shall be  
34 made payable only to the person performing the service  
35 or furnishing the supplies for which the payment is  
36 issued. Payments issued prior to audit and allowance  
37 by the board shall be allowed by the board at the  
38 first meeting held after the issuance and shall be  
39 entered in the minutes of the meeting.

40 Sec. 30. Section 280B.2, subsections 1, 2, 5, 7,  
41 8, and 9, Code 1989, are amended to read as follows:

42 1. "New jobs training program" or "program" means  
43 the project or projects established by an area school  
44 community college for the creation of jobs by  
45 providing education and training of workers for new  
46 jobs for new or expanding industry in the merged area  
47 served by the area school community college.

48 2. "Project" means a training arrangement which is  
49 the subject of an agreement entered into between the  
50 area school community college and an employer to

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1 provide program services.

2 5. "Employer" means the person providing new jobs  
3 in the merged area served by the area school community  
4 college and entering into an agreement.

5 7. "Agreement" is the agreement between an  
6 employer and an area school a community college  
7 concerning a project.

8 8. "Area school Community college" means a  
9 vocational school or a community college established  
10 under chapter 280A.

11 9. "Board of directors" means the board of  
12 directors of an area school a community college.

13 Sec. 31. Section 280B.3, unnumbered paragraph 1,  
14 Code 1989, is amended to read as follows:

15 An area school A community college may enter into  
16 an agreement to establish a project. If an agreement  
17 is entered into, the area school community college and  
18 the employer shall notify the department of revenue  
19 and finance as soon as possible. An agreement may  
20 provide, but is not limited to:

21 Sec. 32. Section 280B.4, Code 1989, is amended to  
22 read as follows:

23 280B.4 INCREMENTAL PROPERTY TAXES.

24 If an agreement provides that all or part of  
25 program costs are to be paid for by incremental  
26 property taxes, the board of directors shall provide  
27 by resolution that taxes levied on the employer's  
28 taxable business property, where new jobs are created  
29 as a result of a project, each year by or for the  
30 benefit of the state, city, county, school district,  
31 or other taxing district after the effective date of  
32 the resolution shall be divided as provided in section  
33 403.19, subsections 1 and 2, in the same manner as if  
34 the employer's business property, where new jobs are  
35 created as a result of a project, was taxable property  
36 in an urban renewal project and the resolution was an  
37 ordinance within the meaning of those subsections.  
38 The taxes received by the board of directors shall be  
39 allocated to and when collected be paid into a special  
40 fund of the area school community college and may be  
41 irrevocably pledged by the area school community  
42 college to pay the principal of and interest on the  
43 certificates issued by the area school community  
44 college to finance or refinance, in whole or in part,  
45 the project. However, with respect to any urban  
46 renewal project as to which an ordinance is in effect  
47 under section 403.19, the collection of incremental  
48 property taxes authorized by this chapter are  
49 suspended in favor of collection of incremental taxes  
50 under section 403.19. As used in this section,

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1 "taxes" includes, but is not limited to, all levies on  
2 an ad valorem basis upon land or real property of the  
3 employer's business, where new jobs are created as a  
4 result of a project.

5 Sec. 33. Section 280B.5, subsections 2, 3, and 5,  
6 Code 1989, are amended to read as follows:

7 2. An amount equal to one and one-half percent of  
8 the gross wages paid by the employer to each employee  
9 participating in a project shall be credited from the  
10 payment made by an employer pursuant to section  
11 422.16. If the amount of the withholding by the  
12 employer is less than one and one-half percent of the  
13 gross wages paid to the employees covered by the  
14 agreement, then the employer shall receive a credit  
15 against other withholding taxes due by the employer.  
16 The employer shall remit the amount of the credit  
17 quarterly in the same manner as withholding payments  
18 are reported to the department of revenue and finance,  
19 to the ~~area school~~ community college to be allocated  
20 to and when collected paid into a special fund of the  
21 ~~area school~~ community college to pay the principal of  
22 and interest on certificates issued by the ~~area school~~  
23 community college to finance or refinance, in whole or  
24 in part, the project. When the principal and interest  
25 on the certificates have been paid, the employer  
26 credits shall cease and any money received after the  
27 certificates have been paid shall be remitted to the  
28 treasurer of state to be deposited in the general fund  
29 of the state.

30 3. The new jobs credit from withholding and the  
31 special fund into which it is paid, may be irrevocably  
32 pledged by ~~an area school~~ a community college for the  
33 payment of the principal of and interest on the  
34 certificate issued by ~~an area school~~ a community  
35 college to finance or refinance, in whole or in part,  
36 the project.

37 5. ~~An area school~~ A community college shall  
38 certify to the department of revenue and finance the  
39 amount of new jobs credit from withholding an employer  
40 has remitted to the special fund and shall provide  
41 other information the department may require.

42 Sec. 34. Section 280B.6, subsection 5, Code 1989,  
43 is amended to read as follows:

44 5. Before certificates are issued, the board of  
45 directors shall publish once a notice of its intention  
46 to issue the certificates, stating the amount, the  
47 purpose, and the project or projects for which the  
48 certificates are to be issued. A person may, within  
49 fifteen days after the publication of the notice by  
50 action in the district court of a county in the area

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1 within which the area school community college is  
 2 located, appeal the decision of the board of directors  
 3 in proposing to issue the certificates. The action of  
 4 the board of directors in determining to issue the  
 5 certificates is final and conclusive unless the  
 6 district court finds that the board of directors has  
 7 exceeded its legal authority. An action shall not be  
 8 brought which questions the legality of the  
 9 certificates, the power of the board of directors to  
 10 issue the certificates, the effectiveness of any  
 11 proceedings relating to the authorization of the  
 12 project, or the authorization and issuance of the  
 13 certificates from and after fifteen days from the  
 14 publication of the notice of intention to issue.

15 Sec. 35. Section 280B.7, Code 1989, is amended to  
 16 read as follows:

17 280B.7 DEPARTMENT OF ECONOMIC DEVELOPMENT.

18 The Iowa department of economic development in  
 19 consultation with the department of education shall  
 20 coordinate the new jobs training program. The Iowa  
 21 department of economic development shall adopt, amend,  
 22 and repeal rules under chapter 17A that the area  
 23 school community college will use in developing  
 24 projects with new and expanding industrial new jobs  
 25 training proposals. The department is authorized to  
 26 make any rule that is adopted, amended, or repealed  
 27 effective immediately upon filing with the  
 28 administrative rules coordinator or at a subsequent  
 29 stated date prior to indexing and publication, or at a  
 30 stated date less than thirty-five days after filing,  
 31 indexing, and publication. The department shall  
 32 prepare an annual report for the governor and general  
 33 assembly on the activities of the industrial new jobs  
 34 training program.

35 Sec. 36. Section 280C.2, subsections 1, 2, 5, 7,  
 36 8, and 9, Code 1989, are amended to read as follows:

37 1. "New jobs training program" or "program" means  
 38 the project or projects established by an area school  
 39 a community college for the creation of jobs by  
 40 providing education and training of workers for new  
 41 jobs for a new or expanding small business in the  
 42 merged area served by the area school community  
 43 college.

44 2. "Project" means a training arrangement which is  
 45 the subject of an agreement entered into between the  
 46 area school community college and an employer to  
 47 provide program services.

48 5. "Employer" means the small business providing  
 49 new jobs in the merged area served by the area school  
 50 community college and entering into an agreement.

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1 7. "Agreement" is the agreement between an  
2 employer and an ~~area school~~ a community college  
3 concerning a project.

4 8. "~~Area school~~ Community college" means a  
5 vocational school or a community college established  
6 under chapter 280A.

7 9. "Board of directors" means the board of  
8 directors of an ~~area school~~ a community college.

9 Sec. 37. Section 280C.3, unnumbered paragraph 1,  
10 Code 1989, is amended to read as follows:

11 ~~An area school~~ A community college may enter into  
12 an agreement to establish a project. However, before  
13 ~~an area school~~ a community college and a small  
14 business enter into an agreement to establish a  
15 project, the ~~area school~~ community college shall  
16 consult with the local office of the division of job  
17 service of the department of employment services to  
18 determine if there already exists in the community, a  
19 skilled or experienced group of unemployed workers, as  
20 a result of a plant closing or reduction in force,  
21 sufficiently large to supply the needs of the new or  
22 expanding small business. If such a supply of workers  
23 exists, the ~~area school~~ community college shall enter  
24 into the agreement only if the small business agrees  
25 to give preference in training to those workers over  
26 any other workers who do not have greater  
27 qualifications. If an agreement is entered into, the  
28 ~~area school~~ community college and the employer shall  
29 notify the department of revenue and finance as soon  
30 as possible. An agreement may provide, but is not  
31 limited to:

32 Sec. 38. Section 280C.5, subsections 2 and 4, Code  
33 1989, are amended to read as follows:

34 2. An amount equal to one and one-half percent of  
35 the gross wages paid by the employer to each employee  
36 participating in a project shall be credited from the  
37 payment made by an employer pursuant to section  
38 422.16. If the amount of the withholding by the  
39 employer is less than one and one-half percent of the  
40 gross wages paid to the employees covered by the  
41 agreement, then the employer shall receive a credit  
42 against other withholding taxes due by the employer.  
43 The employer shall remit the amount of the credit  
44 quarterly in the same manner as withholding payments  
45 are reported to the department of revenue and finance,  
46 to the ~~area school~~ community college. To the extent  
47 this credit represents repayments of an advance made  
48 under section 280C.6 plus interest, it shall be paid  
49 to the treasurer of state. When the repayments of an  
50 advance plus interest have been paid, the employer

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1 credits shall cease and any money received after this  
2 shall be remitted to the treasurer of state to be  
3 deposited in the general fund of the state.

4 4. An ~~area school~~ A community college shall  
5 certify to the department of revenue and finance the  
6 amount of new jobs credit from withholding an employer  
7 has remitted to the ~~area school~~ community college and  
8 shall provide other information ~~the department may~~  
9 require.

10 Sec. 39. Section 280C.6, Code 1989, is amended to  
11 read as follows:

12 280C.6 JOB TRAINING FUND.

13 1. There is established for the ~~area schools~~ an  
14 ~~area school~~ community colleges a community college job  
15 training fund under the supervision of the treasurer  
16 of state. The ~~area school~~ community college job  
17 training fund consists of two separate accounts  
18 containing moneys as follows:

19 a. A permanent school fund repayment account to  
20 which shall be credited the interest and principal  
21 from repayment of loans originating from the permanent  
22 school fund appropriation in section 280C.8, made to  
23 employers for program costs, and interest earned from  
24 moneys in the account. Moneys in this account shall  
25 be used to repay the appropriation from the permanent  
26 school fund. At the end of each calendar quarter, the  
27 treasurer of state shall transfer the moneys in the  
28 account and any moneys in the surplus account of the  
29 Iowa plan fund for economic development created in  
30 section 99E.31 to the permanent school fund as  
31 repayment of the loan from the permanent school fund.  
32 If there are moneys in the permanent school fund  
33 repayment account after the permanent school fund loan  
34 has been fully repaid, those moneys shall be  
35 transferred to the revolving loan account provided in  
36 paragraph "b" of this section.

37 b. A revolving loan account to which shall be  
38 credited moneys appropriated for the fiscal year  
39 beginning July 1, 1987, and for succeeding fiscal  
40 years for the purposes of this chapter plus the  
41 interest and principal from repayment of advances made  
42 to employers for program costs and interest earned  
43 from moneys in the revolving loan account. Moneys in  
44 this account shall be used to provide advances to  
45 employers for program costs upon request of boards of  
46 directors of the ~~area schools~~ community colleges.  
47 Beginning July 1, 1995, the Iowa department of  
48 economic development shall reserve a portion of the  
49 moneys in the revolving loan account to pay a portion  
50 of the original one million dollar appropriation in

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1 section 280C.8 which, based upon projections of the  
2 state treasurer, may still be owed to the permanent  
3 school fund on June 30, 1996. The department shall  
4 reserve a portion of the moneys in the revolving loan  
5 account only if the moneys in the permanent school  
6 fund repayment account created in paragraph "a" and  
7 moneys in the "surplus" account of the Iowa plan fund  
8 for economic development created in section 99E.31,  
9 subsection 1, paragraph "c", are insufficient to repay  
10 the loan from the permanent school fund.

11 2. To provide funds for the present payment of the  
12 costs of a new jobs training program by the employer,  
13 the area school community college may provide to the  
14 employer an advance of the moneys to be used to pay  
15 for the program costs as provided in the agreement.

16 To receive the funds for this advance from the  
17 revolving loan account, the area school community  
18 college shall submit an application to the department  
19 of economic development. The amount of the advance  
20 shall not exceed fifty thousand dollars for any  
21 project. The advance shall be repaid with interest  
22 from the sources provided in the agreement. The rate  
23 of interest to be charged for advances made in a  
24 calendar month is equal to one half of the average  
25 rate of interest on tax exempt certificates issued by  
26 area schools community colleges pursuant to chapter  
27 280B for the previous twelve months. The rate shall  
28 be computed by the Iowa department of economic  
29 development.

30 Sec. 40. Section 280C.7, Code 1989, is amended to  
31 read as follows:

32 280C.7 DEPARTMENT OF ECONOMIC DEVELOPMENT TO  
33 COORDINATE.

34 The Iowa department of economic development in  
35 consultation with the department of education and the  
36 division of job service of the department of  
37 employment services shall coordinate the new jobs  
38 training program. The department of economic  
39 development shall adopt, amend, and repeal rules under  
40 chapter 17A that the area school community college  
41 will use in developing projects with new and expanding  
42 small business new jobs training proposals. The  
43 department shall establish by rule criteria for  
44 determining what constitutes a small business. A  
45 project shall not be funded under this chapter unless  
46 the department approves the project. The department  
47 shall establish by rule criteria for approval of  
48 projects. The department is authorized to make any  
49 rule that is adopted, amended, or repealed effective  
50 immediately upon filing with the administrative rules

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1 coordinator or at a subsequent stated date prior to  
2 indexing and publication, or at a stated date less  
3 than thirty-five days after filing, indexing, and  
4 publication. The Iowa department of economic  
5 development shall prepare an annual report for the  
6 governor and general assembly on the activities and  
7 the future anticipated needs of this new jobs training  
8 program.

9 Sec. 41. Section 280C.8, unnumbered paragraph 1,  
10 Code 1989, is amended to read as follows:

11 Notwithstanding sections 8.6, 302.1, and 302.1A,  
12 there is appropriated from the permanent school fund,  
13 for the fiscal period beginning July 1, 1985, and  
14 ending June 30, 1996, the sum of one million dollars  
15 to provide funds for the purposes of and deposits in  
16 the area school community college job training fund  
17 created in section 280C.6. The money appropriated  
18 under this section is a loan from the permanent school  
19 fund to the area school community college job training  
20 fund. The interest on the loan shall be prepaid for a  
21 three-year period from funds appropriated by this  
22 section. The rate of interest shall be determined by  
23 the treasurer of state.

24 Sec. 42. Section 282.26, Code 1989, is amended to  
25 read as follows:

26 **282.26 HIGH SCHOOL STUDENTS ATTENDING ADVANCED**  
27 **COURSES.**

28 The board of any junior community college school  
29 district may, by mutual agreement with any college or  
30 university, permit any specially qualified high school  
31 student to attend advanced courses of academic  
32 instruction therein at the college or university.

33 The state board of regents and the department of  
34 education may by rule permit such students to attend  
35 any institution of higher learning under their  
36 jurisdiction. Credit earned in any such course at a  
37 junior college, college or university may be applied  
38 toward credit for high school graduation. No public  
39 Public school funds shall not be expended for payment  
40 of tuition or other costs for such attendance at any  
41 college or university, unless such the payment is  
42 expressly permitted or required by law.

43 The foregoing provisions shall also apply to junior  
44 colleges, colleges and universities in adjacent states  
45 when such the institutions are located nearer to the  
46 homes or schools of the school district than the  
47 closest junior college, college or university within  
48 the state.

49 Sec. 43. Section 286A.2, Code Supplement 1989, is  
50 amended by adding the following new subsection:

Page 26

1 NEW SUBSECTION. 1. "Area school" means an area  
2 school under section 280A.2, subsection 10, Code 1989,  
3 for purposes of calculations based on fiscal years  
4 occurring before July 1, 1990; for other purposes,  
5 "area school" means a community college under section  
6 280A.2, subsection 1.

7 Sec. 44. Section 298.18, unnumbered paragraph 9,  
8 Code 1989, is amended to read as follows:

9 Provided further that if a school corporation  
10 leases a building or property, which has been used as  
11 a junior college by such corporation, to a merged area  
12 school corporation operating or proposing to operate  
13 an area community college, the annual amounts  
14 certified as herein provided by such leasing school  
15 corporation for payment of interest and principal due  
16 on lawful bonded indebtedness incurred by such leasing  
17 school corporation for purchasing, building,  
18 furnishing, reconstructing, repairing, improving or  
19 remodeling the building leased or acquiring or adding  
20 to the site of such property leased, to the extent of  
21 the respective annual rent the school corporation will  
22 receive under such lease, shall not be considered as a  
23 part of the total amount estimated and certified for  
24 the purposes of determining if such amount exceeds any  
25 limitation contained in this section.

26 Sec. 45. Section 331.512, subsection 1, paragraph  
27 h, Code Supplement 1989, is amended to read as  
28 follows:

29 h. The levy of a tax for the operation of an area  
30 vocational school or an area community college as  
31 provided in section 280A.17.

32 Sec. 46. Section 331.559, subsection 5, Code 1989,  
33 is amended to read as follows:

34 5. Collect the tax levied for the erection and  
35 equipping of area vocational school or area community  
36 college facilities as provided in section 280A.22.

37 Sec. 47.

38 1. Sections 260.33, 261.17, and 307A.2, Code  
39 Supplement 1989, are amended by striking the words  
40 "area school" or "area schools" and inserting in lieu  
41 thereof the following: "community college" or  
42 "community colleges".

43 2. Sections 93.19, 93.20, 93.20A, 252D.1, 279.44,  
44 313.4, 321J.3, 321J.22, 405A.1, 598.1, and 633.376,  
45 Code 1989, are amended by striking the words "area  
46 school" or "area schools" and inserting in lieu  
47 thereof the following: "community college" or  
48 "community colleges".

49 Sec. 48.

50 1. Sections 260.33, 261.1, and 296.7, Code

## Page 27

1 Supplement 1989, are amended by striking the words  
 2 "merged area school" or "merged area schools" and  
 3 inserting in lieu thereof the following: "community  
 4 college" or "community colleges".  
 5 2. Sections 15.103, 19B.11, 80D.4, 93.19, 261.83,  
 6 276.10, 279.50, 303.77, 442A.3, and 601A.9, Code 1989,  
 7 are amended by striking the words "merged area school"  
 8 or "merged area schools" and inserting in lieu thereof  
 9 the following: "community college" or "community  
 10 colleges".

## 11 Sec. 49. APPOINTMENT OF STATE BOARD.

12 Notwithstanding the composition of the state board  
 13 of education established in section 256.3, for the  
 14 period commencing July 1, 1990, and ending April 30,  
 15 1992, the state board of education shall consist of  
 16 eleven members including the nine members appointed  
 17 under section 256.3 and two additional members who  
 18 have substantial knowledge related to the community  
 19 college and who shall have full voting rights. The  
 20 two additional members shall be appointed in the  
 21 manner specified in section 256.3 for members of the  
 22 state board of education. One of the two additional  
 23 members shall be appointed to a term ending April 30,  
 24 1992, and the other additional member to a term ending  
 25 on April 30, 1996. The positions of membership for  
 26 which terms expire under section 256.3 on April 30,  
 27 1992, are eliminated and shall not be filled.

## 28 Sec. 50.

29 On the effective date of this section,  
 30 appropriations, property taxes certified, contracts,  
 31 agreements, and other obligations of an area school  
 32 shall be deemed to be appropriations, taxes,  
 33 contracts, agreements, and obligations of the  
 34 successor community college.

35 Sec. 51. Sections 280A.3, 280A.4, 280A.5, 280A.6,  
 36 280A.7, 280A.8, 280A.9, 280A.10, 280A.14, 280A.26, and  
 37 280A.40, Code 1989, are repealed.

## 38 Sec. 52.

39 Section 4 of this Act takes effect May 1, 1992.  
 40 Section 49 and this section of this Act, being deemed  
 41 of immediate importance, take effect upon their  
 42 enactment."

Committee on Education

H-5779

1 Amend the Senate amendment, H-5718, to House File  
 2 731, as passed by the House, as follows:  
 3 1. Page 1, line 13, by inserting after the word  
 4 "established" the following: ", except to conform the

5 angle of the slope of the ditch banks with currently  
6 established engineering standards".  
7 2. Page 1, by striking lines 37 and 38, and  
8 inserting the following: "measurement when  
9 established, except to conform the angle of the slope  
10 of the ditch banks with currently established  
11 engineering standards."

MERTZ of Kossuth  
HIBBARD of Madison

H-5781

1 Amend the amendment, H-5778, to House File 2547 as  
2 follows:  
3 1. Page 2, line 19, by striking the word  
4 "programs" and inserting the following: "programs".  
5 2. Page 18, line 43, by striking the words "an  
6 area school" and inserting the following: "an area  
7 school a".

SHOULTZ of Black Hawk

H-5783

1 Amend Senate File 2402, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 14, by inserting after line 35 the  
4 following:  
5 "Sec. \_\_\_\_\_.  
6 The Iowa highway research board in conjunction with  
7 the industrial technology department of the university  
8 of northern Iowa shall conduct an experimental roadway  
9 paving project using hot asphalt rubber materials.  
10 The materials shall be applied by a company with  
11 experience in the use of recycled tire rubber. The  
12 project shall be funded from moneys allocated to the  
13 Iowa highway research board. The Iowa highway  
14 research board shall submit a report to the general  
15 assembly by January 1, 1991, detailing the results of  
16 the project."  
17 2. By renumbering as necessary.

SVOBODA of Tama

H-5784

1 Amend Senate File 2408 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 27, by inserting after line 11, the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 602.1205, Code 1989, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 3. The supreme court shall  
8 prescribe rules relating to the filing or submission

9 of documents to the judicial department and all courts  
 10 of the state by requiring that such documents be  
 11 printed on recycled paper. The rules shall also  
 12 provide that documents within the judicial department  
 13 and documents disseminated by the department shall be  
 14 printed on recycled paper."

15 2. Page 29, by inserting after line 14, the  
 16 following:

17 "Sec.\_\_\_\_\_.

18 The supreme court shall require that documents to  
 19 which section 602.1205, subsection 3, applies shall be  
 20 printed on recyclable paper by January 1, 1991."

21 3. Renumber as necessary.

SHOULTZ of Black Hawk

H-5785

1 Amend House File 2493 as follows:

2 1. Page 1, by inserting before line 1, the  
 3 following:

4 "Section 1. Section 455B.304, Code Supplement  
 5 1989, is amended by adding the following new  
 6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
 8 provisions of this chapter regarding the requirement  
 9 of the equipping of a sanitary landfill with a  
 10 leachate control system and the establishment and  
 11 continuation of a postclosure account, the department  
 12 shall adopt rules which provide for an exemption from  
 13 the requirements to equip a sanitary landfill with a  
 14 leachate control system and to establish and maintain  
 15 a postclosure account if the sanitary landfill  
 16 operator is a public agency, if the sanitary landfill  
 17 has closed or will close by July 1, 1991, and will no  
 18 longer accept waste for disposal after that date, and  
 19 if at the time of closure of the sanitary landfill  
 20 monitoring of the groundwater does not reveal the  
 21 presence of leachate. The rules may require  
 22 postclosure groundwater monitoring and shall establish  
 23 the requirements for the implementation of leachate  
 24 collection and control in cases in which leachate is  
 25 found during postclosure monitoring. The rules shall  
 26 provide for a closure completion period following the  
 27 date of closure of a sanitary landfill.

28 Notwithstanding the provisions of this paragraph, the  
 29 public agency shall retain financial responsibility  
 30 for closure and postclosure requirements applicable to  
 31 sanitary disposal projects."

32 2. By renumbering as necessary.

MUHLBAUER of Crawford  
 MERTZ of Kossuth  
 FULLER of Hardin  
 IVERSON of Wright  
 MURPHY of Dubuque  
 BRANSTAD of Winnebago

FOGARTY of Palo Alto  
 ROYER of Page  
 TABOR of Jackson  
 TYRRELL of Iowa  
 GRUHN of Dickinson  
 KOENIGS of Mitchell

H-5786

1 Amend House File 2545 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. MULTISTATE STUDY - SOLID WASTE  
5 DISPOSAL.

6 1. The governor shall request the cooperation of  
7 the governors of contiguous states in establishing a  
8 multistate consortium to study the issue of solid  
9 waste disposal among the member states. The study  
10 shall include but is not limited to a review of  
11 reciprocity agreements, taxation, and solid waste  
12 disposal fees. The consortium shall begin its study  
13 January 15, 1991, and shall conclude its study no  
14 later than January 15, 1992, and shall submit a report  
15 of recommendations to the general assembly no later  
16 than February 1, 1992.

17 2. A solid waste disposal advisory council is  
18 established which shall represent the state of Iowa in  
19 the multistate consortium. The advisory council shall  
20 include the following members:

21 a. A representative of the faculty of each state  
22 university involved in environmental studies,  
23 appointed by the president of the respective  
24 university.

25 b. Two representatives of the business community,  
26 appointed by the governor.

27 c. A representative of the science and industry  
28 council, appointed by the governor.

29 d. A representative of the general public,  
30 appointed by the governor.

31 The council's membership shall comply with the  
32 political and gender balance requirements of sections  
33 69.16 and 69.16A, to the extent possible."

34 2. Title page, by striking lines 1 through 3, and  
35 inserting the following: "An Act relating to the  
36 establishment of a solid waste multistate consortium."

HALVORSON of Clayton  
HARBOR of Mills

H-5796

1 Amend House File 2552 as follows:

2 1. Page 12, by striking lines 4 through 7, and  
3 inserting the following:

4 "Sec. \_\_\_\_\_. Section 455G.9, subsection 1, paragraph  
5 a, subparagraph (1), unnumbered paragraph 1, Code  
6 Supplement 1989, is amended to read as follows:

7 Corrective action for an eligible release reported  
8 to the department of natural resources on or after  
9 July 1, 1987, but prior to May 5, 1989. Third-party

10 liability is specifically excluded from remedial  
 11 account coverage. For a claim for a release under  
 12 this subparagraph, the remedial program shall pay no  
 13 more than the lesser of twenty-five thousand dollars  
 14 or ~~one-third~~ one-half of the total costs of corrective  
 15 action for that release, subsection 4 notwithstanding.  
 16 For a release to be eligible for coverage under this  
 17 subparagraph the following conditions must be  
 18 satisfied:"  
 19 2. By striking page 19, line 34, through page 20,  
 20 line 17.  
 21 3. By renumbering as necessary.

FOGARTY of Palo Alto

H-5802

1 Amend Senate File 2403, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 6, by inserting after line 22, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 93.13A, Code Supplement 1989,  
 6 is amended by adding the following new unnumbered  
 7 paragraph:  
 8 NEW UNNUMBERED PARAGRAPH. The department shall not  
 9 require a school district, area school, area education  
 10 agency, city, or county to perform an engineering  
 11 analysis if the school district, area education  
 12 agency, city, or county demonstrates to the department  
 13 that the facility which is the subject of the proposed  
 14 engineering analysis at issue is unlikely to be in use  
 15 or operation in four years."  
 16 2. By renumbering as necessary.

MUHLBAUER of Crawford

H-5807

1 Amend the amendment, H-5804, to Senate File 2329,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 15, by inserting after the word  
 5 "bus." the following: "A person shall be prohibited  
 6 from operating a school bus holding a temporary  
 7 restricted license issued under chapter 321J."  
 8 2. Page 1, by inserting after line 21 the  
 9 following:  
 10 "\_\_\_\_\_. Page 59, by inserting after line 12 the  
 11 following:  
 12 "Sec. \_\_\_\_\_. Section 321J.20, Code 1989, is amended  
 13 by adding the following new subsection:  
 14 NEW SUBSECTION. 5. A person holding a temporary

- 15 license issued by the department under this chapter  
16 shall be prohibited from operating a school bus.””  
17 3. By renumbering as necessary.

HANSON of Delaware  
BLACK of Jasper

H-5808

- 1 Amend the amendment, H-5656, to Senate File 431, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 50, by striking the word  
5 “penalty” and inserting the following: “penalty.”  
6 2. Page 2, by striking lines 1 through 3 and  
7 inserting the following: “The county attorney”.

KOENIGS of Mitchell

H-5809

- 1 Amend House File 2547 as follows:  
2 1. Title page, line 1, by striking the word  
3 “institutions” and inserting the following:  
4 “institutions.”.  
5 2. Title page, by striking line 2.

SHOULTZ of Black Hawk

H-5815

- 1 Amend Senate File 2328, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 23, line 29, through page 24,  
4 line 4.  
5 2. By renumbering as necessary.

HALVORSON of Webster

H-5821

- 1 Amend the amendment, H-5751, to Senate File 2402,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 3, lines 47 and 48, by striking the words  
5 “and federal aid secondary road funds received by the  
6 state”.  
7 2. Page 4, lines 9 through 11, by striking the  
8 words “and federal aid secondary road funds received  
9 by the state” and inserting the following: “and  
10 federal aid secondary road funds received by the  
11 state”.  
12 3. Page 4, line 26, by striking the words “and  
13 federal aid secondary road funds”.  
14 4. Page 5, line 1, by inserting after the word  
15 “county” the following: “of farm-to-market road”

16 funds".

17 5. Page 5, by striking lines 23 and 24 and  
18 inserting the following: "farm-to-market road fund  
19 moneys in the fiscal year".

20 6. Page 5, by striking lines 28 and 29 and  
21 inserting the following: "farm-to-market road fund  
22 moneys for the next fiscal year to".

FOGARTY of Palo Alto

H-5822

1 Amend the amendment, H-5588, to Senate File 2402,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 2, the  
5 following:

6 "\_\_\_\_\_. Page 1, line 12, by striking the figure  
7 "961,617" and inserting the following: "953,617".

8 \_\_\_\_\_ Page 1, line 25, by striking the letter "a."

9 \_\_\_\_\_ Page 1, line 28, by striking the figure  
10 "3,508,957" and inserting the following: "3,448,957".

11 \_\_\_\_\_ Page 1, by striking lines 30 through 34.

12 \_\_\_\_\_ Page 2, line 4, by striking the figure  
13 "320,482" and inserting the following: "307,271".

14 \_\_\_\_\_ Page 2, line 5, by striking the figure "13"  
15 and inserting the following: "12".

16 2. Page 1, by inserting after line 4 the  
17 following:

18 "\_\_\_\_\_. Page 2, line 18, by striking the figure  
19 "15,000" and inserting the following: "10,000".

20 \_\_\_\_\_ Page 2, line 35, by striking the letter "a."

21 \_\_\_\_\_ Page 3, by striking lines 4 and 5."

22 3. Page 1, by inserting after line 7 the  
23 following:

24 "\_\_\_\_\_. Page 3, line 14, by striking the figure  
25 "6,557,018" and inserting the following: "6,534,828".

26 \_\_\_\_\_ Page 3, line 15, by striking the figure

27 "137" and inserting the following: "136".

28 \_\_\_\_\_ Page 3, line 17, by striking the figure

29 "250,000" and inserting the following: "100,000".

30 \_\_\_\_\_ Page 3, by striking lines 18 through 21.

31 \_\_\_\_\_ Page 4, line 14, by striking the figure

32 "50,000" and inserting the following: "25,000".

33 4. Page 1, line 12, by striking the figure "1990"  
34 and inserting the following: "1989".

35 5. Page 1, by inserting after line 14 the  
36 following:

37 "\_\_\_\_\_. Page 5, by striking lines 9 and 10.

38 \_\_\_\_\_ Page 5, line 11, by striking the figure

39 "2." "

40 6. Page 1, by inserting after line 20 the  
41 following:

42 " \_\_\_\_\_. Page 6, by striking lines 25 through 30.  
 43 \_\_\_\_\_. Page 7, by inserting after line 19 the  
 44 following:  
 45 "Sec. \_\_\_\_\_.  
 46 There is appropriated from use tax receipts  
 47 collected under chapter 423 prior to deposit in the  
 48 road use tax fund, to the department of public safety,  
 49 for the fiscal year beginning July 1, 1990, and ending  
 50 June 30, 1991, the following amounts, or so much

Page 2

1 thereof as may be necessary, to be used for the  
 2 purposes designated:  
 3 For communications equipment, the law enforcement  
 4 intelligence network, and the automated fingerprint  
 5 information system:  
 6 .....\$ 374,800  
 7 As a condition, limitation, and qualification of  
 8 this appropriation, the department of public safety  
 9 shall allocate \$75,000 to the communications division  
 10 for service monitors and radio spare parts, \$20,000 to  
 11 the division of criminal investigation for the law  
 12 enforcement intelligence network, and \$279,800 for the  
 13 continuing purchase of four local remote terminals for  
 14 the automated fingerprint information system."  
 15 \_\_\_\_\_. Page 7, line 22, by striking the words  
 16 "general fund of the state" and inserting the  
 17 following: "road use tax fund".  
 18 \_\_\_\_\_. Page 8, line 17, by striking the figure  
 19 "105,000" and inserting the following: "55,000".  
 20 \_\_\_\_\_. Page 9, by striking lines 11 and 12."  
 21 7. Page 1, by striking lines 21 through 26.  
 22 8. Page 3, line 12, by striking the word "thirty-  
 23 five" and inserting the following: "twenty-five".  
 24 9. Page 3, line 21 by inserting after the word  
 25 "Tama." the following: "The state shall not be held  
 26 liable for law enforcement duties performed pursuant  
 27 to this section."  
 28 10. By renumbering as necessary.

COHOON of Des Moines

H-5823

1 Amend House File 2553 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 455B.304, Code Supplement  
 5 1989, is amended by adding the following new  
 6 unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
 8 provisions of this chapter regarding the requirement

9 of the equipping of a sanitary landfill with a  
 10 leachate control system and the establishment and  
 11 continuation of a postclosure account, the department  
 12 shall adopt rules which provide for an exemption from  
 13 the requirements to equip a sanitary landfill with a  
 14 leachate control system and to establish and maintain  
 15 a postclosure account if the sanitary landfill  
 16 operator is a public agency, if the sanitary landfill  
 17 has closed or will close by July 1, 1991, and will no  
 18 longer accept waste for disposal after that date, and  
 19 if at the time of closure of the sanitary landfill  
 20 monitoring of the groundwater does not reveal the  
 21 presence of leachate. The rules may require  
 22 postclosure groundwater monitoring and shall establish  
 23 the requirements for the implementation of leachate  
 24 collection and control in cases in which leachate is  
 25 found during postclosure monitoring. The rules shall  
 26 provide for a closure completion period following the  
 27 date of closure of a sanitary landfill.  
 28 Notwithstanding the provisions of this paragraph, the  
 29 public agency shall retain financial responsibility  
 30 for closure and postclosure requirements applicable to  
 31 sanitary disposal projects."  
 32 2. By renumbering as necessary.

MUHLBAUER of Crawford  
 MERTZ of Kossuth  
 FULLER of Hardin  
 TYRRELL of Iowa  
 GRUHN of Dickinson

FOGARTY of Palo Alto  
 ROYER of Page  
 IVERSON of Wright  
 MURPHY of Dubuque  
 BRANSTAD of Winnebago  
 KOENIGS of Mitchell

H—5829

1 Amend Senate File 2402, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 14, by inserting after line 35 the  
 4 following:  
 5 "Sec. \_\_\_\_\_.  
 6 The Iowa highway research board in conjunction with  
 7 the industrial technology department of the university  
 8 of northern Iowa shall conduct an experimental roadway  
 9 paving project using recycled rubber in hot asphalt  
 10 concrete. The materials shall be applied by a company  
 11 with experience in the use of recycled tire rubber.  
 12 The project shall be funded from moneys allocated to  
 13 the Iowa highway research board. The Iowa highway  
 14 research board shall submit a report to the general  
 15 assembly by January 1, 1991, detailing the results of  
 16 the project."  
 17 2. By renumbering as necessary.

SVOBODA of Tama

H-5834

1 Amend Senate File 2402, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 18, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 321L.2, subsection 3,  
6 unnumbered paragraph 2, Code Supplement 1989, is  
7 amended to read as follows:

8 A handicapped person who has been issued  
9 registration plates as a seriously disabled veteran  
10 under section 321.105 this chapter for a motor vehicle  
11 owned by the handicapped person may apply to the  
12 department for a handicapped identification sticker to  
13 be affixed to the plates. The handicapped  
14 identification stickers shall bear the international  
15 symbol of accessibility. The handicapped  
16 identification stickers shall be acquired by the  
17 department and sold at a cost not to exceed five  
18 dollars, to eligible handicapped persons upon  
19 application on forms prescribed by the department."

20 2. Renumber sections as necessary.

SCHRADER of Marion

H-5861

1 Amend House File 2558 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. MULTISTATE STUDY - SOLID WASTE  
5 DISPOSAL.

6 1. The governor shall request the cooperation of  
7 the governors of contiguous states in establishing a  
8 multistate consortium to study the issue of solid  
9 waste disposal among the member states. The study  
10 shall include but is not limited to a review of  
11 reciprocity agreements, taxation, and solid waste  
12 disposal fees. The consortium shall begin its study  
13 January 15, 1991, and shall conclude its study no  
14 later than January 15, 1992, and shall submit a report  
15 of recommendations to the general assembly no later  
16 than February 1, 1992.

17 2. A solid waste disposal advisory council is  
18 established which shall represent the state of Iowa in  
19 the multistate consortium. The advisory council shall  
20 include the following members:

21 a. A representative of the faculty of each state  
22 university involved in environmental studies,  
23 appointed by the president of the respective  
24 university.

25 b. Two representatives of the business community,  
26 appointed by the governor.

- 27 c. A representative of the science and industry  
 28 council, appointed by the governor.  
 29 d. A representative of the general public,  
 30 appointed by the governor.  
 31 The council's membership shall comply with the  
 32 political and gender balance requirements of sections  
 33 69.16 and 69.16A, to the extent possible."  
 34 2. Title page, by striking lines 1 through 3, and  
 35 inserting the following: "An Act relating to the  
 36 establishment of a solid waste multistate consortium."

HALVORSON of Clayton

H-5892

- 1 Amend House File 2543 as follows:  
 2 1. Page 15, by inserting after line 19 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 97B.53A DUTY OF  
 5 DEPARTMENT.  
 6 Upon a member's termination of covered employment  
 7 prior to the member's retirement, the department shall  
 8 send the member by certified mail, to the member's  
 9 last known mailing address, a notice setting forth the  
 10 balance and status of the member's account and an  
 11 explanation of the courses of action available to the  
 12 member under this chapter."

CORBETT of Linn

H-5894

- 1 Amend the amendment, H-5860, to House File 2543, as  
 2 follows:  
 3 1. By striking page 1, line 21 through page 2,  
 4 line 32.  
 5 2. By striking page 13, line 41 through page 15,  
 6 line 2.  
 7 3. By numbering and renumbering as necessary.

CARPENTER of Polk  
 HANSEN of Woodbury  
 DODERER of Johnson

H-5897

- 1 Amend the amendment H-5801 to Senate File 2031, as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by striking lines 16 through 19.

JAY of Appanoose

H-5898

- 1 Amend Senate File 431, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 5, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 206.33, Code Supplement 1989,
- 6 is amended to read as follows:
- 7 206.33 DAMINOZIDE - PROHIBITION.
- 8 A person shall not offer for sale, sell, purchase,
- 9 apply, or use a pesticide containing daminozide in
- 10 this state if the pesticide is sold, purchased,
- 11 applied, or used for purposes of enhancing or
- 12 improving a product produced to be consumed."
- 13 2. By renumbering as necessary.

GRUHN of Dickinson

H-5901

- 1 Amend House File 2558 as follows:
- 2 1. Page 2, line 26, by inserting after the word
- 3 "state" the following: "with the exception of solid
- 4 waste disposal facilities described in section
- 5 455B.310, subsection 3, or any sewage sludge ash sites
- 6 operated by a municipality for disposal of material
- 7 generated by that community".
- 8 2. Page 2, by striking line 29, and inserting the
- 9 following: "disposed of at any landfill other than
- 10 the appropriate landfill nearest the".
- 11 3. Page 3, line 2, by inserting after the word
- 12 "waste." the following: "For the convenience of large
- 13 quantity generators, the department may issue daily,
- 14 weekly, or monthly permits, but in no case shall the
- 15 per ton surcharge be reduced. The department shall
- 16 ensure that the material authorized to be disposed of
- 17 under these combined special waste permits is the
- 18 waste as presented in both type and quantity."
- 19 4. Page 3, line 9, by inserting after the word
- 20 "soils." the following: "Foundary sand shall not be
- 21 subject to the surcharge prescribed by this paragraph
- 22 until January 1, 1992."
- 23 5. Page 3, line 10, by inserting after the words
- 24 "of the" the following: "appropriate".
- 25 6. Page 3, line 11, by inserting after the word
- 26 "within" the following: "or nearest".
- 27 7. Page 3, line 14, by inserting before the word
- 28 "All" the following: "4."
- 29 8. Page 5, line 19, by inserting after the word
- 30 "the" the following: "appropriate".
- 31 9. Page 5, line 23, by inserting after the words
- 32 "at the" the following: "appropriate".
- 33 10. Page 5, line 29, by striking the word "does"
- 34 and inserting the following: "may".

JESSE of Jasper

H-5902

- 1 Amend the amendment, H-5831, to Senate File 2327,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:
- 4 1. Page 1, by inserting after line 2, the  
5 following:  
6 "\_\_\_\_\_. Page 1, line 28, by striking the figure  
7 "3,450,000" and inserting the following:  
8 "3,350,000"."
- 9 2. Page 2, by inserting after line 34 the  
10 following:  
11 "\_\_\_\_\_. Page 9, line 29, by striking the figure  
12 "360,000" and inserting the following: "260,000"."
- 13 3. Page 2, by inserting after line 44 the  
14 following:  
15 "\_\_\_\_\_. Page 12, line 12, by striking the figure  
16 "750,000" and inserting the following: "250,000".  
17 \_\_\_\_\_ Page 12, line 15, by striking the figure  
18 "750,000" and inserting the following: "250,000".  
19 \_\_\_\_\_ Page 12, line 23, by striking the figure  
20 "500,000" and inserting the following: "230,000"."
- 21 4. Page 3, by inserting after line 1 the  
22 following:  
23 "\_\_\_\_\_. Page 13, line 10, by striking the figure  
24 "2,729,880" and inserting the following:  
25 "4,729,880"."
- 26 5. Page 3, by striking lines 10 and 11 and  
27 inserting the following:  
28 "\_\_\_\_\_. By striking page 14, line 33 through page  
29 15, line 5.  
30 \_\_\_\_\_ Page 15, line 15, by striking the figure  
31 "50,000" and inserting the following: "30,000"."
- 32 6. Page 3, by inserting after line 13 the  
33 following:  
34 "\_\_\_\_\_. By striking page 15, line 35, through page  
35 16, line 35.  
36 \_\_\_\_\_ Page 17, line 20, by striking the figure  
37 "250,000" and inserting the following: "80,000"."
- 38 7. Page 4, by inserting after line 38 the  
39 following:  
40 "\_\_\_\_\_. By striking page 18, line 23, through page  
41 19, line 2."
- 42 8. By renumbering as necessary.

TRENT of Muscatine

H-5903

- 1 Amend Senate File 2344, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 2, by striking the word  
4 "subsection" and inserting the following:

5 "subsections".

6 2. Page 1, by inserting after line 19, the  
7 following:

8 "NEW SUBSECTION. 7. Provide an opportunity for a  
9 contested case hearing as provided in chapter 17A, as  
10 applicable, for determinations made by the department  
11 pursuant to this section."

12 3. Page 2, by inserting before line 1, the  
13 following:

14 "Sec. \_\_\_\_\_. NEW SECTION. 252C.12 OPPORTUNITY FOR  
15 CONTESTED CASE HEARING.

16 The department shall provide an opportunity for a  
17 contested case hearing as provided in chapter 17A, as  
18 applicable, for determinations made by the department  
19 pursuant to this chapter.

20 Sec. \_\_\_\_\_. NEW SECTION. 252D.8 OPPORTUNITY FOR  
21 CONTESTED CASE HEARING.

22 The department shall provide an opportunity for a  
23 contested case hearing as provided in chapter 17A, as  
24 applicable, for determinations made by the department  
25 pursuant to this chapter."

26 4. By renumbering as necessary.

BEATTY of Warren  
BUHR of Polk  
HAMMOND of Story  
FEY of Scott  
BROWN of Lucas

H-5904

1 Amend Senate File 2403, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 22, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 93.13A, Code Supplement 1989,  
6 is amended by adding the following new unnumbered  
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. The department shall not  
9 require a school district, area school, area education  
10 agency, city, or county to perform an engineering  
11 analysis if the school district, area education  
12 agency, city, or county demonstrates to the department  
13 that the facility which is the subject of the proposed  
14 engineering analysis at issue is unlikely to be in use  
15 or operation in six years."

16 2. By renumbering as necessary.

SHEARER of Louisa

H-5905

1 Amend amendment, H-5655, to Senate File 2403, as  
2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 2, by striking lines 47 through 50.  
5 2. By renumbering as necessary.

JAY of Appanoose  
KOENIGS of Mitchell  
FOGARTY of Palo Alto  
DE GROOT of Lyon  
SIEGRIST of Pottawattamie  
LUNDBY of Linn

H-5906

- 1 Amend the amendment, H-5655, to Senate File 2403,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 3, line 5, by striking the words "A rate-  
5 regulated" and inserting the following: "An".  
6 2. Page 3, line 12, by striking the words "rate-  
7 regulated".  
8 3. Page 3, line 18, by striking the words "rate-  
9 regulated".  
10 4. Page 4, line 12, by striking the words "rate-  
11 regulated".  
12 5. Page 4, line 16, by striking the words "rate-  
13 regulated".  
14 6. Page 4, line 18, by striking the words "A  
15 rate-regulated" and inserting the following: "An".  
16 7. Page 4, line 26, by striking the words "rate-  
17 regulated".  
18 8. Page 4, line 31, by striking the words "rate-  
19 regulated".  
20 9. Page 4, line 33, by striking the words "rate-  
21 regulated".

BISIGNANO of Polk  
CONNORS of Polk  
SHONING of Woodbury

JESSE of Jasper  
HAVERLAND of Polk  
HANSEN of Woodbury  
TABOR of Jackson

H-5907

- 1 Amend the amendment, H-5860, to House File 2543, as  
2 follows:  
3 1. Page 3, by inserting before line 29 the  
4 following:  
5 "\_\_\_\_\_. Page 3, by inserting before line 6 the  
6 following:  
7 "Sec. \_\_\_\_\_. Section 97A.6, Code 1989, is amended by  
8 adding the following new subsection:  
9 NEW SUBSECTION. 17. Notwithstanding subsection  
10 16, paragraph "f", commencing January 1, 1995, for  
11 each calendar year, the limitation on the covered  
12 portion of the member's earnable compensation shall be

13 increased from the previous calendar year by three  
 14 thousand dollars if the annual actuarial valuation of  
 15 the assets and liabilities of the system indicates  
 16 that the cost of the increase can be absorbed within  
 17 the employer and employee contribution rates provided  
 18 in section 97A.8." "

19 2. Page 6, by inserting before line 8 the  
 20 following:

21 "\_\_\_\_\_. Page 4, by inserting before line 7 the  
 22 following:

23 "Sec. \_\_\_\_\_. Section 97A.8, subsection 1, Code 1989,  
 24 is amended by adding the following new paragraph:  
 25 NEW PARAGRAPH. j. Notwithstanding paragraph "i",  
 26 subparagraph (5), commencing January 1, 1995, for each  
 27 calendar year, the limitation on the covered portion  
 28 of the member's earnable compensation shall be  
 29 increased from the previous calendar year by three  
 30 thousand dollars if the annual actuarial valuation of  
 31 the assets and liabilities of the system indicates  
 32 that the cost of the increase can be absorbed within  
 33 the employer and employee contribution rates provided  
 34 in section 97A.8." "

35 3. Page 6, by inserting after line 13 the  
 36 following:

37 "\_\_\_\_\_. Page 5, by striking lines 23 and 24 and  
 38 inserting the following: "under section 97B.11." "

39 4. Page 22, by inserting before line 6 the  
 40 following:

41 "\_\_\_\_\_. Page 22, by inserting before line 22 the  
 42 following:

43 "Sec. \_\_\_\_\_. Section 411.6, Code 1989, is amended by  
 44 adding the following new subsection:  
 45 NEW SUBSECTION. 15. Notwithstanding subsection  
 46 14, paragraph "f", commencing January 1, 1995, for  
 47 each calendar year, the limitation on the covered  
 48 portion of the member's earnable compensation shall be  
 49 increased from the previous calendar year by three  
 50 thousand dollars if the annual actuarial valuation of

**Page 2**

1 the assets and liabilities of the system indicates  
 2 that the cost of the increase can be absorbed within  
 3 the employer and employee contribution rates provided  
 4 in section 411.8." "

5 5. Page 24, by inserting before line 45 the  
 6 following:

7 "Sec. \_\_\_\_\_. Section 411.8, subsection 1, Code 1989,  
 8 is amended by adding the following new paragraph:  
 9 NEW PARAGRAPH. j. Notwithstanding paragraph "i",  
 10 subparagraph (5), commencing January 1, 1995, for each  
 11 calendar year, the limitation on the covered portion

12 of the member's earnable compensation shall be  
 13 increased from the previous calendar year by three  
 14 thousand dollars if the annual actuarial valuation of  
 15 the assets and liabilities of the system indicates  
 16 that the cost of the increase can be absorbed within  
 17 the employer and employee contribution rates provided  
 18 in section 411.8."

HAMMOND of Story  
 BLANSHAN of Greene

H-5910

1 Amend House File 2558 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting the following:

4 "Section 1. MULTISTATE STUDY - SOLID WASTE  
 5 DISPOSAL.

6 1. The governor shall request the cooperation of  
 7 the governors of contiguous states in establishing a  
 8 multistate consortium to study the issue of solid  
 9 waste disposal among the member states. The study  
 10 shall include but is not limited to a review of  
 11 reciprocity agreements, taxation, and solid waste  
 12 disposal fees. The consortium shall begin its study  
 13 January 15, 1991, and shall conclude its study no  
 14 later than January 15, 1992, and shall submit a report  
 15 of recommendations to the general assembly no later  
 16 than February 1, 1992.

17 2. A solid waste disposal advisory council is  
 18 established which shall represent the state of Iowa in  
 19 the multistate consortium. The advisory council shall  
 20 include the following members:

21 a. A representative of the faculty of each state  
 22 university involved in environmental studies,  
 23 appointed by the president of the respective  
 24 university.

25 b. Two representatives of the business community,  
 26 appointed by the governor.

27 c. A representative of the science and industry  
 28 council, appointed by the governor.

29 d. A representative of the general public,  
 30 appointed by the governor.

31 The council's membership shall comply with the  
 32 political and gender balance requirements of sections  
 33 69.16 and 69.16A, to the extent possible."

34 2. Title page, by striking lines 2 and 3, and  
 35 inserting the following: "multistate consortium  
 36 regarding solid waste disposal."

HALVORSON of Clayton

H-5913

- 1 Amend the amendment, H-5655, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking lines 5 through 17.
- 5 2. By renumbering as necessary.

PETERSON of Carroll  
 CARPENTER of Polk  
 BANKS of Plymouth

MUHLBAUER of Crawford  
 PAVICH of Pottawattamie  
 IVERSON of Wright  
 KNAPP of Dubuque

H-5916

- 1 Amend Senate File 2407, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Sec. 100. Section 514B.14, subsection 2, Code
- 6 1989, is amended by adding the following new
- 7 unnumbered paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. The total number of
- 9 complaints related to emergency services, including a
- 10 narrative description of each complaint related to
- 11 emergency services.
- 12 Sec. 101. NEW SECTION. 514B.14A DISCLOSURE OF
- 13 COMPLAINT SYSTEM UPON DENIAL OF COVERAGE.
- 14 In any written denial of coverage delivered to an
- 15 enrollee, a health maintenance organization shall
- 16 include a disclosure in bold print of available appeal
- 17 options. The disclosure shall specifically include a
- 18 description of the internal complaint system approved
- 19 pursuant to section 514B.14 and the option to file a
- 20 complaint with the commissioner of insurance. The
- 21 commissioner may by order adopt disclosure guidelines
- 22 or standards, providing that a reasonable deviation
- 23 from any uniform language which is necessary to
- 24 accommodate the individual details of a complaint
- 25 system under section 514B.14 shall be permitted.
- 26 Sec. 102. NEW SECTION. 514B.14B DEFINITION OF
- 27 "EMERGENCY SERVICES".
- 28 The commissioner shall by order, after consultation
- 29 with representatives of each health maintenance
- 30 organization with a current certificate of authority
- 31 to operate within this state pursuant to section
- 32 514B.3, adopt a uniform definition of "emergency
- 33 services" which shall be adhered to by each health
- 34 maintenance organization in any plan offered or
- 35 renewed within the state after the effective date of
- 36 this Act."
- 37 2. Title page, line 2, by inserting after the
- 38 word "payments" the following: "and to certain health

39 maintenance organization services and denials of  
 40 services for which payments subject to taxation have  
 41 been received".  
 42 3. By renumbering as necessary.

GRONINGA of Cerro Gordo

H-5918

1 Amend House File 2543 as follows:  
 2 1. By striking page 17, line 26 through page 27,  
 3 line 15, and inserting the following:  
 4 "Sec. \_\_\_\_\_. Section 20.9, unnumbered paragraph 3,  
 5 Code 1989, is amended to read as follows:  
 6 All retirement systems, other than retirement  
 7 systems under chapter 411, shall be excluded from the  
 8 scope of negotiations. Fire and police retirement  
 9 systems under chapter 411 are included among the  
 10 mandatory subjects of bargaining.  
 11 Sec. \_\_\_\_\_. NEW SECTION. 411.40 LOCAL CONTROL -  
 12 COLLECTIVE BARGAINING.  
 13 Effective July 1, 1990, all revisions in the  
 14 organization, benefits, and contributions under fire  
 15 and police retirement systems subject to chapter 411  
 16 shall be effected exclusively at the local level  
 17 through the process of collective bargaining. The  
 18 provisions of chapter 411, Code 1989, shall govern the  
 19 operation of the systems pending changes pursuant to  
 20 collective bargaining procedures."

BISIGNANO of Polk

H-5920

1 Amend House File 2553 as follows:  
 2 1. Page 10, by inserting after line 3, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. MULTISTATE STUDY - SOLID WASTE  
 5 DISPOSAL.  
 6 1. The governor shall request the cooperation of  
 7 the governors of contiguous states in establishing a  
 8 multistate consortium to study the issue of solid  
 9 waste disposal among the member states. The study  
 10 shall include but is not limited to a review of  
 11 reciprocity agreements, taxation, and solid waste  
 12 disposal fees. The consortium shall begin its study  
 13 January 15, 1991, and shall conclude its study no  
 14 later than January 15, 1992, and shall submit a report  
 15 of recommendations to the general assembly no later  
 16 than February 1, 1992.  
 17 2. A solid waste disposal advisory council is  
 18 established which shall represent the state of Iowa in  
 19 the multistate consortium. The advisory council shall  
 20 include the following members:

- 21 a. A representative of the faculty of each state  
 22 university involved in environmental studies,  
 23 appointed by the president of the respective  
 24 university.  
 25 b. Two representatives of the business community,  
 26 appointed by the governor.  
 27 c. A representative of the science and industry  
 28 council, appointed by the governor.  
 29 d. A representative of the general public,  
 30 appointed by the governor.  
 31 The council's membership shall comply with the  
 32 political and gender balance requirements of sections  
 33 69.16 and 69.16A, to the extent possible."  
 34 2. Title page, line 3, by inserting after the  
 35 word "collected," the following: "establishing a  
 36 multistate consortium,".  
 37 3. By renumbering as necessary.

HALVORSON of Clayton

H-5928

- 1 Amend House File 2553 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 455B.306, subsection 1, Code  
 5 Supplement 1989, is amended to read as follows:  
 6 1. A city, county, and a private agency operating  
 7 or planning to operate a sanitary disposal project  
 8 shall file with the director a comprehensive plan  
 9 detailing the method by which the city, county, or  
 10 private agency will comply with this part 1. All  
 11 cities and counties shall also file with the director  
 12 a comprehensive plan detailing the method by which the  
 13 city or county will comply with the requirements of  
 14 section 455B.302 to establish and implement a  
 15 comprehensive solid waste reduction program for its  
 16 residents. For the purposes of this section, a public  
 17 agency managing the waste stream for cities or  
 18 counties pursuant to chapter 28E, shall file one  
 19 comprehensive plan on behalf of its members, which  
 20 constitutes full compliance by the public agency's  
 21 members with the filing requirements of this section.  
 22 If both a public agency managing the waste stream for  
 23 a city or county pursuant to chapter 28E, and one or  
 24 more of the public agency's member cities or counties  
 25 file a comprehensive plan under this subsection, the  
 26 director shall require as a condition for approval  
 27 that any such plan filed by a member city or county is  
 28 in accordance with the comprehensive plan filed by a  
 29 chapter 28E agency. The director shall review each  
 30 comprehensive plan submitted and may reject, suggest  
 31 modification, or approve the proposed plan. The

32 director shall aid in the development of comprehensive  
 33 plans for compliance with this part. The director  
 34 shall make available to a city, county, and private  
 35 agency appropriate forms for the submission of  
 36 comprehensive plans and may hold hearings for the  
 37 purpose of implementing this part. The director and  
 38 governmental agencies with primary responsibility for  
 39 the development and conservation of energy resources  
 40 shall provide research and assistance, when cities and  
 41 counties operating or planning to operate sanitary  
 42 disposal projects request aid in planning and  
 43 implementing resource recovery systems. A  
 44 comprehensive plan filed by a private agency operating  
 45 or planning to operate a sanitary disposal project  
 46 required pursuant to section 455B.302 shall be  
 47 developed in cooperation and consultation with the  
 48 city or county responsible to provide for the  
 49 establishment and operation of a sanitary disposal  
 50 project."

**Page 2**

1 2. Page 1, line 13, by inserting after the figure  
 2 "1992." the following: "For the year beginning July  
 3 1, 1993, and for each year beginning July 1,  
 4 thereafter, through the year beginning July 1, 1997,  
 5 the tonnage fee shall increase annually by fifty cents  
 6 per ton of solid waste."

7 3. Page 4, line 14, by inserting after the word  
 8 "county." the following: "The county shall retain one  
 9 percent of the distribution for administrative  
 10 purposes."

11 4. Page 5, line 22, by inserting after the word  
 12 "county." the following: "The county shall retain one  
 13 percent of the distribution for administrative  
 14 purposes."

15 5. Page 6, by inserting after line 7 the  
 16 following:

17 "(5) Of the tonnage fees distributed to counties  
 18 for the fiscal years beginning July 1, 1990, July 1,  
 19 1991, and July 1, 1992, and for subsequent fiscal  
 20 years, the board of supervisors may use ten percent of  
 21 the fees allocated to fund a program to remove solid  
 22 waste disposed along roadsides within the county. The  
 23 board may also use fines collected under a county  
 24 ordinance prohibiting roadside dumping to fund the  
 25 removal of solid waste disposed of along roadsides in  
 26 the county."

27 6. Page 8, line 29, by striking the word "or" and  
 28 inserting the following: "and".

29 7. By striking page 9, line 32 through page 10,

30 line 3.  
 31 8. By renumbering, relettering, or redesignating  
 32 and correcting internal references as necessary.

Committee on Ways and Means

H-5932

1 Amend the amendment, H-5882, to House File 2320, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, line 42, by striking the words "or  
 5 corporation".

6 2. Page 19, by inserting after line 49, the  
 7 following:

8 "Sec. 103.

9 Section 102 of this Act, applies to all  
 10 indebtedness contracted for, general obligation bonds  
 11 issued, or insurance agreements entered into or  
 12 renewed pursuant to section 296.7 on or after the  
 13 effective date of section 102, but shall not apply to  
 14 an act permitted by section 296.7 at any time prior to  
 15 the effective date of section 102.

16 Sec. \_\_\_\_\_.

17 Sections 102 and 103 of this Act, being deemed of  
 18 immediate importance, take effect upon enactment." "

19 3. Page 20, by inserting after line 2, the  
 20 following:

21 "\_\_\_\_\_. Title page, line 4, by striking the words  
 22 "a special effective date" and inserting the  
 23 following: "special effective dates"."

24 4. By renumbering as necessary.

OLLIE of Clinton

H-5933

1 Amend the amendment, H-5614, to Senate File 2286,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by inserting before line 5, the  
 5 following:

6 "Sec. \_\_\_\_\_. Section 598.21, subsection 8, Code  
 7 Supplement 1989, is amended by adding the following  
 8 new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Improved technology  
 10 leading to better evidence of nonpaternity is not  
 11 barred by time limits on new evidence and constitutes  
 12 a substantial change in circumstances authorizing the  
 13 court to consider modification of a previous  
 14 determination of paternity. The enactment of any  
 15 substantive amendment to section 598.41 constitutes a  
 16 substantial change in circumstances authorizing the  
 17 court to consider modification of an award of child

18 custody.”

19 2. Page 1, by inserting after line 35, the  
20 following:

21 “Sec. \_\_\_\_\_. NEW SECTION. 675.43 MODIFICATION.

22 1. The court may subsequently modify orders made  
23 under this chapter if a substantial change in  
24 circumstances occurs. Modification of orders  
25 pertaining to child custody shall be made pursuant to  
26 section 598.41 or chapter 598A.

27 2. The enactment of section 598.41 or the  
28 enactment of any substantive amendment to section  
29 598.41 constitutes a substantial change in  
30 circumstances authorizing the court to consider  
31 modification of an award of child custody.

32 3. Improved technology leading to better evidence  
33 of nonpaternity is not barred by time limits on new  
34 evidence and constitutes a substantial change in  
35 circumstances authorizing the court to consider  
36 modification of a previous determination of paternity.

37 Sec. \_\_\_\_\_. CHAPTER TITLE CHANGE.

38 The Code editor shall change the title of chapter  
39 675 to “Parentage of Children and Obligation for  
40 Support.”

41 3. By renumbering as necessary.

HALVORSON of Webster  
BRAND of Benton  
CORBETT of Linn  
DAGGETT of Adams

H—5941

1 Amend House File 2554 as follows:

2 1. Page 8, line 11, by inserting after the word  
3 “land” the following: “which is classified as highly  
4 erodible”.

5 2. Page 8, line 22, by inserting after the word  
6 “dollars” the following: “annually”.

7 3. Page 8, by inserting after line 23 the  
8 following:

9 “If a person has a valid application filed with the  
10 social conservation service office for a cost share  
11 program to complete a structure or process to fully  
12 implement any approved plan and that application has  
13 not been approved for lack of funding, the affected  
14 tract shall continue to be eligible until such time as  
15 the funding becomes available.”

TABOR of Jackson

H—5949

1 Amend House File 2564 as follows:

2 1. Page 19, line 11, by striking the word  
3 “serious” and inserting the following: “simple”.

PETERS of Woodbury

H-5953

- 1 Amend House File 2554 as follows:  
 2 1. Page 3, by inserting after line 11 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 331.426A MENTAL HEALTH  
 5 SERVICES LIMITATION — STATE OBLIGATION.  
 6 1. The amount that a county may expend to pay the  
 7 charges for mental health services from the receipts  
 8 from property taxes levied under this part of division  
 9 IV shall not exceed the amount expended in the fiscal  
 10 year beginning July 1, 1991, to pay the charges for  
 11 mental health services, from the receipts from  
 12 property taxes levied under this part of division IV.  
 13 2. For fiscal years beginning on or after July 1,  
 14 1992, the state shall pay the charges for mental  
 15 health services to the extent the county is unable to  
 16 pay the charges as a result of the limitation imposed  
 17 under subsection 1."  
 18 2. Title page, line 3, by inserting after the  
 19 word "ill," the following: "by limiting the amount of  
 20 property tax dollars that may be expended for mental  
 21 health services,".

SVOBODA of Tama  
 PETERSEN of Muscatine  
 GRUHN of Dickinson  
 DE GROOT of Lyon  
 FOGARTY of Palo Alto  
 BRANSTAD of Winnebago

FULLER of Hardin  
 MERTZ of Kossuth  
 TYRRELL of Iowa  
 LAGESCHULTE of Bremer  
 NEUHAUSER of Johnson  
 MAULSBY of Calhoun

H-5956

- 1 Amend House File 2554 as follows:  
 2 1. Page 8, line 11, by inserting after the word  
 3 "land" the following: "which is classified as highly  
 4 erodible".  
 5 2. Page 8, line 22, by inserting after the word  
 6 "dollars" the following: "annually".  
 7 3. Page 8, by inserting after line 23 the  
 8 following:  
 9 "If a person has a valid application filed with the  
 10 soil conservation service office for a cost share  
 11 program to complete a structure or process to fully  
 12 implement any approved plan and that application has  
 13 not been approved for lack of funding, the affected  
 14 tract shall continue to be eligible until such time as  
 15 the funding becomes available."

TABOR of Jackson

H-5957

- 1 Amend the amendment, H-5903, to Senate File 2344 as  
 2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, by striking lines 3 through 26 and  
5 inserting the following:

6 "1. Page 2, by inserting before line 1, the  
7 following:

8 "Sec. \_\_\_\_\_. NEW SECTION. 252B.18 ADVISORY  
9 COMMITTEE ESTABLISHED.

10 The department shall establish a child support  
11 enforcement program advisory committee which shall  
12 include representatives of custodial parent groups,  
13 noncustodial parent groups, the judicial department,  
14 the office of citizens' aide, the Iowa state bar  
15 association, and representatives of other  
16 constituencies having an interest in child support  
17 enforcement issues. The advisory committee shall  
18 assist the department in reviewing issues related to  
19 the implementation of the federal Family Support Act  
20 of 1988 and methods of improving service. With the  
21 assistance of the advisory committee, the department  
22 shall review existing policies, practices, and  
23 procedures of the child support recovery unit to  
24 identify areas in which administrative appeals  
25 procedures or other provisions for review of contested  
26 issues would help to assure fair and impartial  
27 treatment of persons affected by actions of the  
28 unit." "

29 2. By renumbering as necessary.

HAYERLAND of Polk

H-5961

1 Amend House File 2554 as follows:

2 1. Page 1, by striking lines 1 through 28.

3 2. Page 2, line 3, by striking the words "five  
4 million" and inserting the following: "seven million  
5 two hundred thousand".

6 3. Page 3, by inserting after line 11, the  
7 following:

8 "Sec. \_\_\_\_\_. Section 257.3, subsections 1 and 2,  
9 Code Supplement 1989, are amended to read as follows:

10 1. AMOUNT OF TAX. Except as provided in  
11 subsection 2, a school district shall cause to be  
12 levied each year, for the school general fund, a  
13 foundation property tax equal to five dollars and  
14 ~~forty cents~~ per thousand dollars of assessed valuation  
15 on all taxable property in the district. The county  
16 auditor shall spread the foundation levy over all  
17 taxable property in the district.

18 2. AMOUNT FOR REORGANIZED AND DISSOLVED DISTRICTS.

19 Reorganized school districts that met the requirements  
20 of section 442.2, subsection 1, Code 1989, prior to  
21 July 1, 1989, and had reduced property tax rates shall

22 continue to have the reduced levies that they would  
 23 have had under section 442.2, subsection 1, Code 1989,  
 24 and those levies shall continue to increase twenty  
 25 cents per year as provided in that subsection, except  
 26 that those levies shall not increase above five  
 27 dollars per thousand dollars of assessed valuation.  
 28 Sec. \_\_\_\_\_. NEW SECTION. 331.426A MENTAL HEALTH  
 29 SERVICES LIMITATION — STATE OBLIGATION.

30 1. The amount that a county may expend to pay the  
 31 charges for services under the mental health programs  
 32 in existence on July 1, 1990, from the receipts from  
 33 property taxes levied under this part of division IV  
 34 shall not exceed the amount expended in the fiscal  
 35 year beginning July 1, 1992, to pay the charges for  
 36 services under the mental health programs in existence  
 37 on July 1, 1990, from the receipts from property taxes  
 38 levied under this part of division IV.

39 2. For fiscal years beginning on or after July 1,  
 40 1993, the state shall pay the charges for services  
 41 under the mental health programs in existence on July  
 42 1, 1990, to the extent the county is unable to pay the  
 43 charges as a result of the limitation imposed under  
 44 subsection 1."

45 4. By striking page 3, line 12, through page 11,  
 46 line 26.

47 5. Page 12, by striking lines 10 through 20.

48 6. Title page, by striking lines 4 through 9 and  
 49 inserting the following: "the school foundation  
 50 property tax levy rate, and limiting the amount of

**Page 2**

1 property taxes that may be expended for services under  
 2 certain mental health programs, and providing an  
 3 effective date."

IVERSON of Wright  
 HERMANN of Scott  
 PETERSEN of Muscatine  
 HANSON of Delaware  
 HESTER of Pottawattamie  
 MAULSBY of Calhoun  
 VAN MAANEN of Mahaska  
 GARMAN of Story  
 ROYER of Page  
 DAGGETT of Adams  
 TRENT of Muscatine

SCHNEKLOTH of Scott  
 BENNETT of Ida  
 TYRRELL of Iowa  
 RENKEN of Buchanan  
 KREMER of Buchanan  
 HARBOR of Mills  
 McKEAN of Jones  
 PELLETT of Cass  
 EDDIE of Buena Vista  
 SHONING of Woodbury  
 BEAMAN of Clarke  
 HALVORSON of Clayton

H—5965

1 Amend the amendment, H—5860, to House File 2543, as  
 2 follows:

- 3 1. Page 2, line 47, by striking the words "and  
4 (3)" and inserting the following: "(3), and (4)".
- 5 2. By striking page 2, line 49 through page 3,  
6 line 1.
- 7 3. Page 3, line 4, by striking the word "thirty"  
8 and inserting the following: "thirty-five".
- 9 4. Page 3, line 9, by striking the word "Twenty-  
10 five" and inserting the following: "Thirty".
- 11 5. Page 3, line 18, by striking the word "thirty"  
12 and inserting the following: "thirty-five".
- 13 6. Page 3, line 21, by striking the words "Twelve  
14 and one-half" and inserting the following: "Twelve  
15 and one-half Fifteen".
- 16 7. Page 3, line 27, by striking the word  
17 "fifteen" and inserting the following: "seventeen and  
18 one-half".
- 19 8. Page 3, by inserting after line 28 the  
20 following:  
21 "(4) Thirty-three and one-third percent for  
22 members receiving an accidental disability allowance.  
23 However, effective July 1, 1990, for members who  
24 retired before that date, thirty-five percent shall be  
25 the applicable percentage for members under this  
26 subparagraph."
- 27 9. Page 6, line 39, by striking the word "sixty"  
28 and inserting the following: "seventy".
- 29 10. Page 17, line 40, by striking the word and  
30 figure "and (3)" and inserting the following: "(3),  
31 and (4)".
- 32 11. Page 17, by striking lines 42 through 44.
- 33 12. Page 17, line 47, by striking the word  
34 "thirty" and inserting the following: "thirty-five".
- 35 13. Page 18, line 2, by striking the word  
36 "Twenty-five" and inserting the following: "Thirty".
- 37 14. Page 18, line 11, by striking the word  
38 "thirty" and inserting the following: "thirty-five".
- 39 15. Page 18, line 14, by striking the words  
40 "Twelve and one-half" and inserting the following:  
41 "Twelve and one-half Fifteen".
- 42 16. Page 18, line 20, by striking the word  
43 "fifteen" and inserting the following: "seventeen and  
44 one-half".
- 45 17. Page 18, by inserting after line 21 the  
46 following:  
47 "(4) Thirty-three and one-third percent for  
48 members receiving an accidental disability allowance.  
49 However, effective July 1, 1990, for members who  
50 retired before that date, thirty-five percent shall be

Page 2

1 the applicable percentage for members under this  
 2 subparagraph."  
 3 18. Page 21, by inserting after line 31, the  
 4 following:  
 5 "Beginning July 1, 1996, and each fiscal year  
 6 thereafter, for the purpose of determining the  
 7 employer and employee contributions, one hundred  
 8 percent of the costs attributable to any adjustments,  
 9 under section 411.6, subsection 12, paragraph "a", to  
 10 the pensions of members and beneficiaries of members  
 11 who retired prior to the effective date of this Act  
 12 which take effect on or after the effective date of  
 13 this Act, shall be charged to the employer  
 14 contribution."

15 19. Page 23, by inserting after line 13, the  
 16 following:  
 17 "Beginning July 1, 1996, and each fiscal year  
 18 thereafter, for the purpose of determining the  
 19 employer and employee contributions, one hundred  
 20 percent of the costs attributable to any adjustments,  
 21 under section 411.6, subsection 12, paragraph "a", to  
 22 the pensions of members and beneficiaries of members  
 23 who retired prior to the effective date of this Act  
 24 which take effect on or after the effective date of  
 25 this Act, shall be charged to the employer  
 26 contribution."

HANSON of Delaware

H-5969

1 Amend the amendment, H-5952, to House File 2554 as  
 2 follows:  
 3 1. Page 1, lines 20 and 21, by striking the words  
 4 "during the fiscal year" and inserting the following:  
 5 "for ten years or more".

KREMER of Buchanan

H-5981

1 Amend the amendment, H-5914, to Senate File 2410,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. By striking page 3, line 1, through page 6,  
 5 line 5.  
 6 2. Page 6, line 10, by inserting after the word  
 7 "districts," the following: "area education  
 8 agencies,".  
 9 3. By renumbering as necessary.

SHOULTZ of Black Hawk  
 HATCH of Polk

H-5988

- 1 Amend Senate File 2413, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, line 8, by inserting after the word  
 4 "mail." the following: "The peace officer shall also  
 5 notify the state department of transportation which  
 6 shall suspend the person's motor vehicle operator's  
 7 license or permit for three months, unless the  
 8 person's custodial parent or legal guardian provides a  
 9 written request for the reinstatement of the license  
 10 or permit."  
 11 2. Page 4, line 24, by inserting after the word  
 12 "mail." the following: "The peace officer shall also  
 13 notify the state department of transportation which  
 14 shall suspend the person's motor vehicle operator's  
 15 license or permit for three months, unless the  
 16 custodial parent or legal guardian provides a written  
 17 request for the reinstatement of the license or  
 18 permit."

BENNETT of Ida  
 SIEGRIST of Pottawattamie  
 SPENNER of Henry  
 LAGESCHULTE of Bremer

H-6002

- 1 Amend the amendment, H-5898, to Senate File 431, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 5, by striking the word "Sec.  
 5 \_\_\_\_\_" and inserting the following: "Sec. 500".  
 6 2. Page 1, by inserting after line 12 the follow-  
 7 ing:  
 8 "Sec. \_\_\_\_\_  
 9 Section 500 of this Act, being deemed of immediate  
 10 importance, takes effect upon enactment."  
 11 3. Title page, line 3, by striking the word  
 12 "and".  
 13 4. Title page, line 4, by inserting after the  
 14 word "penalties" the following: ", and providing an  
 15 effective date".  
 16 5. By renumbering as necessary.

GRUHN of Dickinson

H-6029

- 1 Amend Senate File 2412, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking line 10, and inserting the  
 4 following: "organization, a religious organization,  
 5 or a state or regionally accredited educational  
 6 institution."

MURPHY of Dubuque

H-6030

- 1 Amend the Committee amendment, H-5636, to Senate
- 2 File 2093, as passed by the Senate, as follows:
- 3 1. Page 1, lines 9 and 10, by striking the words
- 4 "not more than twenty" and inserting the following:
- 5 "twenty or fewer".
- 6 2. Page 1, line 11, by striking the word "more"
- 7 and inserting the following: "larger".

HALVORSON of Webster

H-6039

- 1 Amend the amendment, H-5998, to Senate File 2413,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 12, by striking the words "TAXES
- 5 AND SUBSTANCE ABUSE" and inserting the following:
- 6 "VARIOUS".
- 7 2. Page 1, line 15, by inserting after the word
- 8 "be" the following: "divided equally and".
- 9 3. Page 1, line 18, by inserting after the word
- 10 "abusers" the following: ", to the department of
- 11 public safety for funding for law enforcement of drug
- 12 offenses, and to the department of education for
- 13 funding of programs or treatment ordered pursuant to
- 14 chapter 321J".

TRENT of Muscatine

H-6044

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by striking line 6, and inserting the
- 4 following: "section 321J.2. The state department of
- 5 transportation shall immediately revoke the operator's
- 6 license of a person charged pursuant to this section.
- 7 The person shall not be issued a temporary license for
- 8 any time period, including a temporary license issued
- 9 for twenty days, pursuant to chapter 321J until after
- 10 disposition of the charge made pursuant to this
- 11 section."

SVOBODA of Tama

H-6079

- 1 Amend the Senate amendment, H-5843, to House File
- 2 2188, 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, by inserting before line 1, the

7 following:

8 "Section 1. Section 123.30, subsection 3,  
9 paragraph e, unnumbered paragraph 1, Code 1989, is  
10 amended to read as follows:

11 Class "E". A class "E" liquor control license may  
12 be issued and shall authorize the holder to purchase  
13 alcoholic liquor from the division only and to sell  
14 the alcoholic liquor to patrons for consumption off  
15 the licensed premises and to other liquor control  
16 licensees. A class "E" license shall not be issued to  
17 premises at which gasoline is sold. A holder of a  
18 class "E" liquor control license may hold other retail  
19 liquor control licenses or retail wine or beer  
20 permits, but the premises licensed under a class "E"  
21 liquor control license shall be separate from other  
22 licensed premises, though the separate premises may  
23 have a common entrance. However, the holder of a  
24 class "E" liquor control license may also hold a class  
25 "B" wine or class "C" beer permit or both for the  
26 premises licensed under a class "E" liquor control  
27 license. Notwithstanding a contrary provision of this  
28 chapter, the holder of a class "E" liquor control  
29 license who also holds a class "B" wine permit may  
30 sell not more than twelve seven hundred fifty  
31 milliliter containers of wine or its equivalent per  
32 day to holders of class "A", class "B", class "C", and  
33 class "D" liquor control licenses, and the holder of a  
34 class "A", class "B", class "C", or class "D" liquor  
35 control licenses may purchase not more than twelve  
36 seven hundred fifty milliliter containers of wine or  
37 its equivalent per day from the holder of a class "E"  
38 liquor control license who also holds a class "B" wine  
39 permit."

40 2. Page 1, by inserting after line 8 the

41 following:

42 "\_\_\_\_\_. Title page, line 2, by inserting after the  
43 word "for" the following: ", and the sale of wine  
44 to,".

SHOULTZ of Black Hawk

H-6085

1 Amend House File 2553 as follows:

2 1. Page 1, by striking lines 32 and 33 and  
3 inserting the following:

4 "Sec. \_\_\_\_\_. Section 455D.9, subsections 1 and 2,  
5 Code Supplement 1989, are amended to read as follows:

6 1. Beginning January 1, 1991, land disposal of  
7 yard waste as defined by the department is prohibited.  
8 However, yard waste which has been separated at its

9 source or at its destination from other solid waste  
10 may be accepted by a sanitary landfill for the  
11 purposes of soil conditioning or composting.”

IVERSON of Wright

H-6102

1 Amend the amendment, H-6054, to Senate File 2153,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by striking lines 17 through 21 and  
5 inserting the following:

6 “a. Fifty-nine percent to the waste volume  
7 reduction and recycling fund to be used as follows:

8 (1) One-half of the moneys deposited under this  
9 lettered paragraph shall be used for the purposes  
10 specified pursuant to section 455D.15, subsection 2.  
11 The moneys shall be allocated to each county on the  
12 basis of population. The county allocation shall be  
13 distributed quarterly by the department to each  
14 county. The county shall immediately distribute the  
15 remainder of the funds to the cities based upon the  
16 proportion of the city’s respective population to the  
17 total county population, and the county shall retain  
18 the portion of the funds based upon the proportion of  
19 the unincorporated area of the county to the total  
20 population of the county. The funds shall be used by  
21 the county and the cities for the implementation of  
22 the comprehensive plan elements required pursuant to  
23 section 455B.306 and relative to chapter 455D. If  
24 both a public agency managing the waste stream for a  
25 city or county pursuant to chapter 28E, and one or  
26 more of the public agency’s member cities or counties  
27 file a comprehensive plan under section 455B.306,  
28 subsection 1, the director shall require as a  
29 condition for approval that any such plan filed by a  
30 member city or county is in accordance with the  
31 comprehensive plan filed by a chapter 28E agency.  
32 (2) One-half of the moneys deposited under this  
33 lettered paragraph shall be used for the purposes  
34 designated pursuant to section 455D.15, subsection 3.”

35 2. Page 2, by striking lines 27 through 31, and  
36 inserting the following:

37 “c. Three and five-tenths percent to the  
38 department of natural resources to implement and  
39 administer the state and local government waste  
40 management program established pursuant to section  
41 455B.484 and section 455B.510.”

42 3. By striking page 8, line 26, through page 9,  
43 line 25.

44 4. Page 12, by inserting after line 15, the  
45 following:

46 "Sec. \_\_\_\_\_. Section 455B.306, subsection 1, Code  
47 Supplement 1989, is amended to read as follows:  
48 1. A city, county, and a private agency operating  
49 or planning to operate a sanitary disposal project  
50 shall file with the director a comprehensive plan

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1 detailing the method by which the city, county, or  
2 private agency will comply with this part 1. All  
3 cities and counties shall also file with the director  
4 a comprehensive plan detailing the method by which the  
5 city or county will comply with the requirements of  
6 section 455B.302 to establish and implement a  
7 comprehensive solid waste reduction program for its  
8 residents. For the purposes of this section, a public  
9 agency managing the waste stream for cities or  
10 counties pursuant to chapter 28E, shall file one  
11 comprehensive plan on behalf of its members, which  
12 constitutes full compliance by the public agency's  
13 members with the filing requirements of this section.  
14 If both a public agency managing the waste stream for  
15 a city or county pursuant to chapter 28E, and one or  
16 more of the public agency's member cities or counties  
17 file a comprehensive plan under this subsection, the  
18 director shall, following notice to the agency, make a  
19 determination that any plan filed by a member city or  
20 county is compatible with the comprehensive plan of  
21 the chapter 28E public agency. If the director  
22 determines that the comprehensive plan of a city or  
23 county is not compatible with the comprehensive plan  
24 of a chapter 28E public agency, the director shall  
25 require the city or county to provide justification  
26 for approval of the comprehensive plan based upon the  
27 innovative nature of the comprehensive plan, the  
28 urgency of implementation, or other unique features of  
29 the comprehensive plan of the city or county, and that  
30 the plan otherwise complies with the provisions of  
31 this chapter. This subsection does not prevent the  
32 director from approving pilot projects which otherwise  
33 comply with the provisions of this chapter. The  
34 director shall review each comprehensive plan  
35 submitted and may reject, suggest modification, or  
36 approve the proposed plan. The director shall aid in  
37 the development of comprehensive plans for compliance  
38 with this part. The director shall make available to  
39 a city, county, and private agency appropriate forms  
40 for the submission of comprehensive plans and may hold  
41 hearings for the purpose of implementing this part.  
42 The director and governmental agencies with primary  
43 responsibility for the development and conservation of  
44 energy resources shall provide research and

45 assistance, when cities and counties operating or  
46 planning to operate sanitary disposal projects request  
47 aid in planning and implementing resource recovery  
48 systems. A comprehensive plan filed by a private  
49 agency operating or planning to operate a sanitary  
50 disposal project required pursuant to section 455B.302

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1 shall be developed in cooperation and consultation  
2 with the city or county responsible to provide for the  
3 establishment and operation of a sanitary disposal  
4 project."

5 5. Page 12, by striking lines 18 and 19 and  
6 inserting the following:

7 "\_\_\_\_\_. Page 17, by inserting after line 14, the  
8 following:"

9 6. Page 12, by striking lines 28 and 29.

10 7. Page 12, by inserting after line 29, the  
11 following:

12 "Sec. \_\_\_\_\_. Section 455D.15, subsections 2 and 3,  
13 Code Supplement 1989, are amended to read as follows:

14 2. The department shall award grants based upon  
15 the solid waste management hierarchy set forth in  
16 section 455B.301A, subsection 1. A grant shall not be  
17 awarded to a county, city, or central planning agency  
18 which has not complied with the requirements of a  
19 comprehensive solid waste management program and which  
20 has not complied with or demonstrated an intent to  
21 comply with the requirements of section 455B.306.

22 One-half of the moneys deposited in the fund shall be  
23 allocated to each county on the basis of population.

24 The county allocation shall be distributed quarterly  
25 by the department to each county. The county shall  
26 immediately distribute the remainder of the funds to  
27 the cities based upon the proportion of the city's  
28 respective population to the total county population,  
29 and the county shall retain the portion of the funds  
30 based upon the proportion of the unincorporated area  
31 of the county to the total population of the county.  
32 The funds shall be used by the county and the cities  
33 for the implementation of the comprehensive plan  
34 elements required pursuant to section 455B.306 and  
35 relative to chapter 455D. If both a public agency  
36 managing the waste stream for a city or county  
37 pursuant to chapter 28E, and one or more of the public  
38 agency's member cities or counties file a  
39 comprehensive plan under this subsection, the director  
40 shall require as a condition for approval that any  
41 such plan filed by a member city or county is in ac-  
42 cordance with the comprehensive plan filed by a  
43 chapter 28E agency.

44 3. The One-half of the moneys deposited in the  
 45 fund shall be utilized for the following purposes:  
 46 a. The initial thirty-five thousand dollars  
 47 collected for deposit in the fund shall be  
 48 appropriated to the department for establishment of  
 49 the pollution hotline program established pursuant to  
 50 section 455B.116, and for the salary and support of

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1 not more than one full-time equivalent position.  
 2 b a. To provide financial assistance to public and  
 3 private entities to develop and implement waste  
 4 reduction and minimization programs for Iowa  
 5 industries.  
 6 e b. To provide financial assistance to public and  
 7 private entities and to develop and implement programs  
 8 to create and enhance markets for recyclable and other  
 9 waste products.  
 10 d. To develop and implement educational and  
 11 technical assistance programs that support and  
 12 encourage waste reduction and recycling efforts by  
 13 Iowans.  
 14 e. To administer the provisions of chapter 455B,  
 15 division IV, part 1.  
 16 f c. The department may utilize up to ten twenty  
 17 percent of the fund to administer the provisions of  
 18 this chapter.  
 19 g. To provide grants to local communities or  
 20 private individuals for projects which establish  
 21 recycling collection centers, establish local curbside  
 22 collection of separated recyclable waste materials,  
 23 promote public awareness regarding waste volume  
 24 reduction and the use of recyclable materials, and  
 25 create markets for recyclable materials. Grants shall  
 26 not be awarded for incineration.  
 27 h. To provide technical assistance to local  
 28 communities in establishing collection systems and  
 29 composting facilities for yard waste.  
 30 i. To fund the study required pursuant to section  
 31 455D.11, subsection 3, and to provide loans and grants  
 32 for waste tire recycling and reprocessing projects.  
 33 j. To carry out the functions of the department of  
 34 natural resources concerning recycling.  
 35 k. To promote the recycling of chlorofluorocarbons  
 36 used as refrigerant."  
 37 8. By renumbering as necessary.

SHOULTZ of Black Hawk

H-6106

1 Amend Senate File 2422 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. By striking page 24, line 17, through page 25,

4 line 31 and inserting the following:

5 1. Every member of the general assembly except the  
6 president presiding officer of the senate, the speaker  
7 of the house, and majority and minority floor leader  
8 of each house shall receive an annual salary of  
9 ~~eighteen sixteen~~ thousand ~~one six~~ hundred dollars for  
10 the year 1991 and subsequent years while serving as a  
11 member of the general assembly. The presiding officer  
12 of the senate and the majority and minority floor  
13 leader of each house shall receive an annual salary of  
14 ~~twenty-five twenty-two~~ thousand nine hundred ~~seventy-~~  
15 ~~five~~ dollars for the year 1991 and subsequent years  
16 while serving in the capacity. In addition, each such  
17 member shall receive the sum of fifty dollars per day  
18 for expenses of office, except travel, for each day  
19 the general assembly is in session commencing with the  
20 first day of a legislative session and ending with the  
21 day of final adjournment of each legislative session  
22 as indicated by the journals of the house and senate,  
23 except that in the event the length of the first  
24 regular session of the general assembly exceeds one  
25 hundred ten calendar days and the second regular  
26 session exceeds one hundred calendar days, such  
27 payments shall be made only for one hundred ten  
28 calendar days for the first session and one hundred  
29 calendar days for the second session. However,  
30 members from Polk county shall receive thirty-five  
31 dollars per day. Each member shall receive a seventy-  
32 five dollar per month allowance for legislative  
33 district constituency postage, travel, telephone  
34 costs, and other expenses. Travel expenses shall be  
35 paid at the rate established by section 18.117 for  
36 actual travel in going to and returning from the seat  
37 of government by the nearest traveled route for not  
38 more than one time per week during a legislative  
39 session. However, any increase from time to time in  
40 the mileage rate established by section 18.117 shall  
41 not become effective for members of the general  
42 assembly until the convening of the next general  
43 assembly following the session in which the increase  
44 is adopted; and this provision shall prevail over any  
45 inconsistent provision of any present or future  
46 statute.

47 3. The speaker of the house and the presiding  
48 officer of the senate shall receive an annual salary  
49 of ~~twenty-seven twenty-two~~ thousand nine hundred  
50 dollars for the year 1991 and subsequent years while

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1 the speaker of the house serving in that capacity.  
2 Expense and travel allowances shall be the same for

3 the speaker of the house and the presiding officer of  
 4 the senate and the majority and minority leader of  
 5 each house as provided for other members of the  
 6 general assembly."

PLASIER of Sioux

H-6124

1 Amend Senate File 2403, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 21, line 25, by inserting after the word  
 4 "both." the following: "Facility does not include a  
 5 non-public utility cogeneration unit with a total  
 6 capacity of less than forty megawatts of electricity."  
 7 2. Page 22, by inserting after line 3 the  
 8 following: "A person proposing to construct a  
 9 non-public utility cogeneration unit with a total  
 10 capacity of less than forty megawatts of electricity  
 11 shall notify the board of such proposed construction."

TRENT of Muscatine  
 WISE of Lee  
 DE GROOT of Lyon

H-6128

1 Amend Senate File 2422, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 24, lines 20 and 21, by striking the  
 4 words "eighteen thousand one hundred" and inserting  
 5 the following: "eighteen seventeen thousand one three  
 6 hundred fifty".  
 7 2. Page 24, line 25, by striking the word  
 8 "twenty-six" and inserting the following: "twenty-  
 9 four".  
 10 3. Page 25, line 20, by striking the words  
 11 "twenty-seven thousand nine" and inserting the  
 12 following: "twenty-seven twenty-five thousand nine  
 13 four".  
 14 4. Page 25, by striking lines 22 through 29 and  
 15 inserting the following: "the house serving in that  
 16 capacity. Expense and travel allowances shall be the  
 17 same for the speaker of the house and the presiding  
 18 officer of the senate and the majority and".

LAGESCHULTE of Bremer

H-6131

1 Amend Senate File 2422, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 23, line 24, by striking the figure  
 4 "\$26,700" and inserting the figure "\$23,900".

PLASIER of Sioux

H-6140

- 1 Amend the amendment, H-6127, to Senate File 2403,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 7, line 46 through page 8,
- 5 line 9.
- 6 2. Page 8, line 12, by striking the word "rate-
- 7 regulated".
- 8 3. Page 8, line 13, by striking the words "Rate-
- 9 regulated gas" and inserting the following: "Gas".
- 10 4. Page 8, line 18, by inserting after the word
- 11 "utilities," the following: "The board shall require
- 12 a nonrate-regulated utility to file only that
- 13 information necessary to assure the board that the
- 14 requirements of the rules are being met. Nothing in
- 15 this section subjects such utilities to rate
- 16 regulation by the board."
- 17 5. Page 8, by inserting after line 35 the
- 18 following:
- 19 "\_\_\_\_\_. Page 16, lines 31 and 32 by striking the
- 20 word "rate-regulated".
- 21 "\_\_\_\_\_. Page 17, line 4, by striking the word "rate-
- 22 regulated","
- 23 6. Page 8, line 41, by striking the word "rate-
- 24 regulated".
- 25 7. Page 8, line 44, by striking the word "rate-
- 26 regulated".
- 27 8. Page 8, line 46, by striking the word "rate-
- 28 regulated".
- 29 9. Page 8, by striking line 48 and inserting the
- 30 following:
- 31 "An electric utility or".
- 32 10. Page 9, line 15, by striking the word "rate-
- 33 regulated".
- 34 11. By renumbering, relettering, and
- 35 redesignating as necessary.

BISIGNANO of Polk

H-6144

- 1 Amend Senate File 2422, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by inserting after line 7 the
- 4 following:
- 5 "Due to the board of regents' past practice of
- 6 diverting salary adjustment funds for equipment
- 7 purchases, utility costs, and other nonsalary needs,
- 8 the general assembly has recalculated fiscal year 1990
- 9 and fiscal year 1991 salary adjustment needs based on
- 10 actual salary expenditures rather than projected
- 11 salary expenditures. The board of regents shall

12 submit to the education appropriations subcommittees  
 13 by February 1, 1991, a list of equipment purchases  
 14 that have been delayed in fiscal year 1991 because of  
 15 this more accurate method of calculation. It is the  
 16 intent of the general assembly to fund critical unmet  
 17 needs at board of regents' institutions."

JOCHUM of Dubuque  
 HATCH of Polk

H-6153

1 Amend the Senate amendment, H-5837, to House File  
 2 2422 as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 1, by striking lines 3 through 33, and  
 5 inserting the following:

6 "\_\_\_\_\_. By striking everything after the enacting  
 7 clause and inserting the following:

8 "Section 1. Section 252A.4, subsection 2, Code  
 9 1989, is amended to read as follows:

10 2. The court of the responding state ~~shall have~~  
 11 ~~the power to may~~ order the respondent to pay sums  
 12 sufficient to provide necessary food, shelter,  
 13 clothing, care, medical or hospital expenses,  
 14 including medical support as defined in chapter 252E,  
 15 expenses of confinement, expenses of education of a  
 16 child, funeral expenses and such other reasonable and  
 17 proper expenses of the petitioner as justice requires,  
 18 having due regard to the circumstances of the  
 19 respective parties.

20 Sec. 2. NEW SECTION. 252A.5A LIMITATIONS OF  
 21 ACTIONS.

22 1. An action to establish paternity and support  
 23 under this chapter may be brought within the time  
 24 limitations set forth in section 614.8.

25 2. Notwithstanding subsection 1, an action to  
 26 establish paternity and support under this chapter may  
 27 be brought concerning a person who was under age  
 28 eighteen on August 16, 1984, regardless of whether any  
 29 prior action was dismissed because a statute of  
 30 limitations of less than eighteen years was then in  
 31 effect. Such an action may be brought within the time  
 32 limitations set forth in section 614.8, or until July  
 33 2, 1992, whichever is later.

34 Sec. 3. Section 252B.5, Code 1989, is amended by  
 35 adding the following new subsection:

36 NEW SUBSECTION. 6. Assistance in obtaining  
 37 medical support as defined in chapter 252E.

38 Sec. 4. Section 252B.5, Code 1989, is amended by  
 39 adding the following new subsection:

40 NEW SUBSECTION. 7. At the request of either  
 41 parent who is subject to the order of support or upon

42 its own initiation, review the amount of the support  
43 award in accordance with the guidelines established  
44 pursuant to section 598.21, subsection 4, and the  
45 federal Family Support Act of 1988, and take action to  
46 initiate modification proceedings if the criteria  
47 established pursuant to this section are met.  
48 However, a review of a support award is not required  
49 in those cases for which an assignment ordered  
50 pursuant to chapter 234 or 239 is in effect if the

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1 child support recovery unit determines that such a  
2 review would not be in the best interest of the child  
3 and neither parent has requested such review.

4 The department shall adopt rules no later than  
5 October 13, 1990, setting forth the process for review  
6 of requests for modification of support obligations  
7 and the criteria and process for taking action to  
8 initiate modification proceedings.

9 Sec. 5. Section 252B.6, subsection 3, Code 1989,  
10 is amended by striking the subsection and inserting in  
11 lieu thereof the following:

12 3. Appear on behalf of the state for the purpose  
13 of facilitating the modification of support awards  
14 consistent with guidelines established pursuant to  
15 section 598.21, subsection 4 and the federal Family  
16 Support Act of 1988. The unit shall not otherwise  
17 participate in the proceeding.

18 Sec. 6. Section 252B.6, subsection 4, paragraph b,  
19 Code 1989, is amended by striking the paragraph.

20 Sec. 7. Section 252B.7, Code 1989, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 4. An attorney employed by or  
23 under contract with the child support recovery unit  
24 represents and acts on behalf of the state when  
25 providing child support enforcement services.

26 Sec. 8. NEW SECTION. 252B.18 ADVISORY COMMITTEE  
27 ESTABLISHED.

28 The department shall establish a child support  
29 enforcement program advisory committee which shall  
30 include representatives of custodial parent groups,  
31 noncustodial parent groups, the judicial department,  
32 the office of citizens' aide, the Iowa state bar  
33 association, and representatives of other  
34 constituencies having an interest in child support  
35 enforcement issues. The advisory committee shall  
36 assist the department in reviewing issues related to  
37 the implementation of the federal Family Support Act  
38 of 1988 and methods of improving service. With the  
39 assistance of the advisory committee, the department  
40 shall review existing policies, practices, and

41 procedures of the child support recovery unit to  
 42 identify areas in which administrative appeals  
 43 procedures or other provisions for review of contested  
 44 issues would help to assure fair and impartial  
 45 treatment of persons affected by actions of the unit.  
 46 Sec. 9. Section 252C.1, subsection 2, Code 1989,  
 47 is amended to read as follows:  
 48 2. "Court order" means a judgment or order of a  
 49 court of this state or another state requiring the  
 50 payment of a set or determinable amount of monetary

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1 support. For orders entered on or after July 1, 1990,  
 2 unless the court specifically orders otherwise,  
 3 medical support, as defined in section 252E.1, is not  
 4 included in the amount of monetary support.

5 Sec. 10. Section 252C.1, Code 1989, is amended by  
 6 adding the following new subsection:

7 **NEW SUBSECTION. 8.** "Medical support" means either  
 8 the provision of coverage under a health benefit plan,  
 9 including a group or employment-related or an  
 10 individual health benefit plan, or a health benefit  
 11 plan provided pursuant to chapter 514E, to meet the  
 12 medical needs of a dependent and the cost of any  
 13 premium required by a health benefit plan, or the  
 14 payment to the obligee of a monetary amount in lieu of  
 15 providing coverage under a health benefit plan, either  
 16 of which is an obligation separate from any monetary  
 17 amount of child support ordered to be paid.

18 Sec. 11. Section 252C.3, subsection 1, unnumbered  
 19 paragraph 1, Code 1989, is amended to read as follows:

20 In the absence of a court order, or if an  
 21 administrative order exists which does not require  
 22 provision of medical support as defined in chapter  
 23 252E or equivalent medical support, the administrator  
 24 may issue a notice establishing and demanding either  
 25 payment of medical support established as defined in  
 26 chapter 252E or payment of an accrued or accruing  
 27 support debt due and owed to the department or an  
 28 individual under section 252C.2, or both. The notice  
 29 shall be served upon the responsible person in  
 30 accordance with the rules of civil procedure. The  
 31 notice shall include all of the following:

32 Sec. 12. Section 252C.3, subsection 1, paragraph  
 33 d, Code 1989, is amended to read as follows:

34 d. A demand for either immediate payment of the  
 35 support debt or of a medical support debt established  
 36 as defined in chapter 252E, or both.

37 Sec. 13. Section 252C.3, subsection 1, paragraph  
 38 e, subparagraphs (3) and (4), Code 1989, are amended  
 39 to read as follows:

40 (3) A statement that after the holding of the  
41 negotiation conference, the administrator may issue a  
42 new notice and finding of financial responsibility for  
43 child support or medical support, or both, to be sent  
44 to the responsible person by regular mail addressed to  
45 the responsible person's last known address, or if  
46 applicable, to the last known address of the  
47 responsible person's attorney.

48 (4) A statement that if the administrator issues a  
49 new notice and finding of financial responsibility for  
50 child support or medical support, or both, then the

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1 responsible person shall have ten days from the date  
2 of issuance of the new notice or twenty days from the  
3 date of service of the original notice, whichever is  
4 later, to send a request for a hearing to the office  
5 of the child support recovery unit which issued the  
6 notice.

7 Sec. 14. Section 252C.3, subsection 1, paragraphs  
8 f, g, and i, Code 1989, are amended to read as  
9 follows:

10 f. A statement that if the responsible person  
11 objects to all or any part of the notice or finding of  
12 financial responsibility for child support or medical  
13 support, or both, and ~~no~~ a negotiation conference is  
14 not requested, then within twenty days of the date of  
15 service, the responsible person shall, within twenty  
16 days of the date of service send to the office of the  
17 child support recovery unit which issued the notice a  
18 written response setting forth any objections and  
19 requesting a hearing.

20 g. A statement that if a timely written request  
21 for a hearing is received by the office of the child  
22 support recovery unit which issued the notice, the  
23 responsible person shall have the right to a hearing  
24 to be held in district court; and that if no timely  
25 written response is received, the administrator may  
26 enter an order in accordance with the notice and  
27 finding of financial responsibility for child support  
28 or medical support, or both.

29 i. A statement that the responsible person shall  
30 notify the administrator of any change of address, ~~or~~  
31 employment, or medical coverage as required by chapter  
32 252E.

33 Sec. 15. Section 252C.3, subsection 4, Code 1989,  
34 is amended by adding the following new paragraph:  
35 NEW PARAGRAPH. e. The medical support required  
36 pursuant to chapter 598 and rules adopted pursuant to  
37 chapter 252E.

38 Sec. 16. Section 252C.3, subsection 5, Code 1989,

39 is amended to read as follows:

40 5. The responsible person shall be sent a copy of  
 41 the order by regular mail addressed to the responsible  
 42 person's last known address, or if applicable, to the  
 43 last known address of the responsible person's  
 44 attorney. The order is final, and action by the  
 45 administrator to enforce and collect upon the order,  
 46 including arrearages and medical support, or both, may  
 47 be taken from the date of issuance of the order.

48 Sec. 17. Section 252C.4, subsections 2 and 4, Code  
 49 Supplement 1989, are amended to read as follows:

50 2. If the matter has not been heard previously by

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1 the district court, or an existing administrative  
 2 order does not provide for medical support pursuant to  
 3 chapter 252E, the certification shall include true  
 4 copies of the notice and finding of financial  
 5 responsibility or notice of the support debt accrued  
 6 and accruing, the return of service, the written  
 7 objections and request for hearing, and true copies of  
 8 any administrative orders previously entered.

9 4. The court shall establish the monthly child  
 10 support payment and the amount of the support debt  
 11 accrued and accruing pursuant to section 598.21,  
 12 subsection 4, or medical support pursuant to chapter  
 13 252E, or both.

14 Sec. 18. Section 252C.9, Code 1989, is amended to  
 15 read as follows:

16 ~~252C.9 COURT ORDER PREVAILS~~ PREVAILING ORDERS.

17 If an order of the administrator issued pursuant to  
 18 this chapter conflicts with an order of a court, the  
 19 court order prevails regarding support issues  
 20 addressed by the court order.

21 Sec. 19. Section 252D.1, subsection 1, Code 1989,  
 22 is amended to read as follows:

23 1. As used in this chapter, unless the context  
 24 otherwise requires, "support" or "support payments"  
 25 means any amount which the court may require a person  
 26 to pay for the benefit of a child under a temporary  
 27 order or a final judgment or decree, and may include  
 28 child support, maintenance, medical support as defined  
 29 in chapter 252E, and, if contained in a child support  
 30 order, spousal support, and any other term used to  
 31 describe these obligations. These obligations may  
 32 include support for a child who is between the ages of  
 33 eighteen and twenty-two years and who is regularly  
 34 attending an accredited school in pursuance of a  
 35 course of study leading to a high school diploma or  
 36 its equivalent, or regularly attending a course of  
 37 vocational technical training either as a part of a

38 regular school-program or under special arrangements  
39 adapted to the individual person's needs, or is, in  
40 good faith, a full-time student in a college,  
41 university, or area school, or has been accepted for  
42 admission to a college, university, or area school and  
43 the next regular term has not yet begun; and may  
44 include support for a child of any age who is  
45 dependent on the parties to the dissolution  
46 proceedings because of physical or mental disability.

47 Sec. 20. NEW SECTION. 252E.1 DEFINITIONS.

48 As used in this chapter, unless the context  
49 otherwise requires:

50 1. "Child" means a person for whom child support

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1 may be ordered pursuant to chapter 234, 239, 252A,  
2 252C, 598, or 675 or any other chapter of the Code.

3 2. "Department" means the department of human  
4 services, which includes but is not limited to the  
5 child support recovery unit, or any comparable support  
6 enforcement agency of another state.

7 3. "Dependent" means a child, or an obligee for  
8 whom a court may order coverage by a health benefit  
9 plan pursuant to section 252E.3.

10 4. "Enroll" means to be eligible for and covered  
11 by a health benefit plan.

12 5. "Health benefit plan" means any policy or  
13 contract of insurance, indemnity, subscription or  
14 membership issued by an insurer, health service  
15 corporation, health maintenance organization, or any  
16 similar corporation, organization, or a self-insured  
17 employee benefit plan, for the purpose of covering  
18 medical expenses. These expenses may include, but are  
19 not limited to hospital, surgical, major medical  
20 insurance, dental, optical, prescription drugs, office  
21 visits, or any combination of these or any other  
22 comparable health care expenses.

23 6. "Insurer" means any entity which provides a  
24 health benefit plan.

25 7. "Medical support" means either the provision of  
26 a health benefit plan, including a group or  
27 employment-related or an individual health benefit  
28 plan, or a health benefit plan provided pursuant to  
29 chapter 514E, to meet the medical needs of a dependent  
30 and the cost of any premium required by a health  
31 benefit plan, or the payment to the obligee of a  
32 monetary amount in lieu of a health benefit plan,  
33 either of which is an obligation separate from any  
34 monetary amount of child support ordered to be paid.  
35 Medical support is not alimony.

36 8. "Obligee" means a parent or another natural

37 person legally entitled to receive a support payment  
38 on behalf of a child.

39 9. "Obligor" means a parent or another natural  
40 person legally responsible for the support of a  
41 dependent.

42 Sec. 21. NEW SECTION. 252E.2 ORDER FOR MEDICAL  
43 SUPPORT.

44 The entry of an order, pursuant to chapter 234,  
45 252A, 252C, 598, or 675, requiring the provision of  
46 coverage under a health benefit plan is authorization  
47 for enrollment of the dependent if the dependent is  
48 otherwise eligible to be enrolled. The dependent's  
49 eligibility and enrollment for coverage under such a  
50 plan shall be governed by all applicable terms and

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1 conditions, including, but not limited to, eligibility  
2 and insurability standards. The dependent, if  
3 eligible, shall be provided the same coverage as the  
4 obligor.

5 Sec. 22. NEW SECTION. 252E.3 HEALTH BENEFIT  
6 COVERAGE OF OBLIGEE.

7 For cases for which services are being provided  
8 pursuant to chapter 252B, the order may require an  
9 obligor providing a health benefit plan for a child to  
10 also provide a health benefit plan for the benefit of  
11 an obligee if the obligee is eligible for enrollment  
12 under the plan in which the child or the obligor is  
13 enrolled, and if the plan is available at no  
14 additional cost.

15 Sec. 23. NEW SECTION. 252E.4 COPY OF ORDER TO  
16 EMPLOYER.

17 The obligor shall take all steps necessary to  
18 enroll and maintain coverage under a health benefit  
19 plan for a dependent at present and all future places  
20 of employment, and shall send a copy of the order  
21 requiring the coverage to the obligor's employer.

22 1. Within fifteen days of entry of the order, the  
23 obligor shall provide written proof to the obligee and  
24 the department that the required coverage has been  
25 obtained or that application for coverage has been  
26 made.

27 2. If the obligor fails to provide written proof  
28 as required in subsection 1, a copy of the order for  
29 medical support shall be forwarded to the obligor's  
30 employer by the obligee or the department.

31 3. The chapter shall be constructive notice to the  
32 obligor of enforcement and further notice prior to  
33 enforcement is not required.

34 4. The order requiring coverage is binding on all  
35 future employers or insurers if the dependent is

36 eligible to be enrolled in the health benefit plan  
 37 under the applicable plan terms and conditions.  
 38 Sec. 24. NEW SECTION. 252E.5 EFFECT OF ORDER ON  
 39 EMPLOYER.

40 When the order has been forwarded to the obligor's  
 41 employer pursuant to section 252E.4, the order is  
 42 binding on the employer and the employer's insurer to  
 43 the extent that the dependent is eligible to be  
 44 enrolled in the plan under the applicable terms and  
 45 conditions of the health benefit plan. The employer  
 46 shall forward a copy of the order to the insurer and  
 47 request enrollment of the dependent in the health  
 48 benefit plan. Within sixty days of receipt of the  
 49 order or within sixty days of receipt of application  
 50 of the obligor pursuant to the order, whichever is

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1 earlier, the insurer shall determine whether the  
 2 dependent is eligible for enrollment under the plan  
 3 and shall notify the employer of the dependent's  
 4 eligibility status. If eligible, the employer shall  
 5 withhold any required premium from the obligor's  
 6 income or wages. If more than one plan is offered by  
 7 the employer, the dependent shall be enrolled in the  
 8 health benefit plan in which the obligor is enrolled.

9 Within thirty days of receipt of an order that  
 10 requires an obligor to enroll a dependent in a health  
 11 benefit plan, the obligor's employer shall provide the  
 12 following information regarding the enrollment status  
 13 of the dependent to the obligor, the obligee, and the  
 14 department:

- 15 1. That the dependent has been enrolled in a  
 16 health benefit plan.
- 17 2. That the dependent will be enrolled in the next  
 18 enrollment period.
- 19 3. That the dependent is not eligible for  
 20 enrollment and the reasons that the dependent is not  
 21 eligible to be enrolled.
- 22 4. That the order has been forwarded to the  
 23 insurer and a determination of eligibility for  
 24 enrollment has not been made.
- 25 5. If either subsection 1 or 2 describes the  
 26 enrollment status of the dependent, all of the  
 27 following information:
  - 28 a. The name of the insurer providing the health  
 29 benefit plan.
  - 30 b. The dependent's effective date of coverage.
  - 31 c. The health benefit plan or account number.
  - 32 d. The type of health benefit plan under which the  
 33 dependent has been enrolled, including whether dental,  
 34 optical, office visits, and prescription drugs are

35 covered services. Additionally, the response shall  
 36 include a brief description of the applicable  
 37 deductibles, coinsurance, waiting periods for  
 38 preexisting medical conditions, and other significant  
 39 terms or conditions which materially affect the  
 40 coverage.

41 If an order requiring that the obligor provide  
 42 coverage under a health benefit plan for the dependent  
 43 has been forwarded to the obligor's employer pursuant  
 44 to section 252E.4, and the obligor's employment is  
 45 terminated, the employer shall provide notice to the  
 46 obligee and the department within ten days of  
 47 termination of the obligor's employment. If an order  
 48 requiring that the obligor provide coverage under a  
 49 health benefit plan for the dependent has been  
 50 forwarded to the obligor's employer pursuant to

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1 section 252E.4, and the employer's health benefit plan  
 2 is terminated either in its entirety or with respect  
 3 to the obligor's insurance classification, or the  
 4 employer has changed its insurer, the employer shall  
 5 provide notice to the obligee and the department ten  
 6 days prior to the termination of coverage or change in  
 7 insurer.

8 This chapter does not preclude the exchange of  
 9 required information between the department and  
 10 employers or insurers through electronic data  
 11 transfer.

12 **Sec. 25. NEW SECTION. 252E.6 DURATION OF HEALTH**  
 13 **BENEFIT PLAN COVERAGE.**

14 1. A child is eligible for medical support for the  
 15 duration of the obligor's child support obligation.  
 16 However, the child's eligibility for coverage under a  
 17 health benefit plan shall be governed by all  
 18 applicable plan provisions including, but not limited to  
 19 to, eligibility and insurability standards.

20 2. For cases for which services are being provided  
 21 pursuant to chapter 252B, termination of an obligee's  
 22 medical support ordered pursuant to section 252E.3  
 23 shall be governed by the insurer's health benefit plan  
 24 provisions for termination and by applicable federal  
 25 law.

26 **Sec. 26. NEW SECTION. 252E.7 INSURER**  
 27 **AUTHORIZATION.**

28 1. The entry of an order requiring a health  
 29 benefit plan is authorization for enrollment of the  
 30 dependent if the dependent is otherwise eligible to be  
 31 enrolled. If an order has been forwarded to the  
 32 insurer pursuant to section 252E.5 and is not  
 33 accompanied by an appropriate application for

34 enrollment of the dependent signed by the obligor, the  
35 insurer shall attempt to obtain a signed application  
36 from the obligor. If the insurer is unsuccessful in  
37 obtaining a signed application from the obligor within  
38 thirty days after the insurer's initial request to the  
39 obligor, the insurer shall accept the signature of the  
40 obligee or an employee of the department as valid  
41 authorization for enrollment of the dependent under  
42 the health benefit plan.

43 2. For purposes of processing claims for payment,  
44 the insurer shall attempt to obtain the obligor's  
45 written authorization to accept the signature of the  
46 obligee or an employee of the department on all claim  
47 forms submitted to the insurer for medical services  
48 provided to the dependent. Upon receipt of such  
49 written authorization from the obligor on at least an  
50 annual basis, the insurer shall accept the signature

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1 of the obligee or an employee of the department as  
2 valid authorization for purposes of processing any  
3 medical expense claims on behalf of the dependent for  
4 payment or reimbursement of medical services rendered  
5 to the dependent.

6 If the insurer is unsuccessful in obtaining such  
7 written authorization from the obligor within thirty  
8 days after the insurer's initial request to the  
9 obligor, the insurer shall accept the signature of the  
10 obligee or an employee of the department as valid  
11 authorization for purposes of processing any medical  
12 expense claims on behalf of the dependent for payment  
13 or reimbursement of medical services rendered to the  
14 dependent.

15 3. The insurer shall have immunity from any  
16 liability, civil or criminal, which might otherwise be  
17 incurred or imposed for actions taken in implementing  
18 this section including, but not limited to, the  
19 insurer's release of any information, or the payment  
20 of any claims for services by the insurer, or the  
21 insurer's acceptance of applications for enrollment of  
22 the dependent and medical expense claims for the  
23 dependent which are signed by the obligee or an  
24 employee of the department pursuant to this section.

25 4. This section does not preclude an insurer from  
26 issuing payment directly to the provider if such  
27 payment procedure is consistent with the health  
28 benefit plan under which the dependent is enrolled,  
29 except as provided pursuant to chapter 249A.

30 5. Payments remitted to the obligor by the insurer  
31 for services received by the dependent shall be  
32 recoverable by the obligee or the department from the

33 obligor if not properly paid by the obligor to the  
34 provider or the obligee.

35 Sec. 27. NEW SECTION. 252E.8 RELEASES OF  
36 INFORMATION.

37 1. If an order for coverage under a health benefit  
38 plan has been forwarded pursuant to section 252E.5,  
39 the obligor's employer or insurer shall release to the  
40 obligee or the department upon receiving a written  
41 request, the information necessary to complete an  
42 application or to file a claim for medical expenses of  
43 the dependent, provided the obligor's employer or  
44 insurer is given sufficient opportunity to obtain  
45 written authorization for the release of such  
46 information from the obligor pursuant to this section.

47 2. The employer or insurer shall make available to  
48 the obligee or the department any necessary claim  
49 forms or enrollment membership cards if required to  
50 obtain services.

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1 3. The obligor's employer and insurer shall have  
2 immunity from any liability, civil or criminal, which  
3 might otherwise be incurred or imposed for any  
4 information released by such employer or insurer  
5 pursuant to this chapter.

6 4. The department may release to the obligor's  
7 employer or insurer or to the obligee information  
8 necessary to obtain, enforce, and collect medical  
9 support.

10 Sec. 28. NEW SECTION. 252E.9 RESPONSIBILITIES OF  
11 THE OBLIGOR.

12 1. For cases for which services are being provided  
13 pursuant to chapter 252B, an obligor who fails to  
14 maintain medical support for the benefit of the  
15 dependent as ordered shall be liable to the obligee or  
16 the department for any medical expenses incurred from  
17 the date of the court order. Proof of failure to  
18 maintain medical support constitutes a showing of  
19 increased need and provides a basis for the  
20 establishment of a monetary amount for medical  
21 support.

22 2. For cases for which services are being provided  
23 pursuant to chapter 252B, the obligor shall notify the  
24 obligee and the department within ten days of a change  
25 in the terms or conditions of coverage under a health  
26 benefit plan. Such changes may include, but are not  
27 limited to, a change in deductibles, coinsurance,  
28 preadmission notification requirements, coverage for  
29 dental, optical, office visits, prescription drugs,  
30 inpatient and outpatient hospitalization, and any  
31 other changes which materially affect the coverage.

32 Costs incurred by the obligee or the department as a  
 33 result of the obligor's failure to provide  
 34 notification as required are recoverable from the  
 35 obligor.

36 Sec. 29. NEW SECTION. 252E.10 RESPONSIBILITY OF  
 37 THE DEPARTMENT.

38 For cases for which services are being provided  
 39 pursuant to chapter 252B, the department shall take  
 40 steps required by federal regulations to implement and  
 41 enforce an order for medical support.

42 Sec. 30. NEW SECTION. 252E.11 ASSIGNMENT.

43 If medical assistance coverage is provided by the  
 44 department to a dependent, rights to medical support  
 45 payments are assigned to the department pursuant to  
 46 federal regulations.

47 Sec. 31. NEW SECTION. 252E.12 ENFORCEMENT.

48 For the purposes of enforcement pursuant to chapter  
 49 252B, medical support may be reduced to a dollar  
 50 amount and may be collected through the same remedies

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1 available for the collection and enforcement of child  
 2 support.

3 Sec. 32. NEW SECTION. 252E.13 MODIFICATION OF  
 4 SUPPORT ORDER.

5 1. When high potential for obtaining medical  
 6 support exists, the obligee or the department may  
 7 petition for a modification of the obligor's support  
 8 order to include medical support or a monetary amount  
 9 for medical support pursuant to this chapter.

10 2. In addition, if an administrative order entered  
 11 pursuant to chapter 252C does not provide medical  
 12 support as defined in this chapter or equivalent  
 13 medical support, the department may obtain a medical  
 14 support order pursuant to chapter 252C. A medical  
 15 support order obtained pursuant to chapter 252C may be  
 16 an additional or separate support judgment and shall  
 17 be known as an administrative order for medical  
 18 support.

19 Sec. 33. NEW SECTION. 252E.14 CHILD SUPPORT.

20 Unless the order specifies otherwise, medical  
 21 support is not included in the monetary amount of  
 22 child support ordered to be paid for orders entered on  
 23 or after July 1, 1990.

24 Sec. 34. NEW SECTION. 252E.15 RULEMAKING  
 25 AUTHORITY - COMPLIANCE.

26 The department shall adopt rules pursuant to  
 27 chapter 17A to implement this chapter for cases for  
 28 which services are being provided pursuant to chapter  
 29 252B. The department shall cooperate with any agency  
 30 of the state or federal government as may be necessary

31 to qualify for federal funds in conformity with  
32 provisions of this chapter and Title IV-D of the  
33 federal Social Security Act.

34 Sec. 35. NEW SECTION. 252E.16 SCOPE AND EFFECT.

35 1. The provisions of this chapter take effect July  
36 1, 1990, for all support orders entered pursuant to  
37 chapter 234, 252A, 252C, 598, or 675.

38 2. If an obligor was ordered to provide a health  
39 benefit plan or insurance coverage under an order  
40 entered prior to July 1, 1990, but did not comply with  
41 the order, insurers are not liable for medical  
42 expenses incurred prior to July 1, 1990. However,  
43 such an order may be implemented pursuant to the  
44 provisions of this chapter following its enactment.  
45 This chapter shall not be implemented retroactively;  
46 however, previous orders for medical support not  
47 otherwise complied with may be reduced to a dollar  
48 amount and collected from the obligor.

49 Sec. 36. Section 598.1, subsection 2, Code 1989,  
50 is amended to read as follows:

**Page 13**

1 2. "Support" or "support payments" means an amount  
2 which the court may require either of the parties to  
3 pay under a temporary order or a final judgment or  
4 decree, and may include alimony, child support,  
5 maintenance, and any other term used to describe these  
6 obligations. For orders entered on or after July 1,  
7 1990, unless the court specifically orders otherwise,  
8 medical support is not included in the monetary amount  
9 of child support. The obligations may include support  
10 for a child who is between the ages of eighteen and  
11 twenty-two years who is regularly attending an  
12 accredited school in pursuance of a course of study  
13 leading to a high school diploma or its equivalent, or  
14 regularly attending a course of vocational-technical  
15 training either as a part of a regular school program  
16 or under special arrangements adapted to the  
17 individual person's needs; or is, in good faith, a  
18 full-time student in a college, university, or area  
19 school; or has been accepted for admission to a  
20 college, university, or area school and the next  
21 regular term has not yet begun; or a child of any age  
22 who is dependent on the parties to the dissolution  
23 proceedings because of physical or mental disability.

24 Sec. 37. Section 598.21, subsection 4, paragraph  
25 a, Code Supplement 1989, is amended by adding the  
26 following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. Until such time as the  
28 supreme court incorporates the provision of medical  
29 support in the guidelines as required by paragraph

30 "c", the court shall order as child medical support a  
31 health benefit plan as defined in chapter 252E if  
32 available to either parent at a reasonable cost. A  
33 health benefit plan is considered reasonable in cost  
34 if it is employment-related or other group health  
35 insurance, regardless of the service delivery  
36 mechanism. The premium cost of the health benefit  
37 plan may be considered by the court as a reason for  
38 varying from the child support guidelines. If a  
39 health benefit plan is not available at a reasonable  
40 cost, the court may order any other provisions for  
41 medical support as defined in chapter 252E.

42 Sec. 38. Section 598.21, subsection 4, Code  
43 Supplement 1989, is amended by adding the following  
44 new paragraph:

45 NEW PARAGRAPH. c. The guidelines prescribed by  
46 the supreme court shall incorporate provisions for  
47 medical support as defined in chapter 252E to be  
48 effective on or before January 1, 1991.

49 Sec. 39. Section 598.21, subsection 8, Code  
50 Supplement 1989, is amended to read as follows:

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1 8. The court may subsequently modify orders made  
2 under this section when there is a substantial change  
3 in circumstances. In determining whether there is a  
4 substantial change in circumstances, the court shall  
5 consider the following:  
6 a. Changes in the employment, earning capacity,  
7 income or resources of a party.  
8 b. Receipt by a party of an inheritance, pension  
9 or other gift.  
10 c. Changes in the medical expenses of a party.  
11 d. Changes in the number or needs of dependents of  
12 a party.  
13 e. Changes in the physical, mental, or emotional  
14 health of a party.  
15 f. Changes in the residence of a party.  
16 g. Remarriage of a party.  
17 h. Possible support of a party by another person.  
18 i. Changes in the physical, emotional or  
19 educational needs of a child whose support is governed  
20 by the order.  
21 j. Contempt by a party of existing orders of  
22 court.  
23 k. Changes in technology related to determination  
24 of paternity, subject to the following conditions and  
25 limitations:

26 (1) (a) For orders entered before July 1, 1990, a  
27 petition to modify must be filed by July 1, 1991,  
28 provided that the child is under the age of nineteen

29 years at the time the petition to modify is filed.  
 30 (b) For orders entered on or after July 1, 1990, a  
 31 petition to modify must be filed within five years of  
 32 the date of entry of the dissolution decree or the  
 33 order establishing paternity, provided that the child  
 34 is under the age of nineteen years at the time the  
 35 petition to modify is filed.

36 (2) Any modification of child support brought  
 37 under this lettered paragraph can be made retroactive  
 38 only to the date on which the notice of the pending  
 39 petition for modification is served on the opposing  
 40 party.

41 (3) The cost of testing related to the  
 42 determination of paternity shall be paid by the person  
 43 requesting the modification.

44 1. Other factors the court determines to be  
 45 relevant in an individual case.

46 **PARAGRAPH DIVIDED.** A modification of a support  
 47 order entered under chapter 252A, chapter 675, or this  
 48 chapter between parties to the order is void unless  
 49 the modification is approved by the court, after  
 50 proper notice and opportunity to be heard is given to

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1 all parties to the order, and entered as an order of  
 2 the court. If support payments have been assigned to  
 3 the department of human services pursuant to section  
 4 239.3, the department shall be considered a party to  
 5 the support order. Modifications of orders pertaining  
 6 to child custody shall be made pursuant to chapter  
 7 598A. If the petition for a modification of an order  
 8 pertaining to child custody asks either for joint  
 9 custody or that joint custody be modified to an award  
 10 of sole custody, the modification, if any, shall be  
 11 made pursuant to section 598.41.

12 Judgments for child support or child support awards  
 13 entered pursuant to this chapter, chapter 234, 252A,  
 14 252C, 675, or any other chapter of the Code which are  
 15 subject to a modification proceeding may be  
 16 retroactively modified only from the date the notice  
 17 of the pending petition for modification is served on  
 18 the opposing party.

19 Sec. 40. Section 598.21, Code Supplement 1989, is  
 20 amended by adding the following new subsection:

21 **NEW SUBSECTION. 8A.** Notwithstanding subsection 8,  
 22 a substantial change of circumstances exists when the  
 23 court order for child support deviates from the child  
 24 support guidelines established pursuant to section  
 25 598.21, subsection 4 for a reason other than that  
 26 stated in the original order, unless the provisions of  
 27 the guidelines themselves have changed since the entry

28 or subsequent modification of the original order.  
29 Upon application for a modification of an order for  
30 child support where services are being received  
31 pursuant to chapter 252B, the court shall act in  
32 accordance with section 598.21, subsection 4.

33 Sec. 41. Section 598.22, unnumbered paragraph 1,  
34 Code 1989, is amended to read as follows:

35 This Except as otherwise provided in section  
36 598.22A, this section applies to all initial or  
37 modified orders for support entered under this  
38 chapter, chapter 234, 252A, 252C, 675, or any other  
39 chapter of the Code. All orders or judgments entered  
40 under chapter 234, 252A, 252C, or 675, or under this  
41 chapter or any other chapter which provide for  
42 temporary or permanent support payments shall direct  
43 the payment of those sums to the clerk of the district  
44 court or the collection services center in accordance  
45 with section 252B.14 for the use of the person for  
46 whom the payments have been awarded. Payments to  
47 persons other than the clerk of the district court and  
48 the collection services center do not satisfy the  
49 support obligations created by the orders or  
50 judgments, except as provided for trusts governed by

**Page 16**

1 the federal Retirement Equity Act of 1984, Pub. L. No.  
2 98-397, for tax refunds or rebates in section  
3 602.8102, subsection 47, or for dependent benefits  
4 paid to the child support obligee as the result of  
5 disability benefits awarded to the child support  
6 obligor under the federal Social Security Act. For  
7 trusts governed by the federal Retirement Equity Act  
8 of 1984, Pub. L. No. 98-397, the assignment of income  
9 shall require the payment of such sums to the  
10 alternate payee in accordance with the federal Act.

11 Sec. 42. Section 598.22, Code 1989, is amended by  
12 adding the following new unnumbered paragraph:  
13 NEW UNNUMBERED PARAGRAPH. For the purpose of  
14 enforcement, medical support is additional support  
15 which, upon being reduced to a dollar amount, may be  
16 collected through the same remedies available for the  
17 collection and enforcement of child support.

18 Sec. 43. NEW SECTION. 598.22A SATISFACTION OF  
19 SUPPORT PAYMENTS.

20 Notwithstanding sections 252B.14 and 598.22,  
21 support payments ordered pursuant to any support  
22 chapter for orders entered on or after July 1, 1985,  
23 which are not made pursuant to the provisions of  
24 section 252B.14 or 598.22, shall be credited only as  
25 provided in this section.

26 1. For payment made pursuant to an order entered

27 on or after July 1, 1985, the clerk of the district  
 28 court or collection services center shall record a  
 29 satisfaction as a credit on the official support  
 30 payment record if its validity is confirmed by the  
 31 court upon submission of an affidavit by the person  
 32 entitled to receive the payment, after notice is given  
 33 to all parties.

34 2. For purposes of this section, the state is a  
 35 party to which notice shall be given when public funds  
 36 have been expended pursuant to chapter 234, 239, or  
 37 249A, or similar statutes in another state. If proper  
 38 notice is not given to the state when required, any  
 39 order of satisfaction is void.

40 3. The court shall not enter an order for  
 41 satisfaction of payments not made through the clerk of  
 42 the district court or collection services center if  
 43 those payments have been assigned as a result of  
 44 public funds expended pursuant to chapter 234, 239, or  
 45 249A, or similar statutes in other states.

46 Sec. 44. Section 675.25, Code Supplement 1989, is  
 47 amended to read as follows:

48 675.25 FORM OF JUDGMENT – CONTENTS OF SUPPORT  
 49 ORDER – COSTS.

50 Upon a finding or verdict of paternity pursuant to

**Page 17**

1 section 675.24, the court shall establish the father's  
 2 monthly support payment and the amount of the support  
 3 debt accrued or accruing pursuant to section 598.21,  
 4 subsection 4, until the child reaches majority or  
 5 until the child finishes high school, if after  
 6 majority. The court may order the father to pay  
 7 amounts the court deems appropriate for the past  
 8 support and maintenance of the child and for the  
 9 reasonable and necessary expenses incurred by or for  
 10 the mother in connection with prenatal care, the birth  
 11 of the child, and postnatal care of the child and the  
 12 mother, and other medical support as defined in  
 13 section 252E.1. The court may award the prevailing  
 14 party the reasonable costs of suit, including but not  
 15 limited to reasonable attorney fees.

16 Sec. 45. NEW SECTION. 675.33 LIMITATIONS OF  
 17 ACTIONS.

18 1. An action to establish paternity and support  
 19 under this chapter may be brought within the time  
 20 limitations set forth in section 614.8.

21 2. Notwithstanding subsection 1, an action to  
 22 establish paternity and support under this chapter may  
 23 be brought concerning a person who was under age  
 24 eighteen on August 16, 1984, regardless of whether any  
 25 prior action was dismissed because a statute of

26 limitations of less than eighteen years was then in  
 27 effect. Such an action may be brought within the time  
 28 limitations set forth in section 614.8, or until July  
 29 2, 1992, whichever is later.

30 Sec. 46. RULES.

31 The department of human services may adopt  
 32 administrative rules under section 17A.4, subsection  
 33 2, and section 17A.5, subsection 2, paragraph "b", to  
 34 implement the provisions of sections 4, 8, and 20  
 35 through 35 of this Act, and the rules may be made  
 36 effective on or after July 1, 1990.

37 Sec. 47.

38 Section 43 of this Act applies retroactively to  
 39 payments under support orders entered on or after July  
 40 1, 1985."

41 2. Title page, line 1, by inserting after the  
 42 word "orders" the following: ", satisfaction of a  
 43 support order by direct payment to the person who is  
 44 to receive the payment, medical support for children  
 45 receiving child support, modification of disposition  
 46 and support orders, child support enforcement,  
 47 determination of paternity and establishment of past  
 48 child support obligations, establishing an advisory  
 49 committee, and providing an effective date for certain  
 50 provisions".

#### Page 18

1 3. By renumbering and changing internal  
 2 references as necessary.

HAVERLAND of Polk  
 HALVORSON of Webster

#### H-6154

1 Amend House File 2558 as follows:

2 1. Page 5, by inserting after line 31 the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 455D.9, subsection 1, Code  
 5 Supplement 1989, is amended to read as follows:  
 6 1. Beginning January 1, 1991, land disposal of  
 7 yard waste as defined by the department is prohibited.  
 8 However, yard waste which has been separated at its  
 9 source or its destination from other solid waste may  
 10 be accepted by a sanitary landfill for the purposes of  
 11 soil conditioning or composting."

IVERSON of Wright

#### H-6155

1 Amend House File 2267 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting the following:

4 "Section 1. Section 601A.2, subsection 11,  
5 unnumbered paragraph 1, Code Supplement 1989, is  
6 amended by striking the paragraph and inserting in  
7 lieu thereof the following:

8 "Public accommodation" means any person catering or  
9 offering services, facilities, or goods for a fee or  
10 charge to the public or any person catering or  
11 offering services, facilities, or goods gratuitously  
12 if the person receives a governmental support or  
13 subsidy. Public accommodation does not mean any bona  
14 fide private club or private organization which is, by  
15 its nature, distinctly private, except that when such  
16 a club or organization caters or offers services,  
17 facilities, or goods to nonmembers gratuitously or for  
18 a fee or charge, the club or organization shall be  
19 deemed a public accommodation during such period.

20 Sec. 2. Section 601A.5, subsections 1, 5, 6, and  
21 8, Code 1989, are amended to read as follows:

22 1. To prescribe the duties of a director and  
23 appoint and prescribe the duties of such investigators  
24 and other employees and agents as the commission shall  
25 deem deems necessary for the enforcement of this  
26 chapter.

27 5. To hold hearings upon any complaint made  
28 against a person, an employer, an employment agency,  
29 or a labor organization, or the employees or members  
30 thereof, to subpoena witnesses and compel their  
31 attendance at such hearings, to administer oaths and  
32 take the testimony of any person under oath, and to  
33 compel such person, employer, employment agency, or  
34 labor organization, or employees or members thereof to  
35 produce for examination any books and papers relating  
36 to any matter involved in such complaint. The  
37 commission shall issue subpoenas for witnesses in the  
38 same manner and for the same purposes on behalf of the  
39 respondent upon the respondent's request. Such  
40 hearings may be held by the commission, by any  
41 commissioner, or by any hearing examiner appointed by  
42 the commission. If a witness either fails or refuses  
43 to obey a subpoena issued by the commission, the  
44 commission may petition the district court having  
45 jurisdiction for issuance of a subpoena and the court  
46 shall in a proper case issue the subpoena. Refusal to  
47 obey such subpoena shall be is subject to punishment  
48 for contempt.

49 6. To issue such publications and reports of  
50 investigations and research as in the judgment of the

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1 commission shall will tend to promote good will among  
2 the various racial, religious, and ethnic groups of

3 the state and which shall tend to minimize or  
4 eliminate discrimination in public accommodations,  
5 employment, apprenticeship and on-the-job training  
6 programs, vocational schools, or housing because of  
7 race, creed, color, sex, national origin, religion,  
8 ancestry or disability.

9 8. To make recommendations to the general assembly  
10 for such further legislation concerning discrimination  
11 because of race, creed, color, sex, national origin,  
12 religion, ancestry or disability as it may deem deems  
13 necessary and desirable.

14 Sec. 3. Section 601A.6, subsection 1, paragraphs a  
15 and b, Code 1989, are amended to read as follows:

16 a. Person to refuse to hire, accept, register,  
17 classify, or refer for employment, to discharge any  
18 employee, or to otherwise discriminate in employment  
19 against any applicant for employment or any employee  
20 because of the age, race, creed, color, sex, national  
21 origin, religion, or disability, or association with  
22 protected class members, of such applicant or  
23 employee, unless based upon the nature of the  
24 occupation. If a disabled person is qualified to  
25 perform a particular occupation, by reason of training  
26 or experience, the nature of that occupation shall not  
27 be the basis for exception to the unfair or  
28 discriminating practices prohibited by this  
29 subsection.

30 b. Labor organization or the employees, agents or  
31 members thereof to refuse to admit to membership any  
32 applicant, to expel any member, or to otherwise  
33 discriminate against any applicant for membership or  
34 any member in the privileges, rights, or benefits of  
35 such membership because of the age, race, creed,  
36 color, sex, national origin, religion, or disability,  
37 or association with protected class members, of such  
38 applicant or member.

39 Sec. 4. Section 601A.8, subsection 1, Code  
40 Supplement 1989, is amended to read as follows:

41 1. To refuse to sell, rent, lease, assign or  
42 sublease any real property or housing accommodation or  
43 part, portion or interest therein, to any person  
44 because of the race, color, creed, sex, religion,  
45 national origin, disability, or familial status, or  
46 association with protected class members, of such  
47 person.

48 Sec. 5. Section 601A.11, Code 1989, is amended to  
49 read as follows:

50 601A.11 AIDING OR ABETTING AND RETALIATION.

## Page 3

1 It shall be an unfair or discriminatory practice  
2 for:

3 1. Any person to intentionally aid, abet, compel,  
4 or coerce another person to engage in any of the  
5 practices declared unfair or discriminatory by this  
6 chapter.

7 2. Any person to discriminate against another  
8 person in any of the rights protected against  
9 discrimination on the basis of age, race, creed,  
10 color, sex, national origin, religion or disability by  
11 this chapter because such person has lawfully opposed  
12 any practice forbidden under this chapter, obeys the  
13 provisions of this chapter, or has filed a complaint,  
14 testified, or assisted in any proceeding under this  
15 chapter. An employer, employment agency, or their  
16 employees, servants or agents may offer employment or  
17 advertise for employment to only the disabled, when  
18 other applicants have available to them other  
19 employment compatible with their ability which would  
20 not be available to the disabled because of their  
21 handicap. Any such employment or offer of employment  
22 shall not discriminate among the disabled on the basis  
23 of race, color, creed, sex or national origin.

24 Sec. 6. Section 601A.15, subsection 3, paragraph  
25 c, Code 1989, is amended to read as follows:

26 c. If the administrative law judge concurs with  
27 the investigating official that probable cause exists  
28 regarding the allegations of the complaint, the staff  
29 of the commission shall promptly endeavor to eliminate  
30 the discriminatory or unfair practice by conference,  
31 conciliation, and persuasion. If the administrative  
32 law judge finds that no probable cause exists, the  
33 administrative law judge shall issue a final order  
34 dismissing the complaint and shall promptly mail a  
35 copy to the complainant and to the respondent by  
36 certified mail. A finding of probable cause shall not  
37 be introduced into evidence in an action brought under  
38 section 601A.16.

39 Sec. 7. NEW SECTION. 601A.20 DAMAGES.

40 In all cases except where the complaint alleges  
41 discrimination in employment, exemplary damages not to  
42 exceed fifteen thousand dollars may be awarded where  
43 the respondent acted with deliberate indifference or  
44 with willful or reckless disregard of the rights of  
45 the complainant."

46 2. Title page, line 2, by striking the word  
47 "and".

48 3. Title page, line 3, by inserting after the  
 49 word "law" the following: ", and providing exemplary  
 50 damages for certain civil rights violations".

BRAMMER of Linn  
 DODERER of Johnson  
 ROSENBERG of Story

PETERSON of Carroll  
 NIELSEN of Linn  
 OSTERBERG of Linn  
 SHOULTZ of Black Hawk

H-6166

1 Amend Senate Concurrent Resolution 129, as passed  
 2 by the Senate, as follows:  
 3 1. Page 2, by inserting after line 26 the fol-  
 4 lowing:  
 5 "*Be It Further Resolved*, That the General Assembly  
 6 of the State of Iowa strongly urges the President and  
 7 the Secretary of the United States Department of  
 8 Transportation, to consider and study the feasibility  
 9 of a railroad alternative between the cities of St.  
 10 Louis, Missouri and St. Paul, Minnesota."

McKEAN of Jones

H-6169

1 Amend the amendment, H-6155, to House File 2267, as  
 2 follows:  
 3 1. Page 2, by inserting after line 38, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 601A.7, subsection 2, Code  
 6 1989, is amended by adding the following new  
 7 paragraph:  
 8 NEW PARAGRAPH. c. Activities regulated by the  
 9 insurance division of the department of commerce as  
 10 set forth in chapter 505."  
 11 2. Renumber as necessary.

HALVORSON of Clayton

## RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-third General Assembly, 1990 Session, not otherwise printed in the House Journal.

1                   House Concurrent Resolution 110  
 2                   By Committee on Natural Resources  
 3                   and Outdoor Recreation  
 4                   (Successor to HSB 666)  
 5 A Concurrent Resolution relating to an endorsement by  
 6 the General Assembly for full federal funding for  
 7 fish and wildlife mitigation on the Missouri River.  
 8     *Whereas*, the Missouri River was one of the most  
 9 productive ecosystems in North America, supporting an  
 10 immense fish and wildlife resource and contributing  
 11 greatly to the economic and social well-being of the  
 12 United States since the early 1800's; and  
 13     *Whereas*, federally funded Missouri River Bank Sta-  
 14 bilization and Navigation Projects have caused severe  
 15 environmental problems within this ecosystem,  
 16 including the loss of nearly four hundred seventy-five  
 17 thousand acres of diverse natural habitats, and  
 18 continued channel degradation; and  
 19     *Whereas*, the loss or deterioration of these natural  
 20 resources has greatly reduced this region's economic,  
 21 recreational, and natural resource base; and  
 22     *Whereas*, significant opportunities still exist to  
 23 restore fish and wildlife habitats and some of the  
 24 economic and recreational diversity to this region;  
 25 and  
 26     *Whereas*, fish and wildlife mitigation is mandated  
 27 under the 1958 Fish and Wildlife Coordination Act  
 28 (Pub. L. 85-624) and was affirmed through a fifty-one  
 29 million nine hundred thousand dollar authorization for  
 30 mitigation in the 1986 Water Resources Development Act

## Page 2

1 (Pub. L. 99-662) and a subsequent appropriation to  
 2 develop a plan for implementation; and  
 3     *Whereas*, fish and wildlife mitigation is judged to  
 4 be of vital importance to the economic and  
 5 environmental well-being of this region and its  
 6 citizens; *Now Therefore*,  
 7     *Be It Resolved by the House of Representatives, the*  
 8 *Senate Concurring*, That the Iowa General Assembly  
 9 endorses full federal funding for fish and wildlife  
 10 mitigation on the Missouri River.  
 11     *Be It Further Resolved*, That a copy of this  
 12 resolution be forwarded to the Iowa congressional  
 13 delegation, the Chairperson of the United States House  
 14 of Representatives Subcommittee on Energy and Water

15 Development, the Chairperson of the United States  
16 Senate Subcommittee on Energy and Water Development,  
17 the United States Department of Interior, and the  
18 United States Corps of Engineers.

HCR 110 filed February 22, 1990; House adopted March 29, 1990.

1 House Resolution 102

2 By Jochum, Murphy, Knapp and Tabor

3 A Resolution relating to the sesquicentennial of  
4 Loras College.

5 *Whereas*, Loras College traces its beginning to  
6 September 1839, when pioneer Bishop Mathias Loras  
7 opened St. Raphael's Seminary in his residence; and

8 *Whereas*, Bishop Loras brought eminent  
9 qualifications as an outstanding educator from his  
10 native France to Dubuque; and

11 *Whereas*, the institution which bears Bishop Loras'  
12 name has rendered outstanding service in the education  
13 and improvement of the youth of this state and nation;  
14 and

15 *Whereas*, Loras College has established a proud  
16 record in the professions, business and industry, and  
17 church and civic affairs, including its many alumni  
18 who have served in this legislative body; and

19 *Whereas*, Loras College, Iowa's oldest college, is  
20 celebrating its sesquicentennial; *Now Therefore*,

21 *Be It Resolved by the House of Representatives*,  
22 That tribute be paid to Loras College for its many  
23 contributions, and extend its sincere congratulations  
24 to the administration, faculty, students, and alumni  
25 of Loras College during its sesquicentennial; and

26 *Be It Further Resolved*, That an official copy of  
27 this resolution be prepared and presented to the  
28 President of Loras College.

HR 102 filed February 7, 1990; House adopted February 8, 1990.

**SUPPLEMENT TO THE HOUSE JOURNAL****BILLS APPROVED, VETOED OR ITEM VETOED  
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 1990 Regular Session of the Seventy-third General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 121 — Relating to parental leaves of absence for employees of the state and providing an effective date. Vetoed 5-3-90. See Governor's Veto Message.
- H.F. 178 — Relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters. Approved 4-27-90.
- H.F. 209 — Relating to the limitations on smoking, and providing penalties. Approved 4-24-90.
- H.F. 366 — Authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property. Approved 4-26-90.
- H.F. 489 — Relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act. Vetoed 5-2-90. See Governor's Veto Message.
- H.F. 534 — Relating to the regulation of commercial feed and providing for the increase of fees. Approved 4-16-90.
- H.F. 656 — Relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind. Approved 5-2-90.
- H.F. 658 — Relating to savings and loan associations and their regulation by the superintendent of savings and loans. Approved 4-27-90.
- H.F. 677 — Relating to written credit agreements between a creditor and debtor and rights of action on that agreement. Approved 4-19-90.
- H.F. 724 — Relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties. Approved 5-2-90.
- H.F. 737 — Relating to retentions from payments to contractors on contracts for the construction of public improvements. Approved 5-1-90.
- H.F. 2009 — Relating to elections, providing for special late registration to enable an eligible elector to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, and increasing the penalty for improper voting. Vetoed 5-1-90. See Governor's Veto Message.
- H.F. 2057 — Relating to prohibited interests in public contracts. Approved 4-27-90.

- H.F. 2068— Providing technical changes to the financing of education programs of school districts and providing a retroactive effective date. Approved 4-24-90.
- H.F. 2115— Regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates. Approved 5-6-90.
- H.F. 2154— Relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws, and providing for the applicability of the Act. Approved 4-16-90.
- H.F. 2166— Relating to the identification and eradication of marijuana. Approved 4-19-90.
- H.F. 2170— Relating to the prohibition of the use of certain pesticides, and making a penalty applicable. Approved 4-16-90.
- H.F. 2188— Relating to the issuance of alcoholic beverage licenses and permits for certain licensed premises and prescribing fees. Approved 4-19-90.
- H.F. 2213— Relating to the regulation of banks to conform to changes in federal law contained in the Financial Institutions Reform, Recovery and Enforcement Act of 1989. Approved 5-1-90.
- H.F. 2235— Relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards. Approved 5-6-90.
- H.F. 2268— Relating to discovery and the statute of limitations in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act's applicability. Approved 5-6-90.
- H.F. 2270— Relating to the department of human rights. Approved 4-19-90.
- H.F. 2287— Relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a business. Approved 5-1-90.
- H.F. 2294— Relating to the establishment of an Iowa affordable heating program. Approved 5-6-90.
- H.F. 2312— Relating to nonsubstantive Code and Act corrections. Approved 4-16-90.
- H.F. 2313— Relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities. Approved 5-2-90.
- H.F. 2320— Relating to the regulation of insurers, insurance, and annuity contracts, including fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, providing special effective dates, and authorizing civil penalties. Approved 5-2-90.

- H.F. 2329 — Relating to elections and election procedures, and providing effective and applicability dates. Approved 5-3-90.
- H.F. 2346 — Relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits. Vetoed 5-6-90. See Governor's Veto Message.
- H.F. 2357 — Relating to the applicability of school district reorganization incentives and providing an effective date and a retroactive applicability date. Approved 4-30-90.
- H.F. 2377 — Adopting the model state commodity Code as recommended by the North American securities administrators association, regulating the commodities markets and participants, authorizing the securities bureau of the insurance division to administer the chapter, requiring licensing of commodity broker-dealers and sales representatives, authorizing civil remedies, sanctions, penalties, and imposing criminal penalties. Approved 4-16-90.
- H.F. 2393 — Relating to minimum liability limits for motor carriers and related procedures. Approved 5-1-90.
- H.F. 2407 — Relating to the designation, inventory, and protection of wetlands, providing for mediation, providing a civil penalty for violations, and providing a property tax exemption for wetlands. Approved 4-26-90.
- H.F. 2412 — Providing for the enactment of municipal infractions relating to the environment and providing penalties. Approved 4-27-90.
- H.F. 2416 — Relating to corporal punishment. Approved 4-30-90.
- H.F. 2440 — Relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs. Approved 5-6-90.
- H.F. 2450 — Relating to court costs to the city for certain dismissals of parking violations and court costs and fees for certain parking violations. Approved 4-17-90.
- H.F. 2459 — Relating to the employment of personnel under sharing agreements between school districts. Approved 4-30-90.
- H.F. 2476 — Relating to unfair or discriminatory credit practices by including familial status as an improper basis for differential treatment in relation to a consumer credit transaction, an extension of credit by a state chartered financial institution, or the offer of credit life or health and accident insurance. Approved 4-27-90.
- H.F. 2482 — Establishing an entrepreneurship task force, and providing an appropriation. Approved 5-2-90.
- H.F. 2486 — Relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees. Approved 4-30-90.

- H.F. 2488 — Relating to civil law, including notarial acts and corporate law and procedures, including the characterization of certain corporate shares as issued, but not outstanding, shares, and making conforming amendments to reflect adoption of chapter 490, the new Iowa model business corporation Act, and including an effective date. Approved 4-27-90.
- H.F. 2495 — Relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges. Approved 4-27-90.
- H.F. 2500 — Relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties. Approved 4-26-90.
- H.F. 2504 — Relating to criminal and child abuse record checks concerning facilities providing care to children. Approved 4-30-90.
- H.F. 2517 — Relating to the care and treatment of juveniles, youthful offenders, and other persons by establishing certain dispositional requirements concerning the state juvenile institutions and their administration, providing for financing and funding of certain facilities serving juveniles and other persons, establishing a youthful offenders program in the department of corrections, and providing effective dates. Approved 5-3-90.
- H.F. 2522 — Relating to hunting and fishing licenses for military personnel and veterans, and providing an effective date and authorizing reciprocal fishing agreements. Approved 4-19-90.
- H.F. 2534 — Relating to waste disposal, providing a retroactive applicability date, and providing an effective date. Approved 4-24-90.
- H.F. 2536 — Relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements. Approved 4-30-90.
- H.F. 2537 — Relating to the sale of funeral services and merchandise. Approved 4-27-90.
- H.F. 2543 — Relating to the administration and benefits for certain public retirement systems, and providing effective dates and for the applicability of the Act. Approved 5-3-90.
- H.F. 2546 — Relating to child day care and the state child and dependent care tax credit, making an appropriation, and providing a retroactive applicability date. Approved 5-6-90.
- H.F. 2548 — Relating to agricultural health and safety. Approved 4-27-90.
- H.F. 2551 — Relating to taxes administered and fees collected by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, special fuel taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates. Approved 5-2-90.
- H.F. 2552 — Relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date. Approved 5-2-90.

- H.F. 2554— Relating to county tax and services provisions by appropriating funds for state assistance to counties for mental health services, by modifying the homestead tax credit, the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates. Approved 5-6-90.
- H.F. 2557— Relating to the filing of liens against property for nonpayment of city utility or enterprise charges. Approved 4-27-90.
- H.F. 2559— Relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date. Approved 4-24-90.
- H.F. 2560— Relating to the formation of community clusters by certain governmental units for the joint exercise of powers. Approved 4-26-90.
- H.F. 2562— Relating to the use of white flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable. Approved 5-1-90.
- H.F. 2564— Relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties. Approved 5-7-90 with the exception of Section 2; Section 4, Subsection 4; Section 4, Subsection 6; Section 6, Subsection 2; Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27. See Governor's Item Veto Message.
- H.F. 2567— Relating to and making appropriations from the energy conservation trust. Approved 5-7-90.
- H.F. 2568— Relating to the construction contracts for the previously authorized prison construction projects at the Oakdale corrections campus. Approved 4-19-90.
- H.F. 2569— Relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates. Approved 5-8-90 with the exception of Section 101, Subsections 1, 2, 5, and 6; Section 102, Subsection 1; Section 203; Section 301; Section 302; Section 401; Sections 501, 502, 503, 504, and 505; Section 602; Sections 901, 902 and 903; the designated portions of Section 1101; Section 1103; Section 1301; Section 1501; Section 1504; and Sections 1516 and 1517. See Governor's Item Veto Message.
- S.C.R. 133— Relating to the state board of regents' ten-year building program and providing for the financing of certain building and remodeling projects. Approved 4-17-90.
- S.F. 205— Relating to the credentialing and regulation of respiratory care practitioners. Approved 4-26-90.

- S.F. 390 — Relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability. Approved 5-6-90.
- S.F. 514 — Providing a state sales and use tax exemption for certain facilities. Vetoed 5-7-90. See Governor's Veto Message.
- S.F. 2011 — Providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public. Approved 4-30-90.
- S.F. 2048 — To prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties. Approved 4-26-90.
- S.F. 2049 — Relating to the licensing of blood collection, blood processing, and plasmapheresis centers, and providing for a repeal. Approved 4-19-90.
- S.F. 2057 — Relating to the conduct of pari-mutuel racing by authorizing wagering on simultaneous telecast races, by providing for the conduct of meetings by certain nonprofit corporations, by authorizing sales of alcoholic beverages at racetracks and on Sundays, by subjecting violators to existing penalties, and by providing an effective date. Approved 4-19-90.
- S.F. 2093 — To reduce the markup percentage on state alcoholic liquor sales and provide a date of repeal. Vetoed 5-2-90. See Governor's Veto Message.
- S.F. 2114 — Relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, providing an effective date, and providing certain retroactive applicability dates. Approved 4-17-90.
- S.F. 2115 — Relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date. Approved 4-26-90.
- S.F. 2153 — Relating to the environment, agriculture, and natural resources including making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for funding for rural water districts, and for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, providing a penalty, and providing effective and applicability dates. Approved 5-8-90 with the exception of Section 4; Section 5; Section 10, Subsection 1, lettered paragraphs b, d and e; Section 10, Subsections 2, 4, 5, and 8; Sections 11, 12, 13, 14 and 15; Section 21; Section 25; Section 26; Section 28; Section 33, Subsection 2, lettered paragraph a; and Section 38. See Governor's Item Veto Message.
- S.F. 2277 — Relating to tourist-oriented signs. Approved 4-24-90.
- S.F. 2280 — Relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, and to the state communications network fund,

specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing penalties for violations, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions. Approved 5-7-90 with the exception of the designated portion of Section 1, Subsection 1; Section 10, Subsection 9; Section 10, Subsection 12; Section 12, unnumbered paragraph 2; the designated portions of Section 13, Subsection 7; the designated portion of Section 20; Section 26; Section 30; Section 37; Section 39; Section 40; Sections 44, 45, 46, 47 and 48; and Section 61, Subsection 4. See Governor's Item Veto Message.

- S.F. 2304— Relating to penalty and interest on cigarette, tobacco, motor fuel, individual income, withholding, corporation income, franchise, sales, use, retailer's use, environmental protection charge, inheritance, generation skipping transfer, and estate taxes, and providing effective and applicability dates. Approved 4-17-90.
- S.F. 2306— Relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date. Approved 4-18-90.
- S.F. 2319— Relating to private farm railway crossings. Approved 4-24-90.
- S.F. 2324— Providing for area education agency administrative costs relating to special education services reimbursed under the medical assistance program. Approved 4-24-90.
- S.F. 2329— Relating to motor vehicles including provisions relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semiannual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable and providing for the Act's applicability. Approved 5-1-90.
- S.F. 2349— Relating to scheduled fines and court procedures for certain violations of snowmobile and all-terrain vehicle regulations, game and fish regulations, and parks. Approved 4-30-90.
- S.F. 2372— Relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa. Approved 5-6-90.
- S.F. 2393— Authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards. Vetoed 5-6-90. See Governor's Veto Message.
- S.F. 2395— Relating to the protection of trade secrets and providing remedies. Approved 4-27-90.

- S.F. 2402— Relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date. Approved 5-7-90 with the exception of Section 1, Subsection 2; Section 3, Subsection 3, paragraph b; Section 3, Subsection 7; Section 6, Subsection 2; Section 6, Subsection 7; Section 8, unnumbered paragraph 3; Section 15, Subsection 2; Section 16; Section 17; Section 21; Section 22; and Section 33. See Governor's Item Veto Message.
- S.F. 2403— Relating to energy efficiency. Approved 5-8-90.
- S.F. 2406— Relating to the sales and use tax on carbon dioxide and providing a retroactive applicability date. Approved 4-24-90.
- S.F. 2407— Relating to the premium taxation on certain health maintenance organization payments. Approved 4-17-90.
- S.F. 2408— Relating to and making appropriations to the justice system and providing effective dates. Approved 5-7-90 with the exception of Section 4, Subsection 1, lettered paragraph b, subparagraph 3; Section 5, Subsection 1, unnumbered paragraph 2; Section 6, Subsections 1, paragraph c; Subsection 2, paragraphs c and d; Subsection 3, paragraph c; Subsection 5, paragraph c; Subsection 6, paragraph b; Subsection 7, paragraph b; and Subsection 8, paragraphs b and c; Section 6, Subsection 1, paragraph d; Section 6, Subsection 9, paragraph d; Section 8, Subsections 2 and 3; Section 12; Section 13; Sections 15 and 16. See Governor's Item Veto Message.
- S.F. 2411— Providing a seed capital income tax credit, authorizing expedited registration by filing for small issues under the state securities law, and providing effective and applicability dates. Approved 4-26-90.
- S.F. 2412— Relating to the regulation of certain charitable organizations, providing a fee, and providing a penalty. Approved 4-27-90.
- S.F. 2413— Relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing

for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties. Approved 5-6-90.

- S.F. 2415— Authorizing an additional tax levy and the creation of a reserve account by a benefited fire district. Approved 4-24-90.
- S.F. 2416— Relating to transfer and expiration of the delinquent tax liens and the service of notice of expiration of the right of redemption from tax sales on certain persons with an interest in the real estate, and providing an effective date. Approved 4-27-90.
- S.F. 2420— Relating to the transfer of appropriations within and between state departments, institutions, and agencies. Vetoed 5-7-90. See Governor's Veto Message.
- S.F. 2422— Relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date. Approved 5-7-90 with the exception of the designated portion of Section 5, Subsection 5; and Section 20. See Governor's Item Veto Message.
- S.F. 2423— Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability. Approved 5-8-90 with the exception of the designated portion of Section 1, Subsection 2; the designated portion of Section 1, Subsection 7; Section 8, Subsection 2; Section 8, Subsection 6; the designated portions of Section 8, Subsection 12; Section 8, Subsection 14; the designated portion of Section 9, Subsection 1; Section 9, Subsection 2; the designated portion of Section 14, Subsection 1; Section 14, Subsection 2, lettered paragraph s; Section 14, Subsection 4, lettered paragraph j; the designated portion of Section 14, Subsection 5; Section 18; the designated portion of Section 23; Section 24; Section 26; Section 27; Section 35; Section 38; Section 47; Section 66; and Section 79. See Governor's Item Veto Message.
- S.F. 2425— Relating to the care of children when a legally responsible adult is unavailable to provide the care. Approved 4-30-90.

- S.F. 2426 — Relating to persons who act as the president of the senate, providing for the term of office of the president of the senate, providing authorization for the compensation of the lieutenant governor in executive branch Code provisions, removing the lieutenant governor from membership on the legislative council, making the president of the senate, the speaker pro tempore, and two additional minority party members legislative council members, making changes in the manner of appointment of senate members of certain boards, commissions, agencies, councils, associations, and statutory committees, and providing an effective date. Approved 4-30-90.
- S.F. 2427 — Codifying certain regulatory and budgetary requirements relating to the duties and powers of state agencies and state budget procedures and providing an effective date. Approved 5-6-90.
- S.F. 2428 — Relating to and making appropriations of federal and other nonstate funds including funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants. Approved 5-6-90.
- S.F. 2429 — Relating to responsibilities for the receipt and disbursement of support payments, satisfaction of a support order by direct payment to the person who is to receive the payment, medical support for children receiving child support, modification of child support orders, child support enforcement, determination of paternity and establishment of past child support obligations, establishing an advisory committee, and providing an effective date for certain provisions. Approved 4-30-90.
- S.F. 2430 — Relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities. Approved 5-6-90 with the exception of Sections 20, 21, 22, 23, 24, 25, 26, 27 and 31. See Governor's Item Veto Message.
- S.F. 2432 — Relating to the drug testing of certain individuals as required pursuant to certain federal regulations. Approved 4-24-90.
- S.F. 2433 — Relating to the appropriations from and the reallocation of the moneys in the surplus account of the Iowa plan fund, to certain corporations appropriated moneys from the Iowa plan fund, and authorizing the creation of a disaster recovery program to provide low-interest and guaranteed loans to public and private entities for which an appropriation is made from the Iowa plan fund, and providing an effective date. Approved 5-7-90 with the exception of Sections 7, 8, 9, 10; Section 14, new Subsection 10, paragraphs a, b, c, d, e, and h; Section 15; and Section 16, Subsections 1 and 2. See Governor's Item Veto Message.
- S.F. 2435 — Relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date. Approved 5-7-90 with the exception of Section 2, Subsections 5, 6, 7, and 9; the designated portion of Section 13, Subsection 1; the

designated portion of Section 13, Subsection 6; Section 13, Subsection 9; the designated portion of Section 13, Subsection 10; Section 13, Subsections 11 and 12; Section 14, Subsection 7; Section 20; Section 24, Subsection 4; Section 24, Subsections 5 and 6; the designated portions of Section 27, Subsections 2 and 3, and Subsection 5, paragraphs a and b; Section 28, Subsection 3, paragraphs a and b; the designated portion of Section 28, Subsection 4; Section 28, Subsection 8; Section 29, Subsections 9, 11, 14, 15 and 16; Section 31, Subsection 1, unnumbered and unlettered paragraph 2; Section 31, Subsection 2, paragraph b; Section 31, Subsection 3, paragraph b; the designated portion of Section 31, Subsection 6; Section 32; the designated portion of Section 33; Section 37; and Section 41, Subsection a, paragraphs 2, 3 and 4 and Section 51. See Governor's Item Veto Message.

- S.F. 2436 — Relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date. Vetoed 5-6-90. See Governor's Veto Message.

#### GOVERNOR'S VETO MESSAGES

May 3, 1990

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

Dear Madam Secretary:

House File 121, an act relating to parental leaves of absence for employees of the state and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 121 would provide an employee of the state with a minimum of twelve weeks of leave for the birth of a child or for the adoption of a child who is less than eight years of age. Parental leave must begin no later than six weeks following the birth or adoption of a child, and an employee may use accrued paid leave or unpaid leave during the parental leave. At the conclusion of the parental leave an employee who takes parental leave must be returned to the position held by the employee, or to an equivalent position for which the employee qualifies, at the time parental leave is taken.

Employees currently have the option of using accrued vacation leave as parental leave, and sick leave in cases of illness related to pregnancy and birth. Compared to leave policies in the private sector or in other states, the amount of leave time available to state employees in Iowa is ample.

These benefits are provided under the terms of the collective bargaining agreement between the state and its employees. House File 121 circumvents the collective bargaining process by establishing additional benefits in the Code of Iowa. Any additional benefits provided to state employees should be balanced against other compensation and benefits provided by the state, and should be established through the collective bargaining process.

The benefits that would be provided by House File 121 would add to the costs of state government during a time when state agencies are being asked to restrict hiring and expenditures for travel and equipment. According to estimates prepared by the Department of Management, the total additional cost to the state could be as much as \$400,000. Similarly, the total additional cost for these benefits to Regents employees is estimated to be \$461,576.

For the above reasons, I hereby respectfully disapprove House File 121.

Sincerely,  
Terry E. Branstad  
Governor

May 2, 1990

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

Dear Madam Secretary:

House File 489, an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims act, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 489 extends the time when a person who is a minor or incompetent at the time a claim against the state accrues to one year after the incompetency or minority ceases, and revives all claims which were otherwise time barred because the statute of limitations was not tolled during the period of minority or incompetency.

After reviewing the provisions of House File 489, I must conclude that this Act would subject the state to undeterminable liability for stale claims and claims that have been determined to be barred by our statute of limitations.

There are many persons residing in state institutions who have been declared incompetent without any foreseeable change in their condition. House File 489 would permit these persons to bring legal action against the state many decades after the incident which triggered the law suit. This would place the state in the precarious position of defending against claims based upon an incident which occurred many years before, despite the fact that the state had no knowledge of the incident when it occurred. The state's ability to defend against these claims may be seriously impaired by changes in personnel and faded memories.

The State Appeal Board which initially reviews all tort claims against the state, has unanimously recommended that I veto this bill. That body is comprised of the State Auditor, State Treasurer, and Director of the Department of Management pursuant to Chapter 23 of the Iowa Code. The Appeal Board specifically noted, and I concur, that the revival provision in House File 489 would reopen claims which were barred under the current limitations period. House File 489 would result in increased litigation against the state and subject the state to immeasurable liability.

For the above reasons, I hereby respectfully disapprove House File 489.

Sincerely,  
Terry E. Branstad  
Governor

May 1, 1990

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

Dear Madam Secretary:

House File 2009, an act relating to elections, providing for special late registration to enable an eligible elector to vote at the polling place on election day, providing verification procedures, providing a durational residency requirement for voting, and increasing the penalty for improper voting, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

The provisions of House File 2009, which are intended to simplify the process of voter participation in elections, actually would have the opposite effect. These provisions would create greater confusion and inconvenience for all voters on election day and, would likely increase the expense of administrating election day activities.

Changes made recently in voter registration laws already provide Iowa voters with simple and convenient ways to register. These measures include the enclosure of voter registration cards in all state income tax forms, displays with voter registration forms in state government offices across the state, and a provision allowing voters who have moved to a new address, within the same county, to re-register and vote on election day.

In contrast, the provisions for late registration in House File 2009 would create two possible scenarios, both of which create new barriers for voter participation.

If the county auditor's office is designated as the location for late voter registration, non-registered voters who attempt to vote will be asked to travel first to the auditor's office to register. In rural areas this could be a great distance. Once at the auditor's office, the voter will need to obtain an affidavit which must be completed and notarized. At that point the voter must travel back to their precinct where they must take the extra step to present the affidavit to poll workers for their inspection.

The second scenario is that all of this activity could be designated to take place at several, or potentially all, of the voting sites within a county. The result of which would be greater congestion for all voters, creating longer lines and discouraging voters already registered. To relieve this congestion, additional poll workers would need to be hired, thus greatly increasing the expense of election day.

Most disturbing, however, is that the final version of House File 2009 contains no requirement that an eligible elector show proof of residency in the precinct at which he or she is attempting to vote, and in fact, requires no identification at all. County auditors will be required to take at face value the assertion of any individual that they are an eligible voter without the ability to request to see a drivers license, drivers permit, nonoperators I.D. card or identification of any form. The removal of this provision greatly increases the potential for voter fraud.

Additionally, those persons who register late will cast their ballots by the regular procedure, either mechanically or electronically. Although this bill provides a stronger penalty for voter fraud, the outcome cannot be changed once ballots are cast in this manner.

Proponents of House File 2009 suggest that it will increase voter participation. The experience of the three states with election day registration show that voter participation has declined at a greater rate than the national average. In fact, when given the opportunity last year, voters in Oregon (where election day registration was in effect for eight years) defeated it at a referendum by 69 percent to 31 percent.

Proponents also state they have addressed the concerns of county auditors. However, the final version of this legislation has caused even greater concern because it includes no requirement for proof of residency. Approximately ninety percent of all county auditors still oppose this legislation and feel that it will damage the integrity of Iowa's election process.

For the above reasons, I hereby respectfully disapprove House File 2009.

Sincerely,  
Terry E. Branstad  
Governor

May 6, 1990

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

Dear Madam Secretary:

House File 2346, an act relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 2346 would remove one of the requirements for determining the eligibility of an individual for unemployment compensation benefits. This requirement is commonly referred to as "proof of attachment," which is designed to assure that unemployment benefits are provided to stable workers who are attached to the labor force for a minimum period of time, or are not seasonal workers who do not have continuing attachment to the labor market. Specifically, current law requires that an individual earn wages in the base period in the amount of one and one quarter times the wages paid to a person during the calendar quarter of the base period in which the individual's wages were highest. This requirement would no longer exist if House File 2346 was to be enacted.

The eligibility requirements currently applicable under Iowa's unemployment compensation system are not exceedingly stringent. Forty-three other states have more restrictive standards. Furthermore, the benefits that would be provided by House File 2346 would add to the costs of employers in the state of Iowa. According to estimates prepared by the Department of Management and the Department of Employment Services, the additional cost to employers would be \$2 million under current economic conditions, and could be as much as \$8 million if additional demand is placed on the unemployment compensation system.

One of the goals of Iowa's unemployment insurance system is to maintain a stable workforce by providing economic assistance to workers who are temporarily unemployed. By providing benefits to workers who have demonstrated stability in the workforce, Iowa will maintain a competitive economic climate that is conducive to economic development and job creation.

For the above reasons, I hereby respectfully disapprove House File 2346.

Sincerely,  
Terry E. Branstad  
Governor

May 7, 1990

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

Dear Madam Secretary:

Senate File 514, an act providing a state sales and use tax exemption for certain facilities, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 514 would provide an exemption from the state sales and use taxes for a variety of service agencies. The information necessary to determine the fiscal impact of providing this exemption is not available to the Department of Revenue and Finance. Absent the information, I am unable to approve this measure, given the already reduced revenues projected for the state.

For the above reason, I hereby respectfully disapprove Senate File 514.

Sincerely,  
Terry E. Branstad  
Governor

May 2, 1990

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

Dear Madam Secretary:

Senate File 2093, an act to reduce the markup percentage on state alcoholic liquor sales and provide a date of repeal, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This act provides that the Alcoholic Beverages Division apply a markup of forty percent, rather than fifty percent, to the top two selling brands in various categories of liquors, to study the effect such markup reduction has on the sales volume of those products. Just two years ago, the wholesale liquor markup was reduced from sixty percent to fifty percent.

Although this measure may have been meant as an effort to eliminate price differences between liquors sold in Iowa and in neighboring states, this bill does not assure such a result. Because this significant advantage would be extended to only the largest two selling items in each category, any increase in volume of sales on the selected products would come at the expense of other products not selected. When, as here in Iowa, liquor retailers are obligated by law to purchase all liquor from a single wholesaler, but are not required to pass the savings on to end consumers, selection will decline, and there is no assurance that prices will decline.

In addition, the bill is estimated to reduce General Fund revenues by more than \$1 million per year. This loss in revenue would result in either higher taxes or reduced services.

For the above reasons, I hereby respectfully disapprove Senate File 2093.

Sincerely,  
Terry E. Branstad  
Governor

May 6, 1990

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

Dear Madam Secretary:

Senate File 2393, an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2393 is a virtual duplication of House File 2412, which I have previously approved. Both bills go to Section 364.22 and allow the imposition of a \$1,000 per day fine for a municipal infraction for noncompliance with any pretreatment standard or requirement referred to in 40 C.F.R. Chapter 1, Section 403.8 by an industrial user. This apparently inadvertent duplication renders Senate File 2393 unnecessary.

For the above reason, I hereby respectfully disapprove Senate File 2393.

Sincerely,  
Terry E. Branstad  
Governor

May 7, 1990

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

Dear Madam Secretary:

Senate File 2420, an act relating to the transfer of appropriations within and between state departments, institutions, and agencies, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This legislation would impose restrictions on the Governor's power to deal with deficiencies in appropriations during the interim between Iowa legislative sessions. It does so by eliminating the Governor's ability to transfer funds between departments, inter-departmental transfers, and limiting the authority to make intra-departmental transfers to only \$100,000 or two percent of the appropriation, whichever is less. From this latter restriction is exempted the following Human Services appropriations: ADC, Medical Assistance, Foster Care, and State Supplementary Aid.

Other states have other mechanisms to deal with deficiencies that are not available to Iowa state government. For example, many states have legislatures that meet in session year round or nearly so. In those states, unanticipated deficiencies can be corrected by legislative action. In lieu of a broad transfer authority vested in the executive branch, most states provide for a state general contingency fund to correct inefficiencies in appropriations without further legislative action. Information from the National Association of State Budget Officers indicates that 38 states currently give the chief executive either a limited or an unlimited contingency fund to allocate to programs to deal with unforeseen emergencies or deficits, Iowa does not.

If this law were to go into effect, significant disruptions in state government would most certainly occur when the appropriations finalized by the legislature in April appear in May or June to be inadequate to meet the requirements of a specific appropriation. Absent the authority to transfer funds to appropriations that are under-appropriated, obligations would go unpaid. The reliability of state government to meet its obligations and the state's commitment to get its fiscal house in order would be seriously impaired by such a move.

For the above reasons, I hereby respectfully disapprove Senate File 2420.

Sincerely,  
Terry E. Branstad  
Governor

May 6, 1990

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

Dear Madam Secretary:

Senate File 2436, an act relating to the creation of a health and safety capital improvement fund, providing for the transfer of appropriated funds, authorizing the issuance of bonds, and providing an effective date is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This bill creates a new fund which would be used for health and safety capital improvement projects. Monies from this fund would be used either to directly pay for such improvements or to finance bonds which are authorized to be issued to cover the costs of these projects. Clearly, infrastructure needs of state government are great. It is important that the legislature work with me to establish a way to systematically provide resources necessary to assure that the physical plant of Iowa's state government presents no health or safety risks to its clients, visitors or employees. I have recommended money for maintenance, which had the legislature funded, would make this approach unnecessary.

I must disapprove this bill for two basic reasons. First, revenue for this new Health and Safety Capital Improvement Fund would consist of a transfer of one-half of one percent of all appropriations (except grants and aids, standing appropriations, capital appropriations and appropriations to the Regents institutions). A mechanism to regularly provide resources for maintenance, health and safety is needed, but, as structured here, operations budgets already made tight by my recommendations and legislative action this session would be placed in even greater difficulty for fiscal year 1991. Secondly, the legislation authorizes the issuance of bonds to cover the costs of such major maintenance needs. The state should be very careful about borrowing money to pay for maintenance. Normally, maintenance and safety should be paid for through the regular budgeting process.

Further, it is not fair to assess all agencies one-half percent of their budget for maintenance and fire safety when some agencies are located in leased facilities and the landlords are legally responsible for these expenses.

For the reasons stated above, I hereby respectfully disapprove Senate File 2436.

Sincerely,  
Terry E. Branstad  
Governor

#### GOVERNOR'S ITEM VETO MESSAGES

May 7, 1990

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

Dear Madam Secretary:

I hereby transmit House File 2564, an act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties.

House File 2564 provides the funding for the state's substance abuse program in the areas of prevention and education, treatment and rehabilitation, and law enforcement and prosecution. I have approved in this bill nearly \$2.313 million of new state funding for these initiatives. Much of this funding can be used to draw down federal funding thereby multiplying the total amount available to fight drugs in Iowa.

I have approved in the Department of Public Health \$1.2 million for treatment programs, \$200,000 for prevention programs, and \$250,000 for the aftercare services. Eighty thousand dollars is provided to the Department of Education for Youth 2000 drug prevention grants. Funding is made available for eight additional narcotic agents, four lab technicians, and more drug-buy money. I have also approved appropriations to establish a Council on Chemically Exposed Infants, to extend the D.A.R.E. program into additional areas of the state, to support a statewide drug information clearing house and to implement a drug abuse data collection system. Many of these initiatives I proposed and fully support and I am pleased to sign them into law.

House File 2564 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 provision would make an appropriation for grants to community colleges to provide staff training on domestic abuse. I have already approved in House File 2371 funding to provide training through the Department of Human Rights to deal with domestic abuse. This additional spending would be duplicative.

I am unable to approve the item designated as Section 4, subsection 4, in its entirety. Over \$1 million is provided elsewhere in this bill for substance abuse treatment programs. That funding is made available in the form of grants which are conditioned on priority treatment being provided to certain persons, including pregnant women and drug-affected babies. This provision would make an additional \$125,000 appropriation to establish a pilot project to provide treatment services to pregnant women and infants. This project can be financed with the funding I have approved, therefore, this additional spending is unnecessary.

I am unable to approve the items designated as Section 4, subsection 6, and Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, in their entirety. These provisions would establish a fifteen member advisory council which would be charged with assessing and making recommendations relating to the effectiveness of substance abuse treatment programs and appropriate \$250,000 to this council. These provisions also establish an unrealistically high minimum success rate that treatment providers would be required to meet and provides sanctions for those who fail to do so. Much concern has been expressed about the method of evaluating substance abuse treatment programs established in this bill. Further discussion and study of this matter is needed.

I am unable to approve the item designated as Section 6, subsection 2, in its entirety. This provision appropriates \$125,000 to the Drug Abuse and Prevention Coordinator to establish a pilot educational and treatment program for children whose mothers used drugs during their pregnancy. The program is required to include a wide variety of services including an education program for incarcerated parents, training on parenting skills, mentoring within our welfare reform program and treatment for substance abuse. These services are currently available through programs provided by a number of state agencies. Coordination of these services should and does occur at the local level.

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 House File 2564 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 8, 1990

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

Dear Madam Secretary:

I hereby transmit House File 2569, an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates.

House File 2569 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 101, subsections 1, 2, 5, and 6, in their entirety, and Section 102, subsection 1, in its entirety. These items call for general fund appropriations of \$50,000 to the Department of Agriculture and Land Stewardship and \$150,000 to the State Board of Regents, for programs to be administered in the event of a drought. Much progress has been made through the combined efforts of the Farmers Home Administration and the Department of Economic Development's Community Development Block Grant Program and if drought conditions reoccur, the above agencies along with the Department of Natural Resources will respond by providing appropriate assistance. This may be accomplished with resources provided by the general appropriation to those agencies.

I am unable to approve the item designated as Section 203, in its entirety. Funds are provided by Senate File 2435 to implement this program. This provision would appropriate \$140,000 to the Department of Human Services to continue a sole source contract with the Iowa Pharmacists Association for drug utilization review. The department has been notified that federal funding would no longer be available to pay its share of the cost of the contract if the state did not allow competitive bidding on the contract.

This provision grants the IPA sole source status and assumes the federal government's cost of the contract. At a time when state funding for essential services is limited, I cannot approve action which would avoid an opportunity to receive federal funds. The contract with the Iowa Pharmacist Association has been very successful in reducing prescription costs and I would strongly encourage the association to bid on the contract.

I am unable to approve the item designated as Section 301, in its entirety. This provision would appropriate \$1.7 million over a two-year period to establish a child day care program for public employees. The program would be located at or near the Capitol Complex. Child care services are available from private providers within a reasonable distance from the Capitol Complex. Furthermore, child care benefits is a proper subject of collective bargaining; indeed, in the current collective bargaining agreement, the significant benefit of pre-tax treatment for child care expenses is provided for state employees throughout the state, not just in Des Moines. The establishment of a child care center at the Capitol Complex would create an inequity among state employees because employees who are stationed outside of the Capitol area would not have access to child care services which are subsidized directly by the state. This expenditure of \$1.7 million on a new program is unacceptable.

I am unable to approve the item designated as Section 302, in its entirety. This section would fund in part the cost of building a memorial honoring fallen firefighters at a cost of \$50,000. While this is a laudable project, it would be appropriate for this memorial to be funded by private contributions. During my administration, other memorials have been constructed with private donations raised with my assistance. Those honor the veterans of the Vietnam and Korean Wars, and the memorial for fallen Iowa peace officers. I will assist with fundraising for this project, too.

I am unable to approve the item designated as Section 401, in its entirety. This provision calls for contingency reductions if actual revenue collected by the state in the fiscal year ending June 30, 1990, is less than the revenue estimate established at the March 13, 1990, meeting of the Revenue Estimating Conference. Similar stipulations are made for the fiscal year ending June 30, 1991. The approval of a budget with a realistic ending balance would have been preferable.

I am unable to approve the items designated as Sections 501, 502, 503, 504, and 505, in their entirety. These provisions call for contingency appropriations if the general fund's ending balance for fiscal year 1990 exceeds \$132.2 million or so much as is necessary to assure the fiscal 1991 ending balance of \$30 million. I support the items proposed to be funded with these contingency appropriations; indeed, with only one minor exception, they are identical to the contingency appropriations I recommended in January. However, my program required an ending balance of \$60 million in fiscal year 1991 before contingency spending would occur. The \$30 million balance in fiscal year 1991 is simply too low a trigger to assure a positive ending balance in fiscal year 1992.

I am unable to approve the item designated as Section 602, in its entirety. This provision would appropriate \$90,000 to establish a job development program in the first judicial district. Because I have disapproved a similar provision in 1990 Iowa Acts, Senate File 2408, which House File 2569 amends, I am unable to approve this section. I have previously approved an appropriation of \$100,000 for this project in the supplemental appropriations bill.

I am unable to approve the items designated as Sections 901, 902, and 903, in their entirety. Because Iowa school districts and area education agencies are currently required to provide appropriate instructional programs for handicapped children, and because the Department of Education is moving forward with initiatives to improve programs for those children under the Renewed Service Delivery Systems Project, it would be inappropriate to approve this program without further consideration. Additionally, the Department of Education is currently reviewing methods for financing special education. The Department is expected to complete this review in the fall of 1990. For these reasons, and in view of the financial constraints of the state, I am unable to approve this section.

I am unable to approve the designated portions of Section 1101, and the item designated as Section 1103, in its entirety. These provisions would direct the Department of Education to develop model guidelines for truancy, develop an education bill of rights that identifies educational opportunities that are to be legal entitlements, and conduct a study of the expected impact of increasing the compulsory attendance age from sixteen to eighteen.

The Department of Education is currently embarking on an initiative to seek public input on future goals for Iowa's education system and to consider ways in which Iowa schools may help achieve the national education goals that were recently adopted by the nations' governors. This effort will include a review of programming needs for children at-risk.

I am unable to approve the item designated as Section 1301, in its entirety. This section would provide a \$50,000 grant to any Iowa city for development of a proposed public riverfront park, wetlands, and recreational area, for purposes including but not limited to support of educational, scientific, cultural, recreational, or other public purposes, or combination of these purposes. I have previously approved a \$150,000 appropriation for riverfront development for similar purposes in Senate File 2327. Given the fiscal constraints of the 1991 fiscal year budget, I am unable to approve this additional expenditure.

I am unable to approve the item designated as Section 1501, in its entirety. This provision appropriates \$136,000 to the Judicial Department to implement a pilot project for mediation of child custody and visitation issues, and a family court feasibility study. Although I recognize the need to consider alternative mechanisms for domestic dispute resolutions, these expenditures would be unwise given present budgetary constraints.

I am unable to approve the item designated as Section 1504, in its entirety. This section would require that a "Guardian ad litem" appointed by the court to represent the interests of a child be a practicing attorney. This provision would negatively affect the Court Appointed Special Advocate Program, which depends on volunteers to fill this role. The court currently appoints a practicing attorney if it deems necessary.

I am unable to approve the items designated as Section 1516 and 1517, in their entirety. These provisions would establish guidelines for the Judicial Department's implementation of the pilot project for mediation of child custody and visitation issues and the Judicial Department's implementation of the family court feasibility study, which I have disapproved above.

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 House File 2569 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 8, 1990

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

Dear Madam Secretary:

I hereby transmit Senate File 2153, an act relating to the environment, agriculture, and natural resources including making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for funding for rural water districts, and for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, providing a penalty, and providing effective and applicability dates.

Senate File 2153 provides for the appropriation of funds to programs for the improvement and protection of our natural resources. By approving the expenditure of up to \$27.4 million per year for fiscal year 1990-91, I am supporting a substantial increase in Iowa's commitment to a quality environment.

Up to \$25 million per year will be allocated to the Iowa Resources Enhancement and Protection Fund (REAP). These funds are to be used for the acquisition and maintenance of open spaces; county conservation activities; soil and water enhancement activities such as reforestation, the protection of erodible soils and clean water programs; the acquisition and maintenance of parks and open spaces in Iowa cities; the maintenance and expansion of state lands; historical resources development; and for roadside vegetation and beautification.

I have also approved the expenditure of about \$2.4 million for soil and water conservation cost sharing activities and for surface water protection and reforestation programs.

While I continue to place a high priority on activities to protect the environment in Iowa, I also have a constitutional responsibility to assure that the state budget is balanced. Unfortunately, the General Assembly has left me little choice but to disapprove some new programs, some of which I recommended to the General Assembly in January.

The state of Iowa must live within its financial resources, be they from sales taxes, income taxes, or from the sale of lottery tickets. I renew my recommendations to the General Assembly that proceeds from the Iowa Lottery be deposited in the state general fund.

Senate File 2153 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, in its entirety. This provision would require the marketing activities of the Iowa Lottery to focus on the concept of investing in Iowa's environment, agriculture, and natural resources. Marketing for the lottery would no longer be required to focus on economic development.

Given the action that I have taken on other portions of Senate File 2153, it is possible the revenues derived from the lottery may be used for purposes other than the environment. Under that circumstance, marketing activities of the Iowa Lottery may include initiatives of the state of Iowa in many areas including economic development, transportation, education, as well as the environment.

I am unable to approve the items designated as Sections 5, 15, 21, and 38, in their entirety. These provisions establish the possibility of raising revenues through debt financing to augment the Rural Community 2000 Program. Bonds issued under this program would be backed by a security account funded by diverting the four percent tax on the sale of lottery tickets from the general fund. This mechanism for securing debt obligated by the Iowa Finance Authority would set a dangerous precedent. The earmarking of general fund revenues is not a good management practice and would inhibit the state's ability to effectively manage its finances.

I am unable to approve the items designated as Section 10, subsection 1, lettered paragraphs b, d, and e, in their entirety; and Section 10, subsections 2, 4, 5, and 8, in their entirety. These items would have appropriated up to \$12.6 million for environmental protection, energy efficiency, and other miscellaneous activities. While I recognize that this action does not directly improve the condition of the state general fund, the effect will be to retain revenues from the Iowa Lottery which, given current revenue projections, will be needed to avoid a deficit in the future.

I am unable to approve the items designated as Sections 11, 12, 13 and 14, in their entirety. These items would establish an Environmental Advertising Board. Since I have disapproved the appropriations for this program, it would be incongruous to approve the provisions creating it.

I am unable to approve the item designated as Section 25, in its entirety. This provision would establish a state and local government waste management program. Because I have disapproved the appropriations for this program, it would be inappropriate to require the Department of Natural Resources to implement it.

I am unable to approve the item designated as Section 26, in its entirety. Since I have previously disapproved a related provision from 1990 Iowa Acts, Senate File 2364, it would be inappropriate to approve this section.

I am unable to approve the item designated as Section 28, in its entirety. This provision would distribute moneys from the waste volume reduction and recycling fund to cities and counties on the basis of population. Because I have disapproved the appropriation to the fund and because future appropriations to the fund are uncertain, it is prudent to retain the current waste management grant program.

I am unable to approve the designated portion of Section 33, subsection 2, lettered paragraph a. This provision would require that grants made under the household hazardous waste reduction and collection program be in the amount of \$100,000. The Department of Natural Resources should have the discretion to establish the amount of a grant within the limits of resources available for the program.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2153 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 7, 1990

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

Dear Madam Secretary:

I hereby transmit Senate File 2280, an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, and to the state communications network fund, specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing for violations, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

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

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

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

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

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

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

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

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

I am unable to approve the items designated as Sections 30 and 40, in their entirety. These provisions would allow the Board of Optometry Examiners to retain outside counsel without the prior approval required for other state agencies. The Attorney General's Office is responsible for providing legal counsel to state agencies and they should be able to rely on that office to represent them competently. Currently, all state agencies may request outside counsel if special expertise is needed or when the Attorney General's Office has a conflict of interest. These provisions would authorize the Optometry Board to hire outside counsel at will. Not only should this be unnecessary, but it would make future requests by other agencies to hire their own legal counsel difficult to resist. Adequate funding is provided to the Attorney General's Office to provide legal services to state agencies. These provisions would require additional expenditures for services which the Attorney General's Office currently has the responsibility to provide.

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

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

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

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2280 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 7, 1990

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

Dear Madam Secretary:

I hereby transmit Senate File 2402, an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date.

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

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

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

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

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

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

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

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

I am unable to approve the item designated as Section 16, in its entirety. This section appropriates \$175,000 from the Parks and Institutional Roads fund for the completion of North Shore Drive in Clear Lake. Lottery funds were appropriated last year for a similar project in neighboring Ventura but this use of Road Use Tax Funds appears illegal. While this road borders a state park, it is not wholly within the boundaries of the park as required in Iowa Code, Section 306.1, subsection 2, paragraph k.

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

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

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

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

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2402 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 7, 1990

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

Dear Madam Secretary:

I hereby transmit Senate File 2408, an act relating to and making appropriations to the justice system and providing effective dates.

Senate File 2408 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1, lettered paragraph b, subparagraph 3. This intent language states that the Department of Corrections and the Department of Personnel shall employ the additional correctional officers for the Anamosa facility by July 1, 1990. While the departments are employing the additional FTE's in an orderly process, there is no greater need at Anamosa than at other institutions and this provision would disrupt the hiring and training of new staff and placing them where the greatest need exists. The Anamosa staff/inmate ratio is more favorable than several facilities. The additional FTE's will be added without this restrictive language.

I am unable to approve the item designated as Section 5, subsection 1, unnumbered paragraph 2, in its entirety. This paragraph calls for the Department of Corrections to employ an education director and clerk to administer a centralized education program for institutions upon the enactment of Senate File 2408. These are important positions, however, no funding was allocated in fiscal year 1990 for these positions and the department must wait until the beginning of the new fiscal year before filling them.

I am unable to approve the items designated as Section 6, subsections 1, paragraph c; subsection 2, paragraphs c and d; subsection 3, paragraph c; subsection 5, paragraph c; subsection 6, paragraph b; subsection 7, paragraph b; and subsection 8, paragraphs b and c. These items add staff for field services and residential services in specified community based correction districts and a tactical unit in the fifth CBC district. I recommended increases in these areas but the above goes far beyond what the state's fiscal condition will allow us to appropriate.

I am unable to approve the item designated as Section 6, subsection 1, paragraph d, in its entirety. This item appropriates \$90,000 for a personal development program. One hundred thousand dollars was appropriated in Senate File 2212, the supplemental bill, for this same program and carry forward language to fiscal year 1991 is being approved.

I am unable to approve the item designated as Section 6, subsection 9, paragraph d, in its entirety. This item calls for a pilot project to study revocation rates to prison. I recognize that recidivism is a problem however, fiscal constraints do not allow the beginning of this new program. I have asked the Department of Corrections and the Board of Parole to make recommendations for reducing the revocation rate without the need for this \$200,000 study. And, I have approved greatly increased funding for treatment and educational programs within our correctional system which will work to reduce revocation.

I am unable to approve the item designated as Section 8, subsections 2 and 3, in their entirety. These items call for \$536,000 to be appropriated only if House File 2533 was enacted by the 73rd General Assembly, 1990 Session. House File 2533, which dealt with a pilot program of mandatory mediation of contested issues of child custody and visitation and a pilot program establishing a family court, did not pass, hence there is no need for these appropriations.

I am unable to approve the items designated as Sections 12 and 13, in their entirety. These sections would have directed the Department of Human Services to enter into a cooperative agreement with the Judicial Department by May 1, 1990, for reimbursement and incentive payments to the Judicial Department for activities eligible for federal financial participation. Federal regulations mandate that the federal government review all cooperative agreements and expenditures pertaining to incentive payments. Further, the state must justify and demonstrate the benefits to the child support enforcement program resulting from a cooperative agreement. If the cooperative agreement is not cost effective, it may result in a decrease in incentives paid to the state thereby creating a negative fiscal impact on Iowa. It is premature to authorize such an agreement between the Department of Human Services and the Judicial Department because Senate File 2408, Section 12, does not provide adequate time to meet these federal mandates and determine the costs and benefits of such a cooperative agreement. Further, it is impossible to meet the May 1, 1990, effective date since that date has already passed.

I am unable to approve the items designated as Sections 15 and 16, in their entirety, for they are immediate enactment clauses for items in Senate File 2408 which I have item vetoed.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2408 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 7, 1990

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

Dear Madam Secretary:

I hereby transmit Senate File 2422, an act relating to the compensation and benefits for faculty, public officials, employees, and certain legislators by providing adjustments for salaries, by specifying properly related matters, and by making appropriations and providing an effective date.

Senate File 2422 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 5, subsection 5. This item would place the Executive Director of the Board of Educational Examiners in salary range four. The salary range established for this position would be higher than for comparable positions which are responsible for the administration of other licensing programs in state government. The salary for this position should be established by the Department of Personnel in cooperation with the Board of Educational Examiners.

I am unable to approve the item designated as Section 20, in its entirety. This provision would exempt the Iowa Finance Authority from the pre-audit and central accounting systems of the Department of Revenue and Finance. It is important that the Iowa Finance Authority continue to operate within the pre-audit and central accounting systems of state government. Information about the financial transactions of the Authority should be handled in a manner which is consistent with the rest of state government in order to assure integrity in the expenditure of public funds. Additionally, the establishment of separate pre-audit, payroll, and accounting systems for the Authority would be expensive and inefficient.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2422 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 8, 1990

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

Dear Madam Secretary:

I hereby transmit Senate File 2423, an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, providing effective dates, and providing retroactive applicability.

Senate File 2423 continues Iowa's commitment to providing access to quality education programs. Overall expenditures for education will increase by \$140 million in the 1990-91 fiscal year. This includes a \$94 million increase in funding for elementary and secondary schools through the school foundation formula, and a \$13 million increase in formula funding for community colleges. This is in addition to future enhancements to community college funding that were made in Senate File 2410, which I have previously approved.

One of the highlights of Senate File 2423 is a substantial increase in funds for tuition assistance at Iowa's institutions of higher education. This includes a \$1.85 million appropriation for a new need-based Iowa Grant program, a \$1.1 million expansion of the Iowa Minority Academic Grants program, a \$1.8 million increase for tuition grants for students attending independent colleges, a \$580,000 increase for vocational-technical grants, and an appropriation of \$500,000 for tuition replacement for certain displaced workers.

Other provisions of Senate File 2423 are a \$2.3 million increase in funding for agricultural research, \$1.9 million in additional funds to improve undergraduate education programs at the state universities, \$2.1 million for the improvement of faculty salaries at community colleges, \$1 million in additional funds to provide education programs at correctional institutions, and \$225,000 for graduate nursing programs at private colleges in Iowa.

Senate File 2423 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 2. This provision would authorize the Arts Division of the Department of Cultural Affairs to retain funds that had been allocated to the Division to be used as matching funds for federal grant monies. The Department has advised me that the project associated with these funds has been completed and that the authorization to retain the funds is no longer needed.

I am unable to approve the designated portion of Section 1, subsection 7. This item would provide an additional \$100,000 to the Department of Cultural Affairs for support of the Regional Library System. By taking this action, the regional libraries will receive the amount which I recommended to the General Assembly. Given the financial constraints of the state, the additional funding cannot be provided. Overall, I have approved nearly \$1 million in additional funds for the Department of Cultural Affairs.

I am unable to approve the item designated as Section 8, subsection 2, in its entirety. This item would provide \$500,000 for special projects to be administered by the Iowa Department of Education. This appropriation exceeds my recommendations by \$450,000. While the projects that would have been funded by this appropriation may be worthwhile, I am unable to approve this item due to the financial constraints of the state. I have been assured that the Iowa-Japan Cultural Alliance can be funded from other sources.

I am unable to approve the designated portion of Section 8, subsection 6. This provision would require that an individualized education program be developed for each inmate. Because the amount of funds provided by this appropriation is not sufficient to provide an educational program for all inmates in the correctional system, it would be inappropriate to approve this requirement.

I am unable to approve the designated portions of Section 8, subsection 12. This item would provide \$141,235 for salary increases for professional employees at the community colleges other than administrators, faculty, and hourly support staff. The appropriation provided for salary increases and professional development exceeds my revised recommendations by over \$1 million. Additionally, the amount of this appropriation would provide relatively small salary increases for individual professional staff members at the community colleges. Because additional funds have been provided through the community college funding formula, and given the financial constraints of the state, I am unable to approve this provision.

I am unable to approve the item designated as Section 8, subsection 14, in its entirety. This item would provide \$454,216 for professional development programs at the merged area schools. While I recommended the establishment of professional development programs at the community colleges, I cannot approve this item given the amount by which the General Assembly exceeded my budget recommendations. I will review this issue in preparation for the 1991 legislative session and will recommend the appropriation of funds for this purpose if sufficient funds are available. I have authorized the establishment of this program in Senate File 2410.

I am unable to approve the designated portion of Section 9, subsection 1, and the item designated as Section 9, subsection 2, in its entirety. These items would have provided \$395,510 for salary increases for faculty and professional staff at the community colleges, and \$80,156 for professional development programs in the 1991-92 fiscal year. Given the projected financial condition of the state in fiscal year 1992, and my concerns about the practice of deferring appropriations into future years, I am unable to approve these items.

I am unable to approve the designated portion of Section 14, subsection 1, and the item designated as Section 66, in its entirety. These provisions would prohibit the State Board of Regents from using reimbursements from the institutions to assist in the funding of the board office. The board should continue to be authorized to seek appropriate reimbursements from the universities. A similar provision in 1990 Acts, Senate File 2410, was disapproved earlier this year.

I am unable to approve the items designated as Section 14, subsection 2, lettered paragraph s, and Section 14, subsection 4, lettered paragraph j, in their entirety. These items would appropriate \$200,000 to the State University of Iowa for the center for simulation and design and \$475,000 to the University of Northern Iowa for the leadership for teacher education program. Given the financial constraints of the state, I am unable to approve these items.

I am unable to approve the designated portion of Section 14, subsection 5. This provision would require the Iowa School for the Deaf or the Iowa Blind and Sight Saving School to pay for the transfer of a student who has been sexually or physically abused at those institutions to another facility. Physical or sexual abuse of students attending those institutions cannot be tolerated. However, decisions about the placement of a student in other institutions, and about the payment of costs associated with the transfer of a student, are appropriately left to the judicial system, and should not be specified by statute.

I am unable to approve the item designated as Section 18, in its entirety. This provision would require the State Board of Regents to issue bonds to finance energy-saving projects at the institutions which are governed by the Board. The Board has undertaken the initiative to implement energy-saving measures at the institutions under their control, and this requirement is not necessary.

I am unable to approve the designated portion of Section 23. This provision would establish a specific timetable for the Department of Education to conduct an evaluation of the use of Phase III moneys under the Educational Excellence program. I support the proposal to conduct an evaluation of the Phase III program, and the Department of Education will complete the study prior to the January 1, 1992 deadline.

I am unable to approve the item designated as Section 24, in its entirety. This provision would appropriate \$150,000 to the School Budget Review Committee to assist school districts which are affected by the open enrollment law, as amended by 1990 Acts, Senate File 2306, which I have previously approved. It would be prudent to wait until the financial impact on Iowa schools is known before special financial assistance is appropriated to schools affected by the open enrollment law.

I am unable to approve the items designated as Sections 26, 27, and 38, in their entirety. I am concerned about the cost associated with the studies which have been required of the Department of Education. Because the Department of Education and other state agencies are being asked to restrict hiring and limit expenditures for travel and equipment, it would be inappropriate to require the Department of Education to undertake these additional activities.

I am unable to approve the item designated as Section 35, in its entirety. This provision would establish a separate classification system for the division of area schools within the Department of Education. Any change in classifications should be reviewed by the Department of Education in cooperation with the Department of Personnel. While I am interested in classifying employees in a manner which will attract qualified individuals into state government, it is inappropriate to reclassify groups of employees through statute.

I am unable to approve the item designated as Section 47, in its entirety. This provision would provide financial counseling services to dislocated workers, allocate funds to the dislocated worker center in Merged Area X, and provide funds for the displaced workers financial aid program, which I have approved under Section 3 of this Act. Funding for this program would be provided by a transfer of \$250,000 from the Community Economic Betterment Account. These funds should be retained in the Community Economic Betterment Account, to create a climate for new jobs in Iowa. Furthermore, assistance to displaced workers is currently available from the U.S. Department of Labor under the Economic Dislocation and Workers Adjustment Assistance Act and from other student aid and training programs.

I am unable to approve the item designated as Section 79, in its entirety. This provision would prevent the reversion of \$290,000 previously appropriated to and unused by the Department of Education. Given the financial constraints of the state, I am unable to approve this provision.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2423 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 6, 1990

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

Dear Madam Secretary:

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

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

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

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

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

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

assessment of instruction and student learning is an important concern, and I would encourage each sector of higher education to examine this issue.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2430 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 7, 1990

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

Dear Madam Secretary:

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

Senate File 2433 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 7, 8, 9, and 10, in their entirety, Section 14, new subsection 10, paragraph a, in its entirety, and Section 15, in its entirety. These sections relate to the creation, administration and \$1.5 million appropriation for a new disaster recovery program. Particularly in light of our difficult fiscal situation, it would be unwise to embark on a new program with potentially unlimited exposure for the state as an insurer for non-insured or underinsured individuals. Moreover, creation of such a program could jeopardize our ability to receive federal disaster assistance in the future.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph b, in its entirety. This provision appropriates \$35,000 to the Iowa Civil Rights Commission for a program to recognize twenty-five years of achievement. Certainly the commission has reason to be proud of its record of accomplishments, and I personally pledge to work with the Commission in garnering private sector support for the project. However, the use of tax dollars for this purpose cannot be justified at this time.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph c, in its entirety. This provision appropriates \$50,000 to the Department of Justice for a study of dispute resolution services. Earlier this year I vetoed Senate File 2296, which would have created a council for dispute resolution, substantially changing the informal dispute resolution program currently administered in the Office of the Prosecuting Attorneys Training Coordinator of the Department of Justice. This office should be able to provide recommendations without the necessity of a formal study.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph d, in its entirety. This provision appropriates \$50,000 to the Department of Agriculture and Land Stewardship for the establishment and operation of a foreign trade office in Taipei, Taiwan. This action by the legislature is contrary to the marketing plan developed at the legislature's direction by the Agricultural Products Advisory Council. The plan calls for foreign offices to be attached to the Department of Economic Development whose Hong Kong office serves the Pacific Rim including Taiwan.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph e, in its entirety. This provision appropriates \$100,000 to the Department of Public Health for rural health planning. Improving rural health care is one of my priorities. However, an additional appropriation is unnecessary since the Department received a \$100,000 increase in House File 2371 for rural health planning and may also access the Department of Economic Development's rural enterprise fund for this purpose. Rural health safety will be further augmented as a result of a \$250,000 appropriation for this purpose contained in House File 2569.

I am unable to approve the item designated as Section 14, new subsection 10, paragraph h, in its entirety. This provision appropriates \$100,000 to the Iowa State University Cooperative Extension Service for four horticultural specialists. This item was not included in the university's budget request nor in the Board of Regents' budget recommendation to me.

I am unable to approve the item designated as Section 16, subsection 1, in its entirety. This subsection would appropriate all remaining funds in the Iowa Plan surplus account to the items receiving Iowa Plan funds for fiscal year 1990 as specified in House File 785, 1989 Acts of the 73rd General Assembly. This provision cannot be approved in view of the state's difficult fiscal situation.

Section 16, subsection 1 also appropriates \$250,000 from the Community Economic Betterment account for construction of a rehabilitation center for head-injured patients located in Ankeny, Iowa. This project should stand on its own merits within the rules of the Community Economic Betterment program.

I am unable to approve the item designated as Section 16, subsection 2. This language would reallocate repayments made in the subsection according to the provisions in subsection 1, which I have vetoed. The result of this veto will be to send the repayments back to the surplus account.

Because economic development is one of my most important priorities, the decision to exercise my veto authority in this bill is a very difficult one to make. However, it is clear that in order to provide a responsible budget, even my priority areas must be considered. As a result of the item vetoes in this message, it is estimated the balance in the lottery surplus account will be essentially "frozen" at \$6.8 million. This action will significantly enhance the ability of both the executive and legislative branches to construct a balanced budget for fiscal year 1992.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2433 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

May 7, 1990

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

Dear Madam Secretary:

I hereby transmit Senate File 2435, an act relating to human services and making appropriations to the department of human services and other properly related matters, providing for retroactive applicability of certain provisions, and providing an effective date.

Senate File 2435 provides funding for the operations of the Department of Human Services and the many and various programs it administers. My actions will provide an appropriations increase of approximately 8.6 percent or \$47 million for the Department for fiscal year 1991.

I have approved a four percent increase in AFDC benefits to enable families to receive adequate assistance to meet their basic needs. This budget also continues our efforts in welfare reform by providing increased funding for child care, job training, work experience, and self-employment opportunities.

I have also approved significant increases in funding to make further improvements in our child welfare system. Private agencies and families providing foster care will receive increases of six and nine percent, respectively. Increases are provided also for child protective day care assistance and family preservation and reunification services.

New funding is provided to establish a substance abuse treatment unit for adolescents at Cherokee. Also funding for adolescent pregnancy prevention grants and aid for county juvenile detention facilities is increased.

New initiatives are included to address the problems of the homeless and to provide community living alternatives for persons with mental illness, mental retardation and developmental disabilities. The family support subsidy program which provides assistance to families of children with disabilities is expanded to allow more families to participate.

Additionally, nursing facilities and Medicaid providers will receive substantial increases in funding to reimburse them for their costs of caring for our elderly and infirm. I proposed many of these adjustments and initiatives and I am pleased to be signing them into law.

Senate File 2435 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 5, in its entirety. This provision would require the Department of Human Services to reimburse an ambulance service for transporting a medical assistance recipient to a hospital regardless of a determination of medical necessity. Under the guidelines of the Medicaid Program, federal funding for ambulance services is available only when the state can show the ambulance services provided were medically necessary. The cost to the state of this provision has been estimated at \$75,000, for which no appropriation is provided. Given the many critical needs that must be funded in the state Medicaid Program and the fiscal constraints on the State, I cannot approve this provision.

I am unable to approve the item designated as Section 2, subsection 6, in its entirety. This provision would allow up to \$20,000 to be used to fund a workshop on health care issues. Rural health care, maternal and child health services and health care cost containment have all been the subject of review by task forces which I have commissioned. Recommendations made by these task forces have been useful in developing a health care strategy for the State. We must continue to focus on these important health care policy issues and can do so without expending the funds specified in this provision.

I am unable to approve the item designated as Section 2, subsection 7, in its entirety. This provision would require the Department of Human Services to reimburse nursing facilities for residents' transportation causing the facilities' costs to exceed their Medicaid reimbursement rate. This provision would also require the department to make direct payment to a single provider of such services. The cost of providing transportation services to obtain medical care can be and is included by most nursing facilities in the costs used to determine their reimbursement from the state. Providing direct Medicaid payments to a particular transportation provider would result in unnecessary cost increases and administrative problems.

I am unable to approve the items designated as Section 2, subsection 9 and Section 51, in their entirety. These provisions would exempt for up to one year new and expanded nursing facilities from the 80 percent occupancy requirements used to determine their Medicaid reimbursement rate. The provisions are made retroactive to January 1, 1990. The full fiscal impact of this provision cannot be determined and it cannot be approved.

I am unable to approve the designated portion of Section 13, subsection 1. This provision appropriates \$350,000 to reimburse counties that develop decategorization programs to reduce placements in state institutions. This provides an expansion of the current program which should not be undertaken until its cost effectiveness can be fully evaluated.

I am unable to approve the designated portion of Section 13, subsection 6. This provision would prevent the reversion of unused funds in the foster care home insurance program to the general fund of the State. Such anti-reversion language is fiscally unsound and prevents an annual review of the cost effectiveness of the program.

I am unable to approve the item designated as Section 13, subsection 9, in its entirety. This provision would prohibit reversion to the general fund of any excess federal funding provided for foster care services. This provision would be difficult to implement since the amount of federal funds actually received will not be known until late in the year. In any event, should a surplus occur, the funding that remains should revert and be subject to the regular appropriation process.

I am unable to approve the designated portion of Section 13, subsection 10. This provision would authorize the Department of Human Services to use Medicaid dollars to pay for day treatment services provided by psychiatric medical institutions for children. I have approved language directing the department to review the need for such services. Until the department's study is complete and the needs and costs identified, it would be premature to authorize the department to spend for this new program. Given the fiscal constraints on the state, spending for this purpose cannot be approved at this time.

I am unable to approve the item designated as Section 13, subsection 11, in its entirety. This provision would appropriate \$30,000 for a study of the foster care system. While a study may be useful in making improvements in our foster care system, my emphasis at this time must be on direct program services. Thus in a period of fiscal constraint, I must defer this study until a future time.

I am unable to approve the item designated as Section 13, subsection 12, in its entirety. This program would require the Department of Human Services to develop a therapeutic foster care pilot program at a total cost of nearly \$400,000. While there may be merit in developing such a program, I cannot approve spending for this purpose at this time.

I am unable to approve the item designated as Section 14, subsection 7, in its entirety. This provision would appropriate funding for a conference on the issue of providing reasonable efforts to avert out of home placements. This is a worthwhile project and I am supportive of it. However, child protection training funds are available and can be used to pay for the costs of this conference making this appropriation unnecessary.

I am unable to approve the item designated as Section 20, in its entirety. This provision would establish a computerized system to record patient clinical information at the Iowa Veterans Home in Marshalltown. I included this project in my original recommendations but eliminated it from my revised budget to the Legislature when it became apparent that the State would not be receiving revenues at the rate earlier projected. During a time of fiscal constraints, I cannot approve spending for this purpose.

I am unable to approve the item designated as Section 24, subsection 4, in its entirety. This provision would make an appropriation to provide an enhanced reimbursement for community based facilities for persons with mental illness. The level of funding included in the bill is substantially more than I recommended and cannot be approved given the state's current fiscal situation.

I am unable to approve the item designated as Section 24, subsection 5, in its entirety. This provision would appropriate \$75,000 to the Department of Human Services to contract for technical assistance for counties and service providers for the development of community-based services for persons with mental retardation, mental illness, and developmental disabilities. Staff and resources are available within the Department of Human Services to assist counties and providers in the development of their plans. Additional spending for this purpose is unnecessary.

I am unable to approve the item designated as Section 24, subsection 6, in its entirety. This provision directs the Department of Human Services to adopt rules providing for reimbursement of supervised apartment living and cooperative housing arrangements under state supplementary assistance effective July 1, 1991. While the language in this provision suggests that the supplemental per diem would be available only in situations involving certain populations of persons receiving state supplementary services, it would have to be extended to all SSI eligible persons receiving services in those facilities. Estimates of providing the supplemental payment to all who would be eligible run as high as \$11.7 million. Given our current fiscal situation, I cannot commit the state to such a costly program.

I am unable to approve the designated portions of Section 27, subsections 2 and 3, and subsection 5, paragraphs a and b, in their entirety. These provisions would expand the Medicaid program to include rehabilitation services. Funds not spent for enhanced

mental health, mental retardation, and developmental disabilities services would be automatically transferred to the mental health and mental retardation fund. Also, transfers of encumbered funds from the mental health institutes and the hospitals-schools would be restricted to the enhanced services fund.

Federal approval to include rehabilitation services in our State Medicaid plan has not been received and is unlikely given the uncertain status of the waivers granted to two other states for the inclusion of rehabilitation services. While we will continue to pursue federal approval, in its absence, authorization to provide funding for this purpose should not be approved. Also, I cannot approve provisions which prohibit the reversion of unused funds to the state general fund.

I am unable to approve the item designated as Section 28, subsection 3, paragraphs a and b, in their entirety, and the designated portion of Section 28, subsection 4. These provisions would require the Department of Human Services to project possible vacancies in field staff positions and to begin hiring for those positions regardless of the budget impact or FTE limits. While I agree with the need to provide necessary staff to carry out the programs of the Department, filling of those positions should occur as the need arises and in accordance with the process which applies to all agencies of state government. I cannot approve provisions which would direct a department to exceed its authorized spending level.

I am unable to approve the item designated as Section 28, subsection 8, in its entirety. This provision would require the Department of Human Services to spend up to \$100,000 to contract a field staff caseweight study. I agree with the need to study caseweight factors and staffing needs. However, I believe the resources and staff are available within state government to undertake this project. I have requested the Department of Human Services to work with the Departments of Management and Personnel to review these issues and to make their recommendations to me.

I am unable to approve the item designated as Section 29, subsection 9, in its entirety. This provision would authorize the Developmental Disabilities Council to spend state dollars on a computerized information and referral project for which federal dollars are available. Given the limited amount of discretionary funds available in the state budget, federal funds should be used to finance this project.

I am unable to approve the item designated as Section 29, subsection 11, in its entirety. This provision would appropriate \$75,000 for computerization of department manuals and would authorize staff for this purpose. The department's estimates indicate in the second year of this project an additional \$168,985 will be necessary as well as more staff. Again, given the fiscal constraints on the state, I cannot approve this spending at this time.

I am unable to approve the item designated as Section 29, subsection 14, in its entirety. This provision would authorize the Department of Human Services to expend \$50,000 and hire two staff to assist in the development of a plan identifying the needs which exist in residential programs for children. I have approved in this bill and support the development of such a plan, however, adequate resources and staff are available in the department to assist in this effort.

I am unable to approve the item designated as Section 29, subsection 15, in its entirety. This provision would require the Department of Human Services to request a supplemental appropriation to address budget short-falls. The department should make every effort to operate within the funds appropriated.

I am unable to approve the item designated as Section 29, subsection 16, in its entirety. This provision requires the Department of Human Services to develop a plan to reduce the number of field operation district offices to not less than five. The department has, on its own initiative, recently undergone a reorganization in its central office operations and should be allowed to decide whether and when it would be appropriate to reorganize the district offices.

I am unable to approve the item designated as Section 31, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This provision authorizes the Department of Human Services to provide a differential per diem for psychiatric medical institutions for children for certain services up to 120 percent of the current rate. The estimated cost of providing this higher level of payment for PMICs is approximately \$110,000 for which no appropriation is provided.

I am unable to approve the items designated as Section 31, subsection 2, paragraph b, Section 31, subsection 3, paragraph b, and Section 32, in their entirety. These provisions would authorize an additional increase to human services providers on January 1, 1991, if there is a \$100,000 million balance in the general fund on June 30, 1990. I have approved in this budget significant additional funding to the human services providers, increasing their reimbursement from the State by six percent. I cannot approve this additional spending at this time.

I am unable to approve the designated portion of Section 31, subsection 6. This provision attempts to restrict the Governor's discretion in developing his or her budget by directing the level of spending the Governor can recommend in certain human services programs. The Governor, by law, must submit a proposed budget to the Legislature which includes a summary of appropriations recommended for the following fiscal year for each department of state government. The Legislature may accept, modify or reject the Governor's recommendations. The Legislature cannot and should not attempt to interfere with the Governor's responsibility to establish priorities and make recommendations which ensure that his or her proposed budget is balanced.

I am unable to approve the designated portion of Section 33. This provision again provides anti-reversionary language, which I cannot approve.

I am unable to approve the item designated as Section 37, in its entirety. This provision would require the Department of General Services to assess the computer needs of the Department of Human Services and to submit a quarterly report to the legislature regarding those needs. This intrusion into the prerogatives of the executive branch cannot be approved.

I am unable to approve the items designated as Section 41, subsection a, paragraphs 2, 3, and 4, in their entirety. These provisions would shift funding from the Gamblers Assistance Fund to provide additional increases to programs already funded in this bill. Funds which exceed the needs of the Gamblers Assistance Program should be reverted to the general fund.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2435 are hereby approved as of this date.

Sincerely,  
Terry E. Branstad  
Governor

**IN MEMORIAM**

**House**

Memorials adopted by the House of Representatives, 1990 Regular Session of the Seventy-third General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

- PAUL W. EGGERS ..... May 16, 1896—October 9, 1989  
ARNOLD R. LINDEEN ..... May 9, 1910—January 1, 1990  
RAYMOND J. MILLER ..... August 16, 1920—January 9, 1990  
ROBERT L. OETH ..... October 6, 1921—November 24, 1989  
GEORGE N. PIERSON ..... March 28, 1904—August 26, 1989  
ELMER H. VERMEER ..... June 7, 1920—May 23, 1989

## PAUL W. EGGERS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Paul W. Eggers begs leave to submit the following Memorial:

Paul W. Eggers was born on May 16, 1896 in Burlington, Iowa. In 1923 he married Opal I. Cardiff and they had two sons.

Mr. Eggers was a farmer and a stockman. He was a member of the Marion County Fair Board; the Pella Co-operative Electric Association, where he served as secretary; and the Methodist Church.

A Democrat, Mr. Eggers represented Marion County during the Fifty-eighth General Assembly.

Paul W. Eggers died on October 9, 1989. He was preceeded in death by his wife Opal. He is survived by his two sons; James of Omaha, Nebraska and Charles of Florence, Kentucky; and six grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Paul W. Eggers, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.*

*Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

DAVID SCHRADER  
DENNIS BLACK  
HAROLD VAN MAANEN

Committee

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 ARNOLD R. LINDEEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Arnold R. Lindeen begs leave to submit the following Memorial:

Arnold R. Lindeen was born May 9, 1910 at Swedesburg, Iowa. On February 15, 1936 he married Marjorie Olson and they had one son and one daughter.

Arnold Lindeen was a farmer in the Swedesburg area before retiring; he was Iowa Sales and Use Tax Auditor; Manager of the Henry County Credit Union; and Henry County Treasurer. He also served as President of the SVEA Mutual Insurance Association for many years; was a lifetime member of the Swedesburg Evangelical Lutheran Church, and a member of the Swedish Heritage Society.

A Republican, Mr. Lindeen represented Henry and parts of Louisa and Des Moines Counties during the Sixty-sixth and Sixty-seventh General Assemblies.

Arnold R. Lindeen died January 1, 1990. He was preceeded in death by his wife Marjorie. He is survived by his son, Jerry Lindeen, Swedesburg; his daughter, Jane Wickham, Mount Pleasant; one brother, Virgil of Winfield; three sisters, Ruth Johnson of Woodhull, Illinois, Ethel Benson and Virginia Lindeen, both of Swedesburg; and seven grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Arnold R. Lindeen, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.*

*Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

CLAY SPEAR  
HORACE DAGGETT  
GREGORY SPENNER

Committee

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RAYMOND J. MILLER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Raymond J. Miller begs leave to submit the following Memorial:

Raymond J. Miller was born August 16, 1920 at Dubuque, Iowa. On June 5, 1948 he married Jannan Muntz and they had three daughters.

Raymond Miller lived in Dubuque County and farmed all his life, also working as an inspector at the Dubuque Stamping and Manufacturing Inc. before his retirement.

Raymond Miller was a member of Resurrection Catholic Church; Speak Easy Toastmasters Club; Farm Bureau; Teamsters Union; Machinist's Union, Local 1238; and Dubuque County Republican Party. He was a former member of the Center Township Board of Trustees; Dubuque County Conservation Society; Center Township School Board; and General Drivers and Woodworkers and Upholsterers Union. He received the Herbert Hoover Recognition Award for Outstanding Volunteer Services and on January 15, 1990 the Dubuque County Supervisors issued a Proclamation honoring his nineteen years of service on the County Health Board.

A Republican, Mr. Miller represented Dubuque County during the Sixty-second General Assembly.

Raymond J. Miller died January 9, 1990. He is survived by his wife, Jannan; his three daughters: Susan Hellert of Dubuque; Sally Perlewitz of Dubuque and RaeAnn Guns of Davenport; three brothers: G. Joseph Miller, Vincent Miller and James Miller, all of Dubuque; and six grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Raymond J. Miller, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.*

*Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

DONALD KNAPP  
THOMAS JOCHUM  
PAT MURPHY

Committee

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 ROBERT L. OETH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Robert L. Oeth begs leave to submit the following Memorial:

Robert L. Oeth was born on October 6, 1921 in Dubuque, Iowa. On July 1, 1950 he married Rosemary Lolwing of Dubuque. They had three sons and two daughters.

Robert Oeth practiced law for forty years in Dubuque and Des Moines. He served as Dubuque County Attorney from 1952 to 1962; was a member of the Iowa Bar Association and served in the United States Navy during World War II.

A Democrat, Mr. Oeth represented Dubuque County during the Fifty-fourth General Assembly.

Robert L. Oeth died November 24, 1989. He is survived by his wife, Rosemary of Des Moines; his two daughters: Terese Ann Linn of Des Moines and Kristen Oeth of Pittsburgh, Pennsylvania; his three sons: Gary of Des Moines, Steven of Ogden and David of Rochester, Minnesota; a brother, Bernard of Dubuque; and seven grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Robert L. Oeth, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.*

*Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

PAT MURPHY  
 THOMAS JOCHUM  
 DONALD KNAPP

Committee

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 GEORGE N. PIERSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable George N. Pierson begs leave to submit the following Memorial:

George N. Pierson was born on March 28, 1904 in Oskaloosa, Iowa. On June 28, 1926 he married Lucile Krizer and they had two sons. Lucile Pierson died in 1966. On November 9, 1969, Mr. Pierson married Elizabeth Picken, who had one daughter from a previous marriage, on November 9, 1969.

George Pierson graduated from Penn Academy in 1922 and from William Penn College in 1926, and later did post-graduate work at Iowa State University in Ames and at Washington University in St. Louis, Missouri. He was employed by the Young Men's Christian Association for thirteen years at Ottumwa, and as the YMCA boys' program director in St. Louis. In the 1940's, he began producing and marketing hybrid seed corn with N. H. Krizer. This partnership later became Pierson Seed Producers, of which Mr. Pierson was president and operated with his sons until his retirement in 1979.

Mr. Pierson was a member and elder of the First Presbyterian Church in Oskaloosa; he served on the Salvation Army Board, the William Penn College Board of Trustees, the Quad County Grain Board of Directors; and was a member of the Rotary Club, the Men's Club, the Penn College Alumni Club, the Mahaska County Ag Council, the Chamber of Commerce Ag Committee, the YMCA Finance Committee, the Community YMCA Council, and International Flying Farmers. He was active on the Mahaska County Republican Central Committee and organized the Summer Sweet Corn and Chicken Roast.

A Republican, Mr. Pierson represented Keokuk, Mahaska, and Monroe Counties during the Sixty-second, Sixty-third and Sixty-fourth General Assemblies.

George N. Pierson died on August 26, 1989. He is survived by his wife, Elizabeth of Carol Stream, Illinois; his two sons: Royce of Oskaloosa and Arvid "Shorty" of Pella; his stepdaughter, Judy Picken, of Wheaton, Illinois; a brother, Robert of Oskaloosa; seven grandchildren, three step-grandchildren and thirteen great-grandchildren.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable George N. Pierson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.*

*Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

HAROLD VAN MAANEN  
 PHIL TYRRELL  
 ROBERT KISTLER

Committee

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ELMER H. VERMEER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Elmer H. "Dutch" Vermeer begs leave to submit the following Memorial:

Elmer H. Vermeer was born on June 7, 1920 on a farm near Pella in Marion County. On September 20, 1946 he married Jeanette V. Lankelma of Pella and they had four sons and one daughter.

Mr. Vermeer served as a Ranger in the United States Army from 1941 to 1946 and was awarded the Silver Star. Following his discharge from the Army he owned and operated a livestock farm near Pella. He was a member of the Reformed Church, where he served on the consistory; the Central College Board of Trustees; the Pella National Bank Board of Directors; the American Legion; the V.F.W.; the Natural Heritage Foundation; the Marion County Conservation Board; the Iowa Nurserymen's Association; and the State of Iowa and Pella Historical Societies. He also served as the National President of the Ranger Battalions' Association. During the administration of Governor Robert D. Ray, Mr. Vermeer served as one of the Governor's administrative assistants.

A Republican, Mr. Vermeer represented Marion County during the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-ninth, and Sixtieth General Assemblies.

Elmer H. Vermeer died on May 23, 1989. He is survived by his wife, Jeanette of Pella; four sons, Thomas of Mount Pleasant, Richard of Davenport, William of Des Moines, James of Cedar Rapids; and one daughter Ann Stienstra, also of Cedar Rapids.

*Now Therefore, Be It Resolved by the House of Representatives of the Seventy-third General Assembly of Iowa, That in the passing of the Honorable Elmer H. Vermeer, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.*

*Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

DAVID SCHRADER  
DENNIS BLACK  
HAROLD VAN MAANEN

Committee

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Florence D. Buhr, Representative **Polk County**  
 (See **BUHR, FLORENCE D.—**Representative **Polk County**, Assistant Majority Floor Leader)  
 Kay Chapman, Representative **Linn County**  
 (See **CHAPMAN, KAY—**Representative **Linn County**, Assistant Majority Floor Leader)  
 John Groninga, Representative **Cerro Gordo County**  
 (See **GRONINGA, JOHN—**Representative **Cerro Gordo County**, Assistant Majority Floor Leader)  
 Louis J. Muhlbauer, Representative **Crawford -Shelby Counties**  
 (See **MUHLBAUER, LOUIS J.—**Representative **Crawford -Shelby Counties**, Assistant Majority Floor Leader)

**ASSISTANT MINORITY FLOOR LEADERS—**

Wayne Bennett, Representative **Ida -Monona-Woodbury Counties**  
 (See **BENNETT, WAYNE—**Representative **Ida -Monona-Woodbury Counties**, Assistant Minority Floor Leader)  
 Mary A. Lundby, Representative **Linn County**  
 (See **LUNDBY, MARY A.—**Representative **Linn County**, Assistant Minority Floor Leader)  
 Tom H. Miller, Representative **Cherokee -Clay-O'Brien Counties**  
 (See **MILLER, TOM H.—**Representative **Cherokee -Clay-O'Brien Counties**, Assistant Minority Floor Leader)  
 Brent Siegrist, Representative **Pottawattamie County**  
 (See **SIEGRIST, BRENT—**Representative **Pottawattamie County**, Assistant Minority Floor Leader)

**AVENSON, DONALD D.—**Representative **Chickasaw-Fayette Counties**  
 (See **SPEAKER OF THE HOUSE—**Donald D. Avenson, Representative **Chickasaw-Fayette Counties**)

## AWARDS AND GIFTS—

- Certificates of excellence to House Pages—604, 1858
- Plaques presented to retiring members—2247-2248
- Presented plaques to Minority Floor Leader Harold Van Maanen and Majority Floor Leader Robert Arnould in appreciation of their service and dedication to the House of Representatives—2248
- Presented to the Speaker of the House a brass sculpture of the Speaker's black labrador Magic—2251

## BANKS, BRADLY C.—Representative Plymouth -Woodbury Counties

- Amendments filed—352, 411, 424, 535, 545, 629, 686, 800, 1066-1067, 1067, 1106, 1141, 1195-1198, 1550, 1608, 1783-1784, 1977
- Amendments offered—382, 534, 535, 1137, 1195, 2077
- Appointed to the Grain Marketing Advisory Council—29
- Bills introduced—37, 67, 74, 134, 207, 208, 224, 238, 239, 272, 273, 295, 354, 369-370, 371, 537
- Committee appointment—2124
- Leave of absence—971, 1306, 1364
- Report—2292
- Subcommittee assignments—82, 93, 110, 236, 306, 322, 335, 346, 391, 505, 659

## BEAMAN, JACK—Representative Adair-Adams-Cass-Clarke -Union Counties

- Amendments filed—545, 987, 1066-1067, 1067, 1264, 1265, 1376, 1608, 1667
- Amendments offered—1376, 1821
- Bills introduced—50, 88, 98, 106, 207, 223, 224, 233, 239, 260, 353, 354, 369-370, 371, 537
- Committee appointment—1740
- Report—2256-2266
- Subcommittee assignments—49, 68, 147, 236, 321, 323, 799

## BEATTY, LINDA L.—Representative Warren County

- Amendments filed—641, 660, 745, 1141, 1229, 1398, 1504
- Amendments offered—777, 1528
- Amendments withdrawn—1732, 1737
- Appointed to the Advisory Commission On Intergovernmental Relations—26
- Bills introduced—64, 259, 379, 399
- Committee appointment—39
- Leave of absence—864, 1069, 1160
- Presided at sessions of the House—216
- Subcommittee assignments—83, 146, 147, 148, 254, 268, 290, 323, 376, 599, 600, 797, 798, 799, 895, 920, 982, 1006

## BENNETT, WAYNE—Representative Ida -Monona-Woodbury Counties, Assistant Minority Floor Leader

- Amendments filed—351, 460-466, 590, 629, 765, 800, 987, 1106, 1265, 1608, 1667, 1668, 1856, 1945-1946
- Amendments offered—431, 590, 765, 1109, 1626, 1825, 1945
- Bills introduced—37, 207, 224, 233, 260, 272, 273, 310, 369-370, 371, 537
- Committee appointments—29, 2207
- Leave of absence—731
- Presentation of visitors—1548
- Presented to the House the Honorable Delwyn Stromer, former member of the House—2097

Presided at sessions of the House—1541

Report—2277

Subcommittee assignments—49, 60, 68, 69, 82, 93, 110, 169, 254, 255, 321, 543, 600, 659, 920, 1548

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(See also action on HOUSE JOINT RESOLUTIONS, HOUSE FILES, SENATE JOINT RESOLUTIONS and SENATE FILES in LEGISLATIVE INDEX VOLUME)

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#### BISIGNANO, TONY—Representative Polk County

Amendments filed—96, 105, 125-126, 127, 231, 308, 326, 337, 352, 368, 601, 602, 686, 801, 1068, 1098-1101, 1106, 1228, 1309, 1483, 1505, 1550, 1943-1944, 1953-1954, 2382

Amendments offered—125, 127, 311, 382, 384, 1204, 1332, 1943, 1953, 2382

Amendments withdrawn—127, 1593, 2061

Bills introduced—4, 106, 338

Committee appointment—1717

Presided at sessions of the House—162, 565, 694, 1589, 2229, 2231

Report—2092-2094

Ruling made—166

Subcommittee assignments—34, 60, 69, 70, 84, 94, 110, 141, 390, 416, 982, 1346

**BLACK, DENNIS H.**—Representative **Jasper-Marshall Counties**

Amendments filed—279, 292, 507, 1067, 1105, 1347, 1398, 1497, 1668, 1953-1954

Amendments offered—279, 296, 1250, 1497, 1779

Bills introduced—97, 329, 371

Committee appointments—1257, 1400, 1402, 1408

Leave of absence—143

Presided at sessions of the House—770, 924, 1484, 2269

Request that House Concurrent Resolution 110 be placed on unanimous consent calendar—1307

Ruling made—929

Subcommittee assignments—48, 110, 307, 345, 390, 799, 850

**BLANSHAN, GENE H.**—Representative **Boone-Carroll-Greene Counties**

Amendments filed—801, 897, 921, 1067, 1106, 1228, 1309, 1377-1378, 1398, 1432, 1473, 1479, 1480, 1505, 1607

Amendments offered—1083, 1117, 1342, 1377, 1409, 1443, 1473, 1479, 1480, 1481

Appointed to the Appropriations Subcommittee on Administration—56

Committee appointments—1717, 1764, 2255

Presided at sessions of the House—607, 724, 1133, 2020

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Reports—2092-2094, 2156-2167, 2332, 2369-2377

Subcommittee assignments—49, 60, 69, 82, 83, 84, 101, 141, 147, 236, 269, 321, 322, 390, 391, 599, 600, 798, 895, 933, 982, 1006, 1007, 2224

**BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—**

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**BRAMMER, PHILIP E.**—Representative **Linn County**

Amendments filed—96, 271, 397, 507, 602, 685, 745, 801, 833, 986, 1551, 2225

Amendments offered—276, 604, 605, 807, 808, 812, 914

Bills introduced—144, 537

Leave of absence—381, 476, 1143, 1291

Presided at sessions of the House—970

Subcommittee assignments—34, 69, 70, 83, 895, 896, 920, 982, 1264

**BRAND, WILLIAM J.**—Representative **Benton-Black Hawk Counties**

Amendments filed—545, 746, 801, 833, 841, 1494, 1496-1497, 1551, 1594, 2272-2273

Amendments offered—826, 1494, 1594

Amendment withdrawn—826

Appointed to the Medical Assistance Advisory Board—28

Bill introduced—371

Committee appointment—2207

Leave of absence—777

Report—2277

- Subcommittee appointments—49, 60, 68, 69, 83, 93, 110, 147, 168, 169, 254, 255, 290, 321, 335, 416, 544, 798, 1104
- BRANSTAD, CLIFFORD O.**—Representative Hancock-Kossuth-Winnebago Counties  
 Amendments filed—352, 497-500, 629, 851, 987, 1066, 1106, 1265, 1309, 1347, 1607, 1608, 1783-1784, 1943-1944  
 Bills introduced—36, 207, 223, 224, 233, 260, 272, 273, 310, 338, 353, 369, 371, 537  
 Committee appointment—2207  
 Leave of absence—353, 608, 750, 1657, 1719  
 Subcommittee assignments—48, 69, 146, 254, 322, 659, 798, 933
- BRANSTAD, GOVERNOR TERRY E.**—  
 (See GOVERNOR BRANSTAD, TERRY E.)
- BROWN, JOEL W.**—Representative Clarke-Monroe-Lucas-Wayne Counties  
 Amendments filed—378, 411, 412, 507, 508, 602, 660, 685, 745, 746, 800, 801, 841, 936, 1068, 1105, 1483, 1504, 1607, 1668, 1824-1825  
 Amendments offered—676, 727, 825, 841, 943, 1590  
 Amendments withdrawn—841, 944  
 Appointed to the Office of Rural Health Advisory Committee—28  
 Bills introduced—74, 113, 114, 329, 358, 371, 379  
 Committee appointment—3  
 Leave of absence—129, 922, 2100  
 Petitions presented—661  
 Presented to the House Retno Windrati from Jakarta, Indonesia—1308  
 Presented to the House Jim Cooper, former member of the House—1728  
 Presided at sessions of the House—680, 1146  
 Resolution offered—424  
 Subcommittee assignments—34, 35, 48, 68, 70, 84, 93, 147, 169, 220, 236, 306, 335, 345, 376, 405, 416, 600, 798, 934, 982
- BUDGET MESSAGE**—  
 (See STATE OF THE STATE MESSAGE)
- BUHR, FLORENCE D.**—Representative Polk County, Assistant Majority Floor Leader  
 Amendments filed—258, 337, 474, 508, 897, 921, 1504, 1943-1944, 2286  
 Amendments offered—263, 906, 2286  
 Amendment withdrawn—265  
 Bills introduced—107, 113, 144, 224, 369  
 Committee appointment—4  
 Leave of absence—1395  
 Presented to the House the Honorable Robert Kreamer, former member of the House—2432  
 Presented with plaque—2247-2248  
 Presided at sessions of the House—458  
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- CAPITOL PLANNING COMMISSION**—  
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**CARPENTER, DOROTHY F.—Representative Polk County**

Amendments filed—231, 258, 308, 337, 368, 425, 474, 507, 602, 686, 735, 801, 867-868, 1066-1067, 1067, 1141, 1169, 1192-1193, 1228, 1342-1343, 1377-1378, 1473, 1473-1477, 1480, 1482, 1483, 1483-1484, 1484, 1504, 1545-1546, 1550, 1589, 1600-1602, 1607, 2084, 2286, 2383

Amendments offered—640, 732, 735, 736, 867, 908, 925, 1163, 1181, 1484, 1545, 1590

Amendments withdrawn—640, 734, 738, 908, 925, 1147, 1377

Bills introduced—144, 224, 239, 259, 339, 354, 369-370, 372

Committee appointments—3, 1764, 2255, 2435

Reports—2-3, 108, 299-301, 2332

Subcommittee assignments—60, 84, 101, 147, 148, 169, 236, 269, 306, 307, 321, 322, 323, 334, 345, 376, 390, 391, 405, 505, 544, 599, 600, 684, 798, 895, 982, 1006, 2224

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**CHAPMAN, KAY—Representative Linn County, Assistant Majority Floor Leader**

Amendments filed—205, 833, 986, 1141

Amendments offered—217, 1350

Appointed to the Legislative Reapportionment Technology Selection Committee—29

Bills introduced—52, 87, 260, 295, 339, 353, 404

Committee appointments—1764, 2169, 2207, 2435

Leave of absence—822, 1619

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Presided at sessions of the House—403, 577, 1243

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Ruling made—1248

Subcommittee assignments—34, 59, 69, 70, 82, 101, 141, 146, 147, 254, 268, 290, 323, 335, 365, 376, 391, 543, 599, 798, 895, 1104, 1346, 1729

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Administered oath of office to Representatives-elect Pat Murphy and Stewart Iverson—3

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Committee recommendations—35, 61-62, 71, 85-86, 94-95, 104-105, 112, 132, 141-142, 149-150, 170, 204, 221-222, 230-231, 256-257, 270-271, 290-292, 307-308, 324-326, 336-337, 348-351, 365-368, 377, 393-397, 407-411, 416-424, 469-474, 505-506, 544, 628-629, 684-685, 744-745, 799-800, 850-851, 896-897, 920, 934-936, 972-973, 982-986, 1007-1010, 1062-1066, 1104-1105, 1140, 1264, 1308-1309, 1346-1347, 1397, 1431-1432, 1503-1504, 1549-1550, 1606-1607, 1667, 1718, 1730, 1831, 1855-1856, 1976-1977, 2083-2084, 2098-2099, 2220, 2224-2225, 2271-2272, 2296, 2322, 2378-2379, 2397, 2423

Conference committee reports filed—108, 228, 288, 1969, 2223

Enrolled bills—305, 330, 416, 796, 920, 1061-1062, 1168, 1263, 1345, 1397, 1425, 1501, 1663, 1728, 1969-1970, 2096, 2435

**CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Arthur A. McGiverin**  
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(See also STATE APPEAL BOARD)  
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**CLARK, BETTY JEAN**—Representative **Cerro Gordo** -Floyd-Mitchell Counties  
Amendments filed—685, 686, 836-837, 1141, 1390-1392, 1668, 1865  
Amendments offered—700, 836, 1390, 1826  
Bills introduced—36, 37, 63, 107, 133, 207, 272, 369, 371  
Committee appointment—38  
Leave of absence—223, 864, 937, 1129, 1498  
Presented to the House Larry Geertz, President of the Iowa Future Farmers of  
America—382  
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Subcommittee assignments—69, 84, 147, 169, 306, 345, 376, 405, 600, 798, 982

**COHOON, DENNIS M.**—Representative **Des Moines** County  
Amendments filed—368, 1106, 1142, 1228, 1265, 1309, 1347, 1373, 1374-1375, 1496-1497  
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Amendment withdrawn—1373  
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Committee appointments—89, 1740  
Leave of absence—293  
Report—2256-2266  
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 House File 2554—2236-2239 adopted  
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 Senate File 2413—2387-2396 adopted  
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 House File 2543—2156-2167  
 House File 2554—2236  
 House File 2559—2277  
 Senate Concurrent Resolution 133—2220  
 Senate File 199—299-301  
 Senate File 2057—2092  
 Senate File 2093—2332  
 Senate File 2280—2369  
 Senate File 2306—2208  
 Senate File 2402—2256  
 Senate File 2413—2387  
 Senate File 2422—2420

## Reports filed:

House File 156—1969  
 House File 178—288  
 House File 685—228  
 Senate File 149—2223  
 Senate File 199—108

## CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

CONNOLLY, MICHAEL W.—Representative **Dubuque** County

Communication from—resignation—1

CONNORS, JOHN H.—Representative **Polk** County, Speaker Pro Tempore

Amendments filed—292, 326, 507, 1067, 1228, 1309, 1377-1378, 1398, 1505, 1550, 1668, 1856, 2243-2244

- Amendments offered—516, 1867, 1868  
 Announcement—1776  
 Bills introduced—6, 64, 106, 143, 171, 207, 339, 404  
 Committee appointments—1717, 1764  
 Conference committee appointments announced—1257, 1740  
 Elected to the position of Chair-elect of the National Council of State Governments—66  
 Leave of absence—113, 777, 822  
 Presentation of visitors—1226, 1503  
 Presented to the House Chris Weeks, 1990 State Poster Child for Muscular Dystrophy Association—234  
 Presented to the House twelve students from the University of Leningrad—1041  
 Presided at sessions of the House—66, 138, 227, 283, 315, 327, 338, 485, 582, 635, 646, 661, 693, 747, 988, 1000, 1004, 1081, 1109, 1111, 1114, 1124, 1137, 1175, 1194, 1251, 1313, 1352, 1442, 1494, 1498, 1522, 1731, 1764, 1774, 1979, 1981, 2134, 2252  
 Reports—2092-2094, 2156-2167  
 Rulings made—344, 636, 748, 1126, 1128, 1129, 1130, 1181, 1191, 1193, 1221, 1255, 1498, 1529, 1775  
 Special recognition to members of the House who will be retiring or are candidates for the Iowa Senate—2247  
 Subcommittee assignments—49, 59, 60, 84, 93, 110, 147, 148, 236, 269, 335, 390, 599, 933, 1006, 1007, 1346
- CORBETT, RON J.—Representative Linn County**  
 Amendments filed—545, 685, 746, 833, 851, 971, 986, 1067, 1105, 1141, 1369, 1504, 1550, 1551, 1593, 1659, 1730, 1783-1784, 1851, 1856, 2272-2273  
 Amendments offered—766, 767, 768, 770, 773, 971, 1134, 1136, 1369, 1592, 1851, 2072  
 Amendments withdrawn—774, 1592  
 Bills introduced—207, 224, 238, 239, 272, 328, 369-370, 372, 398, 400, 537  
 Committee appointment—1688  
 Leave of absence—275, 528, 822, 937, 1266  
 Report—2275  
 Subcommittee assignments—49, 60, 68, 69, 93, 101, 110, 147, 254, 255, 321, 322, 346, 391, 544, 684, 798, 933, 982
- CREDENTIALS, COMMITTEE ON—**  
 Supplemental report—2, 3 adopted
- DAGGETT, HORACE C.—Representative Adams-Decatur-Ringgold-Taylor Counties**  
 Amendments filed—112, 150, 507, 545, 685, 1066-1067, 1264, 1324, 1551, 1608, 2272-2273  
 Amendments offered—579, 588, 1292, 1324  
 Appointed to the Education Commission of the States—27  
 Bills introduced—50, 207, 224, 233, 239, 260, 272, 273, 293, 354, 370, 371, 537  
 Committee appointments—1400, 1722  
 Leave of absence—293, 338, 369, 1129, 1381, 1669, 1731, 1858, 2212  
 Petition presented—73  
 Report—2208-2210  
 Subcommittee assignments—48, 49, 83, 84, 101, 169, 323, 335, 390, 391, 405, 543, 544, 600, 1855
- DE GROOT, KENNETH R.—Representative Lyon-O'Brien-Osceola-Sioux Counties**  
 Amendments filed—474, 507, 545, 546, 629, 851, 936, 1106, 1169, 1229, 1309, 1504, 1607, 1608, 1978

Amendments offered—654, 941, 1245, 1286, 1593  
 Amendment withdrawn—572  
 Appointed to the Iowa Highway Research Board—46  
 Bills introduced—63, 172, 207, 209, 224, 273, 294, 354, 369-370, 371, 537  
 Committee appointment—2207  
 Leave of absence—736, 1368  
 Presented to the House the Honorable John Timmer, Sioux Falls, member of the  
 South Dakota, House of Representatives—981  
 Presided at sessions of the House—1840  
 Reports—16, 2277  
 Resolution offered—326  
 Subcommittee assignments—110, 168, 255, 345, 365, 391, 543, 659, 799, 933, 1855

**DIEMER, MARVIN E.**—Representative **Black Hawk** County

Amendments filed—475, 1012, 1141, 1659, 1730, 1943-1944  
 Amendments offered—1292, 1798  
 Asked and received unanimous consent to change his vote on Senate File 2212—840  
 Bills introduced—51, 238, 239, 260, 310, 354, 369-370, 370, 537  
 Committee appointment—1257  
 Leave of absence—899  
 Subcommittee assignments—94, 101, 110, 169, 307, 345, 390, 405, 416, 599, 849, 895,  
 920, 982

**DODERER, MINNETTE**—Representative **Johnson** County

Amendments filed—86, 96, 132, 161, 170, 602, 685, 745, 1067, 1068, 1106, 1228,  
 1249-1250, 1377-1378, 1394, 1480, 1482, 1483, 1483-1484, 1484, 1550, 1551, 1589,  
 1600-1602, 1856, 2090-2091, 2225  
 Amendments offered—159, 161, 768, 769, 1079, 1108, 1249, 1394, 1480, 1482, 1483,  
 1600, 2076, 2123  
 Asked and received unanimous consent to change her vote on House File 2238—529  
 Bills introduced—37, 65, 75, 98, 354  
 Presided at sessions of the House—357, 2245, 2247, 2251  
 Rulings made—361, 2246  
 Subcommittee assignments—34, 59, 60, 83, 84, 141, 147, 169, 236, 255, 269, 321, 334,  
 390, 391, 543

**DVORSKY, ROBERT E.**—Representative Iowa-**Johnson** Counties

Amendments filed—474, 833, 897, 898, 1229, 1480, 1496-1497, 1608, 1668, 1856  
 Amendments offered—634, 833, 1954  
 Appointed to the Communications Review Committee—27  
 Bills introduced—98, 114, 329  
 Leave of absence—528  
 Presided at sessions of the House—814  
 Subcommittee assignments—34, 68, 69, 101, 110, 132, 141, 219, 321, 335, 376, 391,  
 505, 798, 850, 1264

**ECONOMIC DEVELOPMENT BOARD**—

Appointment to—351

**ECONOMIC DEVELOPMENT, COMMITTEE ON**—

Amendments filed—397, 897, 1856  
 Amendments offered—1045, 1172, 1920  
 Appointed—89

Bills introduced—283, 359, 427, 476, 477, 502  
 Recommendations—270, 348, 366, 394, 416-417, 800, 896, 983, 1855-1856  
 Subcommittee assignments—49, 60, 68, 69, 93, 110, 254, 255, 321, 322, 346, 600

**EDDIE, RUSSELL J.—Representative Buena Vista -Pocahontas Counties**

Amendments filed—411, 507, 545, 629, 835, 987, 1066-1067, 1106, 1141, 1335-1336, 1608  
 Amendment offered—835  
 Bills introduced—223, 224, 233, 238, 260, 272, 273, 294, 328, 353, 354, 369, 371, 379,  
 415, 537  
 Committee appointments—4, 2207  
 Leave of absence—582, 630, 1115, 1230  
 Subcommittee assignments—110, 322, 335, 345, 391, 406, 659

**EDUCATION COMMISSION OF THE STATES—**

Appointment to—27

**EDUCATION, COMMITTEE ON—**

Amendments filed—368, 936, 1011, 1265, 1550  
 Amendments offered—1089, 1516, 1643  
 Appointed—89  
 Bills introduced—53, 67, 209, 284, 372, 400, 414, 415, 476, 477  
 Changes in assignments—29  
 Recommendations—61, 71, 221, 291, 366, 394, 407-408, 417, 934-935, 1008, 1264, 1549  
 Resolution offered—424  
 Subcommittee assignments—48, 49, 101, 131, 147, 148, 220, 254, 289, 290, 321, 322,  
 323, 390, 391, 405, 406, 416, 600, 797, 798, 933, 1346

**ELDER AFFAIRS, DEPARTMENT OF—**

Appointment to—27  
 Communication from—90

**EMPLOYEES—**

(See OFFICERS AND EMPLOYEES)

**ENERGY AND ENVIRONMENTAL PROTECTION, COMMITTEE ON—**

Amendments filed—424, 1067, 1068  
 Amendment offered—525  
 Amendments withdrawn—2041, 2269  
 Bills introduced—296, 372, 380, 477, 501, 509, 537, 538, 539, 577, 578  
 Recommendations—291, 367, 408, 417-418, 469-471, 850, 896, 1063-1064  
 Subcommittee assignments—82, 93, 110, 111, 132, 219, 220, 236, 255, 269, 306, 335,  
 365, 391, 505, 628, 850, 1006, 1007

**ENERGY FUND DISBURSEMENT COUNCIL—**

Appointments to—27

**ENROLLED BILLS—**

(See BILLS, subheading, Sent to Governor, CHIEF CLERK OF THE HOUSE, Joe O'Hern, subheading, Reports and/or SPEAKER OF THE HOUSE, Donald D. Avenson, subheading, Bills signed by)

**EXPLANATIONS OF VOTE—**

House File 121—Representative Fuller—2223  
 House File 209—Representative Osterberg—138

- House File 209—Representative Adams—144
- House File 252—Representatives Eddie & Ollie—1307
- House File 436—Representative Groninga—919
- House File 534—Representative Ollie—1501
- House File 673—Representative Daggett—320
- House File 673, H-5703—Representative Ollie—1396
- House File 730—Representative Eddie—1307
- House File 2009—Representative Peterson of Carroll—228
- House File 2016—Representative Brown—168
- House File 2022—Representative Groninga—797
- House File 2050—Representative Eddie—683
- House File 2061—Representative Osterberg—138
- House File 2061—Representative Adams—144
- House File 2065—Representative Groninga—797
- House File 2068—Representative Osterberg—138
- House File 2068—Representative Adams—144
- House File 2092—Representative Eddie—683
- House File 2105—Representative Brown—168
- House File 2109—Representative Tyrrell—504
- House File 2114—Representative Brown—168
- House File 2120—Representative Peterson of Carroll—228
- House File 2131—Representatives Poncy & Shoning—892
- House File 2141—Representatives Groninga & Tyrrell—504
- House File 2142—Representative Eddie—1307
- House File 2153—Representative Eddie—683
- House File 2156—Representative Peterson of Carroll—228
- House File 2156—Representative Eddie—1307
- House File 2165—Representative Brown—305
- House File 2170—Representative Shearer—504
- House File 2170—Representative Eddie—1307
- House File 2177—Representative Daggett—320
- House File 2177—Representative Adams—1500
- House File 2188—Representative Tyrrell—504
- House File 2198—Representative Tyrrell—504
- House File 2200—Representative Siegrist—628
- House File 2201—Representative Shearer—504
- House File 2201—Representative Spenner—1547-1548
- House File 2212—Representative Daggett—363
- House File 2215—Representative Tyrrell—504
- House File 2233—Representative Daggett—320
- House File 2235—Representative Daggett—320
- House File 2235—Representative Peterson of Carroll—597
- House File 2236—Representative Daggett—320
- House File 2267—Representative Peterson of Carroll—597
- House File 2268—Representative Daggett—363
- House File 2269—Representative Peterson of Carroll—597
- House File 2271—Representative Tyrrell—504
- House File 2272—Representative Eddie—683
- House File 2289—Representative Eddie—683
- House File 2294—Representative Peterson of Carroll—387
- House File 2304—Representative Eddie—683

- House File 2305—Representatives Poncey & Shoning—892  
House File 2308—Representative Peterson of Carroll—387  
House File 2309—Representative Tyrrell—504  
House File 2314—Representatives Eddie & Groninga—919  
House File 2321—Representative Eddie—1307  
House File 2322—Representative Tyrrell—504  
House File 2323—Representative Siegrist—849  
House File 2324—Representative Tyrrell—504  
House File 2329—Representative Peterson of Carroll—597  
House File 2329—Representative Eddie—683  
House File 2338—Representative Tyrrell—504  
House File 2339—Representative Tyrrell—504  
House File 2344—Representative Tyrrell—504  
House File 2354—Representative Shearer—504  
House File 2355—Representative Tyrrell—504  
House File 2357—Representative Spenner—1547-1548  
House File 2364—Representative Tyrrell—504  
House File 2366—Representative Tyrrell—504  
House File 2367—Representatives Groninga & Tyrrell—504  
House File 2368—Representative Tyrrell—504  
House File 2369—Representative Tyrrell—504  
House File 2371—Representative Kremer—797  
House File 2371—Representative Peterson of Carroll—919  
House File 2377—Representative Siegrist—849  
House File 2390—Representative Tyrrell—504  
House File 2393—Representative Tyrrell—504  
House File 2401—Representative Tyrrell—504  
House File 2404—Representatives Groninga & Tyrrell—504  
House File 2405—Representative Tyrrell—504  
House File 2406—Representative Tyrrell—504  
House File 2407, H-5249—Representative Ollie—1396  
House File 2407—Representative Fuller—2223  
House File 2412—Representative Brown—628  
House File 2412—Representative Peterson of Carroll—658  
House File 2418, H-5198—Representative McKinney—597  
House File 2418, H-5285—Representative Mertz—597  
House File 2418—Representative Peterson of Carroll—658, 1225  
House File 2418—Representative Eddie—1307  
House File 2421—Representative Tyrrell—504  
House File 2422—Representative Tyrrell—504  
House File 2425—Representative Adams—797  
House File 2431—Representative Shearer—504  
House File 2431—Representative Spenner—1547-1548  
House File 2431—Representative Ollie—1606  
House File 2436—Representative Shearer—504  
House File 2438—Representatives Eddie & Groninga—919  
House File 2440—Representative Fuller—2223  
House File 2448—Representative Brown—628  
House File 2448—Representative Peterson of Carroll—658  
House File 2450—Representative Poncey—892  
House File 2450—Representative Brown—1727

- House File 2450—Representative Adams—1854
- House File 2457—Representative Eddie—683
- House File 2459—Representative Eddie—683
- House File 2461—Representative Adams—628
- House File 2465—Representative Adams—628
- House File 2468—Representatives Eddie & Ollie—1307
- House File 2471—Representative Eddie—683
- House File 2472—Representative Eddie—683
- House File 2475—Representative Siegrist—849
- House File 2476—Representative Groninga—797
- House File 2481—Representative Eddie—683
- House File 2481, H-5283—Representative Eddie—683
- House File 2482—Representative Eddie—683
- House File 2485—Representative Ollie—744
- House File 2486—Representative Hermann—849
- House File 2487—Representatives Eddie & Groninga—919
- House File 2494—Representatives Poncy & Shoning—892
- House File 2495—Representative Ollie—658
- House File 2496—Representative Spenner—1547-1548
- House File 2500—Representative Poncy—892
- House File 2501—Representatives Poncy & Shoning—892
- House File 2502—Representative Eddie—683
- House File 2503—Representative Groninga—919
- House File 2506—Representative Eddie—683
- House File 2511—Representative Poncy—892
- House File 2512—Representative Eddie—683
- House File 2513—Representatives Eddie & Groninga—919
- House File 2514—Representatives Eddie & Groninga—919
- House File 2514—Representative Peterson of Carroll—1225
- House File 2514—Representative Eddie—1307
- House File 2516—Representative Siegrist—849
- House File 2518—Representative Siegrist—849
- House File 2524—Representative Siegrist—849
- House File 2528, H-5521 to H-5494—Representative Brown—1005-1006
- House File 2536—Representative Brown—932, 1005-1006
- House File 2540—Representative Spenner—1547-1548
- House File 2543, H-5879—Representative Pavich—1547
- House File 2546, H-5383—Representative Groninga—797
- House File 2548—Representative Eddie—1307
- House File 2548—Representative Fuller—2223
- House File 2551—Representative Fuller—2223
- House File 2554—Representative May—1663
- House File 2554—Representative Poncy—1728
- House File 2559—Representative Spenner—1547-1548
- House File 2562—Representative Fuller—1727
- Senate File 18—Representative Eddie—1307
- Senate File 57—Representative Black—1104
- Senate File 148—Representative Eddie—1307
- Senate File 199—Representative Daggett—320
- Senate File 255—Representative Brown—168
- Senate File 280—Representative Peterson of Carroll—228

Senate File 332—Representative Shearer—1169  
Senate File 332—Representative Eddie—1307  
Senate File 514—Representative Fuller—2223  
Senate File 2003—Representative Peterson of Carroll—1225  
Senate File 2003—Representative Eddie—1307  
Senate File 2011—Representative Ollie—1969  
Senate File 2011—Representative Fuller—2223  
Senate File 2018—Representative Gruhn—1104  
Senate File 2057—Representative Shearer—1169  
Senate File 2057, H-5633—Representative Shearer—1169  
Senate File 2057—Representative Eddie—1307  
Senate File 2057—Representative Fuller—2223  
Senate File 2059—Representative Peterson of Carroll—1225  
Senate File 2059—Representative Eddie—1307  
Senate File 2080—Representative Peterson of Carroll—1225  
Senate File 2080—Representative Eddie—1307  
Senate File 2139—Representative Adams—1140  
Senate File 2155—Representative Adams—1140  
Senate File 2169—Representative Adams—1500  
Senate File 2186—Representative Adams—1140  
Senate File 2197—Representative Shearer—1169  
Senate File 2197—Representative Eddie—1307  
Senate File 2201—Representative Eddie—1307  
Senate File 2212—Representative Poncy—892  
Senate File 2212—Representatives Eddie & Ollie—1307  
Senate File 2227—Representatives Eddie & Siegrist—1307  
Senate File 2233—Representative Eddie—1307  
Senate File 2235—Representative Eddie—1307  
Senate File 2240—Representative Peterson of Carroll—1225  
Senate File 2240—Representative Eddie—1307  
Senate File 2245—Representative Eddie—1307  
Senate File 2277—Representative Peterson of Carroll—1263  
Senate File 2277—Representative Eddie—1307  
Senate File 2280, H-5830—Representative Ollie—1396  
Senate File 2280—Representative Ollie—1396  
Senate File 2296—Representatives Gruhn & Lundby—1104  
Senate File 2304—Representative Fuller—1727  
Senate File 2309—Representative Gruhn—1104  
Senate File 2317—Representative Adams—1140  
Senate File 2324—Representative Fuller—2223  
Senate File 2327, H-5664—Representative Pavich—1547  
Senate File 2327—Representative Pavich—1547  
Senate File 2327—Representative Spenner—1547-1548  
Senate File 2327—Representative Fuller—1727  
Senate File 2328—Representative Poncy—1728  
Senate File 2334—Representative Adams—1140  
Senate File 2340—Representative Adams—1140  
Senate File 2349—Representative Adams—1140  
Senate File 2350—Representative Gruhn—1104  
Senate File 2365—Representative Peterson of Carroll—1225  
Senate File 2365—Representative Eddie—1307

Senate File 2365, H-5629—Representative Eddie—1307  
 Senate File 2369—Representatives Peterson of Carroll & Siegrist—1225  
 Senate File 2369—Representative Eddie—1307  
 Senate File 2388—Representative Adams—1140  
 Senate File 2403—Representative Fuller—2223  
 Senate File 2406—Representative Fuller—2223  
 Senate File 2407—Representative Fuller—1727  
 Senate File 2408, H-5858 to H-5685—Representative Buhr—1425  
 Senate File 2408—Representative Buhr—1425  
 Senate File 2410—Representative Poncy—1728  
 Senate File 2410, H-6021—Representative Poncy—1728  
 Senate File 2412—Representative Fuller—2223  
 Senate File 2413—Representative Adams—2096  
 Senate File 2430—Representative Fuller—2223  
 Senate Joint Resolution 2003—Representative Peterson of Carroll—1225  
 Senate Joint Resolution 2003—Representative Eddie—1307

## FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

## FEY, THOMAS H.—Representative Scott County

Amendments filed—545, 546, 686, 986, 1105, 1141, 1432, 1504, 1598, 2099  
 Amendments offered—671, 814, 1538, 1540, 1598, 2101  
 Amendments withdrawn—1539, 2101  
 Announced the birthday of Martin Luther King, Jr.—76  
 Announcement—1959  
 Appointed to the Committee on Rules and Administration—89  
 Bills introduced—74, 75, 88, 208, 329, 354, 404  
 Committee appointment—89  
 Leave of absence—223  
 Presented with plaque—2247-2248  
 Presided at sessions of the House—1078, 1628, 1953, 1956  
 Reports—288, 316-319  
 Resolutions offered—351, 601  
 Ruling made—1956  
 Subcommittee assignments—48, 82, 84, 168, 169, 255, 306, 307, 334, 345, 365, 376, 391, 405, 600, 798, 933

## FOGARTY, DANIEL P.—Representative Clay-Palo Alto Counties

Amendments filed—411, 545, 546, 685, 851, 987, 1067, 1105, 1106, 1264, 1309, 1347, 1398, 1504, 1607, 1633-1634, 2243-2244  
 Amendments offered—645, 871, 1013, 1330, 1406, 2243  
 Amendment withdrawn—1406  
 Bills introduced—151, 232, 272, 293, 310, 340, 371  
 Conference committee appointments announced—2124  
 Committee appointments—3, 2207  
 Escorted Representative-elect Stewart Iverson to the front of the House chamber—3  
 Escorted to the Speaker's station and presented to the House Frank Crowley and his wife Virginia, County Cork, Ireland—1111  
 Presided at sessions of the House—1043, 1054, 2117  
 Ruling made—1055  
 Subcommittee assignments—70, 93, 110, 141, 236, 322, 323, 391, 406, 659, 798, 850

**FULLER, ROBERT D.**—Representative Franklin-Hardin-Hamilton Counties  
 Amendments filed—474, 660, 685, 745, 897, 1105, 1106, 1141, 1264, 1309, 1347, 1607,  
 1633-1634, 1943-1944  
 Amendments offered—315, 995, 1269  
 Appointed to the Grain Marketing Advisory Council—28  
 Bills introduced—4, 5, 51, 64, 88, 89, 272  
 Committee appointment—1740  
 Leave of absence—1129, 1669, 1776, 2048, 2229  
 Subcommittee assignments—93, 94, 110, 322, 391, 600, 659

**GARMAN, TERESA**—Representative Boone-Story Counties  
 Amendments filed—105, 352, 411, 474, 508, 545, 686, 704-712, 745, 1011, 1105, 1141,  
 1608, 1659, 1668, 1783-1784, 1977  
 Amendments offered—585, 586, 691, 704, 1364, 1790, 2077  
 Amendments withdrawn—445, 585, 1580, 1798  
 Appointed to the Energy Fund Disbursement Council—27  
 Asked and received unanimous consent to change her vote on Senate File 2306—1108  
 Bills introduced—4, 5, 37, 67, 207, 208, 224, 260, 272, 273, 274, 295, 353, 354, 369, 371,  
 372, 399, 537  
 Committee appointment—1717  
 Subcommittee assignments—59, 60, 82, 83, 110, 132, 147, 220, 322, 323, 335, 505, 599,  
 798, 895, 1006

#### GENERAL ASSEMBLY—HOUSE—

(See also RULES AND ADMINISTRATION, COMMITTEE ON and/or HOUSE  
 CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE  
 CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

##### Resolutions relating to:

- House Concurrent Resolution 101, condition of the state and budget message—6  
 adopted, 38
- House Concurrent Resolution 110, fed. funding for fish and wildlife mitigation  
 on the Missouri River—601, 1307, 1552-1553 adopted
- House Concurrent Resolution 113, final adjournment, Sunday April 8, 1990—2433
- House Resolution 101, amend House Rule 31.8—35, 55-56 adopted
- Senate Concurrent Resolution 101, amend joint rule 20 by advancing the dead-  
 line dates for 1990 session—16, 35, 53-55 adopted
- Senate Concurrent Resolution 109, recognize the United States Army Specialist  
 Thomas Hageman for efforts in the service of his country—627, 659,  
 1139, 1349 adopted, 1370
- Senate Concurrent Resolution 124, amend subsection 2, unnumbered paragraph  
 2, of joint rule 20, by advancing the second deadline in that  
 paragraph—978-980 adopted
- Senate Concurrent Resolution 128, provision of cable television service—1434,  
 1504, 1607, 1620-1621 adopted, 1663
- Senate Concurrent Resolution 133, bd. of regents, ten-year building  
 program—2128, 2134, 2220, 2222 adopted
- Senate Concurrent Resolution 136, final adjournment—2427-2428 adopted

#### GIFTS—

(See AWARDS AND GIFTS)

#### GOVERNOR BRANSTAD, TERRY E.—

Addressed joint convention—39-46

Bills signed by—288, 363, 504, 797, 893, 980, 1225-1226, 1427-1430, 1501-1502, 1663-1665, 1970-1971, 2223, 2428-2429, 2654-2664

Committees to escort—40, 46

Committees to notify—3, 39, 2435

Communication from—2436-2437

Delivered the Condition of the State and Budget Messages—40-46

Item veto messages—1425-1427, 1973-1975, 2125-2128, 2429-2432, 2671-2694

Motion to override governor's item veto lost—2229-2230

Motion to override governor's veto lost—1166-1167, 1167-1168

Resolution relating to the Condition of the State and Budget Message, HCR 101—6 adopted, 38

Resolutions relating to:

House Concurrent Resolution 101—6 adopted, 38

House Concurrent Resolution 111—601

House Concurrent Resolution 112—1667, 1684-1687 adopted, 1717-1832, 1879-1880, adopted, 1880, 1919, 1969-1970, 2125, vetoed 4-5-90.

Senate Concurrent Resolution—133—2128, 2134, 2220, 2222 adopted, 2658 approved 4-17-90

Veto messages—363-364, 980-981, 1103, 1666, 1971-1973, 2125, 2664-2671

#### GRAIN MARKETING ADVISORY COUNCIL—

Appointments to—28, 29

#### GRONINGA, JOHN—Representative Cerro Gordo County, Assistant Majority Floor Leader

Amendments filed—105, 170, 326, 507, 686, 745, 801, 1105, 1106, 1432, 1496-1497, 1550, 1551, 1856, 2090-2091

Amendments offered—209, 211, 432, 515, 802, 805, 810, 811, 1482, 1496, 1572, 1573, 1582, 1944

Amendments withdrawn—805, 1573, 1672

Bill introduced—133

Committee appointments—4, 2079

Leave of absence—864

Presented to the House foreign exchange student Pamela Vega-Lemus, Santiago, Chile—849

Presided at sessions of the House—126, 592, 595, 625, 675, 900, 1356, 2167

Report—2236-2239

Ruling made—128

Subcommittee assignments—60, 68, 69, 83, 93, 110, 254, 255, 335, 543, 798, 1346, 1548, 1729, 1855

#### GRUHN, JOSEPHINE—Representative Dickinson -Emmet Counties

Amendments filed—237, 508, 545, 745, 801, 936, 987, 1141, 1229, 1264, 1309, 1335-1336, 1347, 1504, 1607, 1633-1634, 1668

Amendments offered—580, 611, 944, 1097, 1201, 1330

Bills introduced—171, 233, 272, 310, 358, 369, 371

Leave of absence—1069, 1306

Petition presented—476

Subcommittee assignments—70, 101, 141, 236, 321, 322, 345, 405, 659, 849, 920, 933

#### HALVORSON, RODNEY N.—Representative Webster County

Amendments filed—262, 545, 897, 898, 973, 986, 1011, 1067, 1106, 1169, 1347, 1417, 1496-1497, 1551, 1632, 1730, 1857, 1953, 1977, 1978, 2099, 2272-2273

- Amendments offered—214, 262, 927, 973, 1130, 1363, 1366, 1953, 1955, 2004, 2020, 2075, 2185, 2272  
 Amendments withdrawn—924, 1367  
 Committee appointment—2068  
 Leave of absence—398  
 Report—2401-2413  
 Subcommittee assignments—59, 60, 321, 322, 323, 391, 392, 600, 798, 896, 982, 1503
- HALVORSON, ROGER A.**—Representative **Allamakee-Clayton** Counties  
 Amendments filed—86, 112, 142, 150, 222, 424, 474, 475, 545, 546, 588-589, 601, 685, 801, 837-838, 897, 987, 1011, 1068, 1142, 1228, 1309, 1377, 1432, 1545-1546, 1550, 1551, 1599, 1608, 1657-1658, 1659, 1659-1660, 1667, 1719-1720, 1784, 1828-1829, 1851, 2090-2091, 2099, 2433  
 Amendments offered—161, 521, 550, 580, 584, 588, 593, 594, 612, 621, 680, 696, 837, 1331, 1377, 1657, 1659, 1719, 1784, 1828, 1851, 2193  
 Amendments withdrawn—163, 821, 1374, 1829  
 Appointed to the Legislative Fiscal Committee—29  
 Appointed to the Legislative Studies Committee—29  
 Bills introduced—50, 206, 224, 232, 371, 537  
 Committee appointments—3, 173, 2296, 2436  
 Escorted Representative-elect Pat Murphy to the front of the House chamber—3  
 Leave of absence—338, 534, 899, 1285, 1406, 1433  
 Ranking member on the Committee on Appropriations—29  
 Removed from the Justice System Appropriations Subcommittee—89  
 Report—2420-2422  
 Subcommittee assignments—48, 68, 83, 84, 141, 147, 168, 254, 268, 269, 290, 321, 322, 334, 345, 346, 365, 376, 390, 391, 392, 505, 599, 684, 798, 1976
- HAMMOND, JOHNIE**—Representative **Story** County  
 Amendments filed—132, 326, 424, 475, 507, 508, 602, 685, 851, 1067, 1068, 1106, 1228, 1229, 1377-1378, 1473-1477, 1480, 1483-1484, 1504, 1505, 1550, 1551, 1589, 1851, 2267-2268, 2268, 2384  
 Amendments offered—123, 264, 496, 586, 592, 617, 619, 620, 866, 1145, 1473, 1581, 1633, 1734, 2267, 2268, 2323, 2384  
 Amendment withdrawn—1589  
 Bills introduced—5, 75, 98, 353, 404  
 Leave of absence—223, 1285  
 Presented to the House the Honorable Sue Mullins, former member of the House—131  
 Reports—2-3, 108, 288, 299-301, 316-319  
 Subcommittee assignments—49, 60, 83, 84, 101, 148, 169, 236, 269, 306, 307, 322, 323, 345, 376, 390, 405, 600, 684, 798, 895, 982, 1006, 1264, 1855, 2224
- HANSEN, STEVEN D.**—Representative **Woodbury** County  
 Amendments filed—142, 660, 1482, 1483, 1483-1484, 1484, 1505, 1943-1944  
 Amendments offered—714, 825, 1483  
 Appointed to the Communications Review Committee—27  
 Bills introduced—37, 98, 144, 152, 259, 274  
 Committee appointments—173, 1764, 2296  
 Leave of absence—398  
 Presided at sessions of the House—831, 1785, 2185, 2272, 2300  
 Reports—228, 240-250, 2156-2167, 2420-2422  
 Ruling made—1799  
 Subcommittee assignments—48, 68, 69, 70, 83, 141, 146, 147, 254, 255, 322, 323, 334, 376, 390, 505, 684, 798, 895, 1503, 2098

- HANSON, DARRELL R.**—Representative **Buchanan-Delaware** -Linn Counties  
Amendments filed—86, 170, 326, 474, 624-625, 629, 685, 686, 723-724, 725, 725-726, 851, 1066, 1067, 1105, 1169, 1228, 1229, 1309, 1347, 1377-1378, 1398, 1432, 1473, 1473-1477, 1480, 1482, 1483-1484, 1589, 1608, 1632, 1943-1944  
Amendments offered—263, 624, 721, 723, 724, 725, 1252, 1440, 1589, 1632, 1725, 1731, 1732  
Amendments withdrawn—1589, 1725, 1737  
Appointed to the Capitol Planning Commission—27  
Bills introduced—5, 106, 207, 224, 238, 273, 295, 353, 369-370, 371, 372  
Committee appointment—1764  
Leave of absence—63, 1260, 1390, 1643, 2325  
Presented to the House eight elementary education major students from the Leningrad State Pedagogical Institute, Soviet Union—1041  
Presented to the House the Honorable Doug Ritsema, former member of the House—1503  
Presided at sessions of the House—2293  
Subcommittee assignments—59, 60, 83, 84, 93, 110, 132, 220, 236, 254, 269, 321, 322, 323, 334, 335, 390, 391, 505, 599, 600, 628, 798, 799, 933, 1006, 1007, 1345, 1346, 2224
- HARBOR, WILLIAM H.**—Representative **Mills** -Montgomery-Pottawattamie Counties  
Amendments filed—112, 222, 352, 397, 424, 474, 475, 497-500, 507, 546, 601, 629, 660, 685, 800, 851, 987, 1142, 1305, 1309, 1480, 1483-1484, 1608, 1659, 1851  
Amendments offered—580, 592, 753, 1305  
Amendment withdrawn—579  
Appointed to the Legislative Procedures Committee—29  
Bills introduced—50, 75, 99, 106, 113, 206, 207, 224, 232, 233, 239, 259, 272, 274, 353, 369-370, 371, 537  
Committee appointment—2040  
Leave of absence—309, 619, 842, 880, 937, 1381, 1633  
Presentation to retiring members and leaders—2247  
Subcommittee assignments—93, 147, 236, 335, 599, 684, 798, 895, 896, 1264, 1503
- HARPER, PATRICIA M.**—Representative **Black Hawk** County  
Amendments filed—475, 507, 545, 602, 629, 660, 685, 970, 1141, 1550, 1633-1634  
Amendments offered—517, 607, 739, 741  
Amendments withdrawn—739, 742  
Appointed to the Comprehensive Health Insurance Advisory Committee—27  
Bills introduced—5, 66, 87, 98, 144, 260, 295, 310, 404  
Committee appointments—3, 108, 1688  
Reports—16, 2180-2181, 2223, 2275  
Subcommittee assignments—34, 35, 60, 289, 335, 405, 406, 895, 934
- HATCH, JACK**—Representative **Polk** County  
Amendments filed—326, 545, 581-582, 746, 801, 898, 970, 974-975, 987, 1347, 1398, 1609, 1841, 1841-1843, 1843, 1848, 1856, 2084, 2099, 2267-2268  
Amendments offered—361, 518, 522, 566, 581, 756, 970, 1029, 1404, 1832, 1841, 1843, 1848, 1875, 2084  
Appointed to the Wallace Technology Foundation—28  
Bills introduced—73, 98, 114, 144, 206  
Committee appointment—173  
Presided at sessions of the House—1572, 1616  
Reports—228, 240-250

- Subcommittee assignments—84, 93, 110, 220, 334, 390, 505, 544, 628, 684, 1503, 1855
- HAVERLAND, MARK A.**—Representative **Polk** County  
 Amendments filed—397, 474, 602, 629, 660, 742, 800, 1505, 1545, 1546, 1551, 1607, 1856, 1978, 2034, 2099, 2273  
 Amendments offered—737, 738, 742, 873, 1545, 1546, 1575, 1576, 1987, 2005, 2273  
 Amendments withdrawn—738, 739  
 Appointed to the Health Data Commission—28  
 Bill introduced—404  
 Committee appointment—1688  
 Leave of absence—2100  
 Presided at sessions of the House—715, 1171  
 Reports—288, 316-319, 2275  
 Ruling made—719  
 Subcommittee assignments—60, 83, 84, 93, 94, 147, 169, 220, 254, 306, 307, 321, 323, 345, 376, 390, 405, 416, 599, 600, 933, 982, 2223
- HEALTH DATA COMMISSION**—  
 Appointment to—28
- HERMANN, DONALD F.**—Representative **Scott** County  
 Amendments filed—170, 271, 326, 352, 397, 508, 544, 545, 660, 898, 986, 1012, 1066, 1067, 1068, 1252-1255, 1608, 1668, 1783-1784, 1784, 1977, 2090-2091  
 Amendments offered—1129, 1367  
 Amendment withdrawn—1367  
 Bills introduced—74, 89, 106, 107, 134, 207, 208, 223, 224, 238, 260, 273, 353, 354, 369, 371, 398, 537  
 Committee appointment—1764  
 Leave of absence—87, 700, 731, 976, 1150, 1370, 1590, 1633, 2295  
 Presented with plaque—2247-2248  
 Request that Senate Concurrent Resolution 109, be placed on the unanimous consent calendar—1139  
 Subcommittee assignments—34, 35, 934
- HESTER, JOAN L.**—Representative **Harrison-Pottawattamie** Counties  
 Amendments filed—545, 602, 1066, 1068, 1264, 1608, 1668, 1719-1720  
 Amendment offered—615  
 Bills introduced—5, 224, 232, 233, 238, 239, 260, 354, 369-370, 371, 372, 398, 537  
 Committee appointment—1764  
 Leave of absence—775  
 Request that House Concurrent Resolution 110 be placed on unanimous consent calendar—1307  
 Subcommittee assignments—60, 84, 93, 169, 220, 306, 307, 345, 376, 405, 600, 896, 982
- HIBBARD, DAVID**—Representative **Adair-Dallas-Guthrie-Madison** Counties  
 Amendments filed—660, 686, 746, 987, 1011, 1067, 1265, 1287-1288  
 Amendments offered—783, 847, 1124, 1198, 2063  
 Appointed to the Law Enforcement Academy Council—28  
 Bills introduced—4, 37, 224, 310, 328, 329, 355, 370, 371  
 Committee appointment—2207  
 Leave of absence—129, 1069, 1616, 2020, 2169  
 Presided at sessions of the House—1409  
 Subcommittee assignments—49, 69, 70, 83, 101, 146, 147, 148, 253, 254, 255, 289, 345, 346, 376, 390, 659, 895, 896

**HIGHWAY RESEARCH BOARD—**

Appointments to—28, 46

**HOLVECK, JACK—Representative Polk County**

Amendments filed—425, 602, 745, 746, 795, 800, 1394, 1608

Amendments offered—454, 785, 881, 883

Asked and received unanimous consent to change his vote on House File 2502—854

Bills introduced—259, 355, 357, 380, 400

Leave of absence—97, 299, 509, 547, 1498, 1826

Presented to the House the Honorable Jay Mennenga, former member of the House—981

Subcommittee assignments—34, 68, 69, 82, 83, 141, 236, 254, 391, 543, 1007

**HOUSE COMMITTEE ASSIGNMENTS—**

Changes—29

**HOUSE CONCURRED—**

House Concurrent Resolution 112, H-6084, as amended—1880

House File 121, H-6139—2082

House File 209, H-6177—2254

House File 252, H-5099—1232

House File 366, H-6165, as amended—2244

House File 534, H-5841—1413

House File 656, H-6187—2304

House File 658, H-5669—2227

House File 677, H-6027—2175

House File 705, H-5776—1322

House File 724, H-6056—1915

House File 730, H-5156—1175

House File 737, H-5761—1422

House File 2009, H-6064—1986

House File 2057, H-5667—1268

House File 2057, H-5667, as amended—1529

House File 2114, H-5075, as amended—279

House File 2115, H-5818—1435

House File 2142, H-5106—1200

House File 2154, H-5877—1533

House File 2156, H-5123—1206

House File 2166, H-6161—2241

House File 2170, H-5668, as amended—1202

House File 2177, H-5842—1415

House File 2188, H-5843—2182

House File 2201, H-5840—1508

House File 2235, H-6178, as amended—2286

House File 2268, H-6188—2305

House File 2294, H-6168—2242

House File 2312, H-5869—1524

House File 2313, H-6149—2179

House File 2320, H-5882, as amended—1574

House File 2321, H-5703—1203

House File 2329, H-5701, as amended—1440

House File 2355, H-5767—1282

House File 2357, H-5880—1511

House File 2371, H-5909, as amended—1546  
House File 2404, H-5762—1280  
House File 2407, H-6115—2067  
House File 2412, H-6163—2191  
House File 2418, H-5566, as amended—977  
House File 2422, H-5837, as amended—2034  
House File 2431, H-5844—1509  
House File 2440, H-6129—2088  
House File 2450, H-5875—1611  
House File 2455, H-5838—1419  
House File 2459, H-5671, as amended—1324  
House File 2465, H-5666—1260  
House File 2468, H-5730—1234  
House File 2482, H-5866—1519  
House File 2486, H-6055—1916  
House File 2488, H-6045—1762  
House File 2488, H-6045, as amended—1966  
House File 2495, H-6164—2213  
House File 2496, H-5881—1514  
House File 2500, H-5874, as amended—1531  
House File 2504, H-6193—2331  
House File 2512, H-5734—1312  
House File 2514, H-5512—891  
House File 2516, H-5766—1283  
House File 2517, H-5817, as amended—2318  
House File 2522, H-5868, as amended—1526  
House File 2531, H-5744—1262  
House File 2534, H-5745, as amended—1866, 1968  
House File 2536, H-6201—2416  
House File 2537, H-6130—2154  
House File 2540, H-5873—1512  
House File 2546, H-6146—2132  
House File 2548, H-6107—2081  
House File 2551, H-6046—2073  
House File 2552, H-6028, as amended—1878  
House File 2557, H-6183—2299  
House File 2564, H-6162, as amended—2366  
House File 2567, H-6189, as amended—2321  
House File 2569, H-6202—2426  
Senate File 2011, H-6138—2086  
Senate File 2018, H-5782—1420  
Senate File 2153, H-6182—2283  
Senate File 2163, H-5911—1587  
Senate File 2169, H-5819—1424  
Senate File 2212, H-5673—1236  
Senate File 2240, H-5839—1521  
Senate File 2277, H-6159—2138  
Senate File 2327, H-5978—1676  
Senate File 2328, H-5971—1638  
Senate File 2329, H-6080—1869  
Senate File 2364, H-5959—1642

Senate File 2408, H-6091—1884  
 Senate File 2416, H-6179—2334  
 Senate File 2423, H-6156—2219

## HOUSE INSISTS—

House File 2329—2068  
 House File 2534—2124  
 Senate File 2057—1717  
 Senate File 2084—1257  
 Senate File 2093—2255  
 Senate File 2413—2040

## HOUSE REFUSED TO CONCUR—

House File 156, H-5934—1717  
 House File 673, H-5703—1278  
 House File 685, H-4466, as amended—157  
 House File 731, H-5718—2120  
 House File 2068, H-5130—1586  
 House File 2115, H-5818—1522  
 House File 2287, H-5812—1411  
 House File 2416, H-5719—1409-1410  
 House File 2533, H-6150—2090  
 House File 2543, H-6026—1714  
 House File 2554, H-6092—1985  
 House File 2559, H-6142—2086  
 Senate File 149, H-4501—78  
 Senate File 514, H-6158—2136  
 Senate File 2018, H-5782—2039  
 Senate File 2159, H-5765—1286  
 Senate File 2280, H-5938—1680  
 Senate File 2306, H-5908—1684  
 Senate File 2402, H-5937—1678  
 Senate File 2422, H-6171—2252

## HOUSE RULES AND ADMINISTRATION COMMITTEE—

(See RULES AND ADMINISTRATION, COMMITTEE ON)

## HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—507, 1066  
 Amendments offered—642, 1538, 1575  
 Bills introduced—65, 97, 98, 197, 198, 320, 357, 359, 385, 386, 399, 400, 427, 477, 501,  
 502, 503, 577  
 Recommendations—62, 95, 204-205, 230, 324, 348-349, 394-395, 418, 471, 506, 600, 850,  
 935, 1008-1009, 1064, 2225  
 Subcommittee assignments—34, 35, 60, 83, 84, 169, 254, 306, 307, 345, 376, 405, 416,  
 600, 798, 933, 934, 982, 2223

## INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Appointments to—26-29

Resolutions relating to:

House Concurrent Resolution 102, property tax relief through a moneys and  
 credit tax, cmte. study—150-255  
 House Concurrent Resolution 109, area education agency reorganization and  
 accreditation, cmte. study—424

**INTERSTATE AGRICULTURAL GRAIN MARKETING COMMISSION—**  
**Appointment to—28**

**INTRODUCTION OF BILLS—**

(See **BILLS**, subheading, Introduction of and/or **INDIVIDUAL HEADINGS**)

**IVERSON, STEWART E., JR.—Representative Franklin-Hancock-Wright Counties**  
 Amendments filed—352, 474, 508, 513, 545, 546, 987, 1067, 1106, 1309, 1347, 1550,  
 1608, 1616-1617, 1659, 1668, 1730, 1783-1784, 1856, 2225  
 Amendments offered—401, 511, 518, 526, 637, 1616, 1825, 1848, 1850  
 Amendments withdrawn—526, 637, 1616  
 Appointed to the Committees on Education, Local Government, and Justice  
 System Appropriations Subcommittee—89  
 Bills introduced—134, 207, 223, 224, 233, 238, 239, 260, 273, 293, 354, 369, 371, 372, 537  
 Certificate of election—2-3  
 Committee appointments—89, 1688  
 Oath of office—3  
 Report—2275  
 Request that Senate Concurrent Resolution 109 be placed on unanimous consent  
 calendar—1139  
 Subcommittee assignments—48, 49, 68, 101, 220, 335, 405, 600

**JAY, DANIEL J.—Representative Appanoose-Davis-Wapello Counties**  
 Amendments filed—231, 368, 474, 545, 629, 685, 745, 800, 801, 851, 897, 1309, 1504,  
 1531, 1550, 1608, 1609, 1730, 1830, 1943-1944, 1978, 2090-2091, 2272-2273,  
 2315-2318  
 Amendments offered—384, 822, 828, 902, 1531, 1724, 1765, 1778, 1827, 1830, 2090, 2315  
 Bills introduced—295, 327, 358, 370, 404  
 Committee appointments—2040, 2169  
 Report—2387-2396  
 Subcommittee assignments—34, 35, 48, 70, 83, 147, 254, 268, 269, 290, 321, 322, 345,  
 346, 376, 599, 896, 933, 982

**JESSE, GLEN D.—Representative Jasper-Marion-Polk-Warren Counties**  
 Amendments filed—397, 474, 497-500, 507, 601, 602, 660, 685, 686, 745, 986, 1141, 1265,  
 1483, 1496-1497, 1497, 1504, 1505, 1668, 1824-1825, 1967-1968  
 Amendments offered—734, 750, 781, 783, 1172, 1273, 1497, 1824, 1860, 1967  
 Amendments withdrawn—732, 1222  
 Appointed to the Agriculture Energy Management Advisory Council—27  
 Bills introduced—113, 114, 273, 329, 358, 379, 404  
 Committee appointment—2124  
 Leave of absence—867, 937, 1311, 1581  
 Petition presented—802  
 Report—2292  
 Subcommittee assignments—49, 68, 69, 70, 82, 83, 110, 111, 132, 219, 255, 321, 335,  
 365, 376, 505

**JOCHUM, THOMAS J.—Representative Dubuque County**  
 Amendments filed—411, 601, 602, 686, 800, 833, 986, 1106, 1142, 1228, 1339-1342, 1347,  
 1432, 1496-1497, 2099, 2267-2268, 2384  
 Amendments offered—739, 821, 1147, 1365, 1493, 1917, 2192, 2196, 2197  
 Amendments withdrawn—739, 822, 2196  
 Bill introduced—379

Committee appointments—3, 1401, 2296

Escorted Representative-elect Pat Murphy to the front of the House chamber—3

Leave of absence—206

Report—2420-2422

Resolution offered—337

Subcommittee assignments—84, 168, 169, 334, 365, 390, 391, 505, 684, 920, 1855, 1976

**JOHNSON, PAUL W.**—Representative Allamakee-Winneshiek Counties

Amendments filed—1264, 1333-1334, 1337, 1482, 1550, 1608, 1668, 1857, 2061, 2270

Amendments offered—1326, 1333, 2041, 2270

Amendments withdrawn—1332, 2041, 2269

Bills introduced—207, 295, 379

Committee appointment—1257

Leave of absence—1, 293, 655, 661, 1069, 1107, 1845, 2129

Presented to the House a group of international students from Indonesia, China, Taiwan, Kenya, Ghana and Canada—38

Presented with plaque—2247-2248

Presided at sessions of the House—1286

Subcommittee assignments—110, 169, 219, 269, 321, 335, 390, 505, 659, 849, 850, 1006

**JOINT CONVENTIONS**—

State of the State and Budget Messages—40-46

Resolution relating to, House Concurrent Resolution 101, condition of the state and budget messages—6 adopted, 38

**JOINT RULES**—

(See also RULES and/or RULES AND ADMINISTRATION, COMMITTEE ON)

Resolutions relating to:

Senate Concurrent Resolution 101—17, 35, 53-55 adopted

Senate Concurrent Resolution 124—978-980 adopted

Rule 13.3

House File 685, conference cmte. report—250

**JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON**—

Amendments filed—397, 424, 986, 1551

Amendments offered—696, 728, 914, 1133, 1765

Bills introduced—53, 97, 274, 327, 357, 386, 400, 413, 415, 426, 427, 428, 476, 477, 501, 502, 503, 509, 537, 538, 539

Changes in assignments—29

Recommendations—62, 95, 112, 221, 270, 307-308, 324, 349, 395-396, 408-409, 418-420, 471-472, 800, 896, 983-985, 1064, 1549-1550, 2271-2272, 2397

Subcommittee assignments—34, 35, 48, 69, 70, 83, 146, 147, 148, 253, 254, 255, 268, 269, 289, 290, 321, 322, 323, 345, 346, 376, 405, 406, 599, 895, 896, 920, 982

**KISTLER, ROBERT L.**—Representative Jefferson-Keokuk-Wapello Counties

Amendments filed—271, 1066-1067, 1668

Amendments offered—286, 1778

Appointed to the Office of Rural Health Advisory Committee—28

Bills introduced—206, 224, 239, 309, 354, 369-370, 371, 372, 380, 537

Committee appointments—108, 1401

Leave of absence—97, 264, 867

Petition presented—1858

Presented to the House the Honorable George Swearingen, former member of the House—2097

Reports—108, 299-301

Subcommittee assignments—34, 35, 60, 83, 254, 289, 306, 345, 406, 416, 600, 933, 934, 982, 2223

**KNAPP, DONALD J.—Representative Dubuque-Jones Counties**

Amendments filed—308, 1106, 1347, 1550, 1667, 1828-1829

Amendments offered—1381, 1387, 1395

Bill introduced—67

Committee appointments—1401, 2068, 2436

Leave of absence—1170

Memorial resolution offered—1400

Report—2401-2413

Resolution offered—337

Subcommittee assignments—59, 60, 70, 147, 236, 346, 599, 600, 799, 895, 933, 982, 1503

**KOENIGS, DEO A.—Representative Chickasaw-Howard-Mitchell Counties**

Amendments filed—231, 411, 507, 629, 746, 801, 844-845, 1012, 1067, 1106, 1141, 1228, 1249-1250, 1309, 1347, 1504, 1724, 1943-1944, 1959-1960, 1960

Amendments offered—649, 842, 844, 1207, 1238, 1243, 1245, 1724, 1959, 1960

Amendments withdrawn—275, 844, 845

Announcement—2063

Appointed to the Committee on Transportation, Chair—89

Bills introduced—74, 371

Committee appointments—89, 1408, 1740

Leave of absence—133, 413, 1069

Presided at sessions of the House—2062

Removed as Chair of Transportation and Safety Appropriations Subcommittee—89

Report—2256-2266

Subcommittee assignments—110, 147, 321, 323, 346, 391, 406, 799, 933

**KREMER, JOSEPH M.—Representative Black Hawk-Buchanan Counties**

Amendments filed—96, 170, 258, 397, 474, 507, 516, 545, 602, 748-749, 800, 897, 990, 1066, 1067, 1068, 1141, 1264, 1295, 1342-1343, 1608, 1668, 1730, 1856, 1943-1944, 1977

Amendments offered—514, 1342, 1773, 1966, 2196

Amendments withdrawn—1339, 1625

Appointed to the Communications Review Committee—27

Asked and received unanimous consent to change his vote on House File 2455—912

Bills introduced—36, 67, 74, 207, 208, 224, 232, 233, 238, 239, 272, 273, 353, 354, 369, 371, 537

Committee appointment—1740

Leave of absence—731, 1364, 2255

Report—2369-2377

Subcommittee assignments—34, 69, 70, 83, 101, 147, 254, 798, 895

**LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—**

Amendments filed—424, 986

Amendment offered—1076

Amendment withdrawn—859

Bills introduced—218, 340, 372, 415

Recommendations—104, 221-222, 291, 336, 367, 409, 421, 985, 1064

Subcommittee assignments—60, 169, 220, 335, 895, 896, 920

**LAGESCHULTE, RAYMOND**—Representative Black Hawk-Bremer-Butler Counties  
 Amendments filed—257, 474, 475, 508, 986, 1141, 1607, 1608, 1632, 1667, 1840,  
 1944-1945, 2099  
 Amendments offered—572, 582, 1147, 1625, 1628, 1840, 1944  
 Amendment withdrawn—2196  
 Announced to the House that Representative Connors has been elected to the posi-  
 tion of Chair-elect of the National Council of State Governments—66  
 Bills introduced—207, 224, 238, 369-370, 371, 404, 415, 537  
 Committee appointment—108  
 Leave of absence—2381  
 Presented to the House Belinda Russell, foreign exchange student from Germiston,  
 South Africa—56  
 Report—2223  
 Subcommittee assignments—93, 101, 131, 147, 321, 390, 391, 416, 600, 797, 1346, 1503

**LAW ENFORCEMENT ACADEMY COUNCIL**—  
 Appointment to—28

**LEAVE OF ABSENCE**—

1, 50, 63, 73, 87, 97, 113, 128, 129, 133, 143, 206, 223, 232, 264, 275, 278, 293, 299, 309,  
 338, 353, 357, 359, 369, 381, 398, 413, 426, 476, 509, 528, 534, 547, 565, 582, 586,  
 603, 608, 619, 630, 655, 661, 681, 700, 731, 736, 750, 775, 777, 822, 836, 842, 853,  
 864, 867, 880, 899, 922, 937, 949, 971, 976, 988, 1013, 1049, 1069, 1094, 1107, 1115,  
 1129, 1131, 1133, 1143, 1148, 1149, 1150, 1160, 1167, 1170, 1230, 1260, 1266, 1285,  
 1291, 1306, 1311, 1356, 1364, 1368, 1370, 1373, 1381, 1390, 1395, 1399, 1406, 1433,  
 1484, 1498, 1506, 1581, 1590, 1603, 1616, 1618, 1619, 1627, 1633, 1643, 1657, 1659,  
 1669, 1719, 1731, 1776, 1777, 1826, 1830, 1845, 1858, 2020, 2048, 2100, 2129, 2169,  
 2212, 2229, 2255, 2295, 2305, 2325, 2381

**LEGISLATIVE COUNCIL**—

(See also STUDY COMMITTEES)

Appointments to—29

Report—23-26

Resolutions relating to:

House Concurrent Resolution 102—150, 255

House Concurrent Resolution 109—424

**LEGISLATIVE EMPLOYEES**—

(See OFFICERS AND EMPLOYEES)

**LEGISLATIVE FISCAL BUREAU**—

Report—23-24

**LEGISLATIVE FISCAL COMMITTEE**—

(See also LEGISLATIVE COUNCIL)

Appointments to—29

**LEGISLATIVE SERVICE BUREAU**—

Report—25-26

**LOCAL GOVERNMENT, COMMITTEE ON**—

Amendments filed—222, 271, 326, 474, 897, 1067, 1607

Amendments offered—281, 315, 522, 648, 1056, 1867

Appointed—89

Bills introduced—152, 327, 328, 329, 354, 399, 501, 502, 503, 537, 538, 539, 540

Recommendations—112, 149, 222, 270, 325, 349, 396, 421-422, 472-473, 897, 1065, 1606  
 Subcommittee assignments—68, 93, 94, 110, 147, 220, 306, 307, 335, 390, 391, 416,  
 599, 600, 850, 982, 1346

**LUNDBY, MARY A.**—Representative **Linn County**, Assistant Minority Floor Leader  
 Amendments filed—105, 112, 660, 833, 851, 897, 898, 913, 921, 1067, 1301-1304, 1504,  
 1659, 1668

Amendments offered—126, 127, 128, 129, 883, 910, 912, 1301

Amendments withdrawn—126, 127

Bills introduced—107, 114, 207, 209, 224, 238, 293, 309, 310, 354, 369-370, 537

Committee appointments—3, 2068

Escorted Representative-elect Stewart Iverson to the front of the House chamber—3

Leave of absence—359, 775

Report—2401-2413

Subcommittee assignments—49, 60, 82, 83, 84, 93, 148, 219, 236, 269, 322, 323, 390,  
 391, 505, 600, 628, 798, 799, 920, 982

**LYKAM, JIM**—Representative **Scott County**

Amendments filed—1526, 1668

Amendment offered—1526

Appointed to the Social Services Block Grant State Advisory Committee—28

Bills introduced—207, 294

Committee appointments—1688, 2124

Reports—2180-2181, 2292

Subcommittee assignments—101, 141, 255, 321, 345, 600, 849

**MAJORITY FLOOR LEADER, Robert C. Arnould**—Representative **Scott County**  
 (See **ARNOULD, ROBERT C.**—Representative **Scott County**, Majority Floor Leader)

**MANAGEMENT, DEPARTMENT OF**—

Claims approved—177-197

Claims filed—177-197

Communications from, stating claims filed with—177-197

Communications from—31, 252

**MARTIN LUTHER KING, JR.**—

Remembrance of—76

**MAULSBY, RUHL**—Representative **Calhoun -Sac-Webster Counties**

Amendments filed—326, 352, 475, 507, 629, 851, 987, 1012, 1054-1055, 1066-1067, 1068,  
 1106, 1229, 1607, 1608, 1667, 1668, 1846-1848

Amendments offered—432, 583, 589, 646, 1054, 1091, 1629, 1783, 1846

Amendment withdrawn—1330

Appointed to the Department of Elder Affairs—27

Bills introduced—207, 223, 224, 238, 260, 272, 273, 293, 328, 353, 354, 369-370, 371, 537

Committee appointment—1722

Leave of absence—353

Resolution offered—150

Subcommittee assignments—220, 290, 390, 405, 798, 1140, 1855

**MAY, DENNIS**—Representative **Cerro Gordo-Winnebago-Worth Counties**

Amendments filed—474, 507, 602, 851, 898

Amendment offered—534

Bills introduced—65, 74, 206, 310, 371

Leave of absence—836

Presided at sessions of the House—1520, 1522

Subcommittee assignments—49, 110, 111, 132, 141, 219, 220, 236, 255, 322, 335, 345, 390, 391, 505, 543, 544, 659, 849, 1006, 1346, 1548, 1855

**McKEAN, ANDREW J. (ANDY)—Representative Jones-Linn Counties**

Amendments filed—142, 352, 601, 629, 746, 800, 801, 851, 898, 921, 1066-1067, 1105, 1141, 1229, 1252-1255, 1309, 1335-1336, 1608, 1668, 1730, 1783-1784, 1785, 1856, 2433

Amendments offered—361, 748, 883, 1252, 1722, 1773, 1785, 1799

Appointed to the Medical Assistance Advisory Board—28

Bills introduced—207, 224, 238, 239, 272, 273, 353, 354, 371, 537

Committee appointments—1257, 1740

Leave of absence—63, 603, 1143, 2325

Request that House Concurrent Resolution 110 be placed on unanimous consent calendar—1307

Subcommittee assignments—82, 93, 110, 169, 219, 269, 306, 307, 335, 365, 390, 391, 416, 505, 850, 933, 1006, 1346

**McKINNEY, WAYNE H., JR.—Representative Dallas County**

Amendments filed—474, 545, 602, 674, 685, 986, 1594-1597, 1599, 1604, 1880, 2090-2091, 2358-2366

Amendments offered—664, 673, 1594, 1604, 1880, 2358

Appointed to the Capitol Planning Commission—27

Bills introduced—98, 328

Leave of absence—586, 899

Subcommittee assignments—147, 254, 268, 269, 290, 321, 322, 323, 345, 346, 376, 391, 599, 659, 920, 982, 1855, 2224

**MEDICAL ASSISTANCE ADVISORY BOARD—**

Appointment to—28

**MEMORIALS—**

Committees appointed—1400, 1401, 1402

In Memoriam List—2695

Memorials—2696-2700

Resolutions relating to—1400, 1401, 1402

**MERTZ, DOLORES M.—Representative Humboldt-Kossuth-Palo Alto-Pocahontas Counties**

Amendments filed—545, 602, 851, 987, 1106, 1265, 1309, 1347, 1607, 1633-1634, 1959-1960, 1960, 1977

Amendments offered—989, 1352

Amendment withdrawn—2120

Appointed to the Council On Agricultural Education—27

Bills introduced—272, 274, 309, 339, 354, 371, 380

Leave of absence—565, 1129, 1167, 2169

Presided at sessions of the House—749

Subcommittee assignments—84, 93, 94, 147, 169, 306, 322, 335, 345, 346, 376, 390, 405, 416, 600, 659, 798

## MESSAGES—

(Also see COMMUNICATIONS, JOINT CONVENTIONS and ADDRESSED THE HOUSE)

From Senate—16-17, 37-38, 65, 76, 99, 107-108, 114-115, 172, 233-234, 274-275, 283, 304, 329-330, 341, 356, 362, 373-374, 400-401, 443-444, 485-486, 489, 513-514, 540-542, 547, 576-577, 597, 627, 630, 661-662, 672-673, 743-744, 755, 802, 848-849, 853-854, 864, 899-900, 918, 932, 937-938, 947-948, 978, 1004, 1004-1005, 1069-1074, 1102-1103, 1111-1112, 1138-1139, 1170-1171, 1224-1225, 1231-1232, 1251, 1266-1267, 1284-1285, 1310, 1313-1314, 1325-1326, 1349, 1355-1356, 1357, 1400, 1403-1404, 1433-1434, 1442, 1500, 1506-1507, 1541, 1552, 1584, 1588, 1603, 1620, 1622, 1662-1663, 1680, 1714-1715, 1718-1719, 1726-1727, 1764, 1831-1832, 1854, 1885, 1919, 1963-1964, 1979-1980, 2036, 2065, 2074, 2090, 2100-2101, 2124, 2128, 2133, 2155-2156, 2170, 2183, 2188-2189, 2226, 2230-2231, 2235, 2253, 2253-2254, 2272, 2274, 2279, 2284, 2293-2294, 2319, 2322, 2367-2368, 2381-2382, 2386, 2387, 2414, 2417, 2420, 2427, 2434-2435

From governor—2436-2437

Immediate messages—7, 157, 168, 217, 252, 296, 596, 627, 642, 743, 854, 885, 918, 924, 978, 1043, 1166, 1252, 1339, 1344, 1370, 1396, 1442, 1499, 1530, 1553, 1579, 1588, 1604, 1605, 1621, 1636, 1643, 1662, 1677, 1680, 1684, 1717, 1722, 1726, 1765, 1831, 1854, 1867, 1879, 1880, 1885, 1885, 1965, 1982, 2037, 2039, 2040, 2065, 2074, 2081, 2083, 2085, 2089, 2095, 2101, 2120, 2124, 2169, 2188, 2207, 2211, 2220, 2223, 2229, 2232, 2234, 2243, 2245, 2253, 2255, 2267, 2269, 2271, 2276, 2278, 2287, 2295, 2298, 2319, 2322, 2325, 2335, 2367, 2378, 2380, 2381, 2385, 2386, 2401, 2414

Item veto messages—1425-1427, 1973-1975, 2125-2128, 2429-2432, 2671-2694

Motion to override governor's item veto lost—1166-1167, 1167-1168

Motion to override governor's veto lost—2229-2230

Objections to immediate message—130, 892

Senate messages considered—6, 107, 134, 144, 239, 329, 340, 355, 373, 380, 415, 428, 478, 572, 578, 603, 630, 646, 697, 751, 755, 853, 864, 899, 922, 931, 937, 946, 948, 1005, 1231, 1251, 1285, 1314, 1348, 1399, 1421, 1442, 1603, 1669, 1731, 1965, 2037, 2066, 2235, 2240, 2247, 2322, 2368

Veto messages—363-364, 980-981, 1103, 1666, 1971-1973, 2125, 2664-2671

## METCALF, JANET S.—Representative Polk County

Amendments filed—217, 397, 546, 629, 660, 722, 970, 1011, 1045, 1067, 1169, 1192-1193, 1397, 1504, 1550, 1583, 1856, 1936-1937, 1943

Amendments offered—217, 493, 639, 722, 826, 970, 1045, 1120, 1177, 1192, 1493, 1578, 1936, 1943, 2245

Amendments withdrawn—636, 925

Bills introduced—75, 171, 233, 238, 239, 272, 293, 339, 369-370, 372

Committee appointment—2079

Leave of absence—73, 232, 775, 836

Presented plaques to retiring members and leaders—2247-2248

Presented to the House Danette Crawford of Urbandale, 1990 Easter Seal State Ambassador—550

Presented to the House winners of the "Write Women Back Into History" essay contest—862-863

Report—2236-2239

Subcommittee assignments—34, 82, 83, 101, 168, 255, 321, 334, 335, 1104, 1346, 1549, 1729

## MILEAGE, COMMITTEE ON—

- Supplemental report—17
- Supplemental report adopted—65

MILLER, TOM H.—Representative **Cherokee** -Clay-O'Brien Counties, Assistant

Minority Floor Leader

- Amendments filed—170, 475, 1141
- Amendment withdrawn—511
- Bills introduced—207, 223, 224, 239, 260, 272, 328, 369-370, 537
- Committee appointments—29, 2296
- Leave of absence—582, 775
- Presented to the House the Honorable Charles Grassley, United States Senator—361
- Removed from Committee on Education and appointed to Committee on Appropriations—29
- Report—2420-2422
- Subcommittee assignments—68, 220, 321, 1855, 2098

MINORITY FLOOR LEADER, Harold G. Van Maanen—Representative Keokuk-  
**Mahaska** -Wapello Counties

(See VAN MAANEN, HAROLD G.—Representative Keokuk-**Mahaska**- Wapello Counties, Minority Floor Leader)

## MOTION TO OVERRIDE GOVERNOR'S ITEM VETO—

- Filed:
  - House File 2371—2229
- Lost:
  - House File 2371—2230

## MOTION TO OVERRIDE GOVERNOR'S VETO—

- Filed:
  - House File 2418—1167
  - House File 2514—1166
- Lost:
  - House File 2418—1167-1168
  - House File 2514—1166-1167

## MOTIONS TO RECONSIDER—

- Filed:
  - House File 209—130
  - House File 2057—1344
  - House File 2061—131
  - House File 2115—1499, 1500
  - House File 2235—304
  - House File 2267—542
  - House File 2323—796
  - House File 2329—504
  - House File 2370—542
  - House File 2412—596
  - House File 2417, H-5460 to H-5437—796
  - House File 2422—468, 2096
  - House File 2438—542
  - House File 2481—658
  - House File 2488—1854

House File 2503—796  
House File 2513—892  
House File 2536—919  
House File 2543, H-5879 to H-5860—1500  
Senate File 148—1061  
Senate File 2018—1425  
Senate File 2048—1547  
Senate File 2049—1547  
Senate File 2156—1005  
Senate File 2163, H-5553—1061  
Senate File 2230—1061  
Senate File 2233—1061  
Senate File 2235—1224  
Senate File 2244—980  
Senate File 2329—1263  
Senate File 2393—2095  
Senate File 2408—1396  
Senate File 2412—2096

## Lost:

House File 209—203  
House File 2061—2433  
House File 2267—2434  
House File 2323—2434  
House File 2417, H-5460 to H-5437—796  
House File 2422—870, 2434  
House File 2513—2434  
Senate File 2393—2434

## Prevailed:

House File 2057—1527  
House File 2115—1522  
House File 2235—495-496  
House File 2329—657  
House File 2370—1002-1003  
House File 2438—877-878  
House File 2488—1965-1966  
House File 2503—865-866  
House File 2536—923  
Senate File 148—1204  
Senate File 2018—2039  
Senate File 2230—2123  
Senate File 2233—1207  
Senate File 2329—1355  
Senate File 2412—2399

## Ruled out of order:

House File 209—203  
House File 2438—877-878  
House File 2503—866  
House File 2536—923  
Senate File 148—1204  
Senate File 2018—2039  
Senate File 2163, H-5553—1272

## Withdrawn:

House File 2115—1522  
House File 2412—865  
House File 2481—859  
House File 2543, H-5879 to H-5860—1589  
Senate File 2048—2182  
Senate File 2049—2182  
Senate File 2156—1043  
Senate File 2235—1277  
Senate File 2244—1404  
Senate File 2408—1684

## Motions to reconsider (filed from the floor):

House File 2057, H-5667—1527  
House File 2115, H-5818—1522  
House File 2131—840  
House File 2131, H-5140—840  
House File 2131, H-5484—841  
House File 2320, H-5922—1573  
House File 2346—682  
House File 2418, H-5270A—579  
House File 2488, H-6045—1966  
House File 2497—914  
House File 2514—892  
House File 2531—881  
House File 2534—1967  
House File 2534, H-5745—1967  
House File 2534, H-6014—1967  
House File 2554, H-5924—1634  
Senate File 2018, H-5782—2039  
Senate File 2153, H-6093—1957  
Senate File 2153, H-6054, as amended—1960  
Senate File 2153, H-6123—1960  
Senate File 2277, H-5731—1223  
Senate File 2327, H-5664, as amended—1498  
Senate File 2328, H-5736—1368  
Senate File 2423, H-6081—1852  
Senate File 2429—2295

## Lost:

House File 2346—683  
House File 2497—914  
House File 2514—892  
House File 2531—881  
Senate File 2277, H-5731—1223  
Senate File 2429—2295

## Prevailed:

House File 2057, H-5667—1527  
House File 2115, H-5818—1522  
House File 2131—840  
House File 2131, H-5140—840  
House File 2131, H-5484—841  
House File 2320, H-5922—1573

House File 2418, H-5270A—579  
 House File 2488, H-6045—1966  
 House File 2534—1967  
 House File 2534, H-5745—1967  
 House File 2534, H-6014—1967  
 House File 2554, H-5924—1634  
 Senate File 2018, H-5782—2039  
 Senate File 2153, H-6093—1957  
 Senate File 2153, H-6054, as amended—1960  
 Senate File 2153, H-6123—1961  
 Senate File 2327, H-5664, as amended—1498  
 Senate File 2328, H-5736—1368  
 Senate File 2423, H-6081—1852

**Ruled out of order:**

House File 2497—914  
 House File 2514—892  
 House File 2531—881

Final dispositions of motions to reconsider—2433-2434

**MUHLBAUER, LOUIS J.—Representative Crawford -Shelby Counties, Assistant Majority Floor Leader**

Amendments filed—258, 326, 411, 545, 745, 800, 851, 936, 987, 1067, 1101, 1105, 1106, 1228, 1264, 1309, 1347, 1550, 1551, 1943-1944, 1959-1960, 1960, 1977, 2061  
 Amendments offered—275, 482, 863, 1101, 2061, 2062  
 Appointed to the Interstate Agricultural Grain Marketing Commission—28  
 Bills introduced—67, 207, 209, 239, 272, 354, 358, 371  
 Committee appointment—1740  
 Leave of absence—278, 1069  
 Presented to the House Marula Cabrera, foreign exchange teacher from Chile—543  
 Report—2256-2266  
 Subcommittee assignments—48, 93, 94, 147, 254, 306, 307, 321, 390, 391, 600, 659, 799, 895, 933, 1346

**MURPHY, PAT—Representative Dubuque County**

Amendments filed—170, 257, 378, 411, 412, 602, 745, 800, 851, 936, 986, 1068, 1105, 1265, 1309, 1347, 1496-1497, 1608, 1730  
 Amendments offered—200, 262, 996, 1116, 2090, 2091, 2399  
 Amendments withdrawn—944, 2091  
 Appointed to the Committees on Economic Development, Transportation and Ways and Means—89  
 Bills introduced—67, 144, 151, 338, 379, 398  
 Certificate of election—2-3  
 Committee appointments—38, 89, 1401, 1408  
 Oath of office—3  
 Memorial resolution offered—1401  
 Replaces Representative Connolly as a member of ways & means subcommittee—93  
 Resolution offered—337  
 Subcommittee assignments—68, 82, 83, 84, 93, 111, 168, 321, 345, 365, 543, 544, 798, 933, 1346, 1549

**NATURAL RESOURCES AND OUTDOOR RECREATION, COMMITTEE ON—**

Amendments filed—231, 352, 397, 1012  
 Amendments offered—1013, 1016, 1097

- Bills introduced—98, 144, 261, 354, 501, 537  
 Recommendations—95, 112, 230, 271, 350, 396, 422-423, 628-629, 935, 1009  
 Resolution offered—601  
 Subcommittee assignments—101, 141, 169, 323, 345, 405, 406, 849, 933
- NEUHAUSER, MARY C.—Representative Johnson County**  
 Amendments filed—112, 292, 474, 685, 1011, 1106, 1169, 1477-1478, 1550, 1589, 1607,  
 1608, 1633-1634, 1850-1851, 1943, 1952, 2048, 2090-2091  
 Amendments offered—752, 1045, 1477, 1850, 1952, 2043, 2048  
 Bills introduced—98, 273, 294, 404  
 Leave of absence—1, 398  
 Presented to the House Professor Oleg F. Vasilieo from the Union of Soviet Socialist  
 Republic—1226  
 Presided at sessions of the House—1714, 2072  
 Subcommittee assignments—82, 101, 131, 147, 321, 322, 335, 346, 390, 391, 416, 505,  
 600, 797, 1346
- NIELSEN, JOYCE—Representative Linn County**  
 Amendments filed—337, 602, 833, 1608, 2225  
 Amendment offered—619  
 Appointed to the Commission on Children, Youth and Families—27  
 Bills introduced—5, 75, 114  
 Leave of absence—922, 2100  
 Subcommittee assignments—60, 82, 83, 84, 101, 110, 147, 148, 169, 219, 254, 269, 306,  
 307, 345, 376, 405, 416, 600, 933, 982, 2223
- OATH OF OFFICE—**  
 By members—3
- OBJECTIONS—**  
 Raised—130, 316, 458, 460, 682, 713, 835, 840, 892, 1043, 1120, 1128, 1130, 1174, 1579,  
 1582, 1643, 1673, 1684, 1852, 1957, 2039, 2187
- OFFICERS AND EMPLOYEES—**  
 Employees of the House—17-20  
 Pages—19  
 Pay grades and steps, list of—21-25  
 Resignations—1-2, 23  
 Special presentation to House Pages—604, 1858  
 Took oath of office—3
- OLLIE, C. ARTHUR—Representative Clinton County**  
 Amendments filed—112, 271, 851, 861, 921, 1067, 1296-1301, 1551  
 Amendments offered—122, 860, 1089, 1090, 1296  
 Amendments withdrawn—859, 1513  
 Bills introduced—74, 295, 379, 399  
 Committee appointments—1688, 1722, 1764  
 Reports—1969, 2037, 2180-2181, 2208-2210, 2275  
 Subcommittee assignments—48, 49, 101, 255, 322, 335, 390, 405, 600, 895
- OSTERBERG, DAVID—Representative Cedar-Linn Counties**  
 Amendments filed—257, 258, 474, 507, 660, 685, 725, 800, 898, 974-975, 1011, 1066,  
 1105, 1106, 1109, 1119, 1141, 1169, 1287-1288, 1289-1290, 1335-1336, 1504, 1550,  
 1607, 1608, 1609, 1621, 1632, 1634, 1824-1825, 1857, 1978, 2061, 2225

Amendments offered—869, 903, 904, 974, 1109, 1118, 1119, 1151, 1160, 1161, 1286, 1287, 1289, 1335, 1379, 1613, 1620, 1621, 1917, 1937, 2049, 2061  
 Amendments withdrawn—1119, 1120  
 Bills introduced—171, 207, 329, 379  
 Committee appointment—2207  
 Leave of absence—113, 681  
 Subcommittee assignments—82, 93, 110, 169, 254, 269, 306, 334, 335, 345, 365, 391, 392, 505, 543, 628, 920, 1006, 1345

## PAGES—

Appointment of—19  
 Special presentation to—604, 1858

## PAVICH, EMIL S.—Representative Pottawattamie County

Amendments filed—132, 292, 544, 545, 1067, 1309, 1432, 1550, 1604  
 Amendments offered—313, 314, 1439, 1604  
 Amendment withdrawn—2385  
 Appointed to Committee on Transportation, Vice Chair—89  
 Bills introduced—75, 113, 224, 232, 293, 371  
 Committee appointments—89, 2068  
 Report—2401-2413  
 Subcommittee assignments—49, 59, 60, 83, 94, 146, 147, 148, 236, 322, 323, 544, 599, 600, 684, 798, 799, 895, 933, 1140

## PELLETT, WENDELL C.—Representative Cass -Harrison-Pottawattamie-Shelby Counties

Amendments filed—411, 424, 545, 987, 1066, 1066-1067, 1106, 1335-1336, 1608, 1945-1946  
 Amendment offered—525  
 Bills introduced—64, 88, 99, 223, 224, 232, 238, 272, 273, 328, 353, 354, 369-370, 371, 404, 537  
 Committee appointment—39  
 Leave of absence—582, 736, 949, 1131, 1368, 2305  
 Presented with plaque—2247-2248  
 Presided at sessions of the House—994  
 Subcommittee assignments—70, 321, 322, 390, 659, 798, 849

## PERSONNEL COMMITTEE—

(See OFFICERS AND EMPLOYEES and/or RULES AND ADMINISTRATION, COMMITTEE ON)

## PETERS, MICHAEL R.—Representative Woodbury County

Amendments filed—105, 378, 411, 602, 629, 1598, 1604, 1607, 1943-1944  
 Amendments offered—479, 1591, 1598  
 Appointed to the Iowa Boundary Commission—28  
 Bills introduced—37, 74, 224, 404  
 Presented to the House Teresa Norman, 1989 Iowa Miss T.E.E.N.—1081  
 Presided at sessions of the House—1619, 1773, 1943, 1987  
 Subcommittee assignments—60, 68, 93, 110, 220, 335, 390

## PETERSEN, DANIEL F.—Representative Muscatine -Scott Counties

Amendments filed—326, 474, 507, 629, 660, 766, 800, 851, 987, 1066-1067, 1106, 1195-1198, 1264, 1309, 1607, 1608, 1618, 1629-1631, 1632, 1634, 1856, 1946-1947  
 Amendments offered—344, 644, 766, 1618, 1629, 1634, 1946

Appointed to Agriculture Energy Management Advisory Council—27  
 Bills introduced—74, 223, 224, 238, 272, 273, 340, 353, 369-370, 371, 398, 404, 537  
 Committee appointments—2040, 2124  
 Leave of absence—1143  
 Report—2292  
 Subcommittee assignments—82, 110, 169, 219, 254, 335, 365, 390, 392, 505, 544, 659,  
 982, 1006

**PETERSON, MICHAEL K.**—Representative Audubon-Carroll-Shelby Counties  
 Amendments filed—424, 545, 629, 686, 716-717, 745, 800, 801, 833, 1228, 1264, 1482,  
 1483, 1550, 2061, 2225, 2383  
 Amendments offered—715, 716, 720, 820, 2383  
 Amendments withdrawn—869, 1175  
 Bills introduced—151, 311, 371, 386  
 Committee appointment—2169  
 Leave of absence—50, 206, 353, 547, 1143  
 Report—2387-2396  
 Subcommittee assignments—49, 60, 84, 148, 168, 236, 254, 269, 322, 323, 334, 346,  
 365, 376, 390, 391, 392, 505, 599, 684, 797, 798, 895, 896, 982, 1006, 1264, 1503,  
 1976, 2098

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 Filed—73, 309, 398, 476, 661, 802, 1858

**PLASIER, LEE J.**—Representative Plymouth-Sioux Counties  
 Amendments filed—112, 163-166, 378, 474, 602, 686, 745, 861, 987, 1098-1101, 1141,  
 1845-1846, 1977, 2099  
 Amendments offered—115, 163, 435, 618, 741, 861, 1540, 1845, 2193  
 Amendment withdrawn—2196-2197  
 Appointed to the Commission on Children, Youth and Families—27  
 Bills introduced—172, 207, 328, 354, 379, 380  
 Committee appointments—1688, 2169  
 Leave of absence—309, 338, 353  
 Presided at sessions of the House—443  
 Reports—288, 316-319, 2180-2181  
 Resolution offered—411  
 Subcommittee assignments—84, 146, 169, 255, 306, 307, 345, 376, 405, 600, 798, 895

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 House File 2115, H-5248—Representative Petersen of Muscatine—526  
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 House File 2281, invoked Rule 32—Representative Van Maanen—819  
 House File 2294, invoked Rule 32—Representative Halvorson of Clayton—361  
 House File 2365, H-5349, as amended—Representative Van Maanen—904  
 House File 2371, H-5392—Representative Hammond—741  
 House File 2377, H-5440—Representative Bennett—784  
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 House File 2463, H-5390—Representative Hansen of Woodbury—692  
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 House File 2502, invoked Rule 32—Representative Schneklath—636  
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 Senate File 2057, H-5686—Representative Blanshan—1130  
 Senate File 2084, H-5587—Representative Diemer—1140  
 Senate File 2114, H-5912—Representative Wise—1581  
 Senate File 2153, eligible for debate—Representative Bennett—1920  
 Senate File 2153, H-6083—Representative Bennett—1956  
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 Senate File 2227, H-5742—Representative Bisignano—1181  
 Senate File 2227, H-5743—Representative Bisignano—1191  
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 Senate File 2227, invoked Rule 32—Representative Schneklath—1194  
 Senate File 2233, H-5696—Representative Harbor—1221  
 Senate File 2286, H-5926—Representative Halvorson of Webster—1577  
 Senate File 2304, eligible for debate—Representative Van Maanen—1673  
 Senate File 2319, H-6065—Representative Koenigs—2246  
 Senate File 2327, H-5886B, as amended—Representative Petersen of  
     Muscatine—1498  
 Senate File 2328, H-5631—Representative Jochum—1367  
 Senate File 2328, H-5821—Representative Jochum—1369  
 Senate File 2329, H-5763—Representative Jay—1948  
 Senate File 2329, H-5771—Representative Arnould—1255  
 Senate File 2329, H-5794—Representative Koenigs—1723  
 Senate File 2364, H-5825—Representative Peterson of Muscatine—1336  
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 Senate File 2402, H-5854—Representative Cohoon—1378  
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 Senate File 2413, H-5936C—Representative Trent—1775  
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**PONCY, CHARLES N.—Representative Wapello County**

Amendments filed—497-500, 629, 897, 921, 1106, 1432, 1496-1497, 1608, 1951-1952

Amendments offered—950, 951, 1374, 1485, 1951

Bills introduced—171, 310

Leave of absence—1133, 1618

Report—2-3

Subcommittee assignments—83, 101, 146, 147, 148, 236, 253, 254, 322, 335, 345, 346, 376, 405, 406, 599, 600, 895, 982, 1140

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House Concurrent Resolution 108, electronic benefits transfer (bank card), fed. food stamp program—411

House Concurrent Resolution 110, fed. funding for fish and wildlife mitigation on the Missouri River—601, 1307, 1552-1553 adopted

House Resolution 103, designate September 23, American Coal Minors' Memorial Day—424

Senate Concurrent Resolution 123, manipulative practices by Chicago Bd. of Trade & Commodity Futures Commn. causing hardship on ag. economics—1004, 1011, 2293 adopted

Senate Concurrent Resolution 128, provision of cable television service—1434, 1504, 1607, 1620-1621 adopted, 1663

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Senate Concurrent Resolution 133—2128, 2134, 2220, 2222 adopted, 2658, approved by governor 4-17-90

**RENAUD, DENNIS L.—Representative Polk County**

Amendments filed—397, 545, 745, 1067, 1105, 1228, 1339-1342, 1377-1378, 1398, 1607, 1608, 1943-1944

Amendments offered—441, 442, 444, 747, 748, 1259, 1339

Amendment withdrawn—1339

Bill introduced—50

Committee appointments—1740, 2255

Presided at sessions of the House—1604, 1980, 2094

Reports—2332, 2369-2377

Subcommittee assignments—34, 35, 60, 83, 84, 111, 146, 148, 236, 253, 268, 269, 290, 321, 322, 345, 346, 376, 390, 405, 406, 599, 600, 798, 895, 982, 1006

**RENKEN, ROBERT H.—Representative Butler-Grundy Counties**

Amendments filed—352, 411, 544, 629, 851, 986, 1012, 1106, 1608, 1783

Amendment withdrawn—680

Bills introduced—207, 208, 224, 233, 238, 239, 260, 273, 353, 354, 369, 371, 537

Committee appointments—173, 1717

Leave of absence—73, 1399

Presided at sessions of the House—1377

Subcommittee assignments—49, 59, 60, 68, 69, 82, 93, 94, 306, 365, 390, 543, 544, 600, 798, 933

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Representative Delwyn Stromer—2

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House Concurrent Resolution 106—351

House Concurrent Resolution 107—378

House Concurrent Resolution 108—411

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Placed on Appropriations calendar:

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**ROSENBERG, RALPH—Representative Story County**

Amendments filed—368, 474, 719, 720, 729-730, 764, 800, 851, 1106, 1134, 1141, 1294, 1295, 1482, 1608, 1668, 1730, 2225, 2315-2318

Amendments offered—719, 728, 729, 764, 824, 878, 1133, 1134, 1294, 1295, 1782, 1821

Bills introduced—36, 51, 66, 98, 107, 114, 143, 144, 151, 259, 353, 369, 379

Committee appointment—2124

Leave of absence—736, 1170

Presented to the House Nikolai Atamanichenko, Agricultural Economist from Stavropolski, Union of Soviet Socialist Republic—919

Presented to the House thirty-five Jewish political refugees from the Union of Soviet Socialist Republics—1397

Presented with plaque—2247-2248

Reports—16, 2292

Subcommittee assignments—69, 83, 110, 146, 147, 148, 168, 169, 219, 220, 253, 254, 269, 289, 306, 345, 376, 391, 543, 850, 895, 896, 920, 982, 1345, 1549

**ROYER, WILLIAM D.(BILL)—Representative Fremont-Mills-Page Counties**

Amendments filed—397, 507, 629, 685, 833, 834, 851, 1067, 1105, 1264, 1309, 1347, 1608, 1730, 1851

Amendments offered—281, 738, 833, 834, 994, 1056

Bills introduced—50, 113, 207, 224, 232, 239, 272, 353, 354, 369-370, 371, 537

Committee appointment—1408

Leave of absence—128, 133, 1133, 1149, 1370

Subcommittee assignments—70, 93, 94, 141, 147, 323, 390, 600, 799, 850, 895, 1346

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House File 2440, H-5186—518

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House File 2564—1579

Senate File 148—1043

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Senate File 460—1043

Senate File 503—1043

Senate File 514—2074  
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 Senate File 2057, H-5686—1130  
 Senate File 2084, H-5587, as amended—1040  
 Senate File 2153—1920  
 Senate File 2153, H-6083—1956  
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 Senate File 2159—1043  
 Senate File 2169—1043  
 Senate File 2173—1043  
 Senate File 2187—1043  
 Senate File 2197—1043  
 Senate File 2227, H-5743—1191  
 Senate File 2233—1043  
 Senate File 2233, H-5696—1221  
 Senate File 2282—1043  
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 Senate File 2290—1043  
 Senate File 2296—1043  
 Senate File 2304—1673  
 Senate File 2324—2074  
 Senate File 2329, H-5763—1248  
 Senate File 2329, H-5771—1255  
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Rule 32 (commitment of appropriation and revenue bills):

Senate File 2227—1194

Lost:

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 House File 2141, H-5117—402  
 House File 2440, H-5186—518  
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 Senate File 2057, H-5686—1131  
 Senate File 2227, H-5743—1192  
 Senate File 2329, H-5763—1248

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Rule 31.8:

House File 2404, H-5196—466

Prevailed:

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House File 2514, H-5311—625

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Senate File 2410—1643

Senate File 2413, H-5936C—1775

Senate File 2415—2187

Senate File 2421—1718

Senate File 2422—2192

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Senate File 2227—1194

Pursuant to:

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House Concurrent Resolution 110—1552-1553

Senate Concurrent Resolution 109—1349

**Rule 31.7 (first reading, commitment and amendment):**

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**Rules invoked:****Rule 32 (commitment of appropriation and revenue bills):**

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 House File 2294—361  
 House File 2502—636  
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 House File 2554, H-5939—1626  
 House File 2554, H-5966—1628  
 House File 2569—2382  
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 Senate File 138—315  
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 Senate File 2057—1131  
 Senate File 2084, H-5552 to H-5113—1027  
 Senate File 2093, H-6032—2186  
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 Senate File 2153, H-6113—1945  
 Senate File 2153, H-6093—1958

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Senate File 2169—1113  
Senate File 2221—1047  
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House File 2418—513

House File 2429—971

House File 2474—971

House File 2543—972

House File 2566—2171

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Senate File 2423—1831

Senate File 2433—2296

Appropriations committee meetings—2252, 2295, 2367, 2369

Bills on addendum to calendar—2227

Bills on regular calendar—1061, 1096

Human Resources committee meeting—973

Judiciary & Law Enforcement committee meetings—2252, 2387

Natural Resources & Outdoor Recreation committee meeting—973

Small Business & Commerce committee meeting—973

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Bills on regular calendar—1061, 1096

Filing of amendments on daily debate calendar—988

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House File 2269, H-5246—988

Senate File 148—1043

Senate File 182—1043

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**SCHNEKLOTH, HUGO—Representative Scott County**

Amendments filed—142, 257, 352, 508, 545, 601, 660, 685, 793-794, 794, 801, 921, 986,  
 987, 1066, 1105, 1106, 1432, 1608, 1634-1635, 1856  
 Amendments offered—296, 718, 793, 794, 940, 1288, 1495, 1626, 1634, 2072, 2245  
 Amendments withdrawn—297, 794, 1497  
 Bills introduced—4, 67, 74, 107, 172, 207, 224, 273, 354, 355, 369, 371, 398, 404, 537  
 Committee appointments—1408, 2079  
 Leave of absence—426, 582, 988, 1373, 1659  
 Presentation of visitors—543  
 Presented with plaque—2247-2248  
 Presided at sessions of the House—524, 1860

Reports—2-3, 2236-2239

Ruling made—526

Subcommittee assignments—48, 59, 69, 83, 111, 141, 168, 169, 254, 255, 365, 391, 392, 543, 933, 1346

**SCHRADER, DAVID—Representative Marion County**

Amendments filed—326, 337, 507, 545, 660, 898, 1028, 1029, 1068, 1091, 1309, 1347, 1380, 1856, 2320-2321

Amendments offered—516, 900, 1016, 1028, 1029, 1091, 1150, 1335, 1380, 2042, 2062, 2320

Amendments withdrawn—402, 2063

Appointed to the Energy Fund Disbursement Council—27

Bills introduced—65, 113, 151, 172, 209, 259, 358, 379

Committee appointments—38, 1257, 1400, 1401, 1402

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Memorial resolutions offered—1400, 1401

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**SHEARER, MARK S.—Representative Des Moines-Louisa-Washington Counties**

Amendments filed—326, 378, 411, 412, 507, 508, 602, 685, 746, 801, 851, 1067, 1106, 1264, 1265, 1504, 1551, 1607, 1621, 1667, 1668, 1857

Amendments offered—520, 633, 816, 855, 868, 879, 913, 927, 1670, 1941

Amendments withdrawn—432, 880, 1586

Appointed to the Iowa Highway Research Board—28

Bills introduced—51, 98, 294, 327, 359, 371

Leave of absence—476, 509, 1049

Petition presented—398

Presented to the House Lezlie Lemar from Columbus City, 1990 Easter Seal Adult Ambassador—550

Presided at sessions of the House—836

Subcommittee assignments—70, 93, 101, 110, 131, 306, 307, 323, 390, 391, 797, 933, 1346

**SHERZAN, GARY—Representative Polk County**

Amendments filed—124-125, 745, 801, 1068, 1098-1101, 1550, 1667, 1730, 1828-1829, 1943-1944, 1953-1954, 2090-2091

Amendments offered—124, 753, 831, 1098

Bill introduced—338

Committee appointments—173, 1764, 2040

- Leave of absence—476, 1433, 2100  
 Presided at sessions of the House—1193, 1578  
 Reports—228, 240-250, 1969, 2037, 2387-2396  
 Ruling made—1582  
 Subcommittee assignments—34, 69, 83, 101, 147, 169, 220, 599, 895, 920
- SHONING, DON**—Representative **Woodbury** County  
 Amendments filed—96, 352, 507, 602, 629, 745, 851, 1066-1067, 1482, 1483, 1505, 1608, 1668, 1943-1944  
 Amendment offered—1146  
 Bills introduced—5, 37, 51, 64, 74, 207, 224, 233, 238, 239, 260, 272, 353, 354, 370, 372, 537  
 Committee appointments—1740, 2169, 2255  
 Petition presented—309  
 Reports—2256-2266, 2332  
 Subcommittee assignments—34, 49, 68, 69, 70, 84, 101, 148, 236, 269, 322, 323, 797, 798, 895, 1006
- SHOULTZ, DON**—Representative **Black Hawk** County  
 Amendments filed—337, 474, 745, 800, 851, 898, 1067, 1141, 1142, 1265, 1309, 1347, 1550, 1609, 1657, 1659, 1661, 1856, 1947, 1948-1950, 2225  
 Amendments offered—428, 916, 917, 1368, 1643, 1657, 1660, 1661, 1948  
 Amendments withdrawn—1368, 1394, 1947, 1951, 2182  
 Bills introduced—50, 73, 98, 144, 260, 310, 404  
 Committee appointment—108  
 Presented to the House foreign exchange students from Argentina—364  
 Report—2223  
 Subcommittee assignments—48, 49, 68, 69, 82, 93, 101, 110, 131, 132, 289, 335, 390, 391, 405, 406, 505, 600, 797, 1346
- SIEGRIST, BRENT**—Representative **Pottawattamie** County, Assistant Minority Floor Leader  
 Amendments filed—337, 474, 475, 545, 629, 986, 1504, 1608, 1659, 1667, 1668  
 Amendments offered—402, 580, 703, 1092, 1622, 1623, 1659, 1776  
 Bills introduced—5, 114, 223, 224, 232, 238, 239, 272, 273, 294, 338, 358, 369-370, 398  
 Leave of absence—50, 353, 509  
 Special presentation to House Pages—1858  
 Subcommittee assignments—34, 35, 82, 83, 101, 110, 131, 132, 146, 147, 148, 236, 253, 254, 255, 321, 322, 335, 345, 376, 390, 391, 405, 406, 416, 505, 599, 797, 895, 896, 982, 1006, 1346
- SMALL BUSINESS AND COMMERCE, COMMITTEE ON**—  
 Amendments filed—351, 397, 507, 1011  
 Amendments offered—634, 825, 1124, 1350  
 Bills introduced—66, 197, 232, 328, 358, 359, 386, 399, 413, 415, 501, 502, 509, 537, 538, 539  
 Recommendations—95, 141, 205, 231, 308, 350, 396-397, 423, 473, 506, 935, 1009, 1309  
 Subcommittee assignments—34, 49, 62, 68, 69, 70, 82, 83, 101, 141, 376, 798, 1264
- SOCIAL SERVICES BLOCK GRANT STATE ADVISORY COMMITTEE**—  
 Appointments to—28
- SPEAKER OF THE HOUSE**—Donald D. Avenson, Representative **Chickasaw Fayette** Counties  
 Addressed the House—6-11, 2248-2251

Announced Senate Files passed on file—932, 949

Announcements—1392, 1825

Appointments announced:

Agricultural Education, Council On—27

Agricultural Energy Management Advisory Council—27

Boundary Commission—28

Capitol Planning Commission—27

Children, Youth and Families, Commission On—27

Communications Review Committee—27

Comprehensive Health Insurance Advisory Committee—27

Education Commission of the States—27

Elder Affairs, Department of—27

Energy Fund Disbursement Council—27

Grain Marketing Advisory Council—28, 29

Health Data Commission—28

Highway Research Board—28

Intergovernmental Relations, Advisory Commission On—26

Interstate Agriculture Grain Marketing Commission—28

Law Enforcement Academy Council—28

Medical Assistance Advisory Board—28

Rural Health Advisory Committee, Office of—28

Social Services Block Grant State Advisory Committee—28

Wallace Technology Foundation—28

Appropriations subcommittee appointment announced—56

Bills referred to committees—228

Bills signed by—305, 330, 416, 796, 920, 1061-1062, 1168, 1263, 1345, 1397, 1425, 1501, 1663, 1728, 1969-1970, 2096, 2435

Changes in House committee assignments—29

Committees appointed by—3, 38, 2435, 2436

Conference committees appointed—108, 173, 1408, 1688, 1717, 1722, 1764, 2040, 2068, 2078, 2169, 2207, 2230, 2255, 2296

Final adjournment—2437

Final adjournment, 1990 Second Session of the Seventy-third General Assembly, Senate Concurrent Resolution 136—2427-2428 adopted

Interim committee appointments—26-28

Memorial committees appointed—1400, 1401, 1402

Presentation of visitors—599, 628, 659, 683-684, 797, 849, 919, 933, 1006, 1062, 1104, 1169, 1263-1264, 1308, 1345, 1397, 1430, 1606, 1666-1667, 1728, 1854-1855, 1975-1976, 2097-2098, 2432

Presented with gift—2251

Presided at sessions of the House—1, 16, 36, 38, 46, 50, 52, 63, 73, 87, 97, 100, 106, 113, 123, 133, 143, 151, 152, 153, 167, 171, 172, 197, 206, 217, 223, 232, 234, 238, 240, 250, 259, 261, 272, 293, 304, 309, 353, 361, 369, 379, 398, 413, 426, 440, 443, 476, 489, 509, 519, 547, 550, 565, 580, 583, 595, 603, 612, 618, 625, 630, 633, 640, 649, 665, 672, 673, 681, 687, 693, 695, 697, 720, 727, 732, 751, 755, 773, 802, 815, 820, 825, 835, 837, 853, 864, 865, 899, 900, 922, 931, 937, 946, 972, 973, 1013, 1057, 1069, 1080, 1092, 1107, 1111, 1143, 1148, 1155, 1166, 1170, 1230, 1259, 1260, 1266, 1285, 1290, 1310, 1311, 1313, 1324, 1325, 1337, 1348, 1363, 1364, 1378, 1399, 1403, 1420, 1433, 1441, 1506, 1518, 1519, 1539, 1552, 1575, 1582, 1584, 1588, 1590, 1594, 1605, 1610, 1618, 1619, 1622, 1633, 1669, 1680, 1687, 1717, 1719, 1740, 1763, 1777, 1824, 1844, 1851, 1858, 1867, 1886, 1920, 1944, 1965, 2004, 2035, 2048, 2065, 2072, 2094, 2100, 2124, 2128, 2133, 2156, 2167, 2170, 2186, 2188, 2212, 2222, 2226, 2229, 2232, 2235, 2253, 2276, 2279, 2284, 2295, 2304, 2323, 2367, 2369, 2381, 2387, 2414, 2415, 2433

Remarks by—7-11, 2248-2251

Resolution relating to:

House Concurrent Resolution 101—6 adopted, 38

Rulings made—250, 402, 430, 590, 625, 691, 692, 712, 713, 730, 741, 770, 784, 812, 818, 880, 904, 1040, 1294, 1336, 1338, 1367, 1369, 1378, 1395, 1578, 1592, 1673, 1723, 1920, 2171

Special presentation to—2248

Special presentation to House Pages—604, 1858

Standing committees appointed and/or changes—89

**SPEAKER PRO TEMPORE, John Connors—Representative Polk County**

(See CONNORS, JOHN—Representative Polk County, Speaker Pro Tempore)

**SPEAR, CLAY R.—Representative Des Moines -Lee Counties**

Amendments filed—49, 142, 231, 257, 258, 266-267, 271, 277, 337, 351, 352, 378, 424, 474, 475, 535, 545, 546, 660, 800, 1105, 1265, 1288, 1309, 1347, 1365-1366, 1668, 1730, 1844

Amendments offered—156, 264, 266, 281, 282, 383, 456, 493, 535, 648, 670, 952, 1288, 1358, 1360, 1365, 1367, 1539, 1843, 1844, 1867

Amendments withdrawn—277, 493, 1540

Bills introduced—4, 36, 51, 66, 67, 73, 87, 133, 143, 152, 207, 327, 398

Committee appointment—1400

Memorial resolution offered—1400

Subcommittee assignments—110, 220, 254, 306, 335, 390, 600

**SPECIAL COMMITTEES—**

(See COMMITTEES, SPECIAL)

**SPECIAL HONOR—**

Representative Lageschulte announced to the House that Representative Connors has been elected to the position of Chair-elect of the National Council of State Governments—66

**SPECIAL PRESENTATION—**

Representative Johnson presented to the House a group of international students from Indonesia, China, Taiwan, Kenya, Ghana and Canada—38

Representative Tabor presented to the House Robin Christine Clark, 1990 Iowa Young Woman of the Year—65-66

Representative Connors presented to the House Chris Weeks, 1990 State Poster Child for Muscular Dystrophy Association—234

Representative Miller presented to the House the Honorable Charles Grassley, United States Senator—361

Representative Clark presented to the House Larry Geertz, president of Iowa Future Farmers of America—382

Representative Metcalf presented to the House Danette Crawford of Urbandale, 1990 Easter Seal State Ambassador—550

Representative Shearer presented to the House Lezlie Lemar from Columbus City, 1990 Easter Seal Adult Ambassador—550

Representative Connors presented to the House humanitarian, Dr. Norman E. Borlaug, a native of Cresco, Iowa—693

Representative Metcalf presented to the House winners of "Write Women Back Into History" essay contest—862-863

Representative Hanson of Delaware presented to the House eight elementary education major students from the Leningrad State Pedagogical Institute, Soviet Union—1041

Representative Connors presented to the House twelve students from the University of Leningrad—1041

Representative Peters presented to the House Teresa Norman, 1989 Iowa Miss T.E.E.N.—1081

Representative Fogarty escorted to the Speaker's station and presented to the House Frank Crowley, & his wife, County Cork, Ireland—1111

Representative Schrader escorted to the Speaker's station and presented to the House Heather Heiting, 1990 Pella Tulip Festival Queen—1441

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To Speaker of the House—2248, 2251

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Members of the House who will be retiring or are candidates for the Iowa Senate—2247-2248

#### SPENNER, GREGORY A.—Representative Des Moines-Henry Counties

Amendments filed—378, 411, 492-493, 508, 545, 851, 921, 987, 1066-1067, 1265, 1667, 1668, 1784

Amendments offered—492, 657, 923, 1784

Appointed to the Committee on State Government and removed from the Committee on Local Government—89

Bills introduced—5, 87, 223, 224, 233, 259, 260, 272, 328, 354, 369-370, 370, 371, 415, 537

Committee appointments—89, 1400, 2068

Leave of absence—582, 1484, 1506

Report—2401-2413

Subcommittee assignments—48, 60, 83, 146, 236, 254, 306, 345, 346, 416, 599, 600, 798, 933, 982, 2223

#### SPONSORS—

Added:

House File 2040—Representative McKean—89

House File 2172—Representative Harbor—219

House File 2258—Representatives Branstad, Hester & Schneklath—305

Senate File 2244, H-5301—Representative Murphy—744

Withdrawn:

House File 2215—Representative Pellett—252

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Appointments to—89

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(Richard D. Johnson, Chairman)

Claims approved—177-197

Communications from, stating claims filed with—173-177, 177-197, 597-598, 2096-2097

#### STATE GOVERNMENT, COMMITTEE ON—

Amendments filed—105, 142, 257, 326, 352, 936, 1011, 1067

Amendments offered—123, 214, 261, 313, 441, 444, 1083, 1117, 1163, 1259, 1731

Appointed—89

Bills introduced—240, 284, 338, 339, 369, 370, 399, 413, 414, 426, 537, 539, 577

Changes in assignments—29

- Recommendations—85-86, 104, 141-142, 150, 256-257, 291-292, 325-326, 350-351, 397, 409-410, 473-474, 851, 936, 1009-1010, 1065, 2225  
 Resolutions offered—257, 378  
 Subcommittee assignments—49, 59, 60, 83, 84, 101, 147, 148, 236, 269, 321, 322, 323, 346, 390, 391, 599, 600, 797, 798, 799, 895, 920, 933, 982, 1006, 1007, 2224

**STATE OF THE STATE AND BUDGET MESSAGES—**

- Delivered by Governor Terry E. Branstad—40-46  
 Resolution relating to, HCR 101—6 adopted, 38

**STROMER, DELWYN D.—Representative Franklin-Hancock-Wright Counties,  
 Minority Floor Leader**

- Communication from—resignation—2  
 Interim committee appointments announced—28-29, 46

**STUDY BILL COMMITTEE ASSIGNMENTS—**

- Agriculture—67, 80, 90, 108, 109, 139, 140, 145, 229, 253, 267, 268, 321, 333, 334, 390  
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 Education—34, 47, 48, 56, 100, 109, 131, 139, 140, 204, 253, 289, 333, 388  
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- Assignments—35, 49, 60-61, 70-71, 84-85, 94, 101-104, 111, 132, 141, 148-149, 169-170, 204, 220-221, 230, 236-237, 255-256, 269-270, 290, 307, 323-324, 335-336, 346-348, 365, 377, 392-393, 406-407, 416, 469, 544, 684, 934, 1729-1730, 1976

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(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

- House Concurrent Resolution 102, property tax relief, moneys and credit tax, cmte. study—150, 255  
 House Concurrent Resolution 109, area ed. agency reorganization and accreditation, cmte. study—424

**STUELAND, VICTOR (VIC)—Representative Cedar-Clinton Counties**

- Amendments filed—424, 987, 1335-1336  
 Amendment offered—662

Bills introduced—74, 134, 208, 223, 224, 233, 238, 272, 273, 309, 328, 369, 371, 379, 398, 404, 537

Leave of absence—129, 357, 582, 603, 731, 822, 988, 1148, 1356, 1603, 1627, 1777

Presented with plaque—2247-2248

Presided at sessions of the House—642

Subcommittee assignments—141, 219, 345, 391, 659, 920

#### SUBCOMMITTEE—

Assignments—34-35, 48-49, 59-60, 68-70, 82-84, 93-94, 101, 110-111, 131-132, 141, 146-148, 168-169, 219, 236, 253-255, 268-269, 289-290, 306-307, 321-323, 334-335, 345-346, 365, 376, 390-392, 405-406, 416, 505, 543-544, 599-600, 628, 659, 684, 797-799, 849-850, 895-896, 920, 933-934, 982, 1006-1007, 1104, 1140, 1264, 1345-1346, 1503, 1548-1549, 1729, 1855, 1976, 2098, 2223-2224

Reassigned—34, 49, 68, 69, 82, 84, 93, 94, 110, 306, 321, 323

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Appropriations—56

#### SUBCOMMITTEE REASSIGNMENTS—

Representative Murphy replacing Representative Connolly—93

#### SVOBODA, E. JANE—Representative Black Hawk-Marshall-Tama Counties

Amendments filed—474, 507, 546, 602, 624, 800, 833, 1141, 1265, 1309, 1347, 1496-1497, 1607, 1633-1634, 1730, 1829, 1977

Amendments offered—622, 624, 821, 1535, 1626, 1829

Amendments withdrawn—127, 580, 594, 869, 1374, 1618

Appointed to the Grain Marketing Advisory Council—28

Appointed to the Social Services Block Grant State Advisory Committee—28

Bills introduced—51, 64, 67, 74, 88, 106, 133, 272, 294, 295, 309, 310, 371

Leave of absence—133, 630, 880, 922, 1069, 1129, 1399, 1669

Report—2-3

Subcommittee assignments—322, 346, 391, 505, 544, 659, 982

#### SWARTZ, THOMAS E.(TOM)—Representative Marshall County

Amendments filed—497-500, 660, 851, 1229, 1265, 1335, 1337, 1730, 1856, 1941-1943, 2048

Amendments offered—666, 926, 1335, 1337, 1493, 1851, 1920, 1941, 2048, 2296

Amendments withdrawn—927, 929

Bills introduced—16, 75

Leave of absence—113

Presented with plaque—2247-2248

Presided at sessions of the House—514, 631, 1277, 1677, 1878

Ruling made—518

Subcommittee assignments—49, 60, 68, 69, 93, 110, 254, 255, 321, 335, 391, 544, 684

#### TABOR, DAVID M.—Representative Dubuque-Jackson Counties

Amendments filed—801, 1291-1292, 1309, 1505, 1551, 1607, 1633-1634, 1634

Amendments offered—1291, 1612, 1624, 1633, 1634, 2184

Amendments withdrawn—1629, 1635, 2076

Committee appointments—2079, 2207, 2255

Presented to the House Robin Christine Clark, 1990 Iowa Young Woman of the Year—65-66

Presented with plaque—2247-2248

Presided at sessions of the House—612, 675, 676, 822, 1687, 2041

Reports—2236-2239, 2277, 2332

Resolution offered—337

Subcommittee assignments—169, 254, 255, 323, 335, 345, 391, 543, 798, 933, 1855

**TEAFORD, JANE—Representative Black Hawk County**

Amendments filed—685, 1141, 1347, 1417, 1550, 1668, 2171

Amendments offered—261, 702, 1172, 1416, 1417, 1738, 2121, 2171

Bills introduced—63, 87, 98, 260, 274, 310, 404

Leave of absence—223, 630, 853, 988, 1013, 1069, 1107

Presented plaques to retiring members and leaders—2247-2248

Presided at sessions of the House—1508

Reports—16-20, 21-22, 108, 299-301, 375, 543

Subcommittee assignments—59, 60, 82, 83, 169, 254, 255, 306, 321, 334, 345, 365, 391, 416, 543, 544, 600, 933, 982, 1855, 2223

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Amendments filed—222, 920, 986, 1066, 1551

Amendments offered—296, 996, 1116, 1155, 1238, 1670

Appointed—89

Bills introduced—100, 133, 152, 218, 284, 339, 340, 359, 370, 371, 413, 414, 415, 427

Recommendations—104-105, 132, 170, 222, 292, 336-337, 367, 410, 424, 920, 985, 1066, 1550

Subcommittee assignments—48, 70, 93, 94, 110, 111, 146, 147, 236, 321, 345, 391, 798, 799, 895, 933

**TRENT, BILL—Representative Louisa-Muscatine Counties**

Amendments filed—163-166, 337, 474, 507, 545, 660, 685, 764, 765-766, 800, 801, 851, 897, 1038-1040, 1098-1101, 1106, 1169, 1378, 1494, 1608, 1667, 1668, 1730, 1784, 1785, 1943-1944, 1978, 2090-2091, 2382-2383

Amendments offered—343, 687, 688, 689, 730, 754, 755, 764, 765, 1038, 1378, 1783, 1785, 1787, 1822, 1827, 2382

Amendments withdrawn—1494, 1822, 2063

Appointed to the Wallace Technology Transfer Foundation—46

Asked and received unanimous consent to change his vote on Senate File 2169—1124

Bills introduced—75, 87, 88, 98, 99, 171, 207, 224, 233, 238, 260, 272, 369-370, 371, 372, 379, 537

Committee appointments—2040

Leave of absence—264, 293, 1399

Presented to the House the Honorable Betty Hoffman-Bright, former member of the House—1006

Ranking member on the Committee on Judiciary and Law Enforcement—29

Report—2387-2396

Subcommittee assignments—34, 69, 70, 83, 93, 111, 141, 146, 147, 148, 219, 253, 254, 268, 269, 289, 290, 321, 322, 323, 345, 346, 376, 391, 505, 599, 628, 850, 895, 920, 982, 1007, 1264

**TYRRELL, PHIL—Representative Iowa -Poweshiek Counties**

Amendments filed—170, 352, 544, 545, 629, 745, 800, 801, 833, 851, 861, 921, 1011, 1012, 1066, 1068, 1105, 1110, 1252-1255, 1264, 1309, 1347, 1607, 1608, 1668, 1783-1784

Amendments offered—199, 215, 590, 861, 1025, 1076, 1110, 1783, 1825

Amendment withdrawn—595

Bills introduced—36, 37, 63, 88, 107, 114, 134, 151, 207, 224, 233, 238, 239, 260, 272, 273, 274, 353, 354, 369-370, 371, 380, 398, 537

Committee appointments—29, 1401, 1688

Leave of absence—426, 1364, 1399

Report—2180-2181

Subcommittee assignments—60, 84, 147, 335, 345, 895

#### UNANIMOUS CONSENT—

Change of vote:

House File 2238—Representative Doderer—529

House File 2455—Representative Kremer—912

House File 2502—Representative Holveck—854

Senate File 2169—Representative Garman—1108

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Senate File 2212—Representative Diemer—840

Senate File 2244—Representative Brown—949

Objection to consent to vote—1120

Removed from regular calendar—1087-1088

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House Concurrent Resolution 110—1309

Senate Concurrent Resolution 109—1139

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#### VAN MAANEN, HAROLD G.—Representative Keokuk-Mahaska-Wapello Counties, Minority Floor Leader

Amendments filed—1229, 1608, 1659

Appointed to the Legislative Reapportionment Technology Selection Committee—29

Appointed to the Legislative Service Committee—29

Bills introduced—52, 64, 87, 207, 223, 224, 232, 369, 371, 537, 1284, 1399, 2170

Committee appointments—1400, 1401, 1402

Memorial resolution offered—1401

Remarks by—11-12, 2419-2420

Removed from Committees on Appropriations and State Government—29

Request that Senate Concurrent Resolution 109 be placed on unanimous consent calendar—1139

Resolutions offered—6, 2433

Special presentation to—2248

#### VISITORS—

Presentation of—56, 131, 364, 404, 543, 599, 628, 659, 683-684, 797, 849, 919, 933, 981, 1006, 1062, 1104, 1169, 1226, 1263-1264, 1308, 1345, 1397, 1430, 1503, 1548, 1606, 1666-1667, 1728, 1854-1855, 1975-1976, 2097-2098, 2432

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